

Prostitution Bylaw 2009

Bylaw of the South Wairarapa District Council made in pursuance of the powers contained in the Prostitution Reform Act 2003 and the Local Government Act 2002.

Interpretation

Brothel: means any premise 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. For the avoidance of doubt, a small owner operated brothel, as defined in the Prostitution Reform Act 2003, is a brothel.

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).

Council: means **South Wairarapa District Council**

Community Facility: means any Land, building or premises which provides a community activity; and includes educational facilities, places of worship, libraries, hospitals, retirement homes and rest homes, community halls, kohanga reo, marae, medical facility, funeral parlours and childcare centres.

District Plan: means the South Wairarapa District Plan and Proposed Wairarapa Combined District Plan, and any district plan under the Resource Management Act 1991 that is applicable at any time.

Educational Facility: means any land or buildings used for education purposes; and includes any pre-school, primary, secondary or tertiary institution and childcare facility.

Marae: means land and buildings of premises that are used as a marae.

Place of Worship: means land and buildings of premises that are:

- (a) used as a place of religious 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.

Sensitive site: means a site that is either:

- (a) an education facility, or
- (b) a place of worship, or
- (c) a Marae, or
- (d) community facility.

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

Location of Brothels

Proximity to Sensitive and/or Residential Sites

1. No Brothel shall be located in or within 100 metres (in a straight line) from the site boundaries of any sensitive site.
2. Where a sensitive site establishes within 100m of an existing and lawfully established Brothel, the Brothel will be exempt from this restriction. This exemption shall not apply where the operation of the Brothel is discontinued for a continuous period of more than 6 months.
3. No person may establish or operate a Brothel that is located in or within 100 metres of an existing Brothel.
4. No person may establish or operate a Brothel that is located within 50 metres of a residential building.

Signage of Commercial Sexual Services

Brothels

1. Any sign advertising any Brothel must be fixed to the premises at which the commercial sexual service is provided.
2. Only one sign is permitted per premises.
3. The maximum area of total signage per site should be 0.5m².
4. Signs must not:
 - a. contain neon lighting or include or be lit by flashing lights; or
 - b. contain words reasonably considered to be sexually explicit or offensive by a Council delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002); or
 - c. contain any images (photographs or artwork) or models (human or mannequin) or shapes reasonably considered by a Council delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002) to be sexually explicit or offensive.

Breach of Bylaw

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

This bylaw applies to all Brothels located in the South Wairarapa District and comes into force on 1 November 2009.

Transitional Provision - Brothels

Any Brothel (as defined under *Interpretation*) operating prior to 1 November 2009 within a *Sensitive area, or within 50 metres of a residential building* shall have a maximum of 12 months from the date of the bylaw becoming operative in which to relocate that operation to a permitted area, or to cease operation. Provided that, the operator demonstrates in writing to the Chief Executive of South Wairarapa District Council their legal right to operate.