



OPTION B

ROTORUA DISTRICT COUNCIL PROSTITUTION BYLAW 2020

CONTENTS

1. INTRODUCTION

- 1.1 SHORT TITLE
- 1.2 COMMENCEMENT
- 1.3 REVOCATION
- 1.4 OBJECTIVES
- 1.5 INTERPRETATION

2. LOCATION OF BROTHELS

3. ADVERTISING OF COMMERCIAL SEXUAL SERVICES AND COMMERCIAL SEX PREMISES

4. NUISANCE

5. BREACH OF BYLAW

APPENDIX 1: "MAP SHOWING PERMITTED AREA WITHIN ROTORUA CBD"

1. INTRODUCTION

PURSUANT to the powers contained in the Local Government Act 2002, and the Prostitution Reform Act 2003 and their amendments and regulations, and of all and every other power and authority in that behalf enabling it, Rotorua District Council hereby resolves to make the following Bylaw.

1.1 SHORT TITLE

This Bylaw shall be known as “The Rotorua District Council Prostitution Bylaw 2020”.

1.2 COMMENCEMENT

This Bylaw shall come into force on and take effect on the tbcth day of tbc 2020.

1.3 REVOCATION

The Rotorua District Council Prostitution Bylaw 2009 shall hereby be revoked.

1.4 OBJECTIVES

The objectives of this Bylaw include:

- The control of the location of Brothels and other Commercial Sex Premises in the District and the placement and establishment of signage relating thereto.
- The prohibition of soliciting for commercial sexual services.

1.5 INTERPRETATION

In this bylaw:

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

commercial sex premises

- (a) means premises 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 brothels, strip clubs, strip bars, rap parlours, peep shows, lap dancing bars, massage parlours, escort agencies, adult bookshops, adult video shops, adult cinemas, sex shops; but
- (c) does not include hospitals, healthcare services, chemists, community welfare facilities, or premises where therapeutic massage is offered;
- (d) does not include a residential dwelling, located within any of the residential zones as defined in the Rotorua District Plan, from which no more than two sex workers are providing commercial sexual services.

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 of another person);

Council means the Rotorua District Council

distance means the measurement taken from the boundary of one premise to the boundary of another.

home-based business within the Rotorua District Plan is defined as: any home arts crafts, professional, trade or consultancy business, other than Prohibited Activities, which is carried out by a resident or residents incidentally to the primary use of the site and complies with the following in all respects:

- (a) The performance standards for the Zone in which the business is located;
- (b) No more than one person living away from the site can be employed on site at any one time;
- (c) The business does not involve outdoor storage of goods, or waste materials;
- (d) The business does not involve the parking of heavy vehicles on site; and
- (e) No display or retail of goods for sale may take place from the site"

permitted area means that part of the Central Business District of the City of Rotorua as depicted on map comprising Appendix 1 of this Bylaw.

public place means a place that –

- (c) 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 reject a person from that place; and
- (d) includes any aircraft, hovercraft, ship, ferry or other vessel, train or vehicle carrying or available to carry passengers for reward;

sensitive site means Education Facilities, Marae, churches, or other building habitually used for religious purposes:

Education Facilities means sites used primarily for education, such as pre-school, primary, secondary and tertiary institutions and institutes delivering educational services for groups such as people who are unemployed, youth, elderly or groups with special educational needs.

Marae means community meeting places or surrounds. Marae customarily means the open space in front of a meeting house upon which various ceremonial occasions are centred. For the purpose of this Bylaw, a Marae also consists of wharenui (Māori meeting house) and or wharekai/hall, together with the surrounding area of open ground. It includes buildings normally used in conjunction with the meeting house or hall, the whole being located on a defined parcel or parcels of land and administered by legally appointed trustees of a trust body for the common use or benefit of a defined group of Māori people

Rotorua CBD means the area as outlined in Appendix 1 to this Bylaw;

sign means any word, figure, image, poster, advertising device or appliance, or thing of a similar advertising nature intended principally to attract attention, whether it is placed on or affixed to any land or building or incorporated within the design of any building, and which is visible from a public place.

small owner-operated brothel means a brothel:

- (a) at which not more than four 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.

