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UNDER AND BY VIRTUE OF THE POWERS CONFERRED BY SECTION 236.1 OF **THE MUNICIPALITIES ACT** THE TOWN COUNCIL OF THE TOWN OF GANDER HEREBY MAKE THE FOLLOWING REGULATIONS:

Amended and adopted by the Town Council of the Town of Gander on the 30th day of January, 2008.

MAYOR

TOWN CLERK

THE ADULT MATERIALS DISPLAY REGULATIONS

1. The Regulations may be cited as The Adult Materials Display Regulations.
2. In these regulations:
 - a. “adult book” means any book or magazine of which a principal feature or characteristic is the portrayal or depiction, by means of photographs, 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;
 - b. “adult video cassette” means any prerecorded magnetic tape including any video cassette of which a principal feature or characteristic is the portrayal or depiction, by means of photographs, 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 video cassette whether or not the cassette is in it, with it, or attached to it.
 - c. “Adult material” means any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, DVD’s, slides or other visual representations or recordings, novelties and devices which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or
 - ii. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
 - d. “provides”
 - i. When used in relation to any adult book means sells, offers to sell or displays for sale by retail or otherwise such book, and
 - ii. When used in relations to any adult video cassette, means sells, offers to sell or displays for sale by retail or rents, offers to rent or displays for rental,

And “provided” and “provision” have corresponding meanings.
 - e. “Shop” means any place or premises where, in whole or in part, printed matter or

- films on videotape are provided to the public;
- f. "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
- g. "Specified sexual activity" means one or more of the following: actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, and oral sexual intercourse, direct physical stimulation of unclothed genital organs, and flagellation or torture in the context of a sexual relationship or activity.
3. Where a shop carries on, as its principal business, the provision or display of adult material the owner or operator of such shop shall:
- 4.
- a. Not permit any person under the age of nineteen (19) years to enter or remain in the said shop.
 - 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.
 - c. Provide an opaque barrier to ensure that all adult material is not visible from the store front, side walk, exterior door, and exterior windows.
5. Where a shop provides or displays, otherwise than as its principal business, adult books or adult video cassettes, the owner or operator shall ensure that:
- a. No adult book or adult video cassette shall be displayed at a height of less than one point five metres (1.5m) above the floor level, and
 - b. Every adult book or adult video cassette provided or displayed in such shop shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of every adult book or adult video cassette while so displayed, except for the name of title thereof, may not be seen by any member of the public, and
 - c. Every adult book 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 Section 4.
7. Where a person provides adult material and has a window display or other visual display in relation to these adult materials, that person shall comply with paragraphs (b) and (c) of Section 4 with respect to the display.
8. In these regulations, the word "adult" means "pornographic" for purposes of Section 236.1 of **The Municipalities Act**.

9. Every person who contravenes or fails to comply with any of the provisions of this regulation is guilty of an offense and liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) or in default of payment to a period of imprisonment not exceeding ninety (90) days, or to both such fine and period of imprisonment as prescribed by **The Municipalities Act, Section 448.**
10. The conviction of a person under these regulations and **The Municipalities Act** does not operate as a bar to further prosecution for the continued failure on the part of that person to comply with this regulation.
11. These regulations shall come into effect on the 30th day of January, A.D., 2008.

NOTES:

Regulation amended by Council on January 30th, 2008, 2c and 4c.