



**Palmerston North
Signs and Use of Public
Places Bylaw 2004**

**Palmerston North Signs and
Use of Public Places
Bylaw 2004
(Including Amendments 2006)**

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PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2004

In exercise of the powers vested in it by the Local Government Act 2002, section 684 of the Local Government Act 1974, section 12 of the Prostitution Reform Act 2003 and section 64 of the Health Act 1956 together with every other power and authority conferred on it, the Palmerston North City Council makes this Bylaw:

1. TITLE

The title of this Bylaw shall be “THE PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2004”.

2. PURPOSE

The purpose of this Bylaw is to regulate the use of public places, including the road reserve, but not in relation to traffic and parking, and reserves, in Palmerston North to ensure compliance with health, safety and nuisance provisions for the protection of the public in relation to:

- Signs,
- Use of the footpath, berm or road verge,
- Trading in public places and facilities associated with that activity.

3. COMMENCEMENT

This Bylaw will come into force on 18 October 2004.

4. INTERPRETATION

“**Advertising material**”, “**advertising**”, and “**advertisement**” means any notice, handbill, sign, drawing or other material that in the opinion of the Enforcement Manager is designed to promote sales of a product or service.

“**Air sign**” means any blimp, kite, balloon, flag, banner or similar flying object which is attached in any way whatsoever to any building, land, premises or vehicle which is used for the purpose of advertising.

‘**Art**’ means any drawing or sign and includes graffiti.

‘**Busking**’ or ‘**busker**’ means any performer in the street or other public place for voluntary donations.

“**Chief Executive**” is the Chief Executive of the Council appointed in accordance with the Local Government Act 2002 or any officer nominated by the Council to act on behalf of the Chief Executive.

“City” means Palmerston North City as constituted by the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989.

“City Contact” means the unit of Council, or its equivalent, with responsibility for administration and enforcement of bylaws.

“Council” means the Palmerston North City Council.

“Council Officer” means any person appointed or authorised in writing by the Council to act on its behalf and with its authority in relation to this bylaw, including any Environmental Health officer.

“District Plan” means the Palmerston North City District Plan made pursuant to the Resource Management Act 1991.

“Enforcement Manager” means the duly appointed General Manager of City Contact.

“Enforcement Officer” means a Council Officer appointed by the Council as an enforcement officer under section 177 of the Local Government Act 2002.

“Footpath” means that portion of any road reserve or private way laid out or constructed by or under the authority of the Council principally for the use of pedestrians and includes the edging and kerbing thereof and also includes any footbridge.

“Footpath Sign” means any freestanding advertising sign that is placed on a public footpath.

“Handbill” means any advertising material designed for distribution by hand or freely available and includes leaflets and flyers.

“Hawker” means any person who takes or carries about goods for sale or provides a service:

- (a) Without an invitation to call; or
- (b) Without any previous order or request for such goods or services;

But does not include a commercial traveller who only deals with, or only solicits orders from persons, firms or companies carrying on business within the City as:

- (a) Retailers of goods of the type or types that the commercial traveller sells;

- (b) Manufacturers who use goods of the type or types that the commercial traveller sells.

“Hoarding” or **“billboard”** includes any structure, or part thereof, constructed for the display of advertising material and situated on or visible from any public space.

“Mobile Shop” means a travelling shop and includes any vehicle from which:

- (a) Goods are offered for sale in the road (whether or not there is an invitation to call with the goods);
- (b) Services are offered for sale in the road;

But does not include any vehicle used for transporting and delivering goods which have been previously purchased.

“Motor vehicle” or **“Vehicle”** has the same meaning as in the Transport Act 1998 or any other subsequent legislation.

“Offence” means an offence against the bylaw and shall include the failure to comply with any part of this bylaw.

“Public Place” means a place that, at any material time is open to or is being used by the public, whether free or on payment of a charge, and whether any occupier or owner of the place is lawfully entitled to exclude or eject any person from that place, and includes roads as defined by the Local Government Act 1974.

