

**FAR NORTH DISTRICT COUNCIL
BYLAWS**

**CONTROL OF BROTHEL PREMISES LOCATION AND
ADVERTISING SIGNS**

Issued:

To come into force:

For the purpose of:

To control where Brothel premises and businesses, offering Commercial Sexual Services are located within the Far North District, and the type, size and location of related advertising signage, to protect the public from nuisance and promote public health and safety.

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First Schedule

2701 INTRODUCTION

2701.1 The Far North District Council makes this bylaw pursuant to the powers contained in the Local Government Act 2002 and the Prostitution Law Reform Act 2003. *Authority to make Bylaw*

2701.2 The purposes of this Part of this Bylaw is to regulate the locations within the District, or specific township within the District in which Brothels premises or businesses may be set up and operate, and the type and location of advertising signage that such premises are permitted to employ in advertising the services they are offering. *Purpose of Bylaw*

2701.3 This Part of this Bylaw applies to Brothel premises or businesses that provide Commercial sexual services, within the Far North District, and the type and location of related signage employed by those businesses and premises in advertising the services they offer. *Scope of bylaw*

2702 INTERPRETATION

“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 prostitution occurs under an arrangement initiated elsewhere, as defined in the Prostitution Reform Act 2003. *Meaning of Brothel*

“Chief Executive” means the Chief Executive Officer of the Council and includes any person to whom the duties of the Chief Executive have for the time being been delegated *Meaning Chief Executive*

“ Council” means the Far North District Council and any officer authorised to exercise the authority of the Council *Meaning of Council*

“ District Plan” has the same meaning as in s.2 of the Resource Management Act 1991 *Meaning of District Plan*

“Prostitution” means the provision of commercial sexual services *Meaning of Prostitution*

“Commercial Sexual services” means sexual services that:- *Meaning of Commercial Sexual services*
(i) involve physical participation by a person in sexual acts with, and for the

- (ii) gratification of, another person; and are provided for payment or other reward, irrespective of whether the reward is given to the person providing the services or another person.

Commercial or Industrial zones” means those zones as defined in the Far North District Council’s District Plan *Meaning of Commercial or Industrial zones*

“Premises” includes a part of a premises *Meaning of premises*

“ Sign” means any sign used for the purposes of advertising of, or directing to, a premises or business operating as a Brothel. *Meaning of Signs*

“Small owner – operated brothel” means
 (a) a premises at which not more than 4 sex workers work;
 (b) where each of those sex workers retain control over his or her individual earnings from prostitution carried out at the brothel *Meaning of small owner-operated brothel*

2703 PREMISES TO BE LOCATED

2703.1 No Person shall operate, or suffer or permit to operate a Brothel premises or businesses in any other location than the Commercial or Industrial zones of the Far North District, as defined in the Council’s District Plan. *Premises to be located*

2703.2 All such premises must be a minimum of 100 metres from a School, Kindergarten, Child Care centres, Places of Worship or Assembly, or similar establishments. *Separation distance from other establishments*

2704 EXEMPTIONS

2704.1 Small owner-operated brothels are exempted from the need to meet the requirements of clause 2703.1 and 2703.2 of this bylaw *Small owner-operated brothels exempt.*

2705 SIGNS PERMIT REQUIRED

2705.1 For each sign, as defined in the First Schedule of this Part of this Bylaw, a permit shall be required from the Chief Executive, which may be issued on receipt of the appropriate fee, as prescribed by resolution of the Council, from time to time. *Permit required and fee to pay*

2706 EXEMPTION FOR SIGNS REQUIRING A PERMIT

2706.1 All signs, leaflets, posters, stickers or similar advertising material, issued by the Ministry of Health, for the purposes of promoting sexual health welfare or requirements, as defined under sections 8 and 9 of the Prostitution Reform Act 2003 are exempt from the need for a permit *Ministry of Health signs are exempt*

2707 **SIGN RESTRICTIONS**

2707.1 No person or business shall display, erect or allow to be displayed more than one sign per premises or business, which shall be attached to or displayed from the premises only. *Number of signs limited*

2707.2 No person or business shall display, erect or allow to be displayed, any sign that does not have a permit from the Chief Executive *No sign without permit*

2707.3 No person shall display, erect or allow to be displayed, a street sign or sandwich board on the footpath or any public land. *Street signs prohibited*

