

RANGITĪKEI DISTRICT COUNCIL

SIGNS AND PUBLIC PLACES BYLAW 2024

Date of adoption: xxx

Resolution number: xxx

Date by which review
must be completed: Not applicable

Relevant legislation: Local Government Act 2002
Land Transport Act 1998
Litter Act 1979

Statutory/Policy: Statutory

Included in the LTP: No

**RANGITĪKEI DISTRICT COUNCIL
SIGNS AND PUBLIC PLACES BYLAW 2024**

DRAFT

| | |
|---|----|
| PART 1 - INTRODUCTION | 3 |
| 1 SCOPE | 3 |
| 2 COMMENCEMENT | 4 |
| 3 REPEALS | 4 |
| 4 DEFINITIONS | 4 |
| 5 DELEGATION..... | 7 |
| PART 2 – PUBLIC PLACES | 8 |
| 6 PUBLIC SAFETY AND NUISANCES | 8 |
| 7 PREACHING, BUSKING AND SOLICITING DONATIONS | 8 |
| 8 OBSTRUCTING PUBLIC PLACES..... | 9 |
| 9 GOODS AND OUTDOOR DINING IN PUBLIC PLACES | 10 |
| 10 DAMAGE TO PUBLIC PLACES | 11 |
| 11 USE OF VEHICLES | 12 |
| 12 BUILDING IDENTIFICATION | 12 |
| 13 STOCK ON PUBLIC PLACES..... | 13 |
| 14 FENCES..... | 13 |
| 15 BICYCLES, SKATEBOARDS AND MOBILITY DEVICES..... | 13 |
| 16 REFUSE..... | 14 |
| PART 3 – TRADING IN PUBLIC PLACES | 15 |
| 17 TRADING IN PUBLIC PLACES..... | 15 |
| PART 4 – SIGNS..... | 17 |
| 18 GENERAL CONTROLS ON SIGNS | 17 |
| 19 SIGNS OVER FOOTPATHS | 18 |
| 20 SIGNS AND FLAGS ON FOOTPATHS AND BERMS..... | 18 |
| 21 SIGNS AFFECTING TRAFFIC SAFETY | 19 |
| 22 SIGNS AFFECTING TRAFFIC SAFETY | 20 |
| 23 LIGHTING OF SIGNS | 20 |
| 24 TEMPORY SIGNS..... | 21 |
| 25 REPAIR OR REMOVAL OF SIGNS | 21 |
| PART 5 – ENFORCEMENT | 22 |
| 26 DISPENSATION..... | 22 |
| 27 OFFENCES AND PENALTIES..... | 22 |
| 28 EXEMPTIONS..... | 23 |

PART 1 - INTRODUCTION

1 SCOPE

- 1.1 This bylaw is made under section 145 and 146 of the Local Government Act 2002, the Land Transport Act 1998, and the Litter Act 1979. Council has the ability to adopt bylaws for the following general purposes:
- (a) Protecting the public from nuisance;
 - (b) Protecting, promoting, and maintaining public health and safety;
 - (c) Minimising the potential for offensive behaviour in public places.
- 1.2 The general purpose of this bylaw is to:
- (a) Protect the public from nuisance and maintain the safety of public places;
 - (b) Regulate trading in public places;
 - (c) Regulate signs in public places;
- 1.3 In particular, this bylaw addresses:
- (a) Damage to public facilities which may have an adverse effect on other users of these facilities;
 - (b) Obstruction of public access and projections onto public spaces;
 - (c) Identification of properties;
 - (d) Use of public places that have a detrimental effect on the ability of the public to enjoy these spaces;
 - (e) To regulate the conduct of people selling goods and services in public places;
 - (f) To regulate the conduct of people using vehicles, trailers or relocatable structures to sell goods and services in public places;
 - (g) To regulate signs to ensure the safety of vehicles and pedestrians using public places.
- 1.4 Nothing in this bylaw detracts from any provision of, or the necessity for compliance with other Council Bylaws, Rangitikei District Plan, requirements imposed by Horizons Regional Council, the Department of Conservation or any other legislation.
- 1.5 This Bylaw is consistent with the New Zealand Bill of Rights Act 1990 and does not affect iwi customary rights. Council is committed to protecting fundamental rights and freedoms such as the right to freedom of expression and freedom of peaceful assembly.

