

**CITY OF CORNER BROOK ADULT MATERIALS
DISPLAY REGULATIONS**

PURSUANT to the powers vested in it under Section 261 of the *City of Corner Brook Act*, R.S.N.L. 1990, c. C-15, as amended, and all other powers it enabling, the Corner Brook City Council, in a session convened on the 21st day of April, 2008, hereby passes and enacts the following regulations:

1. These regulations may be cited as *The City of Corner Brook Adult Materials Display Regulations*.
2. In these Regulations:
 - (a) “adult” has the same meaning as the word “pornographic” as used in Section 261 of the City of Corner Brook Act.
 - (b) “adult materials” means
 - i) any book, magazine or periodical of which a principal feature or characteristic is the portrayal or depiction, by means of photographs, text drawings, or otherwise, of one or more of the specified sexual activities or one or more of the specified body areas when portrayed or depicted in relation to one or more of the specified sexual activities;
 - ii) any prerecorded magnetic tape, laser disc, magnetic or optical hard drive or other device of any nature whatsoever capable of being used to display a moving picture of which a principal feature or characteristic is the portrayal or depiction, by means of photographs, text, drawings, or otherwise, of one or more of the specified sexual activities or one or more of the specified body areas when portrayed or depicted in relation to one or more of the specified sexual activities and includes a cover, case or any printed matter respecting the tape, disc, drive or device whether or not the tape, disc, drive or device is in it, with it, or attached to it;
 - iii) any novelties, devices, instruments or paraphernalia designed to resemble specified body areas; and
 - iv) any novelties, devices, instruments or paraphernalia designed for use in, on in connection with, specified sexual activities.
 - (c) “provides” when used in relation to any adult materials, means sells, offers to sell or displays for sale or otherwise, or rents, offers to rent or displays for rental such adult materials, and “provided” and “provision” have corresponding meanings.
 - (d) “shop” means any place or premises where, in whole or in part, adult materials are provided to the public;

(e) “specified body areas” means

- (i) in the case of a female person, her breasts and
- (ii) in the case of all persons, the pubis, the genital organs or the buttocks; and

(f) “specified sexual activity” means one or more of the following:

- i) actual or simulated sexual intercourse, masturbation, ejaculation, sodomy, including bestiality, anal intercourse, and oral sexual intercourse, direct physical stimulation of unclothed genital organs, and
- ii) actual or simulated urination, defecation, menstruation, flagellation or torture in the context of a sexual relationship or activity.

3. (1) Where a shop carries on, as its principal business, the provision or display of adult materials, the owner or operator of such shop shall not permit any person under the age of nineteen (19) years to enter or remain in the said shop.

(2) Every person who is the owner or operator of a shop referred to in subsection (1) shall post and keep posted signs,

- (a) at every entrance to such shop sufficient to indicate clearly to any person approaching or entering the shop; and
- (b) in a prominent location inside such shop sufficient to indicate clearly to any person approaching, entering or in the shop

that no person under the age of nineteen (19) years is permitted to enter or remain in such shop or any part thereof.

4. (1) Where a shop provides or displays, otherwise than as its principal business, adult materials, the owner or operator shall ensure that no adult materials shall be displayed other than in an enclosed room within the premises designed and constructed such that it is not possible to view any materials without entering the said room.

(2) Where as shop includes a room such as referred to in subsection (1) hereof, the owner or operator of such shop shall not permit any person under the age of nineteen (19) years to enter or remain in the said room.

(3) Every person who is the owner or operator of a shop which includes a room such as referred to in subsection (1) shall post and keep posted signs at every entrance to such room sufficient to indicate clearly to any person approaching or entering the room and in a prominent location inside such room sufficient to indicate clearly to any person approaching, entering or in such room that no person under the age of nineteen (19) years is permitted to enter or remain in such room or any part thereof.

5. Where a shop provides or displays, otherwise than as its principal business, adult materials without use of a room pursuant to section 4, the owner or operator shall ensure that
 - (a) no adult materials shall be displayed at a height of less than one point five meters (1.5m) above the floor level;
 - (b) all adult materials provided or displayed in such shop shall be placed behind an opaque barrier of a size and nature which shall ensure that the no part of the adult material, except for the product name or title thereof, may be seen by any member of the public; and
 - (c) every such book, periodical, magazine, magnetic tape, laser disc, magnetic or optical hard drive or other device shall be firmly enclosed and sealed in clear plastic in a manner so that it shall not be opened without breaking the seal.
6. Any person who operates a shop referred to in section 3 and who complies with the requirements therein is not required to comply with sections 4 or 5. Any person who operates a shop referred to in section 4 and complies with the requirements therein is not required to comply with section 5. Any person who operates a shop referred to in section 5 and complies with the requirements therein is not required to comply with section 4.
7. Where a person provides adult materials and has a window display or other visual display in relation to those adult materials, that person shall comply with paragraphs (a) (b) and (c) of section 5 with respect to the display.

Offence:

8. Where any person contravenes any of the provisions of these Regulations:
 - (a) such person is guilty of an offence and liable on summary conviction to a fine or to a period of imprisonment in accordance with the *City of Corner Brook Act*; and
 - (b) such person may be issued a violation notice pursuant to section 280.1 of the *City of Corner Brook Act*.

Enforcement:

9. All Municipal Enforcement Officers are designated persons employed by Council who may issue a violation notice pursuant to section 280.1 of the *City of Corner Brook Act* for any contravention or failure to comply with these Regulations.
10. These Regulations shall come into force as of the date enacted by Council and the *City of Corner Brook Adult Materials Display Regulations 1992* and all amendments thereto are hereby repealed upon the coming into force of these Regulations.

IN WITNESS WHEREOF these Regulations are sealed with the Common Seal of the City of Corner Brook and subscribed by and on behalf of the Council by the Mayor and City Clerk at Corner Brook, in the Province of Newfoundland and Labrador, this 5th day of May, 2008.



Mayor



City Clerk

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