

**CHRISTCHURCH CITY  
COUNCIL BROTHELS  
(LOCATION AND  
COMMERCIAL SEXUAL  
SERVICES SIGNAGE)  
BYLAW 2013**

CHRISTCHURCH CITY COUNCIL BROTHELS (LOCATION AND COMMERCIAL SEXUAL SERVICES SIGNAGE) BYLAW 2013

Pursuant to sections 12 and 14 of the Prostitution Reform Act 2003, and the Local Government Act 2002, the Christchurch City Council makes this Bylaw.

1. SHORT TITLE AND COMMENCEMENT

- (1) This Bylaw is the Christchurch City Council Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013
- (2) This Bylaw comes into force on 15 April 2013.

2. INTERPRETATION

- (1) In this Bylaw, unless the context otherwise requires,

‘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 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 the Christchurch City Council.

‘DISTRICT’

has the same meaning as defined in section 5 of the Local Government Act 2002, and means the district of the Council.

‘EARLY CHILDHOOD EDUCATION AND CARE CENTRE’

means premises used regularly for the education or care of 3 or more children (not being children of the persons providing the education or care, or children enrolled at a school being provided with education or care before or after school) under the age of six:

- (a) by the day or part of a day; but
- (b) not for any continuous periods of more than seven days.

‘MULTI-UNIT RESIDENTIAL COMPLEX’

means two or more residential units situated together on an area of land, whether or not the land is in more than one legal title, and irrespective of the legal ownership of the land as a whole, or of the units.

(Without limiting the interpretation of this term, examples of arrangements that would be defined as a multi-unit residential complex include:

- a block of flats, whether multi storey or not, where there are shared walls between the units or garages of the units;
- a townhouse complex, where the units may be physically separated but there is a shared driveway or paths between the units.)

‘PREMISES’

includes a part of Premises.

‘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.

‘SCHOOL’

means a Registered School as defined in the Education Act 1989 (being a primary, intermediate, composite, secondary or special school, and can be either a state school or a private school), and an Early Childhood Education and Care Centre, that is in or borders an area shown on the maps in Schedule 1 at the time this Bylaw comes into force.

‘SIGN’

means any sign that is in, or is visible from, a public place, and that advertises commercial sexual services.

- (2) The following definitions also apply in this Bylaw and are the same as those in section 4 of the Prostitution Reform Act 2003:

‘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.

3. OBJECT OF THE BYLAW

- (1) The object of this Bylaw is to:
  - (a) restrict the location of brothels to certain parts of the district, with no restriction on the location of small owner-operated brothels,
    - (i) except that no brothel, including small owner-operated brothels, can be located in a multi-unit residential complex; and
  - (b) provide for specified existing brothels to remain in their current locations; and
  - (c) control signage that advertises commercial sexual services, that is in, or is visible from, a public place, on the basis such signs are likely to cause a nuisance or serious offence to members of the public using parts of the district or they are incompatible with the existing character or use of parts of the district, by:
    - (i) prohibiting signs in certain parts of the Council's district; and
    - (ii) regulating the display of signs in other parts of the district through the controls in this Bylaw.

4. LOCATION OF BROTHELS

- (1) Subject to clause 4(2) and clause 5, no person may operate, or permit, or allow to be operated, a brothel:
  - (a) in any part of the district other than within an area shown on the maps in Schedule 1; and
  - (b) in any building immediately adjacent to an area marked as important open space on the Central City map in Schedule 1; and
  - (c) in any building that is located on a property that shares a boundary with a school.
- (2) Clause 4(1) does not apply to any small owner-operated brothel.
- (3)
  - (a) No person may operate, or permit, or allow to be operated, a brothel, in any multi-unit residential complex,
  - (b) for the purposes of clause 4(3)(a) brothel includes any small owner-operated brothel.
- (4) Despite clause 4(3) an existing small owner-operated brothel in a multi-unit residential complex is permitted to remain until 31 March 2014.

*[The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect.]*

*The areas shown on the maps in Schedule 1 are primarily commercial zones, as well as a Central City area. The Council considered these parts of the city to be areas where larger operator-run brothels might suitably be located, if any person wishes to establish such a business. During consultation on this Bylaw the Council determined that where those zones adjoin or are close to schools, preschools or residential areas, that are not suitably buffered by a major road, the proposed zones would be reduced accordingly, to provide better separation of brothels from children and residential activity. Other parts of some zones were also removed when the result of the 'buffering' left only small pockets of properties.*

*The maps in Schedule 1 are the end result of the Council's deliberations and decisions, based on these general principles. The excluded areas on the maps now also cover clauses 4(1)(b) and (c), which provide that a brothel cannot be operated in any building adjacent to an important open space area or located on a property that shares a boundary with a school.*

5. EXISTING BROTHELS

- (1) Any premises described in Schedule 2 is exempt from the location controls in clause 4.
- (2) The exemption in clause 5(1) does not apply if, after this Bylaw comes into force, the use of the premises as a brothel changes in character or increases in scale or intensity.
- (3) Any premises described in Schedule 2, for the purposes of the signage controls in clause 7, must be regarded as premises situated in an area of the district which is shown on a map in Schedule 1.
- (4) For the avoidance of doubt, the signage controls in clause 7 apply to all brothels from the date this bylaw comes into force.

6. PROHIBITION ON SIGNAGE ADVERTISING COMMERCIAL SEXUAL SERVICES

- (1) No person may display or permit or allow the display of a sign in any part of the district, other than within an area shown on a map in Schedule 1.
- (2) Even within an area shown on a map in Schedule 1, no person may display or permit or allow the display of a sign in any part of the district if the sign is visible from any point on a school boundary.

7. REGULATION OF SIGNAGE ADVERTISING COMMERCIAL SEXUAL SERVICES

- (1) A sign in any part of an area shown on a map in Schedule 1, that is not in a place subject to clause 6(2):
  - (a) must be attached to the premises at which the commercial sexual services it advertises are provided; and
  - (b) must clearly display the number of the premises to which the sign relates; and
  - (c) must not be offensive; and
  - (d) must not display any pictorial image; and
  - (e) must not exceed 0.3 square metres in surface area; and
  - (f) must not be illuminated by any flashing light.
- (2) No person may display, or allow the display, of more than one sign upon any premises at which commercial sexual services are provided, even if those premises have more than one street frontage.