“Sign”

(1) A sign includes:

- (a) Every advertising device or advertising matter of whatever kind including lights, whether consisting of a specially constructed device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto or otherwise fixed to any building, wall, fence, rock, stone, structure or erection of any kind whatsoever, providing such advertising device or matter is visible from any public place.
- (b) Any board, hoarding, or similar structure which supports a sign
- (c) Any campaign sign.
- (d) Air-signs, footpath signs, sky-signs and temporary signs.

(2) A sign may include any advertising material, including advertising material within or on a shop display window, which faces a street, where the sign, in the reasonable opinion of an enforcement officer, creates a distraction to drivers.

“Sky-Sign” means any sign erected above or upon any roof or any part of any roof.

“Street Performer” means any orator or performer in the street or other public place, not seeking payment or donations.

“Temporary Sign” means any sign whatsoever which advertises any campaign, goods, services, function or event not being of an ongoing nature and includes a real estate sign.

“Veranda” includes any portico, balcony, awning or roofed structure over any street or public place.

Part 1 SIGNS AND VERANDAS

5. GENERAL CONTROLS

(1) No person shall without first obtaining the consent of Council under clause 15 fix, erect or re-erect or alter the construction of:

- (a) A sign that exceeds 0.6 square metres in surface area on any land that is zoned Residential in the Council’s District Plan, except where the sign is a sign for the sale of land or land and buildings, in which case the sign shall not exceed 1.08 square metres in surface area.
- (b) A sign that is more than 1.8 metres above ground level as measured from the sign’s highest surface on any land zoned Residential in the Council’s District Plan.
- (c) A sign that exceeds 2.0 square metres in surface area on any land within Palmerston North City being land other than land zoned Residential in the Council’s District Plan.
- (d) A sky-sign
- (e) An air-sign
- (f) A sign on or over-hanging any land or building owned by the Council.
- (g) A flashing sign

(2) No person shall erect a sign advertising commercial sexual services:

- (a) On any land which is zoned Residential, Rural or Institutional in the Council's District Plan;
- (b) In any other zone prescribed by the District Plan where the sign is visible from land or premises described in clause 5(2)(a).

(3) No person shall, without first obtaining the consent of the Council under clause 15, leave or permit to be left on a road any vehicle for the purpose of advertising or drawing attention to any advertising sign, provided that consent is not required where a real estate agent displays a flag advertising an open day, open home or auction in accordance with the following provisions:

- (a) The flag is displayed from a vehicle immediately outside the property subject to sale.
- (b) The flag does not exceed 2.0 metres by 0.9 metres and is flown from a flagpole structure not exceeding 3.0 metres in height.
- (c) The base of the flagpole is positioned on the road not more than 0.5 metres from the face of the kerb, is located alongside and attached to the associated vehicle and is not a freestanding device.

(4) No person shall erect, re-erect or alter the construction of any sign or permit any sign to remain erected contrary to any consent granted pursuant to this Bylaw.

(5) No person shall without first obtaining the consent of the Council under clause 15 fix, erect or place more than one temporary sign on any land or property which is zoned Residential in the Council's District Plan.

6. SIGNS ON BUILDINGS

(1) Any sign which projects from the face of a building over the footpath where the building does not have a veranda shall have a minimum height clearance of not less than 2.5 metres above the footpath.

(2) Any sign that projects from the face of a building shall not project further than the outside face of a veranda or, where there is no veranda, no further than 2.0 metres from the face of the building.

