



Nelson City Council

## ADVERTISING COMMERCIAL SEXUAL SERVICES BYLAW (No 208)

A bylaw of the Nelson City Council made in pursuance of powers contained within the Prostitution Reform Act 2003, the Local Government Act 2002 and any other authority enabling the Council in that behalf.

### 1 – INTRODUCTION

- (i) This bylaw shall be known as the “Advertising Commercial Sexual Services Bylaw 2004” and shall come into force on the 31st day of May 2004.
- (ii) This bylaw is made under the authority of Section 12 of the Prostitution Reform Act 2003.
- (iii) 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.
- (iv) 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. Providing such advertising complies with the provisions of the Resource Management Plan and is not deemed to be offensive the bylaw shall not apply.

### 2 - DEFINITIONS

**“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.

**“Chief Executive”** means the person for the time being exercising the functions of the Chief Executive of the Council or any person to whom the function of the Chief Executive under this bylaw, has been delegated.

**“Commercial Sexual Services”** means sexual services that –

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) 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”** –

- (a) 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

- (b) 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**

No person shall, for the purpose of advertising any Commercial Sexual Service, place, establish, or erect any sign, whether illuminated or not;

- on which is affixed or displayed any material of a written or pictorial nature,
- or which consists of flashing, or reflective or florescent material,
- or 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 the Chief Executive, 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.

Provided that in those instances where the Chief Executive is uncertain as to whether the sign or the materials so affixed or displayed could 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, he shall refer the matter to the Applications Committee for a decision.

### **4 – BREACH OF BYLAW AND PENALTY**

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.

**The foregoing bylaw was duly made by the Nelson City Council by resolution passed at the Ordinary Meeting of the Council held on the 26<sup>th</sup> day of February 2004 and confirmed at the ordinary meeting of the Council held on the 20<sup>th</sup> day of May 2004.**

**The COMMON SEAL of the  
NELSON CITY COUNCIL  
was hereunto affixed in the  
presence of:**

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MAYOR

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CHIEF EXECUTIVE