Although up to four sex workers are allowed to operate from a SOOB, District Plan rules still apply. Resource consent would be required if more than 1 non-resident sex worker were to work from a SOOB.

2. LOCATION OF BROTHELS

- 2.1 No person may establish or operate a brothel anywhere in the district outside the permitted area of the Rotorua CBD as defined in the map comprising Appendix 1 of this Bylaw.

- 2.2 The location restrictions in clause 2.1 of this Bylaw do not apply to small owner-operated brothels.
- 2.3 No person may establish or operate a brothel within the Rotorua CBD without first having obtained a permit for that brothel from the Council.
- 2.4 An application for a permit for a brothel must be in writing
- 2.5 No brothel (including SOOBs) is permitted to be located:
- (a) 100 metres or less from a sensitive site; or
 - (b) 100 metres or less from any other brothel or commercial sex premises.
- 2.6 No brothel within the permitted area may be located at ground level (for the purposes of this clause a brothel is located at ground level if any part of the premises other than a staircase or entrance foyer is located at ground level)
- 2.7 The Council may decline to grant a permit 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.
- 2.8 The Council may grant a permit for a brothel for a period set out in the licence not exceeding 5 years.
- 2.9 Clause 3.2 does not apply to any brothel that, on the day this bylaw comes into force:
- (a) holds any resource consents required under an operative or proposed district plan, or a certificate of compliance under the Resource Management Act 1991, or has existing use rights under that Act; and
 - (b) is operated by a person who holds a current certificate issued under section 35 of the Prostitution Reform Act 2003.

