

# Prostitution, Location and Signage BYLAW

## CONTENTS

<b>1.</b>	<b>Objectives</b> .....	<b>3</b>
<b>2.</b>	<b>Title</b> .....	<b>3</b>
<b>3.</b>	<b>Commencement</b> .....	<b>3</b>
<b>4.</b>	<b>Interpretation</b> .....	<b>3</b>
<b>5.</b>	<b>Definitions</b> .....	<b>4</b>
<b>6.</b>	<b>Bylaw Clauses</b> .....	<b>5</b>
6.1	Location of Brothels.....	5
6.2	Home Occupation.....	6
6.3	Signage .....	6
<b>7.</b>	<b>Adoption of Bylaw</b> .....	<b>7</b>



# Prostitution Location and Signage Bylaw 2017



Responsibility:	Group Manager Regulatory
First adopted:	Resolution 12/240 19 December 2012
Historic revision dates:	13 December 2017 (17/317)
Next review date:	January 2023
Review frequency:	Not less than once every five to ten years as required by Sections 158 & 159 of the Local Government Act 2002
Approval authority:	Council
Consultation required:	Special Consultative Procedure (LGA Sec 156)
ECM number:	Doc Set ID number – 402919
Associated documents:	

## 1. Objectives

The principal objective of this bylaw is to administer the purpose and intent of the Prostitution Reform Act 2003.

Other objectives include but are not limited to the following:

- (a) To control the establishment of signage associated with brothels and commercial sex premises to minimise community harm or offence.
- (b) To ensure brothels and commercial sex premises can operate legitimately within appropriately located areas of the South Waikato District.
- (c) To control the cumulative effects of brothels and commercial sex premises by prohibiting their clustering in commercial areas.
- (d) To ensure brothels and commercial sex premises are not located too close to “sensitive sites” that children regularly congregate/frequent (e.g. schools, early childhood centres and public playgrounds) and to places of worship, marae and cemeteries.
- (e) To enable commercial sexual service providers to operate within the South Waikato District in a manner that both meets client demand for services and addresses community concerns and sensitivities.
- (f) To allow the establishment of brothels and commercial sex premises in areas where the effects associated with the operation can be readily controlled by Council and other enforcement agencies.
- (g) To avoid the exposure of children, young people and other vulnerable sectors of the community to commercial sex activities.

## 2. Title

The title of the Bylaw shall be the South Waikato District Council Prostitution Location and Signage Bylaw 2017.

## 3. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council’s resolution.

## 4. Interpretation

This bylaw applies to both public places and private property in the South Waikato District. The South Waikato District Council Bylaws Administration Bylaw 2017 must be read on conjunction with, and as part of, this bylaw.

The Explanatory Statements contained in this Bylaw, (in italics), are not to be construed as being part of the Bylaw but are included to provide clarification and to assist in explaining the reasons for the various Bylaw Clauses.

## 5. Definitions

In this Bylaw, unless the context otherwise requires:

**Brothel** means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere

**Cemetery** means land or buildings of premises that are subject to the Burials and Cremations Act 1964.

**Children and young people** means individuals under 18 years of age.

### **Commercial sex premises**

- (a) means premises used or intended to be used primarily for exposing, selling or hiring goods or services related to sexual behaviour; and
- (b) to avoid any doubt includes brothels, strip clubs, strip bars, rap parlours, peep shows, lap dancing bars, massage parlours (excluding holistic health/physiotherapy massage), escort agencies, adult bookshops, adult video shops, adult cinemas, novelty sex shops; but
- (c) does not include hospitals, healthcare, chemists, community welfare facilities or premises where holistic health physiotherapy massage is offered;
- (d) Includes small owner – operator brothels.
- (e) For the purposes of the administration of this bylaw, the “home occupation” definition in the operative District Plan shall also include a commercial sex premise.

**Commercial sexual services** means sexual services that:

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person.
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

**Council** means South Waikato District Council.

**District Plan** means the operative South Waikato District Plan.

**Marae** includes the land, wharenui (meeting house), marae area (the forecourt of the wharenui), wharekai (dining hall and kitchen), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church) and urupa (burial grounds associated with that marae).

**Places of worship** means land or buildings of premises that are:

- (a) used as a place of public worship, and
- (b) are subject to Part 1 of Schedule 1 of the Local Government (Rating) Act 2002

**Prostitution** means the provision of commercial sexual services.

**Public place** means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of Council. It also includes every reserve, park, domain, beach, public playground and recreational ground under the control of Council.

**Public playground** means any public place where outdoor children’s playground equipment is located, such as swings, slides, sandpit, flying fox and adventure/challenge equipment but not including sports fields and passive recreational reserves.

**School/licensed early childhood centre** means a parcel or adjoining parcels of land that:

- (a) contain a school as defined in Section 2 of the Education Act 1989, but not including an “institute” as defined under the Act which includes tertiary education facilities such as polytechnics and universities
- (b) a licensed Early Childhood Centre as defined in Section 308 of the Education Act 1989

**Sensitive site** means a site that is either:

- (a) a school/Licensed Early Childhood Centre
- (b) a place of worship
- (c) a marae
- (d) cemetery
- (e) public playground.

**Sex worker** means a person who provides commercial sexual services.

**Sign and Signage** means a device attracting or intending to attract notice for the purpose of directing, identifying, informing or advertising a good or service, positioned on a site and visible from any public place, and including those affixed to, or incorporated within the design of a building whether painted, written, printed, carved, inscribed, endorsed or projected onto any building, wall, pole, road, structure or erection of any kind whatsoever or onto any rock, stone, or tree or other object.