Note: New Zealand Transport Agency, Waka Kohtahi as a road controlling authority has its own bylaws for the control of signs on State Highways within the Rangitikei District.

Note: This bylaw does not regulate signs that are regulated through the Rangitikei District Plan, traffic signs, or signs required by statute.

Note: This bylaw does not regulate liquor control. This is done through the Liquor Control in Public Places Bylaw 2018.

2 COMMENCEMENT

2.1 This bylaw was adopted by Council on XXXXX and commences on XXXXXXX.

3 REPEALS

3.1 The following bylaws are revoked on the commencement date of this bylaw:

- (a) Public Places Bylaw 2013;
- (b) Trading in Public Places Bylaw 2013;
- (c) Control of Advertising Signage Bylaw 2013;

4 DEFINITIONS

4.1 For the purposes of this bylaw, unless the context otherwise requires, the following definitions shall apply:

APPROVED or **APPROVAL** means written approval, permit or consent provided by Council, including any Authorised Officer.

AUTHORISED OFFICER means any person appointed by Council to act on its behalf and with its authority, and may include a police officer.

BICYCLE means any wheeled device having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes power-assisted bicycles. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

BUSKING means any person who performs or entertains in a public place whether for free or for reward or other and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form. 'Busk' and 'busking' means the same.

COUNCIL means the Rangitikei District Council.

EVENT means an organised temporary activity that takes place on one or more days including, without limitation, an organised gathering, demonstration, competition, or parade.

FOOTPATH means a path or way primarily designed for, and used by pedestrians, and includes a footbridge.

GOODS means any product or service.

MATERIAL means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

MOBILITY DEVICE means any device whether motorised or not that is designed for the primary purpose of enabling a user to be more mobile, including but not limited to mobility scooters, power chairs, and wheelchairs.

NOISE ENHANCING DEVICE means any type of microphone, sound system, speaker or similar that emits sound whether it be music or voice.

NUISANCE has the same meaning given by section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

PERSON includes a natural person, a corporation sole, and a body of persons whether incorporated or not.

PREACHING means any person reading, speaking or using any other method of creative expression to share their beliefs whether or not they are religious.

PUBLIC PLACE means a place that is:

- (a) Under control of Council;
- (b) Open to, or used by the public, whether or not payment is required for admission; and includes;
 - i. Any part of a public place;
 - ii. Any reserve, park, domain, beach, foreshore and recreation grounds;
 - iii. Any road, footpath, accessway, throughfare and berm owned by Council. This does not include private roads or roads owned by Waka Kotahi.

SERVICE DELIVERY VEHICLE means any vehicle being used for the purpose of delivering goods to the building of any business or organisation and does not involve the sale of the goods to the general public in any place.

SIGN means any device, character, graphic or electronic display, whether temporary or permanent, which:

- (a) Is for the purposes of:
 - i. Identification of or provision of information about any activity; property or structure or an aspect of public safety;
 - ii. Providing directions; or
 - iii. Promoting goods, or events;
- (b) Is projected onto, or fixed or attached to, any structure or natural object including any vehicle or trailer; and
- (c) Includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice;
- (d) For the purpose of this bylaw, any bunting, poster, mural, banner flag, billboard footpath/sandwich board, or projection is also to be considered a sign.

SKATEBOARD A wheeled device controlled or propelled by gravity or by energy exerted by the rider, or equivalent device propelled by a battery including but not limited to skateboards, roller skates, scooters, trolleys, electric scooters, or similar recreational devices. This does not include any wheelchair, baby or adult carriage or bicycle.

