

Franklin District Council Brothel Bylaw 2010

1. Title

This Bylaw may be cited as the Franklin District Brothel Bylaw and shall come into force on 1 March 2010.

2. Brothel Bylaw Validation

The Franklin District Council Brothel Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the special consultative procedure and will come into force on 1 March 2010.

The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:

Sally Davis

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Sally Davis
Chief Executive Officer

M. Ball

.....
Mark Ball
Mayor



23/02/10

.....
Date

3. Scope and Purpose

This Bylaw controls the location and signage relating to businesses of prostitution throughout the Franklin District. The Bylaw includes control measures that are designed to manage the potential negative impacts of brothels in terms of the social, economic, and cultural well-being of the Franklin community.

The purpose of this Bylaw is to address concerns relating to the offence that the presence or possible presence of brothels can cause to members of the public, especially in sensitive locations, and the potential damage that the open presence, signage and practice of prostitution and brothel keeping may have on children. Further, the potential negative effects of brothels on the amenity of some areas in terms of late night noise, traffic and parking are addressed this bylaw.

4. Definitions

This Bylaw is promulgated pursuant to section 145 and 146 of the Local Government Act 2002 and sections 12 and 14 of the Prostitution Reform Act 2003.

In this bylaw, if not inconsistent with the context, -

Act means the Local Government Act 2002.

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. In this Bylaw a Small Owner Operated Brothel as defined in the Prostitution Reform Act 2003 is a brothel.

Business of Prostitution means a business of providing, or arranging the provision of, commercial sexual services.

Business Zone means any land with a business activity zoning in the Franklin District Plan.

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).

Community Facility means any building or land used for the purpose of providing recreation, swimming pools, libraries, public halls, community house, marae, cultural centres, scouts and guide dens.

Council means the Franklin District Council.

District Plan means the Franklin District Council Operative District Plan 2000 or any succeeding district plan prepared under the provisions of the Resource Management Act 1991.

Educational Facility for Children means any building or land used as a day care facility, preschool, primary school, intermediate school; college/high school, kohanga reo, kura kaupapa or kura maori.

Main Street means: King Street, Pukekohe; Queen Street, between Victoria and King Streets, Waiuku; and George Street, between Liverpool Street and Henderson Avenue, Tuakau.

Place of Worship means land and buildings primarily used for public and or private assembly of people primarily for worship.

Prostitution means the provision of commercial sexual services.

Residential areas include: residential, coastal village and rural village zones as defined in the District Plan.

Rural areas include: rural, coastal and village countryside living zones as defined in the District Plan.

Sensitive Sites means land and buildings used for an Educational Facility for Children, a Place of Worship and Community Facilities.

Sign means every advertising device or display of advertising matter intended to attract attention and which, together with any frame or support structure is visible to the public.

5. Location of Brothels

- a) A Brothel shall not be located within 250 metres of a Sensitive Site in the Franklin District.
- b) A brothel located within the main streets of a Business zone shall not be located at street level and the entrance must not be located on the main streets.

6. Signage Relating to Brothels

- a) Where any business premises include a Brothel within the Business zone, no person may place or be allowed to place any Sign on or in the building or structure that is visible from a public place and that advertises commercial sexual services, except in accordance with the following requirements:
 - (i) The Sign shall display only the trading name of the business which in the opinion of Council must not be sexually explicit, lewd or otherwise offensive;
 - (ii) The total area of the Sign shall not exceed one square metre in area;
 - (iii) No sandwich board or other type of portable sign may be located off the site including on the adjoining road.
- b) There will be no Sign of any type or description advertising commercial sexual services placed within the residential and rural areas.
- c) No person may place or be allowed to place any Sign that is visible from a public place and that advertises Commercial Sexual Services on or in any building or structure other than in the Business Zone, and within the site at which those Commercial Sexual Services are offered.
- d) All signs must comply with the relevant rules in the District Plan.

