
ASHBURTON DISTRICT COUNCIL BYLAW

CHAPTER 12 - PROSTITUTION

INTRODUCTION

1200 This Bylaw of the Ashburton District Council is made in pursuance of the powers contained in the Prostitution Reform Act 2003 and the Local Government Act 2002, and any other authority enabling the Council in that behalf.

INTERPRETATION

ADJOINING means allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.

ASHBURTON DISTRICT PLAN means the Operative District Plan of the Ashburton District Council and any subsequent Proposed District Plan.

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

BROTHEL PERMITTED AREA means any area within a Business Zone of the Operative District Plan of the Ashburton District Council and any subsequent Proposed District Plan.

CHILDREN AND YOUNG PEOPLE means individuals under 18 years of age.

COMMERCIAL SEXUAL SERVICES means sexual services that -

- involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- 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 Ashburton District Council.

MARAE means land and buildings of premises that are used as a public marae and are included on the Prostitution Sensitive Sites Register held by Ashburton District Council.

PLACE OF EDUCATION School/Licensed Early Childhood Centre means a parcel or adjoining parcels of land that Contains:

- (a) a school as defined in section 2 of the Education Act 1989 or
- (b) a licensed Early Childhood Centre as defined in section 308 of the Education Act 1989 and,

are included on the Prostitution Sensitive Sites Register held by Ashburton District Council.

PLACE OF WORSHIP means land and buildings of premises that are used as a place of religious worship and are subject to Part 1 of Schedule 1 of the Local Government (Rating) Act 2002 and are included on the Prostitution Sensitive Sites Register held by Ashburton District Council.

PROSTITUTION means the provision of commercial sexual services.

SENSITIVE SITE means a site that is either:

- (a) a school / Licensed Early Childhood Centre or,
- (b) a place of worship or,
- (c) a marae,

and is identified as a sensitive site on the Prostitution Sensitive Sites Register held by Ashburton District Council. (The Register is prepared and maintained by the General Manager Environmental Services, available for public inspection on request during office hours and updated on the 30th of June and 1st of December each year).

SEX WORKER means a person who provides commercial sexual services.

SOLICIT means any person who, in any public place offers any commercial sexual service not in pursuance to any invitation.

OBJECTIVES

1201 THE OBJECTIVES OF THIS CHAPTER OF THE BYLAW ARE:

- (a) To support the purpose and intent of the Prostitution Reform Act 2003.
- (b) To enable Commercial Sexual Service providers to operate within Ashburton District in a manner that both meets community demand for services and addresses community concerns and sensitivities.
- (c) To allow the establishment of Brothels in areas where the effects associated with the operation can be readily controlled.
- (d) To limit the exposure of children and young people to commercial sex activities.
- (e) To control the establishment of signage associated with Brothels to minimise community harm or offence.
- (f) To control the soliciting of commercial sexual services in Ashburton.

LOCATION OF BROTHELS

1202 Permitted areas of operation. Brothels are permitted to locate and provide commercial sexual services from premises located within the Brothel Permitted Area, (Business Zones of the District Plan), subject to meeting other conditions in the Bylaw.

- 1202.1** Proximity to Sensitive Sites. Any Brothel shall not be located within 100 metres (in a straight line) of any sensitive site as defined by this Bylaw. Where a sensitive site establishes within 100m of an existing and lawfully established brothel, the brothel will be exempt from this restriction, provided that this exemption shall not apply where the operation of the brothel is discontinued for a continuous period of more than 6 months.

SIGNAGE OF COMMERCIAL SEXUAL SERVICES

- 1203** Brothels:
- (a) Any sign advertising any Brothel must be fixed to the premises at which the commercial sexual service is provided.
 - (b) Only one sign is permitted per premises. The maximum area of total signage per site should be 2m².
 - (c) Signs must not:
 - (i) contain neon lighting or include or be lit by flashing lights; or
 - (ii) contain words reasonably considered to be sexually explicit or offensive by Council or a delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002); or
 - (iii) contain any images (photographs or artwork) or models (human or mannequin) or shapes reasonably considered by Council or delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002) to be sexually explicit or offensive.

SOLICITING OF COMMERCIAL SEXUAL SERVICES

- 1204** No person shall solicit within the Ashburton District Council area or in any street, road, footpath, road reserve, public place or area.
- 1204.1** No person shall solicit within the Ashburton District Council area where that person is, or may be visible from any public place, reserve or area.

BREACH OF BYLAW

- 1205** Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002 (which specifies a fine not exceeding \$20,000), and may also be liable to penalties under other legislation.

COMMENCEMENT

- 1206** This Bylaw applies to all Brothels located in Ashburton District and comes into force on 1 July 2008.

Advisory Note: Brothels are subject to the provisions of this Bylaw and the Ashburton District Plan and both regulations must be complied with at all times.