



PALMERSTON NORTH CITY

PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015

(incorporating amendments as at 23 May 2016)

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Palmerston North Signs and Use of Public Places Bylaw 2015

1. TITLE

- 1.1. The title of this Bylaw is “THE PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015”.

2. PURPOSE

- 2.1. This Bylaw is made under the Local Government Act 2002, the Prostitution Reform Act 2003, the Land Transport Act 1998 and the Health Act 1956. The purpose of the Bylaw (in conjunction with the methods contained in the Palmerston North District Plan) is to:
- (a) Protect the public from nuisance and maintain the amenity of Palmerston North City
 - (b) Protect, promote, and maintain public health and safety
 - (c) Regulate trading in public places
 - (d) Regulate, control, or prohibit signs in public places and signs advertising commercial sexual services.

3. COMMENCEMENT AND APPLICATION

- 3.1. This Bylaw comes into force on 1 October 2015.

4. REPEAL

- 4.1. The Palmerston North Signs and Use of Public Places Bylaw 2010 is repealed at midnight 30 September 2015.

5. INTERPRETATION

- 5.1. In this Bylaw:

Administration Manual means the Administration Manual for the Palmerston North Signs and Use of Public Places Bylaw 2015, as approved by the Council when the Palmerston North Signs and Use of Public Places Bylaw 2015 came into force and as amended from time to time by delegated authority under this Bylaw.

Advertising means using words or any pictorial or other representation to notify the availability of or to promote the sale of an object, a product, a service or a business.

Authorised Officer means a person appointed or authorised in writing by the Council to act on its behalf in relation to this Bylaw.

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)
Council	means the Palmerston North City Council.
Display	means to place, erect, construct or fix.
District Plan	means the operative Palmerston North City District Plan and includes the operative parts of the Manawatū District Plan that apply to land that is now part of Palmerston North City until such time as that land is incorporated into the Palmerston North City District Plan via a Plan Change.
Election	means an election under the Electoral Act 1993 or the Local Electoral Act 2001.
Election Sign	means a sign or any part of a sign (including the frame and supporting structure) for a public referendum, election, or by-election, that encourages or persuades or appears to encourage or persuade voters to vote for a person or a party or to vote in a particular way on a referendum or election.
Flag Sign	means a flag with advertising on it.
Footpath	means a path or way under the control of the Council and principally designed for, and used by, pedestrians, and includes a footbridge.
Footpath sign	means a sign containing advertising displayed on a footpath but does not include a flag sign.
General Authorisation	means permission granted by the Council and recorded in the Administration Manual, permitting the activities specified in the General Authorisation by all persons, provided the conditions identified in the General Authorisation are complied with at all times.

Mobile sign	means a sign or signs attached to a vehicle (including trailer).
Mobile trading	means the sale of goods or services in a public place from premises which are not fixed to the public place.
Permit	means any approval or consent required or given by the Council under this Bylaw and includes any approval whether or not on a prescribed form including by electronic communication.
Public Place	means an area that is open to or used by the public and that is under the control of the Palmerston North City Council, or one of its Council Controlled Organisations.
Real Estate	means land, and buildings on land.
Real estate flag	means a flag advertising real estate or a licensed real estate agency.
Real estate sign	means a sign advertising the sale and purchase of real estate but does not include a real estate flag whether or not on the property to which it relates.
Road	Includes: <ul style="list-style-type: none"> (a) Every road, street or public highway under Council's control; (b) Any land that is vested in Council for the purpose of a road as shown on a deposited survey plan; (c) Any land that is vested in Council as a road or street pursuant to any other enactment; (d) Any access way or service lane; (e) Every square or place intended for use of the public generally; (f) Every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof; (g) Any state highway where the Council

has the necessary administrative powers to manage signs on that highway.

Road Reserve means land vested in or controlled by the Council for the purpose of a road.

Sign means words or any pictorial or other representation or notice on any material or object.

Sign Parks means any space set out by the Council for the purpose of displaying signs in accordance with this Bylaw.

Temporary Sign means a sign that is portable and not fixed to land or buildings.