(3) Where a veranda forms part of a means of escape from the building (or buildings adjacent to it) any sign over the veranda which projects from the face of that building shall either:

- (a) Project not more than half the width of the veranda, or

- (b) Have a minimum height clearance of 2.0 metres above the roof of the verandah.
- (4) Any sign on or connected to or projecting below the underside of any verandah shall:
- (a) Leave at least 2.5 metres minimum clearance above the footpath surface.
 - (b) Not be less than 1.2 metres from the end of the verandah and all signs under one verandah shall be uniformly spaced at not less than 2.4 metre centres.
 - (c) Have their longest face at right angles to the building frontage.
- (5) Any sign fixed to the outside face of the verandah shall:
- (a) Leave at least 2.6 metres clearance above the footpath surface;
 - (b) Be fixed to the face of the veranda;
 - (c) Be fixed in such a way as to ensure that the sign is set back 600mm from the face of the kerb.

7. CONSTRUCTION OF SIGNS

- (1) All signs shall be designed to withstand wind and seismic loads as required by the Building Act 1991.
- (2) Only safety glass and illuminated gas tubing shall be used in the construction of any sign containing glass.
- (3) All terminals and wiring (other than leads) forming part of an electrical sign shall be enclosed. All electrical fittings and wiring used in any electrical sign shall conform to the requirements of all relevant legislation.

8. SIGNS ON FOOTPATHS

- (1) No person shall leave or place or cause to be left or placed any footpath sign on any footpath without the consent of the Council under clause 15 unless it complies with the following specifications and requirements:

- | | | |
|-----|---------------------|------------|
| (a) | Maximum height | 1.0 metres |
| | Maximum width | 0.6 metres |
| | Maximum base spread | 0.6 metres |

- (b) It is placed in such a position that pedestrians are not inconvenienced or impeded and to ensure that there is a minimum of 1.5 metres width of footpath to provide pedestrian access past the footpath sign.
- (2) No person shall erect or permit to be erected on any footpath a greater number of footpath signs advertising business premises than the number set out below:
- (a) Within the Central Business District bounded by Ferguson Street, Church Street, Pitt Street, Bourke Street, Walding Street, Grey Street, and Princess Street, one per premises.
 - (b) Within Palmerston North City other than the Central Business District two per premises.
- (3) Footpath signs may only be placed immediately outside the premises to which they relate and only during the business hours for that premises.

9. VERANDAS

- (1) Verandas constructed over any part of the footpath shall:
- (a) Comply with the provisions of the District Plan, including paragraph 11.6.1.2 (c) (iii) (which provides for coverage of the veranda, connection to other verandas and set-back of 600mm from the kerb face);
 - (b) Be built in accordance with the provisions of the Building Code;
 - (c) Have at least 3.0 metres clearance above the footpath; and
 - (d) Be built in such a manner as to ensure that signs can be attached to the veranda in accordance with clause 6 (4) and (5) of this Bylaw.

**Part 2
USE OF THE FOOTPATH**

10. OBJECTS ON FOOTPATHS

- (1) Goods for sale, tables, chairs or other items may be placed on the footpath provided that:
- (a) The consent of the Council under clause 15 is obtained.
 - (b) The provisions of this Bylaw and any conditions imposed on the consent issued under clause 15 are complied with.

(2) Any person who places or permits to be placed any item on a footpath other than tables and chairs and associated items such as umbrellas for use by customers shall comply with the following conditions in addition to any conditions that may be imposed on the consent issued by the Council under clause 15:

- (a) The items may not occupy more than one quarter of the footpath width or 0.6 metres whichever is the lesser.
- (b) The items must be secured in such a way that they will not fall or be blown over.
- (c) The items must be placed on the footpath immediately outside the premises to which they relate, or adjoining premises where a written agreement to that effect is evidenced to the Council, and only during the business hours for that premises.
- (d) Fire exits, fire hydrants, shop doorways and bicycle stands must be kept clear at all times.
- (e) The passage of pedestrians passing the premises must not be impeded.

