

# UPPER HUTT CITY COUNCIL

## BROTHELS BYLAW 2003

### EXPLANATORY NOTE

This Bylaw is called the Brothels Bylaw 2003 and was made under Sections 145 and 146 of the Local Government Act 2002 and Sections 12 and 14 of the Prostitution Reform Act 2003.

The purpose of the Brothels Bylaw 2003 is to provide control measures that are designed to manage the potential impacts of brothels on sensitive activities. The Bylaw contains provisions that regulate the location of brothels and of signs that advertise the existence or location of brothels.

The Bylaw recognises that there may be existing brothels in Upper Hutt City and provides 5 years (until 1 January 2009) for lawful brothels in existence when the bylaw was passed, to relocate if they do not comply with the location controls.

This Bylaw was reviewed and affirmed by Council on the 8<sup>th</sup> April 2009.

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## **1.0 APPLICATION OF THE BROTHELS BYLAW 2003**

- 1.1 Subject to Clause 5.0 (Transitional Requirements), the Brothels Bylaw 2003 applies to all brothels in Upper Hutt City.
- 1.2 For the avoidance of doubt, all other relevant Upper Hutt City Council Bylaws apply to brothels as appropriate.

## **2.0 COMMENCEMENT**

- 2.1 This Bylaw came into force on 12 November 2003.

## **3.0 INTERPRETATION AND DEFINITIONS**

- 3.1 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;

“CBD” means the Central Business district as defined in the Upper Hutt City District Plan 2001 or in any District Plan that replaces it.

“Residential Zone” means any land with a residential activity zoning in the Upper Hutt City District Plan 2001 or in any District Plan that replaces it.

“Sign” means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, inform or warn the public, together with any frame, supporting device and any associated ancillary equipment whose principle function is to support the message or notice. It includes but is not limited to any mural, message or notices painted on, affixed to or otherwise incorporated with a building, structure, or site; and 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 shall also be considered a sign for the purposes of this part of this Bylaw.

“Sandwich Board” advertisement means any freestanding sign or structure with a notice affixed to it.

## **4.0 LOCATION OF BROTHELS**

- 4.1 Subject to Clause 6.0, no person may establish or operate a brothel that is located:
  - a. Within a Residential Zone; or

- b. Within the CBD; or
- c. In any "gang" building; or
- d. Within 200 metres of:
  - i. Any site zoned Residential; or
  - ii. A school; or
  - iii. A kindergarten; or
  - iv. A play centre; or
  - v. A pre- or after-school care centre; or
  - vi. A play area; or
  - vii. A place of worship; or
  - viii. A retirement village or rest home.

## **5.0 SIGNS**

- 5.1 No person may place on or in any building or structure, or allow to remain in place, a sign that advertises or informs the public about a brothel or other commercial sexual services and which:
- a. Is not located on the premises to which it relates;
  - b. Displays any information other than the name of the person who conducts the business or the registered name of the business; or
  - c. Displays words or images which in the opinion of the Council, are sexually explicit, lewd or otherwise offensive; or
  - d. Exceeds 1 metre by 0.3 metres in size (or other dimensions, but of equivalent surface area); or
  - e. Is illuminated by flashing lights or contains neon lighting; or
  - f. Is visible from a Residential Zone.
- 5.2 No person may place or display or allow to remain in place a sandwich board advertisement for the purpose of advertising a brothel.
- 5.3 All signs associated with brothels must comply with both this Bylaw and Chapter 8 (Control of Advertising Signs). If this Bylaw and Chapter 8 are inconsistent, this Bylaw will apply.

## **6.0 TRANSITIONAL REQUIREMENTS**

6.1 Any brothel that was operating on the day this Bylaw came into force and which:

- a. Holds any resource consent that may be required for the site on which that brothel is located under an operative or proposed District Plan, or a certificate of compliance, or has existing use rights, under the Resource Management Act 1991; and
- b. Is operated by a person holding a current certificate issued under section 35 of the Prostitution Reform Act 2003,

is exempt from compliance with the location controls in clause 3.0 until 1 January 2009.

6.2 For the avoidance of doubt, the controls in Clause 4.0 (Signs) apply to all brothels from the date on which this Bylaw came into force.