



## Carterton District Council

### Prostitution Bylaw 2007

Bylaw of the Carterton District Council 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**

**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-

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

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

**Community Facility:** means any building or land used for the purpose of Council owned recreation and/or cultural centres, public swimming pools, public halls, community houses, children's playgrounds on public reserve, libraries, marae, and funeral parlours.

**District Plan:** means the Carterton District Plan and Proposed Wairarapa Combined District Plan.

**Education Facility:** means any building or land used as a childcare facility, pre school, primary school, intermediate school, or secondary school.

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

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

1. used as a place of religious worship and
2. 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

1. an education facility or,
2. a place of worship or,
3. a marae or,
4. Community Facility

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

### **Objectives of the Bylaw**

1. To support the purpose and intent of the Prostitution Reform Act 2003.
2. To enable Commercial Sexual Service providers to operate within the Carterton District in a manner that both meets community demand for services and addresses community concerns and sensitivities.
3. To allow the establishment of Brothels in areas where the effects associated with the operation can be readily controlled.
4. To limit the exposure of children and young people to commercial sex activities.
5. To control the establishment of signage associated with Brothels to minimise community harm or offence.
6. To control the soliciting of commercial sexual services within the Carterton District.

### **Location of Brothels**

## **1. Proximity to Sensitive Sites**

Any Brothel shall not be located within 100 metres (in a straight line) of any sensitive site.

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.

2. No person may establish or operate a brothel that is located within 100 metres of an existing brothel
3. No person may establish or operate a brothel that is located within 50 metres of a residential building

## **Signage of Commercial Sexual Services**

### **Brothels**

Any sign advertising any Brothel must be fixed to the premises at which the commercial sexual service is provided.

Only one sign is permitted per premises.

The maximum area of total signage per site should be 2m<sup>2</sup>

Signs must not:

1. contain neon lighting or include or be lit by flashing lights; or
2. contain words reasonably considered to be sexually explicit or offensive by Council or delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002); or
3. 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**

No person shall solicit within in any street, road, footpath, road reserve, public place or area within the Carterton District Council area.

No person shall solicit within the Carterton District Council area where that person is, or may be visible from any public place, reserve or area.

### **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 Carterton District and comes into force on 1 July 2007.

### **Transitional Provision - Brothels**

Any brothel (as defined under *Interpretation*) operating prior to 1<sup>st</sup> July 2007 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 Carterton District Council their legal right to operate.

# **CARTERTON DISTRICT COUNCIL PROSTITUTION BYLAW 2007**

The bylaw was made on 1<sup>st</sup> July 2007

Unless revoked or reviewed sooner, it shall be reviewed no later than 30<sup>th</sup> June 2012.  
If not reviewed by 30<sup>th</sup> June 2012, this bylaw terminates on 1<sup>st</sup> July 2014.

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**Mayor**

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**Chief Executive Officer**

1<sup>st</sup> July 2007

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Date