8. OFFENCE AND PENALTY

Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

9. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.

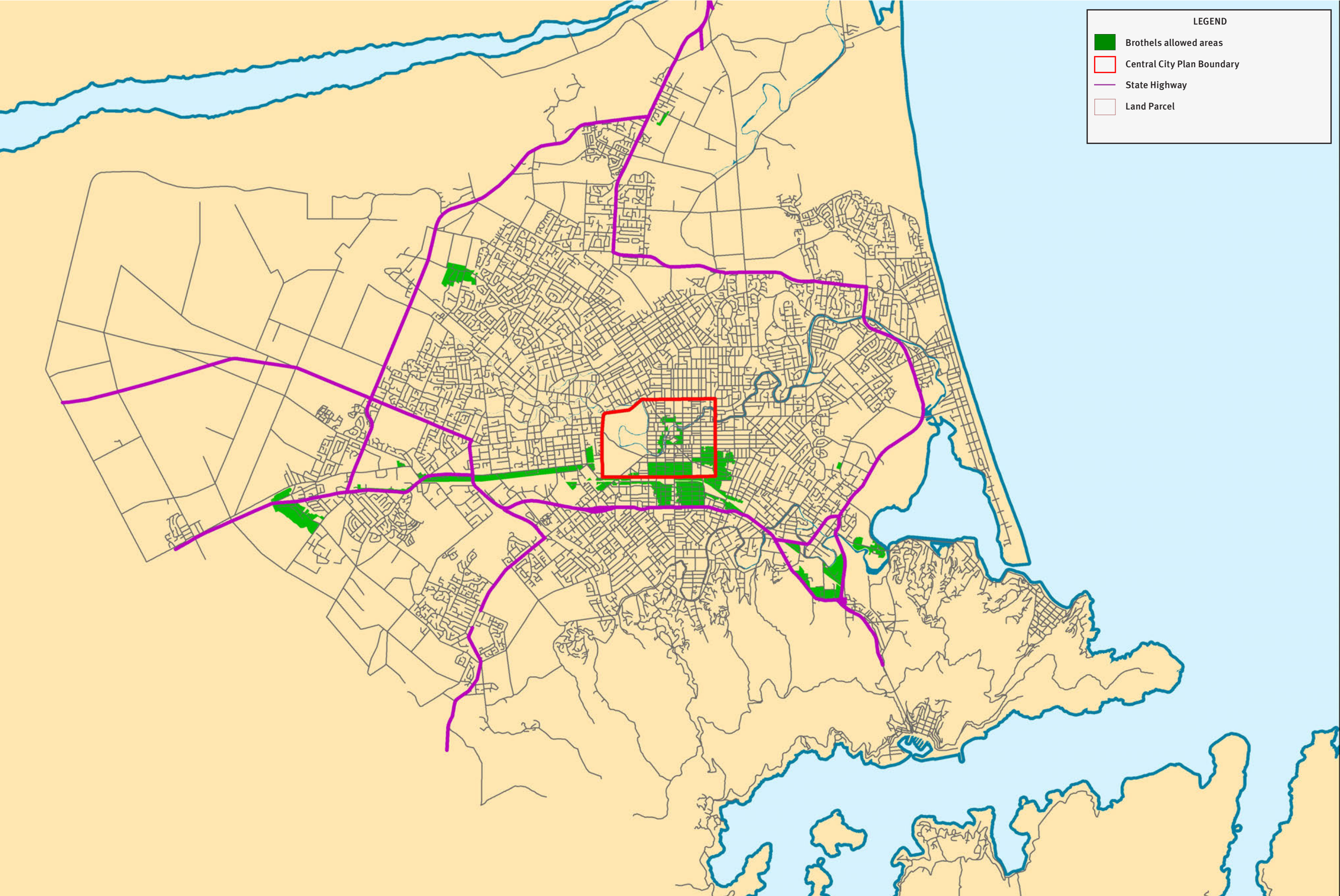
The initial resolution to make this Bylaw was passed by the Christchurch City Council at a Meeting of the Council held on 24 May 2012 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent Meeting of the Council held on 28 March 2013.

FIRST SCHEDULE

Maps of areas where brothels can be located in accordance with clause 4(1)(a).

The Second Schedule can be seen on page 18 of this Bylaw.

