

CITY OF THOMPSON
BY-LAW NUMBER 1238-87
[As amended by AM B/L 1756-2008]

BEING A BY-LAW OF THE CITY OF THOMPSON TO REGULATE THE DISPLAY OF SEXUALLY EXPLICIT MATERIAL.

WHEREAS Section 97 of The Municipal Act, S.M. 1970, c.100 provides, inter alia, that Council may:

“... make such other regulations for the health, safety, morality and welfare of the inhabitants and for the peace, order and good government of the Municipality as Council deems to be necessary or advisable”.

AND WHEREAS it is deemed advisable to exercise the power set out in the said Section of the Municipal Act, in order to regulate the display of sexually explicit magazines, books, and video cassettes for sale or rental or trade and which outlets are accessible to persons under the age of eighteen years.

NOW THEREFORE BE IT RESOLVED as a By-Law of the City of Thompson, and **IT IS HEREBY ENACTED** as follows:

1. This By-Law may be referred to as “The City of Thompson By-Law For the regulation of sexually explicit material.”

2. In this By-Law:
 - (a) “Sexually explicit book or magazine” means any book or Magazine:
 - (i) of which a principal feature or characteristic is the portrayal or depiction by means of photographs or otherwise, of one or more of the “specified body areas” of any person or persons, and
 - (ii) which appeals to or is designed to appeal to erotic or sexual appetites.

 - (b) “Sexually explicit video cassette ”means any pre-recorded magnetic tape including any video cassette, the front and/or back container:

- (i) of which a principal feature or characteristic is the portrayal or depiction by means of photographs or otherwise, of one or more of the "specified body areas" of any person or persons, and
- (ii) which appeals to or is designed to appeal to erotic or sexual appetites.

(c) "Specified body areas" means:

- (i) in the case of the female person , her breasts, or
- (ii) in the case of any person , the public , perineal, and perineal areas and/or the buttocks, and
- (iii) if these areas so specified in item (i) and/or (ii) above are fully exposed.

(d) "Vendor" means any person who, within the City of Thompson offers sexually explicit magazines, books, or video cassettes for sale, rental or trade to the public.

3. All vendors that have sexually explicit magazines, books, and/or video cassettes, and/or vendors that have magazines, books and/or video cassettes the front and/or back covers or containers of which display fully exposed specified body areas, that are available for sale, rental or trade to the public and that are on display for the public inspection shall:

- (a) display such magazines at a height of not less than 1.5 meters measured from the floor to the midpoint of the magazine;
- (b) display such magazines, books, or video cassettes, in such a manner that only the title of the said magazine, book or video cassette is visible to the person;
- (c) cause displays of sexually explicit magazines, books, and video cassettes to be placed in a separate and distinct location within the and have the said magazines, books, and video cassettes clearly marked as "Adult Material";

- (d) cause displays of sexually explicit magazines, books, and video cassettes to be located within the store so that all such displays are facing and are in the unobstructed view of the cashier, unless each item is individually sealed and wrapped in such a manner so that only the title is visible to the patron;
 - (e) take all reasonable cautions to prevent persons who are apparently or in fact under the age of eighteen years from inspecting the aforementioned sexually explicit magazines, books, or video cassettes on display in the designated location in the vendor's place of business
4. Penalties will be assessed in accordance with the terms and provisions of the City of Thompson Compliance By-law Number 1735-2007.
[AM B/L 1756-2008]
 5. Where the contravention, refusal, neglect, omission, or failure referred to in paragraph 4 above continues for more than one day, the person is guilty of a separate offence for each day that it continues
 6. If any provision of this By-Law is held to be invalid by Court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated

This By-law shall come into force on September 1, 1987.

READ THIS FIRST TIME THIS 11th DAY OF MAY, A.D. 1987

READ THIS A SECOND TIME THIS 8th DAY OF JUNE, A.D. 1987

READ THIS A THIRD TIME THIS 22nd DAY OF JUNE, A.D. 1987

DONE AND PASSED IN THE COUNCIL ASSEMBLED THIS 22nd DAY OF JUNE A.D. 1987