Vehicle Means:

- (a) A contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) Includes a hovercraft, a skateboard, in-line skates, and roller-skates; but
- (c) Does not include –
 - i. A perambulator or pushchair
 - ii. A shopping or sporting trundle not propelled by mechanical power
 - iii. A wheelbarrow or hand-trolley
 - iv. A pedestrian-controlled lawnmower
 - v. A pedestrian-controlled agricultural machine not propelled by mechanical power
 - vi. An article of furniture
 - vii. A wheelchair not propelled by mechanical power
 - viii. Any rail vehicle.

PART 1 – SIGNS

6. GENERAL CONTROL ON SIGNS

- 6.1. No person may display a sign in a public place or on or overhanging any land or building owned by the Council without a permit from the Council, unless:
- (a) The display of the sign is authorised by this Bylaw or a permit issued under this Bylaw; or
 - (b) The display of the sign involves a temporary sign associated with a cultural, social, sporting or educational activity authorised by the Council and is removed after the activity ceases: or
 - (c) The display of the sign is expressly allowed by a resource consent under the Resource Management Act 1991 or a building consent.
- 6.2. No person may display a sign containing material that is offensive, objectionable, or indecent, that is visible from a public place or another person's private residence.
- 6.3. No person may display a mobile sign without a permit issued under this Bylaw unless it complies with the following conditions:
- (a) The mobile sign must be no larger than 3 square metres. If it is a panel with signs on both sides each can be up to 3 square metres.
 - (b) The mobile sign must not be placed on land zoned Residential or Village in the District Plan or on road reserve adjacent to land zoned Residential or Village in the District Plan.
 - (c) The mobile sign must not be placed outside a business deemed to be in competition with the business or activity advertised by the mobile sign.
 - (d) The top of the mobile sign is to be no more than 4 metres from the ground.
 - (e) The mobile sign must not extend outside the footprint of the vehicle to which it is attached.
 - (f) The mobile sign must be securely fastened to the vehicle.
 - (g) The vehicle must comply with all laws, rules, regulations, and bylaws regarding the position of the vehicle on a roadway, and must be no closer than 25 metres to any intersection.
 - (h) If the mobile sign is attached to a trailer, the tow bar of the trailer must be positioned away from the traffic flow, i.e. next to the curb

in angle parking. If the trailer is parked after dark it must display an illuminated red light to the rear on the side closest to the centre of the road, so that is easily seen by oncoming vehicles.

- (i) The vehicle must be parked so that no street/advisory signage is obscured and that there is clear line of sight for drivers.
- (j) The vehicle is not to be parked on raised or painted medians or any grass berms.

7. SIGNS AND FLAGS ON FOOTPATHS

7.1. No person may display a footpath sign on a footpath unless it complies with the following specifications:

Maximum height	1.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres.

7.2. No person may display a flag sign on a footpath unless it complies with the following specifications:

Maximum height	2.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres
Maximum flagpole height	3.0 metres

7.3. No person may display a footpath sign or flag sign on a footpath unless;

- (a) The sign advertises a business or relates to the business activity; and
- (b) The sign is located adjacent to the business to which it relates; and
- (c) The sign is removed when the business is not open to the public; and
- (d) There is not more than one footpath sign or flag sign for the business where the business is located in the area bounded by Ferguson Street, Pitt Street, Bourke Street, Walding Street, Grey

Street and Princess Street, and in all other cases not more than two footpath signs or flag signs for each business; and

- (e) There is a minimum width of footpath free of objects adjacent to the footpath sign or flag sign of 1.5 metres; and
- (f) The footpath sign or flag sign is placed immediately adjacent to the footpath kerb but must not impede access to carparks reserved for Mobility Parking Permit holders, bus stops, or access to existing amenities or infrastructure such as rubbish bins, traffic signals and crossing signals, road crossings, or other permanent features; and
- (g) The footpath sign or flag sign does not protrude on to a road; and
- (h) The footpath sign does not alone or with other footpath signs unreasonably impede safe and efficient pedestrian flow.

7.4. Despite clause 7.3, a flag sign may be fixed to a building if;

- (a) The sign relates to a business in that building;
- (b) The maximum height of the flag sign does not exceed 3 metres;
- (c) The flag sign does not protrude onto a road;
- (d) The flag sign does not protrude into any footpath more than 0.6 metres.
- (e) The lowest edge of the flag sign has a minimum overhead clearance of 2.1 metres.