STOCK means Cattle, sheep, horse, deer, donkeys, mules, goats, pigs, alpacas, llamas, poultry and any other animal farmed or contained by humans of any age or gender.

TEMPORARY SIGN means any sign advertising any forthcoming event, which is continuously displayed for no more than 3 calendar months in any 1 year, and includes:

- (a) A parliamentary or local authority election, or candidates for any such election; or
- (b) Construction or development works on a building site or demolition site; or
- (c) The sale, auction, or lease of the property or land the sign is located on; or
- (d) Any exhibition or entertainment event.

TRADING means an activity undertaken by any person involving the sale of goods, or the offering of a commercial service for payment, or any other compensation in a public place, including but not limited to pop up stalls, mobile shops, temporary drinks outlets, and temporary food outlets. A trading activity may be temporary or permanent, occurring on a one-off basis or as a series of events. Trade and trading have a corresponding meaning.

VEHICLE means a device equipped with wheels, tracks or revolving runners upon which it moves or is moved. It includes:

- (a) Trailers;
- (b) Caravans;
- (c) Boats;
- (d) The shell or hulk of a vehicle.

But does not include:

- (a) A perambulator or pushchair;
- (b) A mobility scooter;
- (c) A bicycle;
- (d) A skateboard;
- (e) A motorised wheelchair.

5 DELEGATION

- 5.1 In this Bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive who may delegate all or part of that function to any Authorised Officer.

PART 2 – PUBLIC PLACES

6 PUBLIC SAFETY AND NUISANCES

6.1 Any person in a public place must not:

- (a) Set off any fireworks or explosive material or allow the setting off of fireworks or explosive matter in a manner which creates or is likely to create a nuisance to users of any public place;
- (b) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- (c) Take off or land any aircraft including model aeroplanes, hot air balloon, hang glider, parachutes or similar, except in an emergency;
- (d) Conduct any activity, including the playing of any game recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- (e) Beg in a manner that may intimidate or cause a nuisance to any person;
- (f) Allow or cause the drippings of eaves or other projections of any building to fall in a manner likely to cause a nuisance.

7 PREACHING, BUSKING AND SOLICITING DONATIONS

- 7.1 Before commencing this activity, permission must be granted by the owners of the business or the owner of the building the activity is operating outside. The owners that provided permission may withdraw their consent at any time. If consent is withdrawn the activity must stop immediately.
- 7.2 A person may not undertake this activity for more than a total of 2 hours on any given day.
- 7.3 No person may undertake this activity in a way that causes a nuisance to any person.
- 7.4 No tables or chairs may be placed on the footpath in association with this activity.
- 7.5 Direct interaction with the public associated with this activity must be initiated by the member/s of the public.
- 7.6 No noise enhancing device may be used in association with this activity.

- 7.7 No person shall distribute any printed or written material advertising any product, service or entertainment in a way that does or is likely to cause a nuisance. Any person distributing printed or written advertising material in a public place shall be responsible for the removal of any litter attributed to the distribution of the advertising material.
- 7.8 The activity must be undertaken in a way that ensures that access is not impeded to fire exits, fire hydrants, shop and business entranceways, rubbish receptacles, pedestrian flow, or street furniture stands.
- 7.9 Display stands associated with this activity must:
- (a) Be erected at the beginning of the activity, and removed when the activity ends;
 - (b) A maximum of one display stand associated with a person undertaking this activity may be used at any one time;
 - (c) Incorporate the logo or name that clearly identifies the organisation or person responsible for it;
 - (d) Not exceed 500mm(w) x 500mm(d) x 1200mm(h);
 - (e) Not obstruct the path of pedestrians, and must leave a gap of at least 2m for pedestrians to pass.