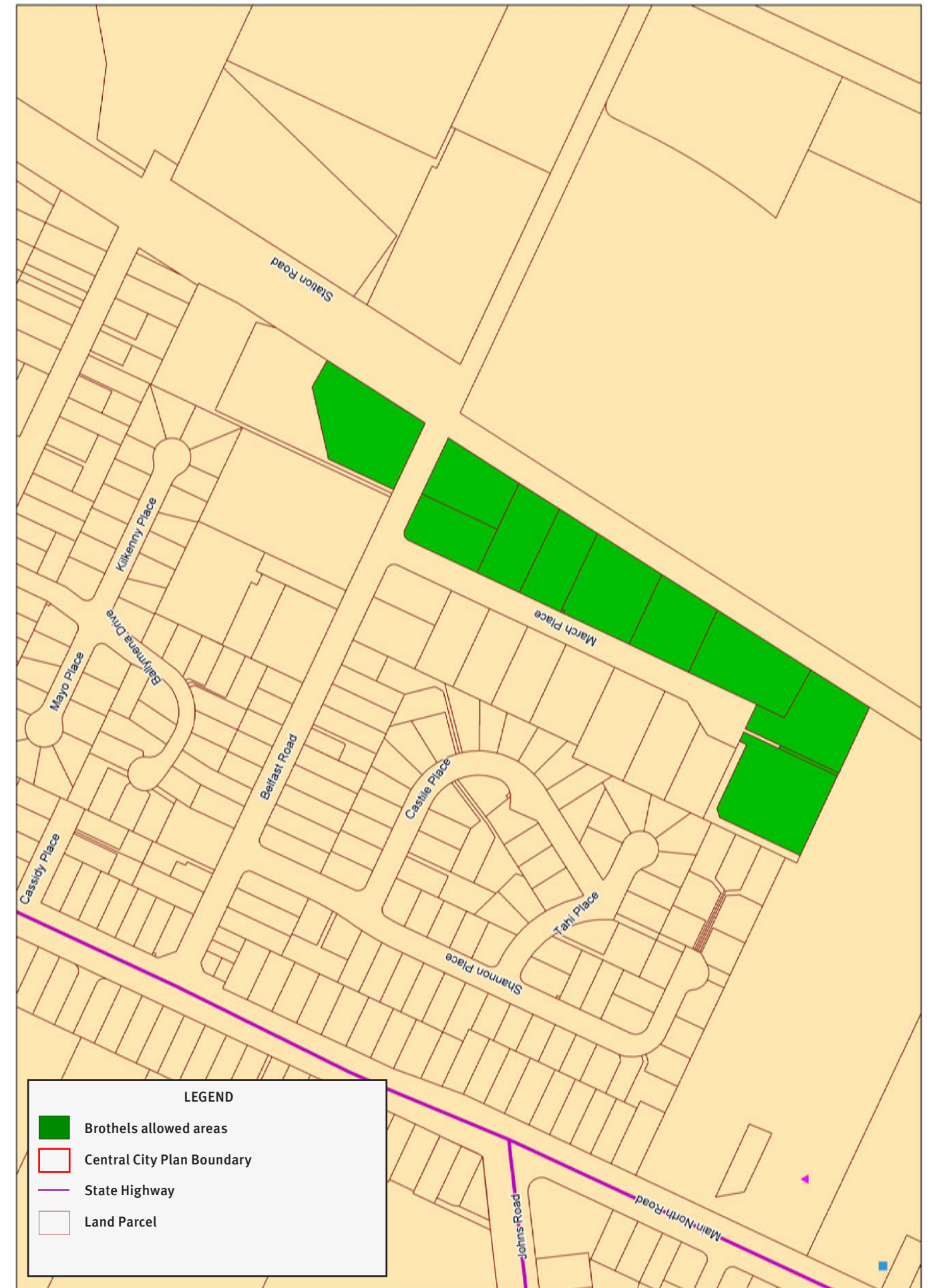
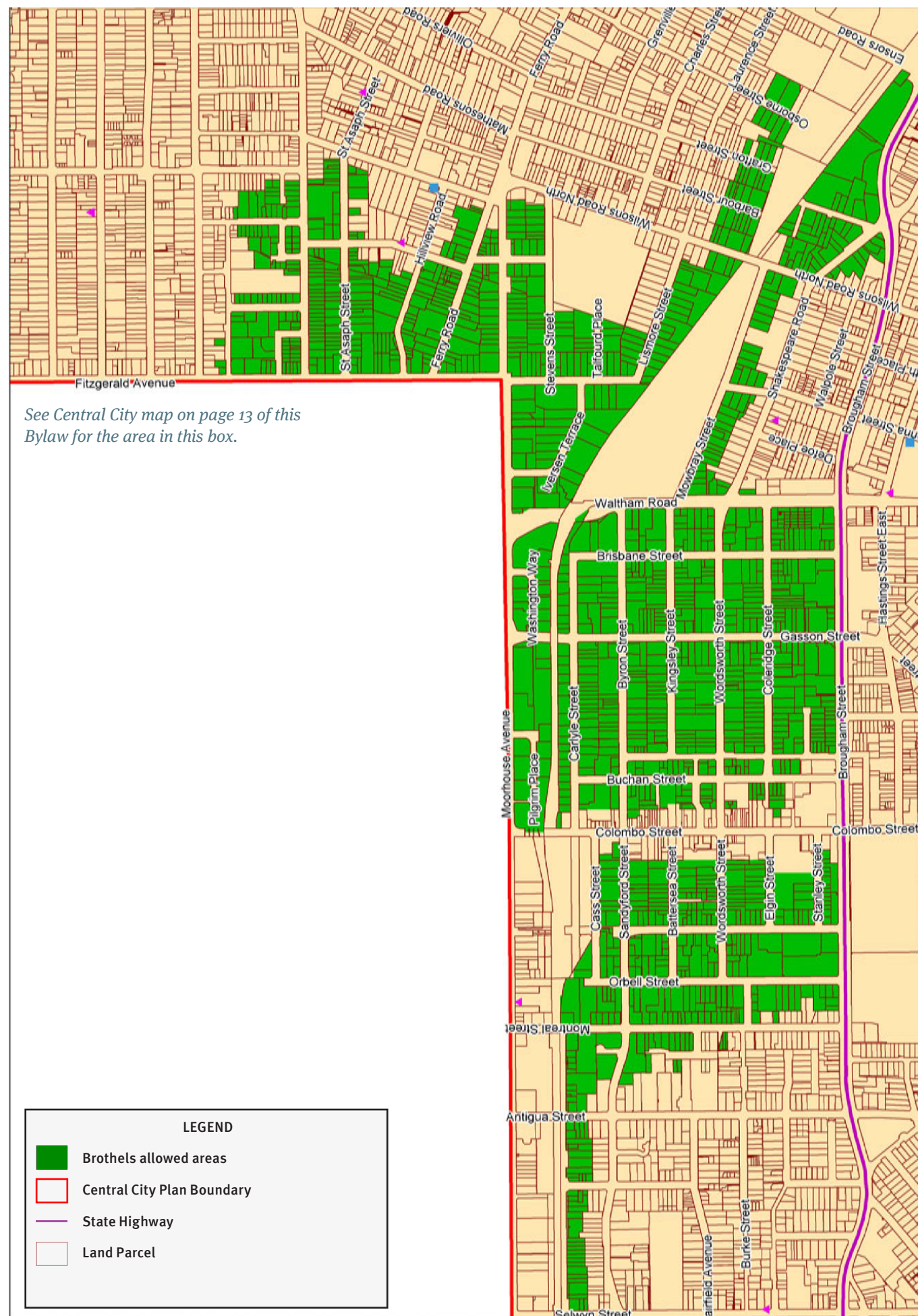




