

Bylaw #1629

A Bylaw of the Town of Cardston, in the Province of Alberta, for the purpose of regulating access to and sale of certain defined adult materials.

WHEREAS the Municipal Government Act, RSA 2000, c M-26, authorizes a Council to pass Bylaws to regulate or prohibit for municipal purposes matters respecting:

the safety, health, and welfare of people, and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; and businesses, business activities and persons engaged in business;

AND WHEREAS the Council of the Town of Cardston has deemed it necessary and expedient to regulate access to and sale of adult print media in order to protect the welfare of persons under the age of 18;

NOW THEREFORE the Council enacts as follows:

1. In this Bylaw:
 - a. **"Adult Print Media"** means any book, magazine, or other print media, the content of which is designed or held out as designed to appeal to a reader's erotic or sexual interests, appetites, or inclinations through the pictorial, photographic or other graphic depiction of specified body areas or specified sexual activities.
 - b. **"Operator"** means any person who provides adult print media in any premises or part thereof in pursuance of a trade, calling, business, or occupation, or who operates any premises or part thereof in which adult print media is so provided.
 - c. **"Provides"** when used in relation to any adult print media, means to sell, offer to sell, or display for sale by retail or otherwise such adult print media.
 - d. **"Restricted Adult Area"** means any premises or part of a premise to which any person under the age of 18 years is not permitted to enter or remain.
 - e. **"Specified Body Areas"** means any one or more of the following:
 - i. any portion of the nipple or areolae of the female breast; and
 - ii. in the case of all persons, the genitals or anus.
 - f. **"Specified Sexual Activities"** means actual or simulated acts by a person or persons of any of the following: sexual intercourse, anal intercourse, oral sexual intercourse, masturbation, ejaculation, display of unclothed genital organs in a sexually aroused state, direct physical stimulation of unclothed genital organs, sodomy, urination, defecation, bestiality, and flagellation or torture in the context of a sexual relationship or activity.
2. Every operator who provides adult print media shall comply with the following regulations:
 - a. Any adult print media shall be displayed:
 - i. in such a manner that its container or cover, except for its name or title, is not visible to any member of the public;
 - ii. at a height of not less than 1.5 metres above floor level;

- iii. in a place that is within clear view of the area where payment is made for such adult print media;
 - b. No adult print media shall be viewed by, offered for sale, sold, given, rented or exchanged to, persons who are not at least 18 years of age, and signs shall be clearly posted stating such restrictions.
3. Section 2(a) does not apply:
- a. to any restricted adult area;
 - b. to adult print media kept behind a sales counter unexposed to the view of any member of the public; or
 - c. to adult print media kept in a part of the premises to which the public is not permitted physical access.
4. Every operator who provides adult print media in a restricted adult area
- a. shall keep posted
 - i. at every entrance to such premises or part thereof, and
 - ii. in a prominent location inside such premises or part thereof,signs sufficient to indicate clearly to any person approaching or entering the premises or part thereof that no person under the age of 18 years is permitted to enter or remain in such premises or part thereof.
- 5.
- a. Any operator violating any of the provisions of this Bylaw shall be liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) for a first offence and not less than One Hundred Dollars (\$100.00) for a second or subsequent offence and not exceeding One Thousand Dollars (\$1,000.00) in either case, together with costs, or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.
 - b. Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.

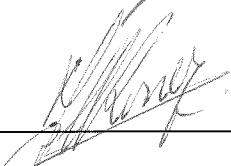
This Bylaw shall come into force upon Third and Final Reading.

Read a first time this 9th day of December, 2014.

Read a second time this 9th day of December, 2014.

Read a third and final time this 27th day of January, 2015.

Signed by the Mayor or deputy mayor and the Chief Administrative Officer this 12 day of February, 2015



Mayor
Maggie Kronen



Chief Administrative Officer
Jeff Shaw