8 OBSTRUCTING PUBLIC PLACES

- 8.1 Any person in a public place must not:
- (a) Obstruct, impede, interfere with, cause a nuisance or block pedestrian or vehicular traffic access on, to or from a public place;
 - (b) Obstruct, remove, or damage any culvert, sewer or drain on any public place;
 - (c) Place, leave or permit any object or thing, including without limitation any vehicle, packing case, crate, basket, cask, barrel, package or other encumbrance which creates or is likely to create a nuisance;
 - (d) Participate in any assembly or associate with other persons in a way that impedes pedestrian or vehicular access to buildings facing onto the public place or organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place which creates or is likely to create a safety hazard or a nuisance;
 - (e) Put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, awning, or other obstruction or projection of any kind whatsoever in, on, over or under a public place. This restriction shall not apply to any veranda or awning erected pursuant to a requirement of the District Plan;

- (f) Allow any gate or door on a property abutting a public place, to swing over or across the public place;
- (g) Allow vegetation to encroach on to or over any public place to obstruct or interfere with street lighting or the free movement of persons or vehicles using that public place;
- (h) Place any item on a footpath unless in accordance with section 9.

9 GOODS AND OUTDOOR DINING IN PUBLIC PLACES

9.1 Goods intended for sale or display by shop owners, or tables and chairs for outdoor dining, may be set out on a footpath directly outside the shop to which they relate provided:

- (a) The goods or tables and chairs do not extend past the store frontage to which they relate;
- (b) There is a minimum of 2 metres of footpath clear for pedestrian traffic.

10 DAMAGE TO PUBLIC PLACES

- 10.1 No person in a public place can do, cause or permit to be done any act whatsoever by which damage is caused to any public place including:
- (a) Interfere with, destroy, deface, pollute, remove or apply advertising devices to any:
 - i. Natural feature animal or plant including grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - ii. Ornament, statue, building, structure or facilities;
 - iii. Name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building;
 - (b) Be in control of any animal so that it damages any part of a public place;
 - (c) Remove any sand, soil or other naturally occurring material found in a public place;
 - (d) Open any drain or sewer on, or disturb or remove the surface of, any public place.
 - (e) Carry out an activity where a sign indicates that the activity is prohibited or otherwise regulated.
- 10.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by Council.
- 10.3 Any person wishing to gain access to a beach shall use a designated access where this is available.

11 USE OF VEHICLES

11.1 Any person in a public place must not:

- (a) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- (b) No person may operate any vehicle to cross any water channel in any public place other than over a crossing properly constructed for such purpose;
- (c) Use any vehicle whose wheels or tracks cause or may cause damage to the surface or any part of the road;
- (d) Keep any inoperable vehicle unless such vehicle can be made complete and in working order within a period of 24 hours, subject to being removed and impounded at the owners expense if not removed within a period of 24 hours;
- (e) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in a public place;
- (f) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;
- (g) Use any vehicle in a way that it may damage any part of a public place.

12 BUILDING IDENTIFICATION

- 12.1 Address numbers allocated by Council are required to be displayed in a position so it is readily visible from the road, or public place to which it has frontage.
- 12.2 The owner or occupier of every building or group of buildings forming part of a complex must mark such building, complex, or letterbox associated with that building or complex with numbers no less than 50mm in height for residential buildings and letterboxes, and not less than 150mm in height for all other buildings, regardless of the building or complex being identified by other means.
- 12.3 Numbers required by 12.1 must be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

Note: If a building has been identified as being earthquake prone, the notice must be displayed in accordance with the Building Act.

13 STOCK ON PUBLIC PLACES

- 13.1 No person shall permit any stock to be on a reserve, beach, footpath or cycle track or other area designated as an area prohibited, or Council has prohibited the entry of stock by resolution or public notice, without the prior consent of Council.
- 13.2 Any person having control of stock on any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 13.3 Any person being the owner of or having control of any horse or stock in a public place shall immediately remove any faeces deposited by that horse or stock from any public place.

14 FENCES

- 14.1 No person shall allow any rail, gate, or fence adjacent to a public place to be in a state of disrepair or in a state that Council considers to be a danger to the safety of people using the public place.
- 14.2 No person may erect or permit to be erected electrified fencing or barbed wire within 1 metre of the boundary of any public place unless the height of the barbed wire is at least 2 meters above ground level, or the electrified fencing is at least 3 meters above ground level.
- 14.3 Clauses 14.2 shall not apply within areas zoned as rural under Council's district plan, except when the fence abuts or adjoins a footpath.