It includes any name, figure, character, outline display, notice, placard, delineation, poster, handbill, flag, wind blade, tethered balloon, pole sign, canopy sign, and projection of light to create an advertising image, blimp, models and advertising devices, appliances or any other thing of a similar nature to attract attention (i.e. something of an advertising nature).

They include all parts, portions and materials comprising the same, together with the frame, background, structure and support of anchorage and shall include any of the above when displayed on parked vehicles or trailers, and includes any structure that supports a sign.

The area of a sign means the dimension of the sign that is visible from one direction, and in the case of an irregular shaped sign, means the area of a rectangle that encloses the sign.

**Site** means an area of land comprised in or proposed to be held in one Certificate of Title, or adjoining areas comprised in two or more Certificates of Title in the same ownership and used for the same activity.

**Small Owner – Operator Brothel** means a brothel:

- (a) at which no more than 4 sex workers work ; and
- (b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel

## 6. Bylaw Clauses

### 6.1 Location of Brothels

6.1.1 No person may establish or use land as a brothel or commercial sex premise:

- (a) Within 200 metres of the nearest point on the boundary of any sensitive site such as a school, licensed early childhood centre, place of worship, cemetery, public playgrounds and marae, except that in the case of public play grounds the separation distance shall be measured from the site boundary located closest to the play equipment.

Where a sensitive site establishes within 200 metres of any existing and lawfully established brothel or commercial sex premise, the brothel or commercial sex premise will be exempt from this restriction, provided that this exemption shall no longer in the event that the operation of the brothel or commercial sex premise is discontinued for a continuous period of more than 6 months.

- (b) Within 100 metres of the nearest point on the site boundary of any **existing** brothel or commercial sex premise on any site in any of the commercial areas, (Town Centre, Business, Neighbourhood Retail) as identified in the operative South Waikato District Plan (or any future equivalent Zone notations in a Reviewed District Plan or Plan Change), as identified in the operative South Waikato District Plan
- (c) On any site in any of the Industrial Zones (or any future equivalent Zone notations in a Reviewed District Plan) as identified in the operative South Waikato District Plan.

6.1.2 Clause 6.1.1 does not apply to any brothel or commercial sex premise that, on the day this bylaw comes into force:

- (a) Holds any resource consents required under an operative or reviewed District Plan or a Certificate of Compliance under Section 139 of the Resource Management Act 1991 or has existing use rights under Section 10 of the Resource Management Act 1991; and
- (b) Is operated by a person who holds a current certificate under Section 35 of the Prostitution Reform Act 2003.

6.1.3 Any person who wishes to establish or operate a brothel or commercial sex premise within the district must notify the Council, in writing, of their intentions prior to commencement of the brothel and shall provide the details of the actual location and/or address of the brothel or commercial sex premises.

## **6.2 Home Occupation**

- 6.2.1 No person may establish or use land as a brothel or commercial sex premise that contravenes any of the “Home Occupation” Performance Standards for the Rural and Residential Zones as identified in the operative South Waikato District Plan or any future equivalent zone notations in a Reviewed District Plan.
- 6.2.2 For the purposes of clarification Clause 6.1 takes precedence over the “Home Occupation” Performance Standards with respect to the location of brothels and commercial sex premises.

## **6.3 Signage**

- 6.3.1 No person shall place or allow signs advertising any brothel or commercial sex premise that display words or images that are in the opinion of Council or a delegated Officer, to be sexually explicit, lewd or offensive or which contain images (photographs or artwork) or models (human or mannequin) or shapes that are in the opinion of Council or a delegated officer to be sexually explicit, lewd or offensive.
- 6.3.2 No sign may be posted or erected for, or associated with, commercial sex premises, brothels or the provision of commercial sexual services that does not comply with the following criteria:
  - (a) A clearly visible street number must be displayed in bold reflective numerals.
  - (b) No signs advertising commercial sexual services shall be permitted in a Residential Zone (except for a clearly visible street number).
  - (c) Only one sign is permitted per premises or site
  - (d) Must not contain neon lighting (except in Town Centre and Business Zones) or be lit by flashing lights visible from off the premises
  - (e) sandwich board-type signage is prohibited
  - (f) It identifies only the name of the business
  - (g) The maximum permitted signage per premise or site shall not exceed 2m<sup>2</sup> in area in Town Centre, Business, Neighbourhood Retail and Industrial Zones and .75m<sup>2</sup> in Residential Zones.

Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.

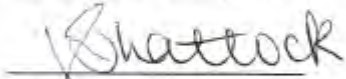
## 7. Adoption of Bylaw

The foregoing bylaw was duly adopted by resolution of the South Waikato District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.

I, Craig Hobbs, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 17/317 on the 13th day of December 2017, to come into effect on the 20th day of December 2017.

Dated this 20th day of December 2017.

The **COMMON SEAL** of THE  
**SOUTH WAIKATO DISTRICT COUNCIL** )  
was hereto affixed in the presence of: )



JR Shattock - Mayor



C Hobbs - Chief Executive



## Annotations

<b>Res No</b>	<b>Date</b>	<b>Subject/Description</b>
12/240	19 December 2012	Adopted by Council
17/317	13 December 2017	Adopted by Council