8. SIGNS ADVERTISING COMMERCIAL SEXUAL SERVICES

8.1. No person may display a sign advertising commercial sexual services unless the following conditions are met:

- (a) The sign is on the premises in which the commercial sexual services are provided; and
- (b) The sign is not located on land zoned Residential, Village, Rural or Institutional in the District Plan; and
- (c) The sign is not visible from a private residence on land zoned Residential, Village, Rural or Institutional zones in the District Plan, or any road adjacent to Residential or Village zoned land in the District Plan.

8.2. No person may distribute in a public place handbills that advertise commercial sexual services.

9. REAL ESTATE SIGNS AND FLAGS

9.1. No person may display a real estate sign in the Residential or Village zone in the District Plan unless:

- (a) The sign has an area less than 1.1 metres²; and

- (b) All parts of the sign do not exceed a vertical height of 1.8 metres above ground level; and
- (c) The number of signs does not exceed one per licensed real estate agency appointed in writing by the owner of the residential real estate being offered for sale; and
- (d) The sign is on a property available for sale
- (e) The total number of signs does not exceed three on any property; and
- (f) The sign is removed within three weeks of the unconditional sale or lease of the real estate.

9.2. No person may display a real estate sign advertising real estate (other than real estate covered by clause 9.1) unless:

- (a) The sign has an area less than 2.9 metres²; and
- (b) The number of signs does not exceed one per licensed real estate agency appointed in writing by the owner of the real estate being offered for sale; and
- (c) The sign is on a property available for sale
- (d) The total number of signs does not exceed three; and
- (e) The sign is removed within three weeks of the unconditional sale or lease of the real estate.

9.3. No person may display a real estate flag unless:

- (a) The real estate flag is adjacent to the real estate to which it relates; and
- (b) The dimensions of the real estate flag do not exceed 2 metres high x 0.6 metres wide; and
- (c) The flag pole of the real estate flag does not have a vertical height measured from ground level exceeding 3 metres; and
- (d) 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.
- (e) Is displayed only when a real estate agent is conducting open days for the public

9.4. Clauses 9.1, 9.2 and 9.3 do not apply to signs on the business premises of a licensed real estate agent or real estate agency.

10. SIGN PARKS

- 10.1. From time to time the Council (for the principal but not exclusive purpose of providing designated space for election signs) may:
- (a) Identify an area as a sign park.
 - (b) Prescribe fees for the use of the sign park.
- 10.2. No person may display a sign in a sign park without a permit from the Council.
- 10.3. No person may display in a sign park a sign greater than 2.9 metres².

11. ELECTION SIGNS

- 11.1. This clause is subject to the Electoral Act 1993 and the Local Electoral Act 2001.

Area

- 11.2. No person may display on any land that is zoned Residential or Village in the District Plan an election sign that is greater than 0.6 metres² in area.
- 11.3. No person may display on any land other than land zoned Residential or Village in the District Plan an election sign that is greater than 10 metres².

Height

- 11.4. No person may display any freestanding election sign that is greater in height than 1.8 metres.

Number

- 11.5. No property or sign park may display more than one election sign per candidate.
- 11.6. No property or sign park may display more than one election sign per political party.

Illumination and animation

- 11.7. No person may display in any place visible from a road an election sign that is animated or illuminated or made of any reflective material.

PART 2 – USE OF FOOTPATHS AND PUBLIC PLACES

12. OBJECTS ON FOOTPATHS

- 12.1. No person may place objects on a footpath without a permit from the Council.
- 12.2. If the Council issues a permit to a person to leave tables, chairs or other objects on a footpath then the permit holder must comply with the standard conditions in the Administration Manual together with any other special conditions on the permit. Where the special conditions are inconsistent with the standard conditions, the special conditions prevail.
- 12.3. Clause 12.1 does not apply to any footpath in a locality, or to a type of object or objects, in respect of which the Council has issued a current general authorisation provided that the performance conditions attaching to the authorisation are met. Any authorisation may be revoked or amended by the Council at any time in its entirety, or specifically amended as to whom it applies, where it applies or the conditions to be met.

