

Prostitution Bylaw 2009

Bylaw of the Hamilton City 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

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

Brothel: means

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

Brothel Permitted Area: means the area indicated on Map 1 that defines the area of the city where brothels may be located.

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

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 Hamilton City Council.

District Plan: means the Proposed Hamilton City District Plan (References version 2001) or any subsequent amendments (or the Waipa District Plan (1997 version) in respect of the Temple View area where this is not yet subject to the Hamilton City District Plan).

Marae: means land and buildings of premises that:

1. are used as a public marae; and
2. are included on the Prostitution Sensitive Sites Register held by Hamilton City Council.

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; and

3. are included on the Prostitution Sensitive Sites Register held by Hamilton City Council.

Prostitution: means the provision of commercial sexual services.

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

1. contain a school as defined in section 2 of the Education Act 1989, or
2. a licensed Early Childhood Centre as defined in section 308 of the Education Act 1989, and
3. are included on the Prostitution Sensitive Sites Register held by Hamilton City Council.

Sensitive site: means a site that is either:

1. a school / Licensed Early Childhood Centre, or
2. a place of worship, or
3. a marae.

and is identified as a sensitive site on the Prostitution Sensitive Sites Register held by Hamilton City Council.

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 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 Hamilton City 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 in Hamilton.

Location of Brothels

1. Permitted areas of operation

Brothels are permitted to locate and provide commercial sexual services from premises located within the Permitted Brothel Area indicated on Map 1 (Refer to Page 5), subject to meeting other conditions in the bylaw.

2. Proximity to Sensitive Sites

Any brothel shall not be located within 100 metres (in a straight line) of any sensitive site as shown on the current version of the Prostitution Sensitive Sites Register held by Council, unless it was lawfully established prior to the date this bylaw comes into force, and not discontinued for more than six months.

Where a sensitive site establishes within 100 metres 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

1. 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 2m².

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 the Hamilton City Council area or in any street, road, footpath, road reserve, public place or area.

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

Breach of Bylaw

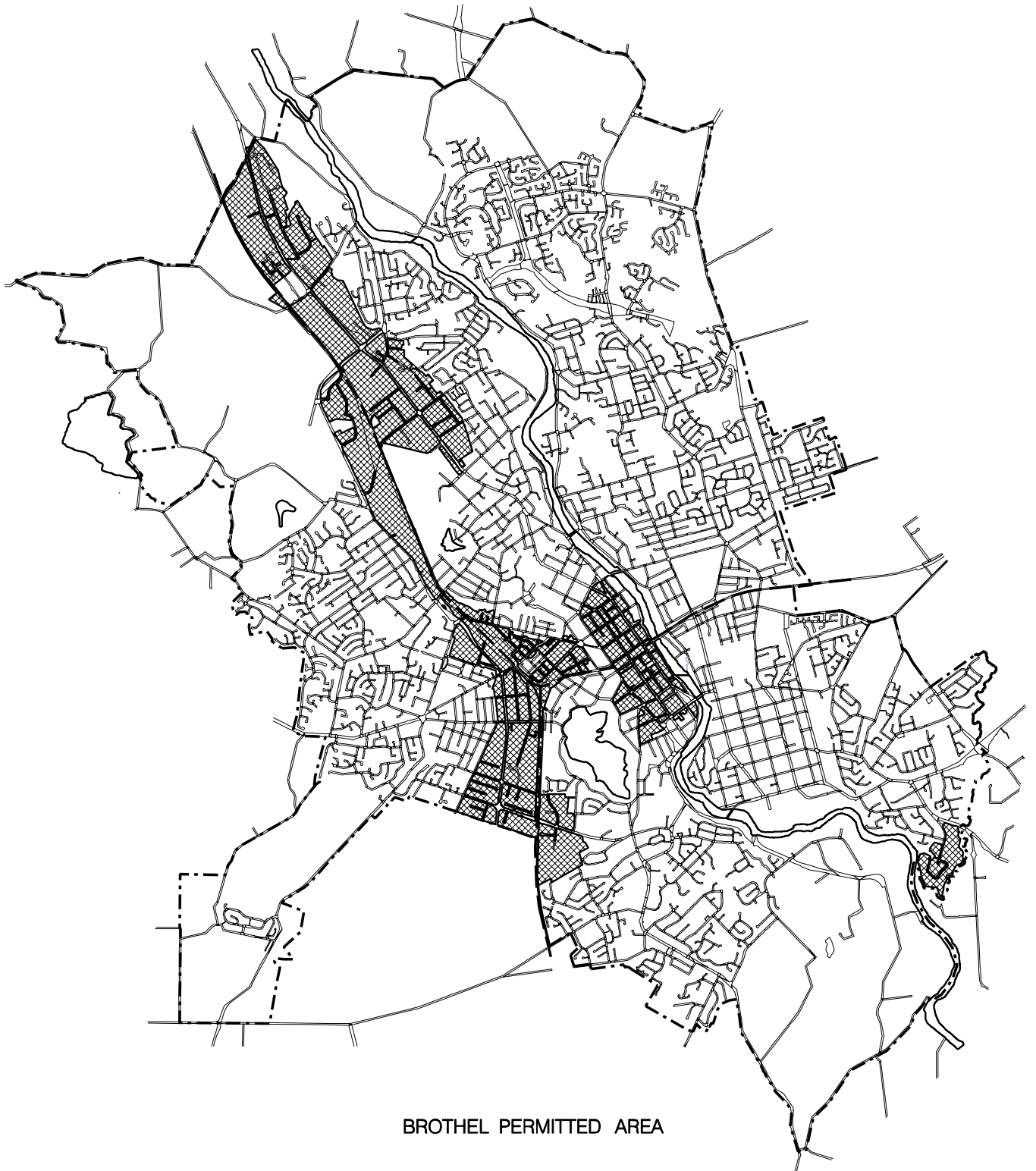
Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002 (which specifies a fine not exceeding \$20,000), and may also be liable to penalties under other legislation.

Commencement

This bylaw applies to all Brothels located in Hamilton City and comes into force on 1 July 2009.

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

MAP 1



BROTHEL PERMITTED AREA

The foregoing bylaw was duly made by the Hamilton City Council by a resolution passed on the 26th day of June 2009 following consideration of submissions received during the special consultative procedure. The Prostitution Bylaw 2009 was ordered to come into force on the 1st day of July 2009.

The COMMON SEAL of the HAMILTON CITY COUNCIL was hereunto affixed in the presence of:

Councillor _____

Chief Executive _____