(3) Any person who places or permits to be placed on any footpath any tables; chairs and associated items such as umbrellas must comply with the following conditions in addition to any conditions that may be imposed on the consent issued by the Council under clause 15:

- (a) The tables and chairs must be placed on the footpath immediately outside the business premises to which they belong, or adjoining premises where a written agreement to that effect is evidenced to the Council, and only during the business hours for that premises.
- (b) Tables and chairs must be placed to ensure 1.5 metres width of the footpath remains clear for pedestrian access past the premises.
- (c) Umbrellas must be properly fixed to ensure that they are not blown over by wind and the lower edge of the canopy must be at least 2.1 metres above the footpath.
- (d) Fire exits, fire hydrants, shop doorways and bicycle stands must be kept clear at all times.
- (e) All objects must be placed to ensure that the pedestrian access past the premises is consistent at all times.

4. Braziers or other heating devices may be placed on the footpath only in accordance with a consent issued under clause 15 and must be operated in accordance with any conditions imposed on that consent to ensure:

- (a) The safety of pedestrians, including minimum separation distance from pedestrians;
- (b) The safety of buildings, and
- (c) That the heating device is properly fixed.

11. PAVEMENT ART

No person shall draw art or advertising material onto the footpath or other public place except where chalk is the only material applied to the footpath.

12. BUSKING, PUBLIC SPEAKING AND ENTERTAINMENT

busking, public speaking activities, entertainment or other similar activities are permitted in public places subject to –

- (a) booking the Square with the Council, if the activity is to take place in any part of the Square,
- (b) the provisions of clause 28.

Part 3

STREET DAYS, STALLS AND FUNDRAISERS

13. STALLS, FUNDRAISING AND DONATIONS

No person shall undertake or organise the following activities without obtaining a permit from the Council under clause 17:

- (a) Solicit for subscriptions or donations in any street or public place;
- (b) Erect, place or occupy in any street or public place a stall for the purpose of selling any goods, including parking cars in the road reserve for the purpose of sale;
- (c) the sale of goods or services for fundraising.

Part 4

STOCK ON ROADS

14. ROADSIDE GRAZING

Grazing of the roadside by stock is permitted in the Rural zone provided that -

- (a) The area grazed is enclosed by a temporary electric fence,
- (b) Only cattle and sheep are permitted in the area to be grazed,
- (c) No bulls, horses or deer may be grazed on the roadside,
- (d) As soon as the enclosed area of the roadside has been grazed off, the stock and the electric fence shall be completely removed,
- (e) The area fenced off shall not be overgrazed or trampled into mud and the occupier shall keep all water channels and culverts in good working order,
- (f) No person shall fence off or use the roadside in front of another person's property for grazing unless the written consent of that person is obtained,
- (g) No person shall fence off the roadside area using waratah standards or other fencing materials that are in the opinion of a council officer likely to pose a danger to road users,
- (h) The Council may require any temporary fence that is erected on the roadside to be removed at any time.

Part 5
APPLICATIONS FOR A CONSENT OR A PERMIT

15. APPLICATIONS FOR CONSENT AND FEES

(1) Where the consent of the Council is required by this Bylaw an applicant seeking consent shall:

- (a) Complete an application,
- (b) Pay the fee, if any, set by resolution of Council, and
- (c) Comply with any conditions imposed under clause 16.

(2) The Council may request from the Applicant additional information to enable it to make an informed decision on the application.

(3) (a) The Council may by resolution set fees in accordance with section 150(3)(b) of the Local Government Act 2002 for any consent required by this Bylaw.

- (b) When setting fees for consents issued under this Bylaw the Council shall specify the period of time the fee relates to.

16. CONSIDERATION OF APPLICATIONS FOR CONSENT

(1) Every application for consent shall be considered in the first instance by a council officer who may refuse consent or grant consent on behalf of the Council.

(2) Any consent may be granted subject to such conditions as the council officer thinks fit including conditions relating to:

- (a) The duration of the consent.
- (b) The times within which -
 - (i) Any advertising device may be displayed, or
 - (ii) Any items may be placed on the footpath.
- (c) The manner in which
 - (i) Any advertising device may be displayed, or
 - (ii) Any items may be placed on the footpath.