15 BICYCLES, SKATEBOARDS AND MOBILITY DEVICES

- 15.1 A person must not use or ride a Bicycle, Skating Device or Mobility Device in any public place in a manner as to be, in the opinion of Council:
- (a) Intimidating;
 - (b) Dangerous;
 - (c) A Nuisance;
 - (d) Likely to cause damage to property.

16 REFUSE

- 16.1 No person shall take to any place of disposal, material of any kind which has been prohibited by the Council.
- 16.2 On premises set aside by the Council for the disposal of refuse, no unauthorised person can enter, loiter, disturb any deposit of refuse, or remove any article or material of any kind.
- 16.3 No person shall place, leave, dump, or fly tip waste of any type in a public place including but not limited to;
- (a) Place or leave litter or any material or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance;
 - (b) Deposit in or around a public litter receptacle any household waste, recyclable waste, green waste, commercial waste, trade refuse or hazardous waste;
 - (c) Interfere with any refuse which is awaiting collection by an authorised collector;
 - (d) Throw or in any way deposit any offensive matter including without limitation dead animals or parts of dead animals and animal waste;
 - (e) Every person must properly dispose of the body or part of the body of any animal belonging to them, or in their charge or keeping, that has been killed or died while straying or being driven on any public place.

PART 3 – TRADING IN PUBLIC PLACES

17 TRADING IN PUBLIC PLACES

- 17.1 No person may undertake a trading activity in a public place without obtaining a licence from Council.
- 17.2 The application of the licence must be made in writing on the appropriate form.
- 17.3 If the applicant wishes to sell goods at a location outside an existing shop or business, the application must include written consent from that shop or business owner.
- 17.4 Clause 17.3 does not apply to community events.
- 17.5 Licence holders must comply with the conditions an Authorised Officer deems fit to impose on the licence.
- 17.6 The licence may specify without limitation:
- (a) The name of the licence holder;
 - (b) The duration of the licence;
 - (c) The location to which the licence applies;
 - (d) The type of trading activity the licence allows;
 - (e) The hours allowed for trading by the licence;
 - (f) The use of signage
- 17.7 The Council may, at its discretion, review, withdraw or alter conditions on a licence with a minimum of 24 hour notice given to the permit holder.
- 17.8 The Council may immediately without notice alter, suspend, or cancel any licence if:
- (a) licence conditions are being breached;
 - (b) Urgent works are required in the public place where the licence applies;
 - (c) Urgent action is required to protect the public in the public place where the licence applies.
- 17.9 Where a licence has been suspended or cancelled the licence holder must immediately remove any vehicle, stall, goods, and materials used in the trading activity from the public place.
- 17.10 A licence granted by this bylaw is not transferable to any other person.
- 17.11 A licence cannot be transferred to any other trading activity carried out by the person.

17.12 Council may by resolution prescribe fees for licences or site rentals or both.

17.13 Every licence holder shall always display their licence in a way that is visible to the public when engaged in the licenced activity.

17.14 Exemptions for requiring a licence to trade in public places:

- (a) Selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 (2), Part 10 of the Fisheries Act 1996;
- (b) Service delivery vehicles including milk vendors;
- (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council;
- (d) The organiser of a community event may apply on behalf of a specified group of people who are intending to sell goods as part of that event, if a licence is granted it will apply to that group;
- (e) One licence can be applied for and granted for an event spanning up to a maximum of 7 days;
- (f) One licence can be applied for and granted for a series of events occurring over a period of up to 6 months providing that the events are organised as continuous series by the same person.