13. DRAWING ON FOOTPATHS

- 13.1. No person may mark any footpath or other public place, unless chalk is the only material applied and it is applied only to a footpath unless given written approval from the Palmerston North City Council.

14. USE OF PUBLIC PLACES

- 14.1. No person may park a motor vehicle on a public place for the purpose of sale without a permit from the Council.

15. SECURITY FENCES

- 15.1. No person may 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 unless the property is zoned rural in the District Plan.

PART 3 – STOCK ON ROAD RESERVES

16. ROADSIDE GRAZING

16.1. No person may graze animals on the grassed part of a road reserve unless the following conditions are met:

- (a) The grassed area is fenced by a temporary electric fence; and
- (b) The land adjacent to the road reserve is zoned rural in the District Plan; and
- (c) The animals belong to the owner of the allotment of land adjacent to the road reserve or the owner of the allotment of land adjacent to the road reserve has given consent to the owner of the animals for them to graze on that land; and
- (d) As soon as the grassed area has been grazed off, the stock and the electric fence are removed; and
- (e) The grassed area is not overgrazed or trampled into mud and all water channels and culverts are kept in good working order.

PART 4 – TRADING IN PUBLIC PLACES

17. MOBILE TRADING PERMITS

- 17.1. No person may engage in mobile trading in a public place without a permit from the Council. This clause does not apply to a person who has a mobile food business registered with the Council.

- 17.2. If the Council issues a permit to a person to engage in mobile trading in a public place then the permit holder must comply with the standard conditions in the Administration Manual together with any other special conditions on the permit. The special conditions prevail where inconsistent with the standard conditions.

PART 5 – ADMINISTRATION

18. FEES AND CHARGES

- 18.1. The Council may set fees and charges for any permit granted under the Bylaw.

19. DELEGATIONS

- 19.1. The following are authorised delegates under this Bylaw:

- (a) The Council by resolution;
- (b) The Chief Executive of the Council;
- (c) The person holding the office identified in Council's Delegations Manual as responsible for the administration of this Bylaw;
- (d) Any other person authorised to exercise a power under the Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.

- 19.2. Authorised delegated persons may exercise any power, function or duty under this Bylaw or carry out any act, other than those expressly required to be by Council resolution, in order to achieve its effective administration on behalf of the Council including, without limitation:

- (a) Grant permits;
- (b) Specify the special conditions that apply to a permit;
- (c) Declare General Authorisations;
- (d) Specify forms and procedures for the effective administration of the Bylaw;
- (e) Make any decision or determination required in this Bylaw in order to administer it;
- (f) Decisions regarding suspension, withdrawal or removal of a permit;

- 19.3. The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.

- 19.4. All forms, specifications, standard conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw

called the Palmerston North Signs and Use of Public Places Bylaw Administration Manual, and shall be available to the public.

- 19.5. Every exercise of a power of delegation under this clause must be publicly reported at least annually to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.

20. PERMITS

- 20.1. Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:
- (a) Complete the required application form;
 - (b) Pay the applicable fee;
 - (c) Comply with the conditions of that permit
- 20.2. A permit may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are necessary to manage the effects of the activity, achieve the objectives of this Bylaw and minimise the risk of nuisance.
- 20.3. The Council may grant a permit for any activity that would otherwise contravene this Bylaw.
- 20.4. A permit is personal to the applicant and is not transferable.
- 20.5. An authorised officer may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised officer may consider appropriate in the circumstances to protect Council property, public health and safety or to minimise nuisance.
- 20.6. An authorised officer may revoke any permit issued under this Bylaw where the conditions of that permit are not complied with.
- 20.7. All permits issued under clause 12.1 of the Palmerston North Signs and Use of Public Places Bylaw 2010 or its predecessors that are in effect at the time of the commencement of this Bylaw will expire on 1 May 2016.

PART 6 – ENFORCEMENT

21. OFFENCES AND PENALTIES

21.1. Every person or permit holder who:

- (a) Fails to comply with any provision of this Bylaw; or
- (b) Breaches the conditions of any permit granted pursuant to this Bylaw

commits an offence under section 239 of the LGA 2002 and is liable to a fine as specified in section 242 of the LGA 2002.

21.2. The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under section 259 of the LGA 2002.