



New Plymouth District Council Bylaw 2010

Brothels (location and signage) and Commercial Sex Premises (signage)

The purpose of this part of the bylaw is to regulate the location of brothels and to control signage, advertising brothels and other commercial sex premises.



NEW PLYMOUTH DISTRICT COUNCIL
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1. Authority

1.1 This part is made under:

- a) Sections 12 and 14 of the Prostitution Reform Act 2003; and
- b) Section 684 of the Local Government Act 1974; and
- c) Sections 145 and 146 of the Local Government Act 2002.

2. Purpose

2.1 The purpose of this part is to regulate the location of brothels and to control signage, advertising brothels and other commercial sex premises.

3. Application of this part

3.1 Unless otherwise stated, this part applies to all brothels and commercial sex premises in the district. For the avoidance of doubt, all other relevant parts apply to brothels and other commercial sex premises as appropriate.

4. Interpretation

4.1 This part shall be in addition to the provisions of Part 1 Introductory of the New Plymouth District Bylaw 2008 and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

4.2 In this part unless the context otherwise requires:

Definitions

Brothel means any premises kept or habitually used for the purposes of prostitution, but does not include:

- a) Premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere;
- b) A premise at which not more than four sex workers are operating at any one time, and where each sex worker retains control over his or her individual earnings from prostitution carried out at the premise.

Business Environment Area means a Business Environment Area as defined in the New Plymouth District Plan.

Commercial sex premises means premises (excluding brothels) at which goods or services related to sexual behaviour are sold, hired or displayed; and

- a) Includes strip clubs, strip bars, rap parlours, peep-shows, massage parlours, lap dancing clubs, escort agencies, adult bookshops, adult video shops, sex shops and other activities of the same or similar character; but

- b) Does not include hospitals, healthcare services, chemists, community welfare facilities, and premises at which therapeutic massage services are offered.

Community facility means a place available to the public for the purpose of community activities, and includes but is not limited to a public playground, recreation hall, community centre, community hall, public swimming pool, walkway, park, theatre, marae and sportsground.

Open Space Environment Area means an Open Space Environment Area as defined in the New Plymouth District Plan.

Residential Environment Area means a Residential Environment Area as defined in the New Plymouth District Plan.

Rural Environment Area means a Rural Environment Area as defined in the New Plymouth District Plan.

Sandwich board advertisement means any freestanding sign or structure with a notice affixed to it.

Sign means a visual message or notice conveyed to the public and visible from a public place, that advertises or otherwise informs the public of a business, goods or services. It includes but is not limited to any mural, message, or notice painted on, or affixed to, or otherwise incorporated with, a building, structure, or site; any banner, flag, poster, billboard, windsock, blimp or projection of light to create an advertising image; a bunting that has symbols or messages on it; and any display or exhibit involving a human or mannequin model.

5. Location of brothels

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|------------|--|--------------------------|
| 5.1 | Except as provided in clauses 5.2, 5.3 and 5.4, no person may operate or permit to be operated a brothel anywhere in the District. | Location controls |
| 5.2 | Subject to clause 7.1, a brothel may be located within the scheduled area identified on Map 1 annexed to this part of the bylaw. Within this area a brothel shall not be located at ground level in those areas identified as "ground floor control areas" as shown on Map 2 annexed to this part of the bylaw. Except as provided in clauses 7.2, 7.3 and 7.4, no person may operate or permit to be operated a brothel anywhere in the district. | Central City |
| 5.3 | Subject to clause 7.1, a brothel may be located within an Industrial Environment Area, but not within 100m of a Residential Environment Area, pre-school, primary school, intermediate school, secondary school or community facility. | Industrial areas |
| 5.4 | Subject to clause 7.1, a brothel may be located within a Rural Environment Area, but not within 150m of an existing dwelling house, or within 100m of a Residential Environment Area, pre-school, primary school, intermediate school, secondary school or community facility. | Rural areas |

6. Signs

- 6.1** No person may display, or permit to be displayed, a sign that advertises a brothel, and which: **Sign control brothels**
- a) Is not attached to the building where the brothel is located; or
 - b) Uses words or images or models (human or mannequin) that is likely to cause a nuisance or serious offence to ordinary members of the public
 - c) Exceeds 3m² in surface area; or
 - d) Is incompatible with the existing character or use of that area; or
 - e) Is visible from a public place in a Residential Environment Area or Open Space Environment Area.
- 6.2** No person shall display or permit to be displayed a sandwich board advertisement for the purpose of advertising a brothel.
- 6.3** No person may display, or permit to be displayed, a sign that advertises commercial sex premise, and which: **Sign controls commercial sex premises**
- a) Is not attached to the commercial sex premise; or
 - b) Uses words or images or models (human or mannequin) that is likely to cause a nuisance or serious offence to ordinary members of the public
 - c) Exceeds 3m² in surface area; or
 - d) Is incompatible with the existing character or use of that area; or
 - e) Is visible from a public place in a Residential Environment Area or Open Space Environment Area.
- 6.4** Without otherwise limiting the application of clause 6.3, that clause applies to a sign that advertises a bar or other premises at which goods or services related to sexual behaviour are sold, hired or displayed on a one-off or occasional basis, but only if the sign relates to the availability of those goods and services.