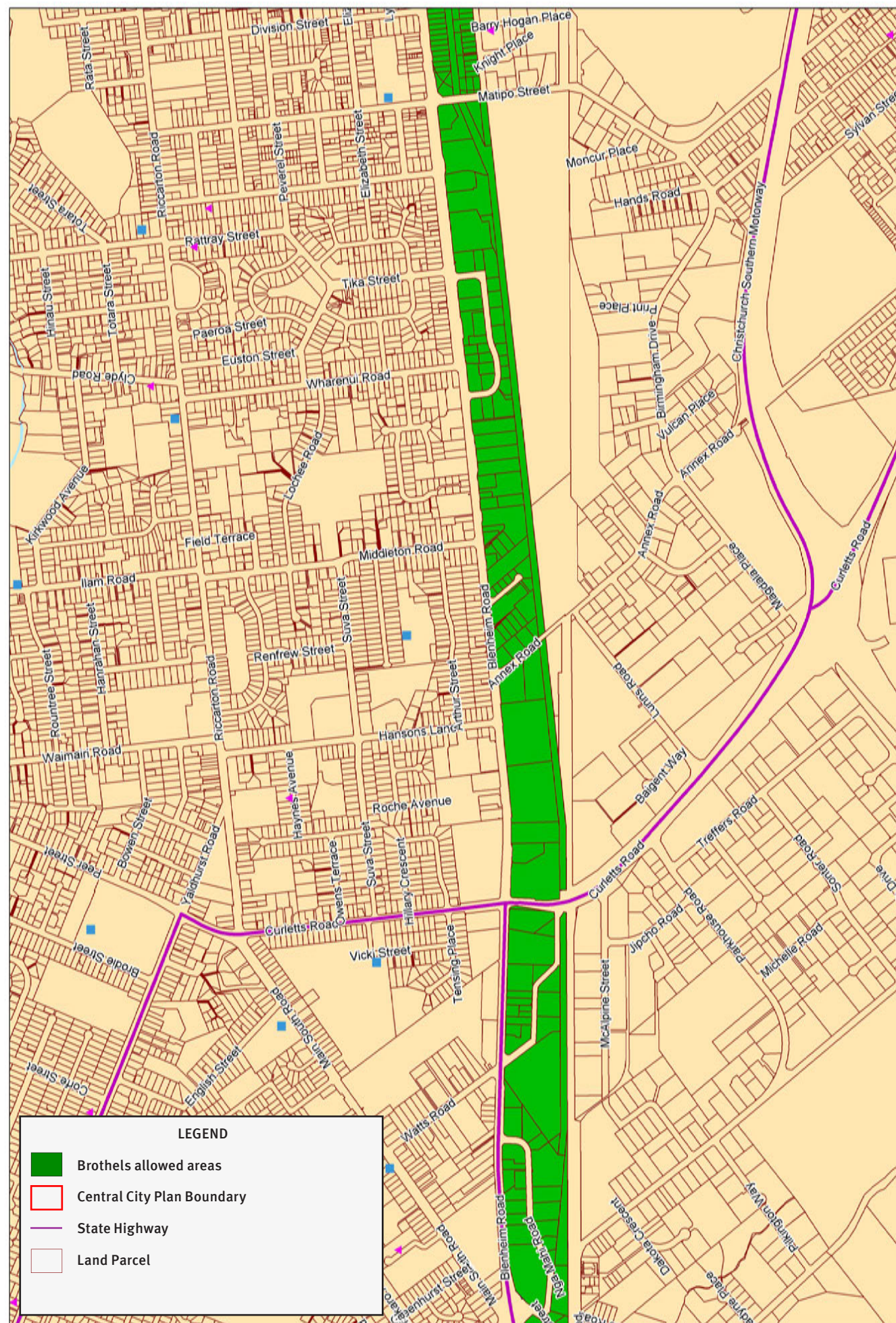
LEGEND

- Brothels allowed areas
- Central City Plan Boundary
- State Highway
- Land Parcel