PART 4 – SIGNS

18 GENERAL CONTROLS ON SIGNS

- 18.1 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 is issued under this bylaw; or
 - (b) The display of the sign is expressly allowed by a resource consent under the Resource Management Act 1991.
- 18.2 No person may place or allow to remain in place any sign which explicitly or implicitly:
- (a) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination as set out in the Human Rights Act 1993;
 - (b) Is objectionable within the meaning of the Films, Videos and Publications Classifications Act 1993;
 - (c) Is offensive, threatening or insulting;
 - (d) Incites or encourages any persons to commit any offence.
- 18.3 All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public.
- 18.4 The owner of the sign is responsible for ensuring the sign does not pose a danger to property or the public.
- 18.5 No person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material.
- 18.6 Clause 18.5 does not apply to any advertising material on a stationary or moving vehicle where that advertising material is permitted as a condition of a licence to trade in a public place issued by the Council, or where the advertising material relates to the business that owns the vehicle.

Note: Any sign that requires a building consent must have obtained the consent before the sign is erected.

Note: Signs that are located on any privately owned premises within the district are required to comply with the district plan.

19 SIGNS OVER FOOTPATHS

19.1 All signs suspended from verandas over public places shall be:

- (a) No closer than 2.4m to the footpath beneath the sign;
- (b) Set back at least 600mm from an imaginary vertical line from the road kerb;
- (c) If located on the veranda fascia, be not more than 900mm in depth, or protrude more than 200mm from the fascia;
- (d) If located under the veranda fascia, at right angles to the fascia line, and be limited to one per site;
- (e) If located on top of the veranda, be more than 1.2m high, not more than 1.8m² in area and limited to one per site; and
- (f) Advertise only businesses, services and products located on the site of the sign.

20 SIGNS AND FLAGS ON FOOTPATHS AND BERMS

20.1 No person may display a flag or sign on a footpath or berm unless:

- (a) The sign advertises the business or relates to the business activity of the business it is located outside of; and
- (b) There is not more than one flag sign or footpath sign for each business; and
- (c) The sign is located adjacent to the business to which it relates; and
- (d) The sign is not displayed when the business is not open to the public; and
- (e) There is a minimum width of footpath free from obstruction of 2 metres; and
- (f) The footpath sign or flag sign is placed immediately adjacent to the footpath kerb, provided that it does not protrude onto the road; and
- (g) The sign complies with the following specifications:

| Footpath sign | |
|----------------------|------------|
| Maximum height | 1.0 metres |
| Maximum width | 0.6 metres |
| Maximum base spread | 0.6 metres |

| Flag sign | |
|------------------|------------|
| Maximum height | 2.0 metres |

| | |
|-------------------------|------------|
| Maximum width | 0.9 metres |
| Maximum base spread | 0.6 metres |
| Maximum flagpole height | 3.0 metres |

21 SIGNS AFFECTING TRAFFIC SAFETY

21.1 No sign shall be placed or be allowed to remain where in the opinion of the Council that sign would:

- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
- (b) Distract or be likely to distract the attention of road users;
- (c) Resemble or likely to be confused with any traffic sign or signal;
- (d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
- (e) Create or be likely to create in any way a danger to road users.

22 SIGNS AFFECTING TRAFFIC SAFETY

22.1 No sign shall be placed or be allowed to remain where in the opinion of the Council that sign would:

- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
- (b) Distract or be likely to distract the attention of road users;
- (c) Resemble or likely to be confused with any traffic sign or signal;
- (d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
- (e) Create or be likely to create in any way a danger to road users.

23 LIGHTING OF SIGNS

23.1 Signs must not be flashing, animated, or reflective, and must not contain moving lights, lasers, or images.

23.2 Illuminated signs must:

- (a) Have all floodlights or concealed lighting directed solely on to the advertisement and its surrounds;
- (b) Have any light source shielded so that glare does not extend beyond the advertisement;
- (c) With the exception of neon signs, have no light source visible to passing motorists with a light output greater than that of a 65W incandescent bulb;
- (d) Not be illuminated in a way that makes the sign appear to move, shimmer, flash, strobe, sparkle or revolve;
- (e) Not be illuminated in a way that it causes a nuisance or traffic hazard.