3. ADVERTISING OF COMMERCIAL SEXUAL SERVICES AND COMMERCIAL SEX PREMISES

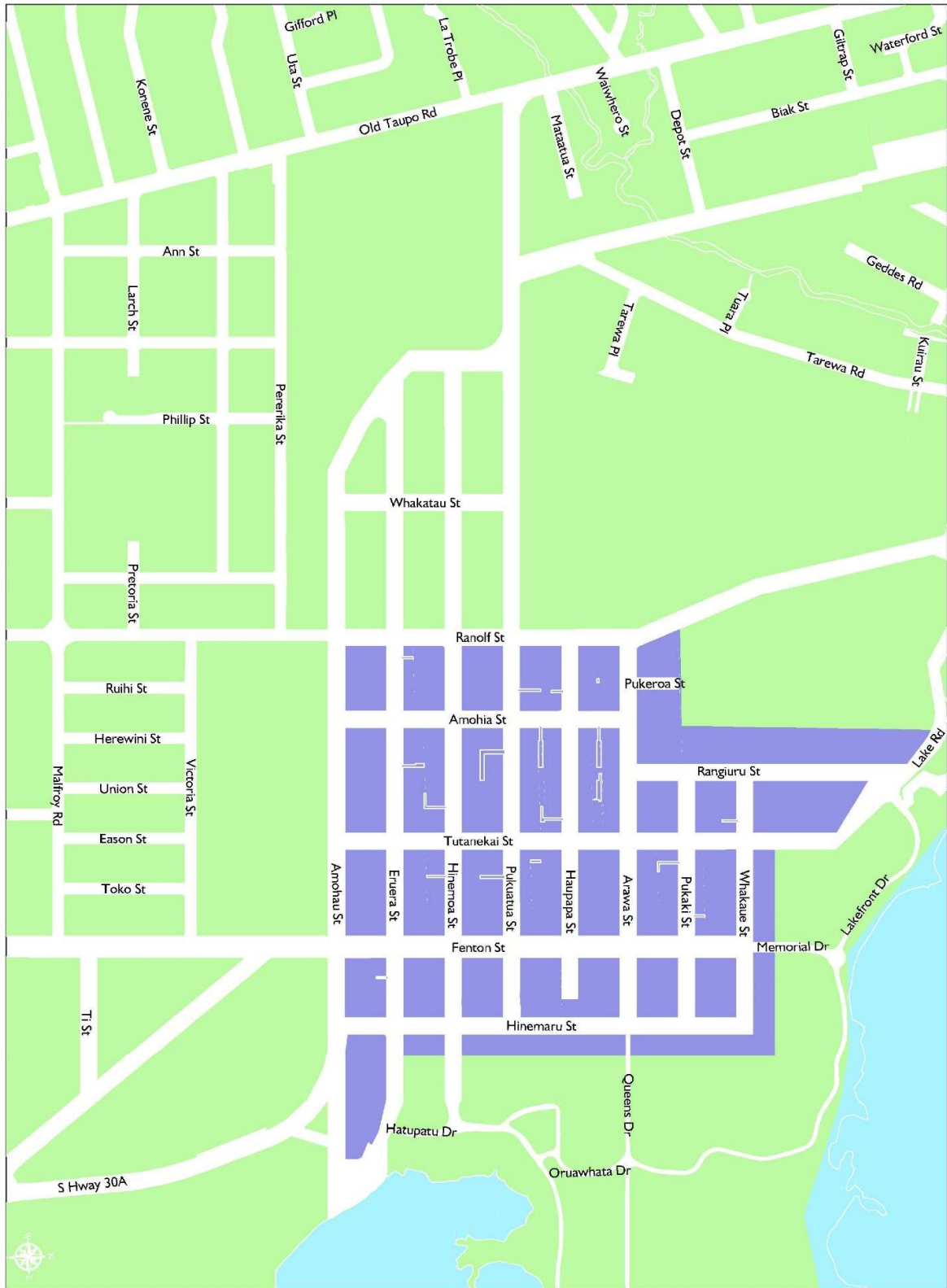
- 3.1 Subject to clause 3.2, no person may place, or allow to remain in place on or in any building or structure in the district a sign that advertises or informs the public of the availability of commercial sexual services.
- 3.2 No person may place, or allow to remain in place on or in any building 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 holds a consent under clause 2.6 or it is a brothel to which clause 2.7 applies; and
 - (b) The sign is located on the premises comprising that brothel or other commercial sex premises; and
 - (c) The sign only contains the name of that brothel or other commercial sex premises; and
 - (d) The person has obtained written approval for the sign from the Council.
- 3.3 An application for an approval for a sign must be in writing and be accompanied by a fee of \$200, or such other fee as the Council may determine using the special consultative procedure.
- 3.4 Subject to clause 3.5, 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.
- 3.5 Council will not grant an approval for a sign if it does not meet District Plan rules or if one or more of the following applies:

- (a) the sign contains neon lighting; or
 - (b) the sign contains offensive or sexually explicit words, images (including video) or pictures; or
 - (c) there is already another sign in relation to the brothel or commercial sex premises.
- 3.6 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 clause 3.1 or clause 3.2 within the time specified in the notice.
- 3.7 If the owner or operator of any brothel or other commercial sex premises has been served with a notice under clause 3.6, that owner or operator must comply with that notice within the time specified in the notice.
- 3.8 If the owner or operator fails to comply with the notice under clause 3.6, within the specified time, the Council may remove or alter the sign. The owner or operator is liable for the Council's cost in removing or altering the sign.
- 3.9 No person may distribute written material advertising Commercial Sex Premises or Commercial Sexual Services, or verbally advertise a Commercial Sex Premises, in a Public Place within the Rotorua District.
- 4. NUISANCE**
- 4.1 The activity shall not result in the opinion of an authorized officer, in a more than minor reduction of amenity and good order to the immediate community.
- 5. BREACH OF BYLAW**
- 5.1 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.

The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in
the presence of:

Mayor

Chief Executive



Appendix I Permitted Area
as referred to in Clause 2.1

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