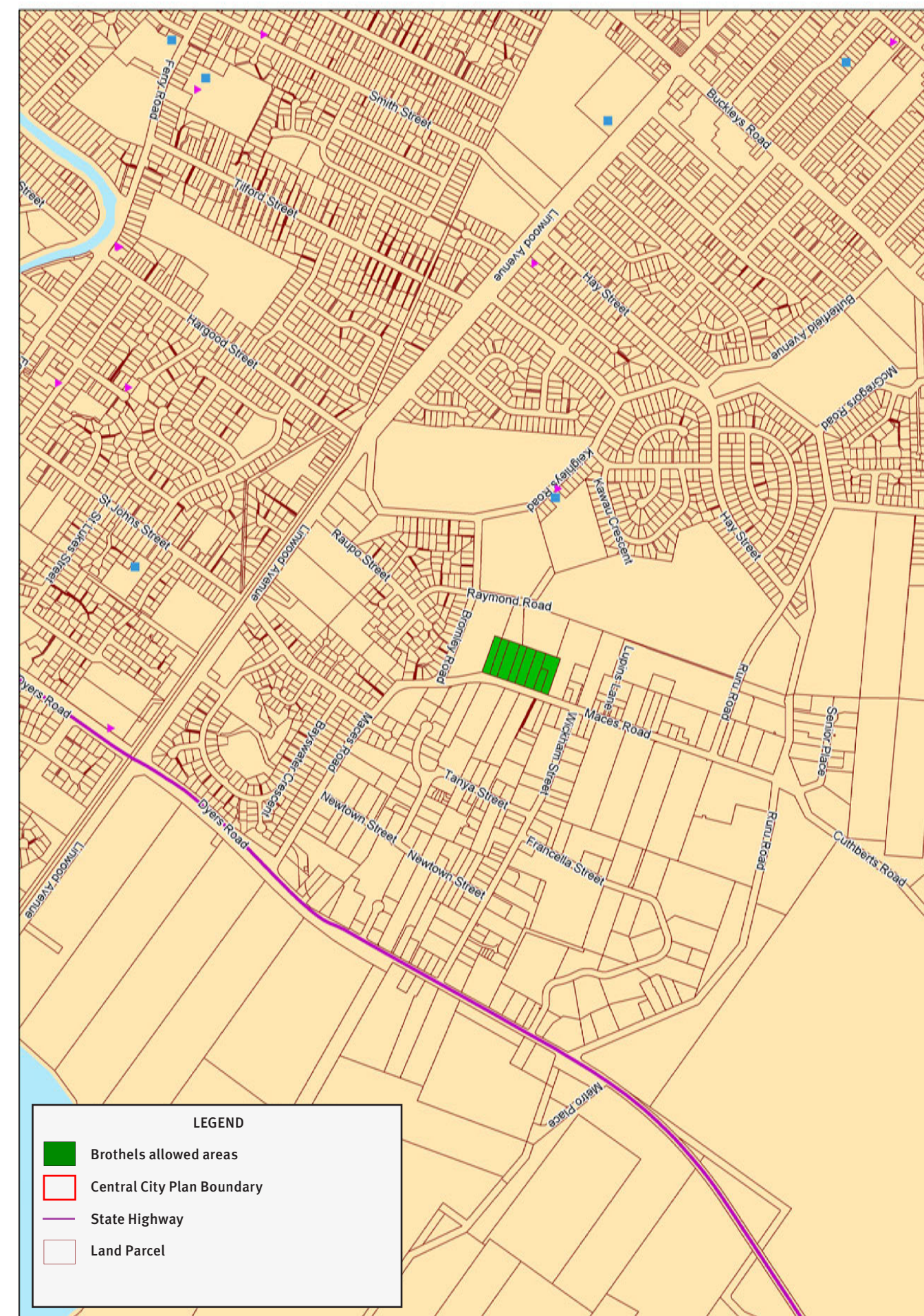






