

GREY DISTRICT COUNCIL COMMERCIAL SEX PREMISES BYLAW (2007)

The resolution to make this bylaw was passed by the Grey District Council at an Ordinary Meeting of the said Council held on 12 February 2007 and confirmed on 14 May 2007 following consideration of submissions received as part of the Special Consultative procedure.

The Common Seal of the Grey District was affixed in the presence of:



.....
TONY KOKSHOORN, MAYOR



.....
PAUL PRETORIUS, CHIEF EXECUTIVE OFFICER

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GREY DISTRICT COUNCIL COMMERCIAL SEX PREMISES BYLAW (2007)

The Grey District Council makes this Bylaw pursuant to the powers contained in the Local Government Act 2002 and the Prostitution Reform Act 2003.

1.0 TITLE AND DATE OF COMING INTO FORCE

This bylaw may be cited or referred to as the **Grey District Council Commercial Sex Premises Bylaw (2007)**.

This Bylaw shall come into force on the day following the giving of the public notice of the making of this Bylaw as is required by Section 157 of the Local Government Act 2002.

2.0 PURPOSE OF BYLAW

The purpose of this Bylaw is to assist Council to:

- a) Manage the potential impact of brothels and commercial sex premises on sensitive activities.
- b) Regulate the signage advertising brothels and commercial sex premises.

3.0 AVAILABILITY OF PRINTED COPIES

The Council shall have this bylaw printed and shall supply a completed copy to any person requiring it.

4.0 INTERPRETATION

In this Bylaw, unless the context requires otherwise:

Brothel means any premises kept or habitually used for the purposes of prostitution but does not include:

- a) Premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere; or
- b) Small owner operated brothels (SOOBs).

Business of Prostitution means a business of providing, or arranging the provision of, commercial sexual services

Central Greymouth Industrial Commercial Area is as shown on the accompanying map.

Commercial sex premises means premises:

- a) 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, but is not limited to, brothels, strip clubs, strip bars, rap parlours, peep shows, lap dancing bars, massage parlours, escort agencies, adult bookshops, adult video shops, adult cinemas and sex shops; but
- c) Does not include hospitals, healthcare services, chemists, community welfare facilities or premises where therapeutic massage is offered.

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; and
- b) Are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

Commercial Environmental Area means any land with a commercial environmental area designation in the Grey District Plan.

Community facilities means places available to the public for the purpose of community activities, and includes but is not limited to, public playgrounds, recreation halls, community centres, community halls and public swimming pools.

Council means the Grey District Council.

District Plan has the same meaning as in Section 2 of the Resource Management Act 1991.

Educational facilities means land or buildings used to provide regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors and includes schools, technical institutions, teachers' colleges, universities, outdoor education centres and sports training establishments.

Industrial Area means any land with an industrial environmental area designation in the Grey District Plan

Operator has the same meaning as in Section 5(1) of the Prostitution Reform Act 2003.

Pre-school means educational and child care facilities dedicated to children under the age of 5 years old.

Prostitution means the provision of commercial sexual services.

Public Place has the same meaning as in Section 4(1) Prostitution Reform Act 2003, being:

“public place—

- a) Means a place that is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and
- b) Includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward.”

Residential Environmental Area means any land with a residential environmental area designation in the Grey District Plan.

Small Owner-Operated Brothel (SOOB) means a brothel:

- a) At which not more than four (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.

NOTE: All businesses of prostitution must comply with the Resource Management Act 1991; and any application for resource consent will be assessed pursuant to Section 15 of the Prostitution Reform Act 2003.

5.0 REGULATION OF THE LOCATION OF BROTHELS

5.1 No person may establish or operate a brothel if the location of that brothel will be:

- a) Outside the area designated as the “area where brothels permitted” on the accompanying map; or
- b) Within 50 metres of any existing brothel; or
- c) In or on any vessel, boat, craft, raft, motor vehicle of any description, jetty or wharf.

6.0 LICENSING OF BROTHELS

6.1 No person may establish or operate a brothel within the District without first having obtained a licence from the Council.

6.2 An application for a licence must be in writing and must be accompanied by deposit of \$200.00 with full cost recovery.

6.3 The Council may grant a licence for a period set out in the licence not exceeding one (1) year.

6.4 The Council may decline to grant a licence for a brothel where the Council considers that the brothel would significantly detract from the existing character of the street on which, or the area in which, the brothel would be located.

6.5 The Council may decline to renew a licence if the owner or operator has previously breached this bylaw.

7.0 REGULATION OF SIGNAGE FOR COMMERCIAL SEX PREMISES

7.1 No person may place, or allow to remain in place, a sandwich board advertisement for the purpose of advertising commercial sexual services.

7.2 Subject to clauses 7.3 – 7.6, the Council may grant an approval for a sign on such terms and conditions as it thinks fit. When considering whether or not to grant or refuse an approval, the Council may have regard to the size of the sign and the cumulative effect of the sign in its environment.

7.3 No person shall erect any signage that advertises commercial sexual services that is either in or is visible from a public place.

7.4 No person may place, or allow to remain in place, on or in any building or structure in the District a sign that advertises or informs the public of a brothel or other commercial sex premises unless:

- a) In respect of a brothel, the brothel is licensed under clause 6 or it is a brothel to which clause 9 applies; and
- b) The sign is located on the premises comprising that brothel or other commercial sex premises; and
- c) The person has obtained the written approval of Council.

7.5 An application for an approval for a sign must be in writing and be accompanied by a deposit of \$100.00 with full costs to be recovered.

7.6 The Council will not grant an approval if one or more of the following applies:

- a) The sign contains neon lighting; or
- b) The sign contain words or images or models (human or mannequin) which, in the opinion of the Council, are sexually explicit or lewd or otherwise offensive; or
- c) Exceeds 0.5 square metres; or
- d) The brothel or commercial sex premises already have two (2) signs.

7.7 The Council may by written notice served on the owner or operator of any brothel or other commercial sex premises require that owner or operator to remove or alter any sign that contravenes any part of clause 7, within the time specified in that notice.

7.8 If the owner or operator of any brothel or other commercial sex premises has been served with a notice under clause 7.7, that owner or operator must comply with that notice within the time specified in the notice.

7.9 If the owner or operator fails to comply with the notice under clause 7.7, within the time specified, the Council may remove the sign. The owner or operator is liable for the Council's cost in removing or altering the sign.

8.0 SOLICITING AND TOUTING

- 8.1 No person may in any public place invite or request any person to enter a brothel or other commercial sex premises.
- 8.2 No person may in any public place tout for business or otherwise verbally advertise on behalf of a brothel or other commercial sex premises.
- 8.3 No person may distribute in any public place any handbills, writing or pictures that have the primary purpose, whether explicitly or implicitly, of advertising, identifying or informing the public of any brothel or other commercial sex premises or the availability of commercial sexual services.

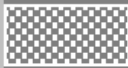
9.0 TRANSITIONAL REQUIREMENTS

- 9.1 Clause 5 does not apply to any brothel that was operating on the day this Bylaw came into force and which:
- a) Holds any Resource Consent that may be required for the site on which the brothel is located under an operative or proposed District Plan, or a certificate of compliance or has existing use rights under the Resource Management Act 1991; and
 - b) Holds a current certificate issued under Section 35 of the Prostitution Reform Act 2003.
- 9.2 For the avoidance of doubt, the rules in clause 7 apply to all Commercial Sex Premises from the date on which this Bylaw comes into force.

10.0 OFFENCES

- 10.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty set out in Section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

MAP SHOWING PERMITTED LOCATION OF BROTHELS



Areas where brothels permitted (subject to rules in Bylaw)