

Sex In Public: Land use Planning and Sex Orientated Business



Types of Sex Oriented Businesses (S.O.B's)

No sex workers

- Group sex clubs/"swingers clubs"
- Adult video/ adult merchandise stores

Involves sex workers

- Exotic dance parlors
- Massage parlors
- Escort services
- Street prostitution

Are “swingers clubs” legal in Canada?

- Yes. 2005 decision by the supreme court of Canada. (R vs. Kouri and R vs. Labaye)
 - Not a common bawdy house
 - Indecency is based on public “harm” caused
- Planning implications
 - New land use
 - More common than one would think
 - Minimal effect on communities at this time

The Nature of Sex Work

Exotic Dance Parlors/Bars

- Usually serve alcohol
- Some form of nude dance
- Lap dancing
- Possible infiltration by organized crime

Massage Parlors/Escort Services

- Quasi-legal prostitution
- Sexual services on location/sexual services at patrons location
- Significant infiltration by organized crime

Street Prostitution

- Selling sex in public
- Currently illegal in Canada
- Significant infiltration by organized crime

Striking, grabbing, spitting, and harassment
Similar to Nightclubs & bars

Impact on community

Final Result of Sex Work
Frequent traffic, burglary of client homes

Drug paraphernalia, viewing violent acts, presence of organized crime
ult, high

Do S.O.B's have negative effects on communities?

- No conclusive results
 - Frequently used studies are:
 - Out of date
 - Based on flawed methodology
 - Current research suggests:
 - No increase in crime
 - No decline in property values
 - Benefits
 - City of Saint-Romuald v. Olivier

Municipal Techniques to Control S.O.B's

Upheld in Court

Licensing

- Zoning in nature
- High fees
- Prohibition of lap-dancing (Ontario)
- Limiting the number of licenses issued

Zoning

- Isolation to non-commercial areas

De facto Prohibition

Not Upheld in Court

- Discriminatory fees
- Governing morality
- Licensing prostitution/vague bylaws
- Prohibition

Useful Resources

- Raphael, J and Shapiro, D. (2004) Violence in Indoor and Outdoor Prostitution Venues. Violence Against Women 10(2) p.126-139
- Paul, B. Linz, D and Shafer, B (2001) Government Regulation of “Adult” Businesses through Zoning and Anti-nudity Ordinances: Debunking the Legal Myth of Negative Secondary Effects. Communication Law and Policy 6(2) p.355-391
- Linz, D. Paul, B. Land K Williams, J and Ezell, M (2004) An Examination of the Assumption that Adult Businesses Are Associated with Crime in Surrounding Areas: A Secondary Effects Study in Charlotte, North Carolina Law & Society Review. 38(1)
- Hanna, J (2005) Exotic Dance Adult Entertainment: A Guide for Planners and Policy Makers. Journal of Planning Literature 20(2)
- Gould (2000) The Lifestyle a Look at the Erotic Rites of Swingers. Random House: Mississauga Ontario.
- Pivot Legal Society (2006) Beyond Decriminalization: Sex Work, Human Rights and a New Framework for Law Reform. Pivot legal society: Vancouver