

NO: R131

COUNCIL DATE: June 16, 2003

REGULAR

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TO:	Mayor & Council	DATE:	June 12, 2003
FROM:	City Solicitor	FILE:	3900-20- 13680/#1

SUBJECT: Regulation of Prostitution in Residential and School Zones

RECOMMENDATION

That Council enact the By law attached as Appendix "A" to this report to implement the regulation of prostitution in close proximity to residences and schools.

INTENT

The intent of this report is to provide a by law for Council's consideration that can deter prostitution and sex trade activities in close proximity to schools and residences and promote a sense of safety and security for users of City streets. The attached By law also seeks to ban sex trade activities that interfere with the safe flow of vehicular traffic on City streets. The By law applies to both prostitutes and those who seek or obtain their services

BACKGROUND

After considering a confidential memorandum from the City Solicitor dated May 13, 2003, the Public Safety Committee at its meeting of May 14, 2003 instructed the City Solicitor to bring forward a by law to regulate the provision of prostitution services on City streets in close proximity to residences and schools.

DISCUSSION

The legal issues surrounding municipal regulation of prostitution are contained in my memorandum to the Mayor and Council of May 13, 2003. Residents of some communities have complained that their pedestrian movement and vehicular travel have been unreasonably interfered with by sex trade activities on City streets and sidewalks. This activity has also taken place in close proximity to schools. Section 124 of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, as amended provides that municipalities may by by law provide for the regulation, control and prohibition of pedestrian traffic on sidewalks and highways.

The attached By law intends to regulate prostitutes and their clients in much the same way as Vancouver and Toronto have prohibited and regulated car window washers in their cities. Vancouver has also been successful in regulating obstructive panhandling both on its streets and in close proximity to ATM machines and businesses.

CONCLUSION

The By law does not attempt to make prostitution illegal. That is a federal criminal law authority. The By law appended to this report has been designed to regulate prostitution activities that adversely impact the lawful and safe use of City streets and sidewalks in residential and school districts. The By law also seeks to deter interference with vehicular traffic by prostitution activity.

CRAIG MacFARLANE City Solicitor

CM:mlg Attach.

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