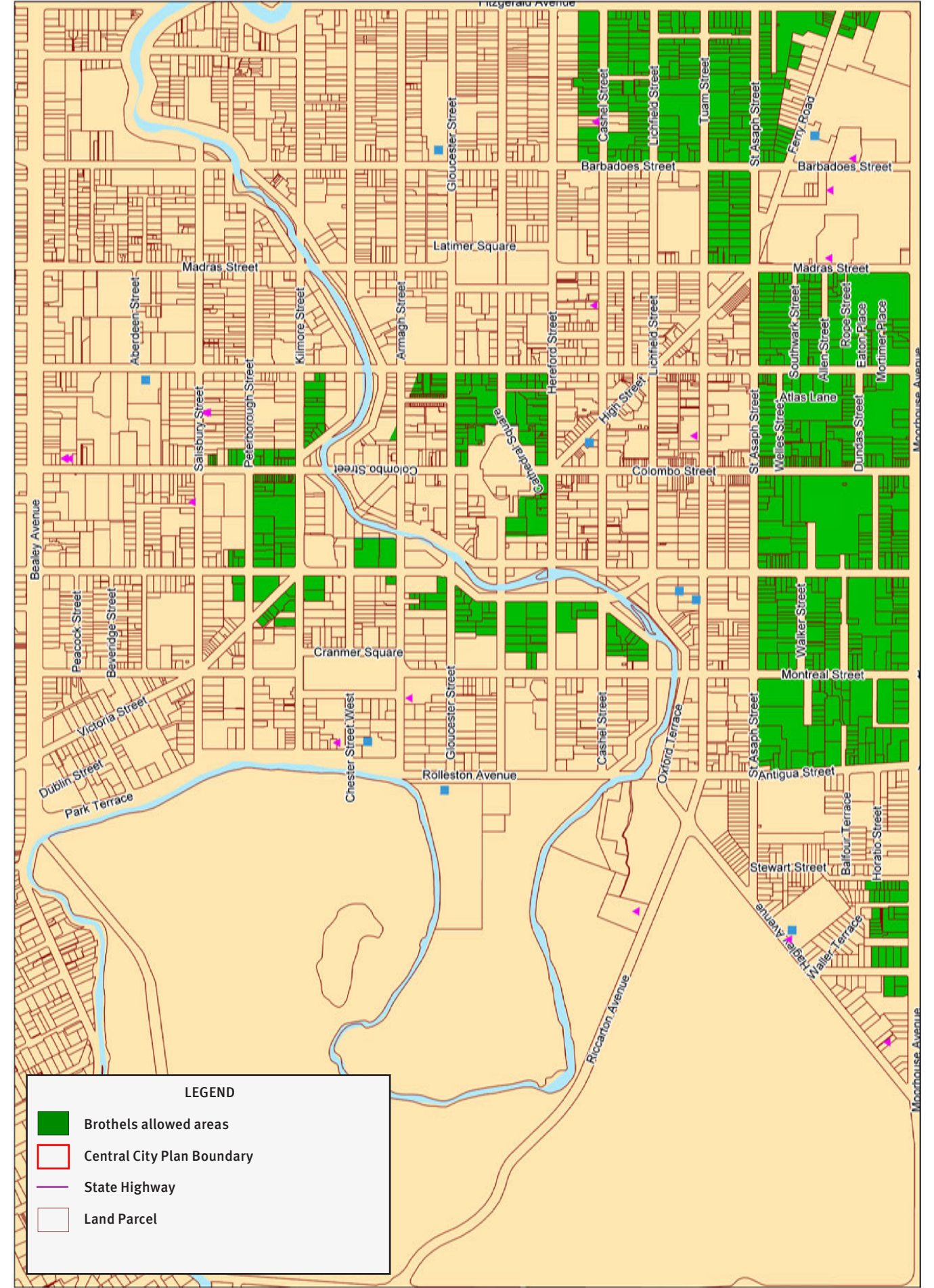
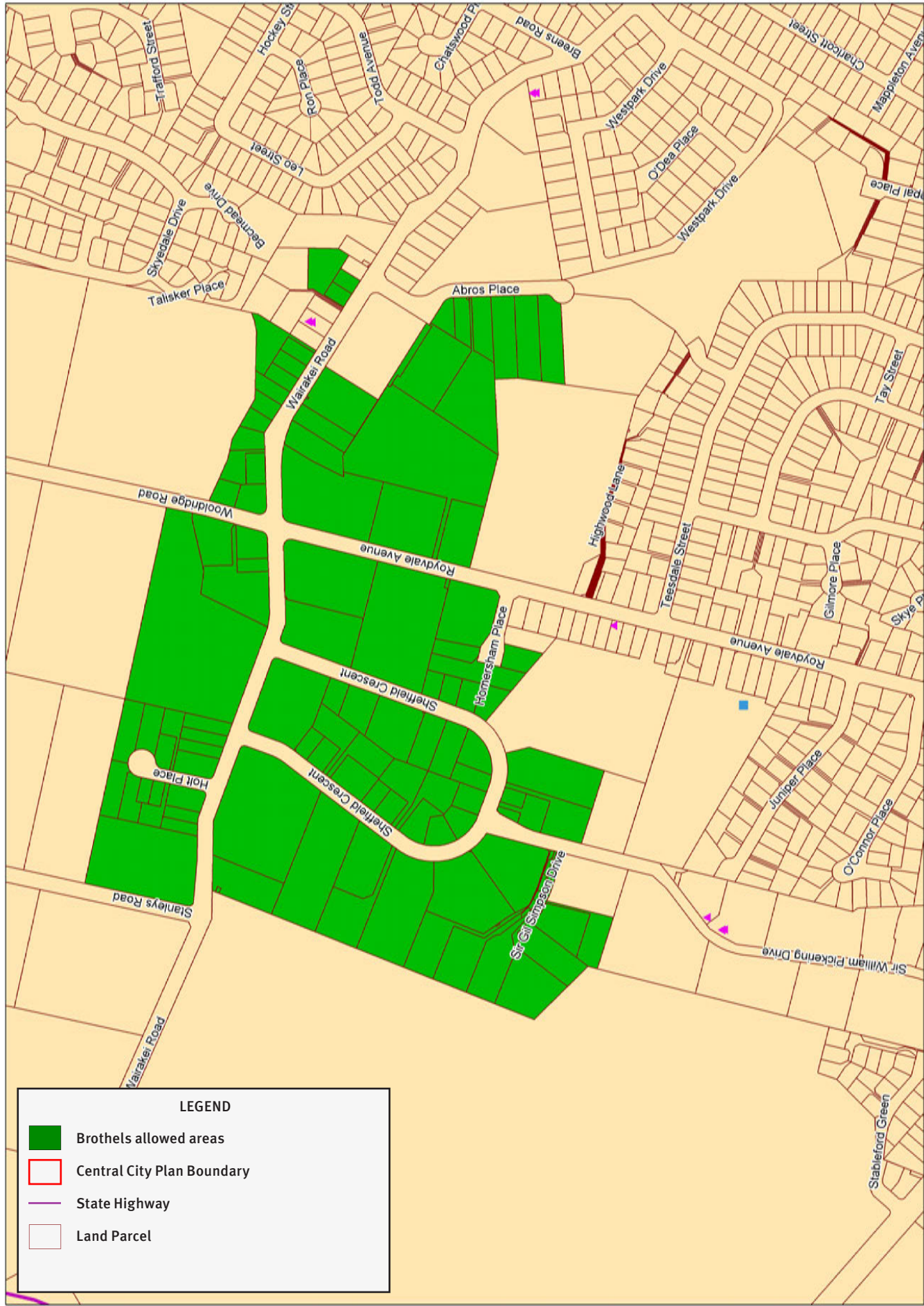