24 TEMPORARY SIGNS

- 24.1 Any temporary sign shall comply with the rules about the number, size, and type of signs, contained in the Rangitikei District Plan for the zone in which the sign is erected.
- 24.2 No election signs shall be placed on any public place.
- 24.3 Temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- 24.4 No person shall allow, or allow any other person, on any land or premises commence or continue to display, fix, erect, re-erect or alter the construction of:
- (a) Any temporary sign advertising land or premises for sale, auction or lease after one calendar month after the date of settlement; or
 - (b) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates.

Note: Election signs are also required to comply with any electoral regulations.

25 REPAIR OR REMOVAL OF SIGNS

- 25.1 The Council may require the owner of any sign that is deemed non-complying, unsafe or unauthorised to remove or repair that sign. If the owner is unknown, Council has the right to remove the sign.
- 25.2 A publicly visible sign must be removed as soon as reasonably practical and within 2 days once the sign is no longer required for advertising purposes.
- 25.3 The Council may pull down, alter or remove any poster or sign and recover the costs of removal from the persons placing the poster or sign if it has been placed on any:
- (a) Building or structure without the permission of the owner of that building or structure;
 - (b) Surface, building or structure in a public place not being a designated poster site.

PART 5 – ENFORCEMENT

26 DISPENSATION

- 26.1 A person may request permission from Council, to undertake any activity not allowed by this bylaw.
- 26.2 Any person wishing to obtain Council approval for the purposes of this bylaw must make a written application to Council.
- 26.3 On receipt of an application, along with receipt of full payment of a fee if required, Council may grant the approval, refuse the approval, or request further information.
- 26.4 Any approval granted under clause 26.3 may be subject to any conditions imposed by Council that Council considers to be appropriate.
- 26.5 A person granted an approval with conditions imposed under 26.4 must comply with those conditions.
- 26.6 Council may revoke, modify or cancel any Council approval granted under this bylaw if:
- (a) Any conditions of the approval are not complied with;
 - (b) There is material change in circumstances which requires the approval, or any conditions imposed on an approval, to be revoked or modified; or
 - (c) The information provided to Council in support of the approval application is found to be incorrect or misleading;
- 26.7 Council must give the approval holder written notice of its intention to revoke, modify or cancel any Council approval or conditions under 26.6, including a description of why the revocation, modification or cancellation is necessary.
- 26.8 After receipt of a notice issued under clause 26.7, and if an approval holder disputes the need for revocation or modification, the approval holder may submit any relevant information to Council within 5 working days, after which the Council will make a final decision.

27 OFFENCES AND PENALTIES

- 27.1 Any person who does not comply with any requirement or condition of their approval or acts contrary to any prohibition or resolution made in this bylaw, commits an offence against this bylaw.
- 27.2 Every person who obstructs or hinders any authorised officer in the exercise of their powers under this bylaw shall be liable to prosecution for an offence against this bylaw.

- 27.3 Any breach of this bylaw is an offence and liable to summary conviction and a fine not exceeding \$20,000 as set out in the Local Government Act 2002.
- 27.4 Council may use its powers under the Local Government Act 2002 to enforce this bylaw.

28 EXEMPTIONS

- 28.1 An Iwi's customary rights are not affected by this bylaw.
- 28.2 The prohibitions and restrictions contained in this bylaw do not apply to:
- (a) Any Authorised Officer when engaged in the performance of their regular duties;
 - (b) Any emergency vehicle at the time of being engaged in urgent official emergency business;
 - (c) Any vehicle being used for an event or activity with an approved traffic management plan where operation of the vehicle is compliant with that traffic management plan;
 - (d) Any vehicle carrying out, or involved in the delivery of a public work where:
 - i. No other practicable alternatives to the activity are available;
 - ii. The vehicle is being used with due consideration to the other road users;
 - iii. The activity is one that the council, at its discretion, considers is reasonably necessary for the purposes of the public work.