(3) In making a decision under clause 16(1) the council officer shall have regard to:

In relation to signs –

- (a) The likelihood that the proposed sign will distract the attention of persons driving motor vehicles.
- (b) The quality of the sign's construction.
- (c) The degree of any inconvenience to members of the public, which the sign is likely to cause.
- (d) The degree to which the sign detracts from the amenity or character of the neighbourhood.
- (e) Where the use of any footpath is involved, whether there is likely to be any hindrance to pedestrian traffic taking into account the factors listed in Schedule 1.

In relation to objects on footpaths –

- (a) The degree of any inconvenience to members of the public which the objects are likely to cause taking into account the factors listed in Schedule 1,
- (b) The degree to which the objects detract from the amenity or character of the area,

(c) The presence and location of objects outside adjacent premises, including any street furniture provided by the Council, provided that the presence of any such objects outside adjacent premises is not by itself sufficient reason to decline an application for consent.

(4) If the applicant is dissatisfied with the decision of the council officer to refuse consent or is dissatisfied with any condition imposed on any consent, the applicant may within 21 working days of receiving the council officer's decision appeal to the Enforcement Manager.

(5) The Enforcement Manager shall consider the application afresh.

17. APPLICATION FOR PERMIT

Every request for a permit to undertake activities under clause 13 shall:

- (a) Specify the dates and times of day the activity will take place;
- (b) Specify the site(s) of the activity.

18. CONDITIONS TO PERMITS

The Council shall permit the activity for the specified location, day and time and subject to the activity complying with clause 28.

Part 6

HAWKERS AND KEEPERS OF MOBILE SHOPS

19. LICENCE REQUIRED

No person shall carry on business as a hawker or keeper of a mobile shop without having first obtained a licence from the Council.

20. APPLICATION FOR LICENCE

(1) Every application to Council for a hawker's or mobile shop licence shall be in the prescribed form and shall include the relevant fee set by Council.

(2) Every application to the Council for a 'hawkers' or mobile shop licence must be accompanied by:

- (a) Evidence of good character, which may include a certificate of criminal record from the Police,
- (b) Method of proposed operation,
- (c) Persons who will be working in the operation,

- (d) Specified areas and times of operation,
- (e) Goods and services on offer.

21. DECISION-MAKING

In considering an application the council officer must be satisfied as far as reasonably practicable that:

- (a) The applicant is suitable to hold a licence,
- (b) Any vehicle to be used in connection with selling or storing food is suitable for the purpose,
- (c) The health and safety of the public will be protected.

22. CONDITIONS OF LICENCE

(1) The council officer may, when issuing a hawker's or mobile shop licence, or at any time by notice in writing to the licence holder:

- (a) Prescribe any conditions under which the licence holder must carry on their business;
- (b) Require the licence holder to cease to use any vehicle operated by them;
- (c) Limit the locations at which the business may be carried out.

(2) Any notice that the Council may issue under clause 22(1) may be:

- (a) Personally served on the licence holder;
- (b) Sent to the postal address provided by the licence holder in their application in which case the notice is deemed to have been received by the licence holder on the second working day after posting.

(3) When imposing conditions on a licence under clause 22(1) a council officer shall have regard to the need to:

- (a) Protect the public from nuisance;
- (b) Protect, promote and maintain public health and safety.

(4) A hawker or mobile shop may not trade on the following sites unless specifically authorised by a site licence granted by the Council:

- (a) Sites on grassed road verges where damage to the verge may result;
- (b) Sites where insufficient hard standing is available for customers to park clear of the roadway;
- (c) Sites that may lead to an adverse impact on traffic or public safety;
- (d) Sites at Memorial Park, on Pioneer Highway, Ruahine Street or in The Square.