*BLENHEIM ROAD*

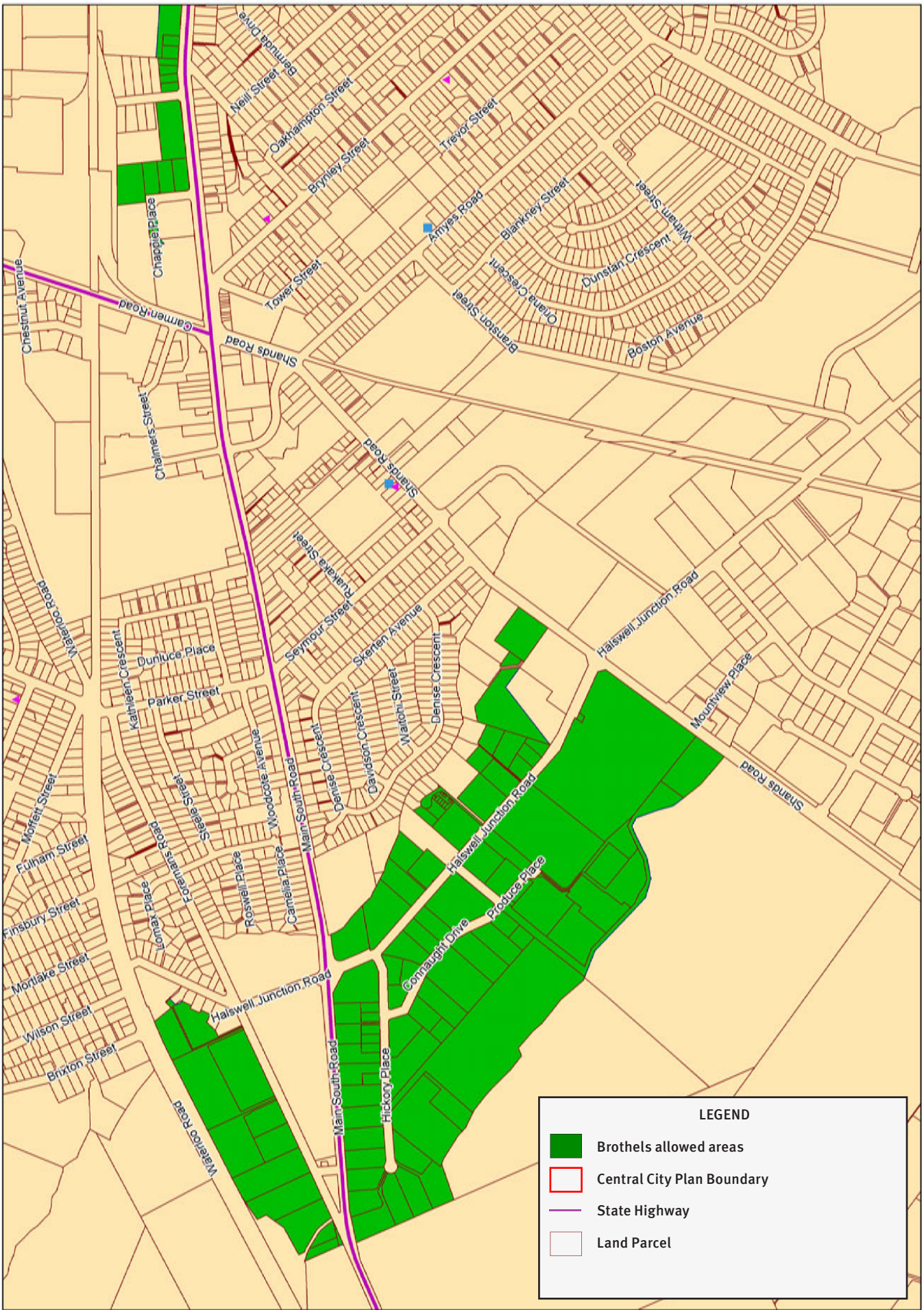
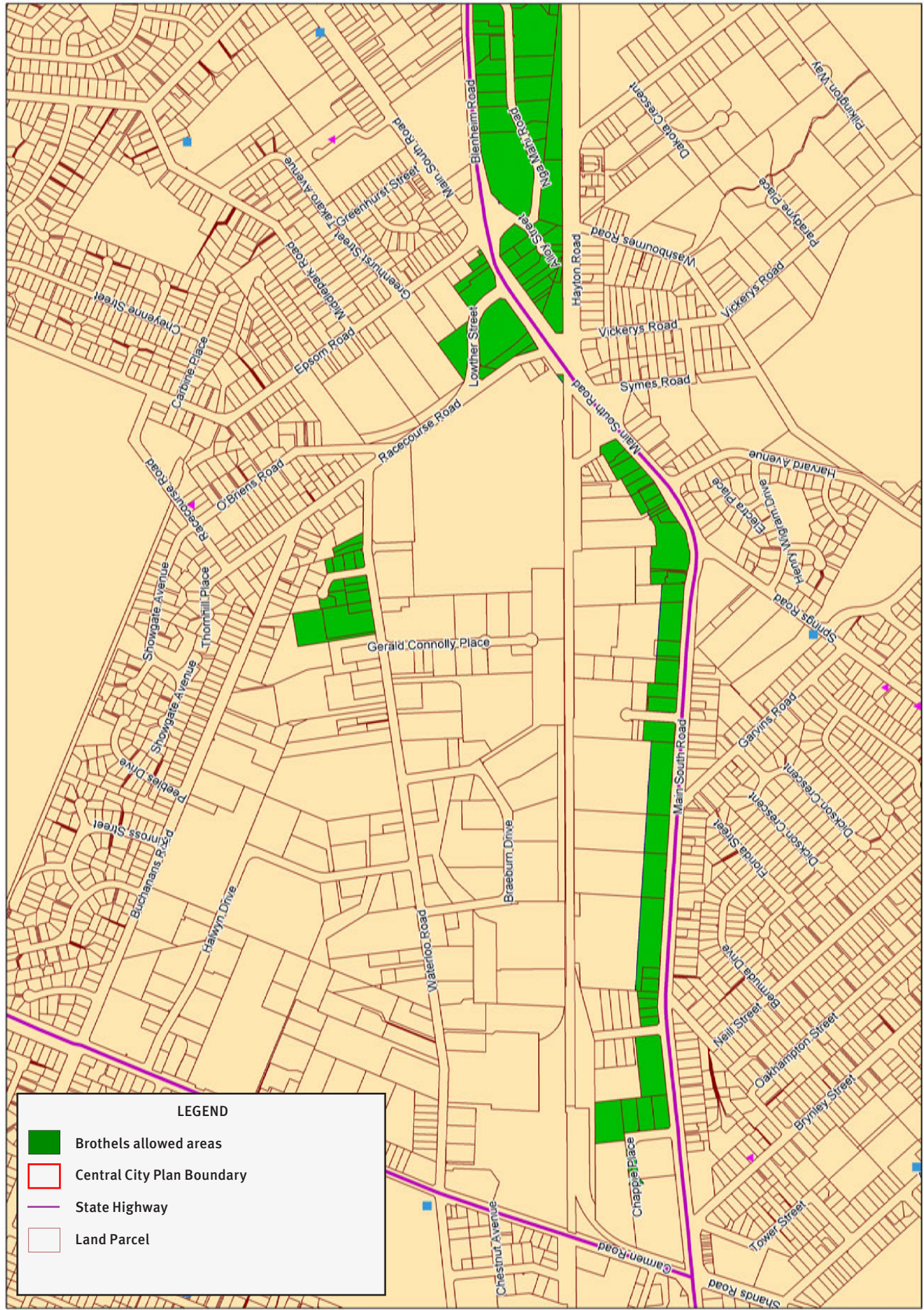