7. Exceptions

- 7.1** The Council may, by resolution, approve any sign advertising a commercial sex premises, where that sign – **Exception**
- (a) is not attached to the commercial sex premises; but
 - (b) is not likely to, when considered in totality, cause a nuisance or serious offence to members of the public and in all other respects meets the requirements of clause 6.

8. Existing Premises

8.1 Any brothel that is operating on the day this part comes into force and which:

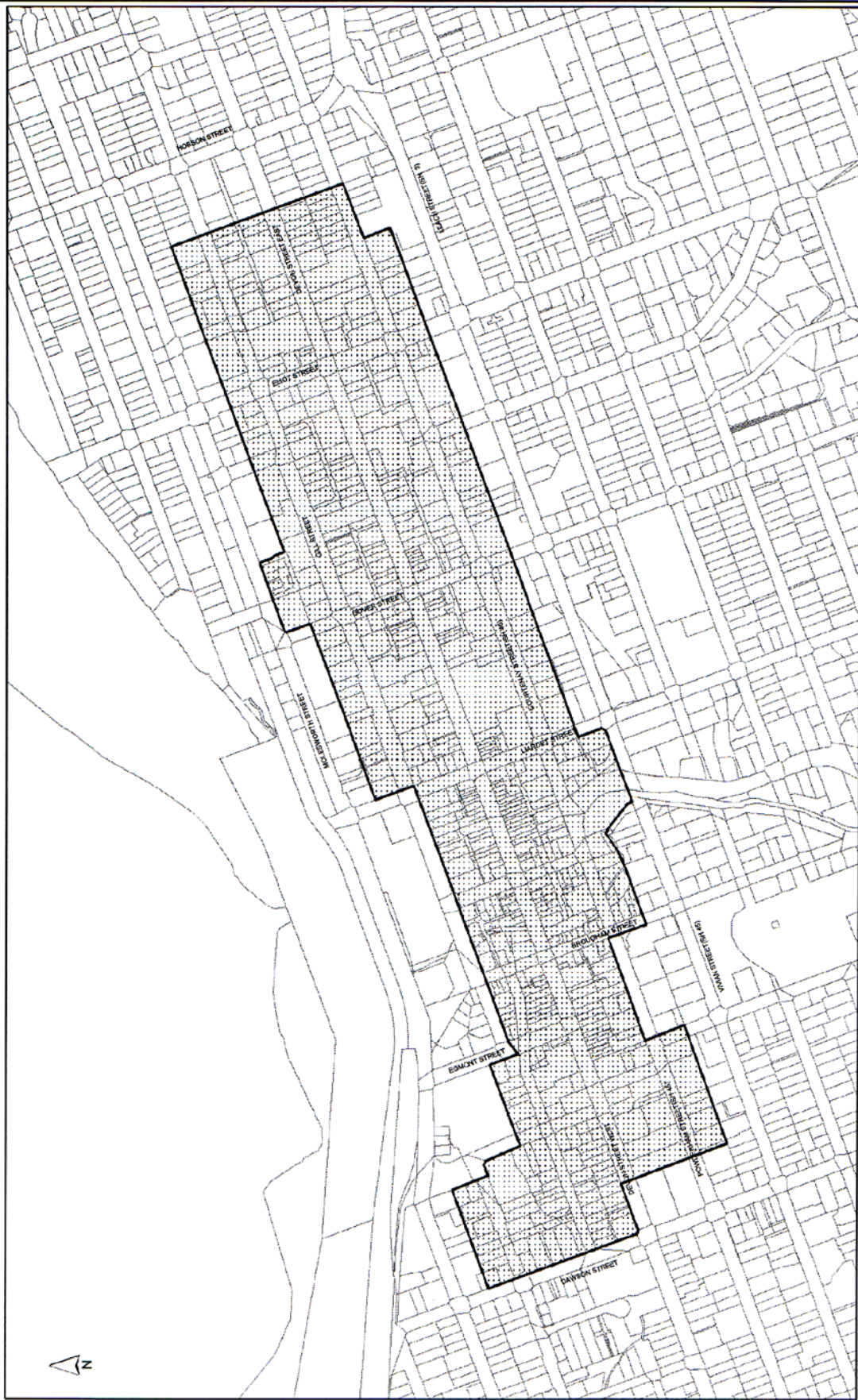
Existing premises

- a) Holds any resource consent that may have been required under any operative or proposed District Plan, or a certificate of compliance, or has existing use rights under section 10 of the Resource Management Act 1991; and
- b) If not a small owner operated brothel as defined in the Prostitution Reform Act 2003, is operated by a person who holds a current certificate issued under section 35 of that Act

is exempt from compliance with clauses 5.2, 5.3 and 5.4.

8.2 For the avoidance of doubt, from the date this part comes into force all brothels are subject to clauses 6.1 and 6.2 and all commercial sex premises are subject to clauses 6.3 and 6.4.

Map 1: Scheduled Area



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Map 2: Ground Floor Control Areas

