

**NELSON CITY COUNCIL
ADVERTISING COMMERCIAL
SEXUAL SERVICES
BYLAW 2011**

(No 208)

CONTENTS

- 1. INTRODUCTION**
- 2. DEFINITIONS**
- 3. PROHIBITED ADVERTISING**
- 4. PENALTIES**

1. INTRODUCTION

- 1.1. This Bylaw shall be known as the "Advertising Commercial Sexual Services Bylaw 2011" and shall come into force on the 20th day of May 2011.
- 1.2. This Bylaw is made under the authority of Section 12 of the Prostitution Reform Act 2003.
- 1.3. The provisions of this Bylaw are in addition to and not in substitution for any provisions of the Nelson Resource Management Plan relating to advertising.
- 1.4. The purpose of the Bylaw is to prevent advertising in respect of Commercial Sexual Services which could be deemed to be offensive to the members of the general public. Where advertising complies with the provisions of the Nelson Resource Management Plan and is not deemed to be offensive, the Bylaw shall not apply.

2. DEFINITIONS

Commercial Sexual Services - Means sexual services that:

- involve physical participation by a person in sexual acts with, and for the 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).

Public Place - Means a place that is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Residential Property - Means any land zoned Residential within the Nelson Resource Management Plan, which is used or able to be used for residential activity.

Sign - Means any structure, board or other thing which has as its purpose the disseminating of a message, providing directions to or attracting the attention of passers-by to a site, building, forthcoming event, or available goods and or services; or any combination thereof, and includes any advertising leaflet or flyer.

3. PROHIBITED ADVERTISING

- 3.1. No person shall, for the purpose of advertising any Commercial Sexual Service, place, establish, or erect any sign, whether illuminated or not
 - (a) on which is affixed or displayed any material of a written or pictorial nature; or
 - (b) which consists of flashing, or reflective or florescent material; or
 - (c) which consists of animated or moving devices;

in any public place, or in any location so as to be visible from any public place or residential property, if the sign, or the material so affixed or displayed could in the opinion of a panel of the Mayor and two other elected representatives, reasonably be deemed to be likely to cause nuisance or serious offence to any ordinary member of the public, or be incompatible with the existing character of the area.

4. PENALTIES

- 4.1. Any person who acts in breach of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.