BROMLEY

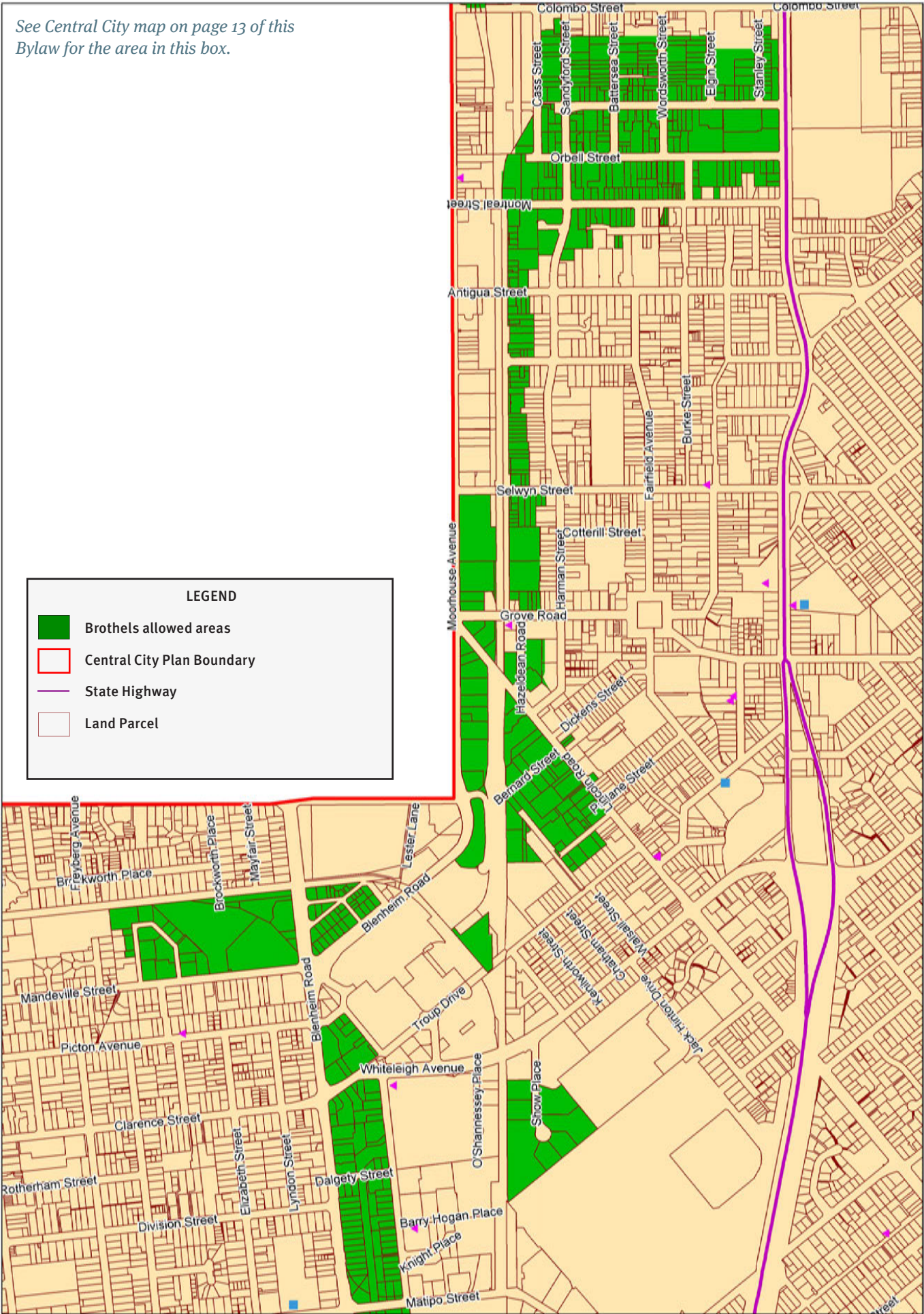
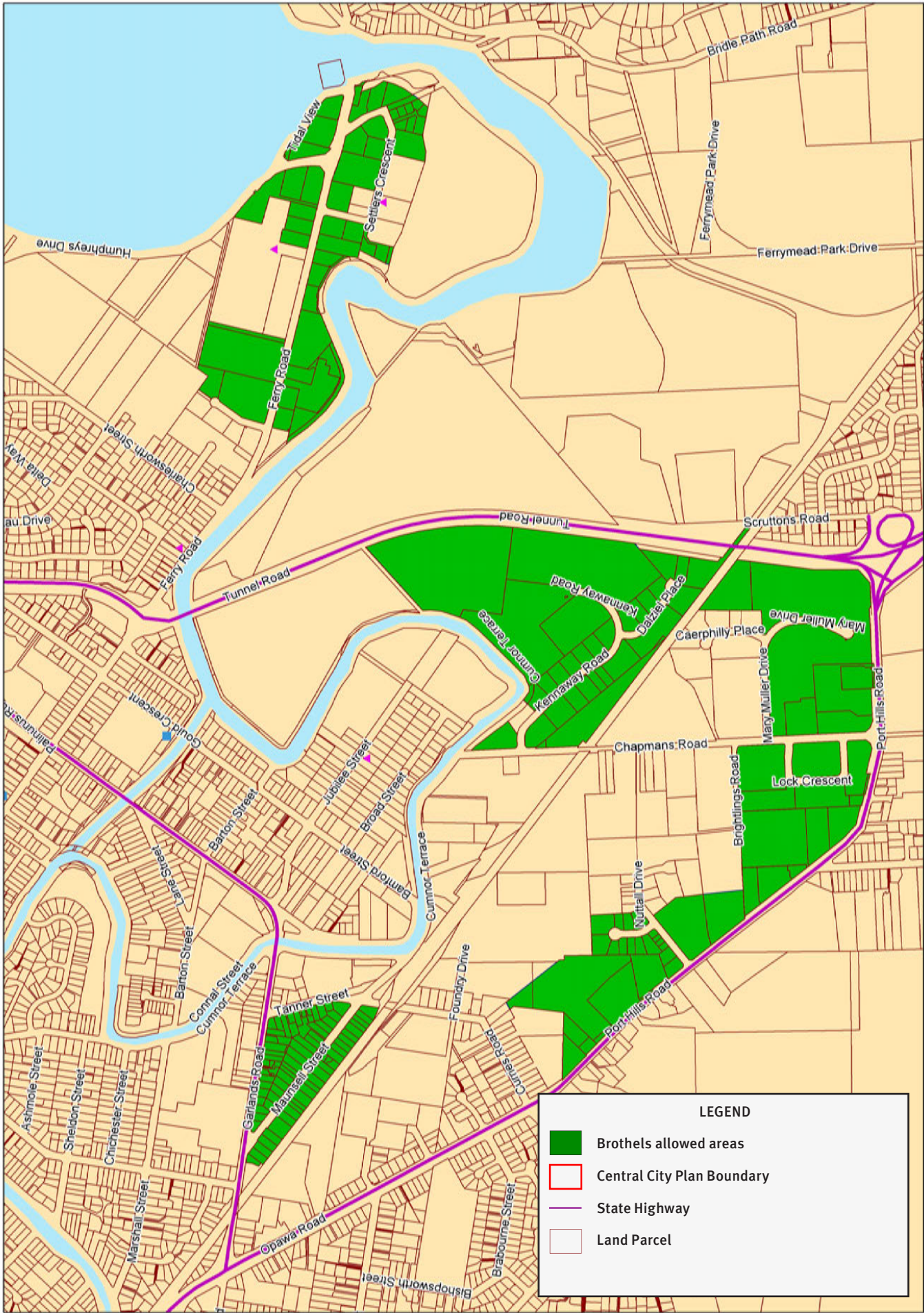














---

*SECOND SCHEDULE*

---

Brothels exempted from the location controls in clause 4, as provided for in clause 5

- 464 Worcester Street,  
Linwood,  
Christchurch 8011  
(Lot 2 DP 12060).
- 183 Bealey Avenue,  
Christchurch Central,  
Christchurch 8013  
(Lot 2 DP 10133).