23. LICENCE TO BE DISPLAYED

Every licensed hawker or keeper of a mobile shop shall carry and display their licence at all times when hawking or selling goods or services and shall:

- (a) Show the licence to any person who asks to see it, and
- (b) Have their name legibly written in a conspicuous place on the exterior of the vehicle or container in which they carry their wares.

24. VEHICLE

No vehicle other than a vehicle specified in the licence shall be used for the licensed activity.

25. CLEANLINESS

Every licensee who sells food shall maintain the immediate area of their operations, and every vehicle or stall or stand used in connection with their business, in a clean and sanitary condition.

26. LICENCE NOT TRANSFERABLE

Any licence issued under this part of the Bylaw is not transferable to any other person.

**Part 7
ENFORCEMENT**

27. CONTROL OF SIGNS LIKELY TO CAUSE DANGER, AFFECT SAFETY OR WHICH ARE OBJECTIONABLE.

(1) A notice may be issued by the enforcement officer of the Council in accordance with clause 27(2) to the owner or occupier of any land if the enforcement officer is of the opinion that any sign on that land:

- a) Is likely to cause a nuisance or danger to pedestrian or vehicular traffic; or
- b) Is objectionable, indecent or is likely to cause offence; or

- c) In an area zoned Residential in the District Plan is not in keeping with the existing character or use of the area; or
 - d) Includes a flashing light that is likely to cause a danger to vehicular traffic.
- (2) The notice shall specify:
- (a) The action to be taken by the owner or occupier of the land to remedy the situation. This may include removal of the sign altogether.
 - (b) The time within which the action required by the notice is to be carried out.
- (4) Where the owner or occupier of the land fails to remedy the situation as required by the notice issued under clause 27(2), the council may undertake the work and charge the owner or occupier the cost in accordance with the provisions of sections 186 and 187 of the Local Government Act 2002.

28. MOVING ON

- (1) A Council Officer may direct a hawker, mobile shop keeper or any person engaging in activities under clause 12 or 13 to move on where a council officer believes on reasonable grounds that:
- (a) This is required to protect the health and safety of those undertaking the activity or the general public;
 - (b) The activity breaches the noise provisions of the District Plan;
 - (c) The activity creates a traffic hazard;
 - (d) The activity creates any other nuisance; or
 - (e) The activity is not licensed or permitted under this bylaw.
- (2) Failure to comply with a direction under clause 28(1) is a breach of the bylaw.

29. BREACH OF PERMIT

- (1) Any person who breaches any of the provisions contained in clauses 11 to 14 commits an offence under this Bylaw.
- (2) Where the owner or occupier of any premises has breached a provision of clauses 11 to 14 the Council may by notice in writing

signed by the enforcement officer require the owner or occupier to remedy the breach and the notice shall specify:

- (a) The work required to remedy any breach of the bylaw;
- (b) The date and time by which the work shall be completed.

(3) Should the owner or occupier fail to comply the provisions of a notice issued under clause 29 (2) the Council may execute the works and recover the cost of doing so from the owner or occupier in accordance with the provisions of sections 186 and 187 of the Local Government Act 2002.

30. OBSTRUCTIONS ON THE FOOTPATH

(1) The Council may by notice in writing require the owner or occupier of premises to remedy any obstruction of the footpath, including any doors, security gates, grills or other devices that open out onto the footpath related to that premises that is likely to unreasonably impede or endanger pedestrians.

(2) Any notice issued under clause 30 (1) shall be signed by the Enforcement Manager and shall specify:

- (a) The work that is required to comply with the notice.
- (b) The date and time by which the work shall be completed.

(3) Should the owner or occupier fail to comply with a notice issued under clause 30 (1) the Council may execute the works and recover the cost of doing so from the owner or occupier in accordance with the provisions of sections 186 and 187 of the Local Government Act 2002.