2708 **GENERAL REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF SIGNS**

2708.1 No sign shall be made, erected or constructed otherwise than in a good and workmanlike manner, to plans and specifications, and of materials detailed to the Chief Executive in an application for a permit. *Quality of sign construction*

2708.2 Every sign shall at all times to be maintained in good repair and condition, to the satisfaction of the Chief Executive *Condition and repair of signs*

2708.3 Should any sign, at any time, not be in good condition and repair, or is unsightly or dangerous, the Chief Executive may, by written notice addressed to the owner or lessee of the premises, require that owner or lessee to repair, replace, remove or secure any such, within a period of time specified in the notice, and if such owner or lessee fail to comply with the requirements of the notice, within the given time, shall be liable for prosecution for an offence under this Bylaw, and may have the offending sign removed and impounded. *Signs in state of disrepair of dangerous*

2709 **EXISTING SIGNS**

2709.1 No sign existing at the time of the coming into force of this Bylaw shall be considered to comply unless it meets the criteria of the First Schedule of this Bylaw, and has a permit. *Existing signs*

2709.2 No sign existing at the time of the coming into force of this Bylaw shall be altered, repainted, renewed or repaired except in accordance with the criteria of the First Schedule of this Bylaw and with the approval of the Chief Executive. *Existing signs for alteration, repaint or repair*

2710 **REMOVAL OF OFFENDING SIGNS**

2710.1 If any sign, whether licensed or not, fails to conform to all the provisions of this Bylaw, it shall be the duty of the business or occupier of the premises at the time, on which the sign has been displayed or erected, after being served with a notice in writing from the Chief Executive, requiring them to do so, to remove such signs, within a period of time specified in the notice. *Requirement to remove non-conforming signs*

2710.2 If any person or business, on whom such notice has been served, fails to comply with the terms of the notice, within the time specified therein, shall be liable to prosecution for an offence against this Bylaw. *Failure to comply*

2710.3 If such sign be a licensed sign, in terms of this Bylaw, on failure to comply with the terms of such notice, the licence may be immediately revoked by the Chief Executive. *Licence revoked*

2710.4 If such written notice is not complied with within the time stated the Chief Executive may seize and impound the sign, which may be reclaimed by the owner, on payment of any impound fees. *Signs impounded*

2710.5 If a period of two months elapses and the impounded sign has not been reclaimed, the Chief Executive may dispose of such signs as he sees fit. *Disposal of Impounded signs.*

2711 **RIGHT OF APPEAL**

2711.1 The applicant or owner of a sign shall, on having been informed in writing of any decision relating to this Bylaw and of the reasons thereof, have the right of appeal to the Council, which may confirm, reverse or modify any such decision. Appeals must be in writing and lodged with Council within 14 days of the date of receipt of the decision appeal against. *Appeal rights in relation to non-conforming signs*

2712 **CHANGES TO SCHEDULES**

2712.1 The Council may from time to time by resolution make alterations to the Schedules of this Bylaw. *Changes to Schedules*

2713 **OFFENCES AND PENALTIES**

2713.1 Any person who does anything in breach of any provision of this bylaw commits an offence and on summary conviction shall be liable to a fine not exceeding \$20,000. *Offences and Penalties*

FIRST SCHEDULE

Signs Criteria

The following criteria will be applied to all applications for signs in relation to Brothels:-

- a). No sign shall contain any models, pictures or caricatures or display any words that are, in the opinion of Council, sexually explicit, lewd or otherwise offensive.
- b). No sign shall be permitted to use flashing lights that are visible from the exterior of the premises.
- c). All signs shall in all respects otherwise comply with the requirements of the Rule 15.6.1.2 of the Far North District Council's District Plan, and Part 1 of the Council's Control of the use of Public Places bylaw.

Signs Exemptions

The following signs, posters, stickers, leaflets or similar advertising material are exempt from any restrictions under this bylaw:-

- a). All material issued by the Ministry of Health, under sections 8 and 9 of the Prostitution Reform Act 2003.

Fees Payable

The following fees relate to application fees and seizure and Impound of signs.

- (i). An application fee of \$100 shall apply for new signs
- (ii). An application fee of \$50 shall apply to replacement or refurbishment of existing signs
- (iii). A fee of \$75 shall apply to the recovery of Seized and Impounded signs.