31. CLEANING THE FOOTPATH

(1) The Council may by notice in writing require the owner or occupier of premises to clean the footpath where, in the reasonable opinion of a council officer the occupier of the premises has caused the footpath to be unsafe or unhygienic in the course of carrying out their business.

(2) Any notice issued under clause 31 (1) shall be signed by the Enforcement Manager and shall specify:

- (a) The work required to comply with the notice.
- (b) The date and time by which the work shall be completed.

(3) Should the owner or occupier fail to comply with a notice issued under clause 31 (1) the Council may execute the works and recover the cost of doing so from the owner or occupier in accordance with the provisions of sections 186 and 187 of the Local Government Act 2002.

32. SECURITY FENCES

(1) No person shall erect or permit to be erected any barbed wire, razor wire or electrified wire within 1 metre of any boundary adjoining any public place at a height of less than 2 metres above the ground level of the public place

(2) Clause 32(1) does not apply to any public place situated within the Rural zone as defined by the District Plan

(3) Clause 32(1) does not apply to any barbed wire, razor wire or electrified wire that is in place prior to the commencement of this Bylaw. However, any wire that may be erected in replacement of any such existing wire must comply with clause 32(1).

33. DISTRIBUTION OF HANDBILLS

No person shall distribute handbills that advertise commercial sexual services.

34. OFFENCES AND PENALTIES

(1) An enforcement officer may seize and impound property involved in the commission of an offence under this Bylaw provided that:

- (2) (a) the property is materially involved in the commission of any offence; and
- (b) It is reasonable in the circumstances to seize and impound the property; and
- (c) Before seizing and impounding the property, the enforcement officer-
 - (i) Directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - (ii) Has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property; and
 - (iii) Provided the person with a reasonable opportunity to stop committing the offence.

(3) The enforcement officer does not have to comply with clause 34(2)(c) if the property is not in the possession of an individual at the time that the enforcement officer proposes to seize and impound it.

(4) An enforcement officer may seize and impound property involved in the commission of an offence against this Bylaw from private land if authorised by a warrant issued under section 165 of the Local Government Act 2002.

(5) Any breach of this Bylaw is an offence and liable to summary conviction and a fine not exceeding \$20,000.00.

(6) For the avoidance of doubt, the failure to comply with a notice issued under clause 27, 29, 30, 31 or 33 of the Bylaw is an offence.

35. NOTICES

(1) Any notice that is issued under clause 27, 29, 30, 31 or 33 of the Bylaw shall be, where practicable, personally served on the owner or occupier that it is addressed to.

(2) Where personal service is not practicable notice shall be sent to the last known address of the owner or occupier.

SCHEDULE 1

MATTERS TO TAKE INTO CONSIDERATION FOR PLACEMENT OF SIGNS AND OBJECTS ON THE FOOTPATH

Consideration of applications to use the footpath for signs and other objects, including tables and chairs, shall take into account, but not be limited by, the following matters:

- (a) Ease of mobility for all categories of pedestrian shall take priority over the application where there is any doubt that there is sufficient width of footpath or where the street furniture or any other configuration of built environment reduces ease of mobility.
- (b) Council officers shall take into account the ease of mobility for:
 - disabled persons, including those using wheelchairs, dogs or other equipment and pedestrians who are blind;
 - elderly pedestrians;
 - pedestrians using push-chairs or prams.
- (c) Ease of mobility includes:
 - a minimum width of 1.5 metres of footpath clear of objects or signs, and
 - Where there are objects or signs on the footpath the clearway shall be
 - o A direct path in a *straight line*,
 - o On the *flattest part* of the footpath, and
 - o *Consistently aligned* to ensure the needs of those persons with impaired sight, for example.

OTHER BYLAWS

Traffic and Parking Bylaw 2004 deals with all matters relevant to vehicles, parking and traffic management. The definition of roads includes parks and reserves.

Nuisance Bylaw 2004 deals with fire control and litter.