



Palmerston North City Council
Draft Traffic and Parking Bylaw 2018
Consultation Document

Introduction

This consultation document proposes to replace the current Traffic and Parking Bylaw with the new Traffic and Parking Bylaw 2018, with a consequent minor amendment to the Signs and Use of Public Places Bylaw 2015. The current Traffic and Parking Bylaw was adopted in June 2011 and was due to be reviewed by June 2016. If a new bylaw is not adopted within two years of that review date, the current Bylaw will be automatically revoked. The purpose of this consultation document is to outline the new Bylaw and describe how it differs from the current Bylaw.

The Proposal

The main proposal is to adopt a new Traffic and Parking Bylaw. This Bylaw provides the power for Council to set and enforce parking restrictions and other uses of roads and footpaths within Palmerston North. The current Bylaw will be automatically revoked if it is not replaced before 29 June 2018.

The draft Bylaw substantially revises the current Bylaw. In general terms, the Bylaw has been rewritten to more closely align with the enabling provisions of section 22AB of the Land Transport Act 1998. The Bylaw retains the same overall structure, with Part 2 relating to parking restrictions, and Part 3 addressing general traffic management matters including one-way roads, heavy vehicle restrictions, stock droving, and turning restrictions. New sections added include a clause relating to parking trials (clause 7), engine braking (clause 14) and access to unformed legal roads (clause 15).

Another notable change is the creation of an Administration Manual for the proposed Bylaw. This aligns with all recently reviewed Bylaws, and provides a way to transparently recording the specific restrictions, terms and conditions that apply under the Bylaw. The draft Administration Manual includes in Part 2 the terms and conditions for parking which were previously included in the Bylaw. It also adds the conditions for vehicles parked for the purposes of sale, which are currently included in the Signs and Use of Public Places Bylaw. It is considered that these conditions are more appropriately a parking issue, than a public place issue, and therefore belong in the Traffic and Parking Bylaw Administration Manual. This requires a consequent amendment to the Signs and Use of Public Places Bylaw and Administration Manual to delete those provisions relating to vehicles parked for the purposes of sale.

Reason for the Proposal

The main reason for the proposal is to replace the current Traffic and Parking Bylaw which will be automatically revoked on 29 June 2018. However, in the process of drafting a replacement Bylaw the opportunity has been taken to improve and refine the provisions which govern the setting of traffic and parking restrictions in Palmerston North. To that end, the structure of the Bylaw has been revised to more closely align with the enabling provisions of section 22AB of the Land Transport Act 1998. As a result, some new powers have been added to the Bylaw relating to

restricting engine braking and access to unformed legal roads. While no specific restrictions have yet been identified, the inclusion of these powers in the Bylaw gives Council the ability to respond to issues as they arise in the future.

The new clause relating to setting parking trials is included to make clearer how Council will create any new parking trials. In particular, the Bylaw ensures that appropriate consultation is conducted before any new parking trials are created, giving those affected an opportunity to provide input into the decision-making process. It also restricts parking trials to a maximum 12-month duration, though they can be extended by repeating the initial process.

The reason for adopting the Administration Manual model is to ensure consistency with other recently reviewed bylaws. The Administration Manual provides a clear and transparent way for the community to see the terms, conditions, and other restrictions imposed through the Bylaw, along with any other technical or operational elements required through the Bylaw.

Consultation Process

Anyone can make a submission about the proposal described in this document. We encourage anyone with an interest in the issues raised in this proposal to make a submission.

This consultation document and the submission form can be found at:

- Palmerston North City Council website
<https://www.pncc.govt.nz/yourcouncil/consultations/>
- Customer Service Centre, Palmerston North City Council, The Square, Palmerston North;
- City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury; and
- Ashhurst Services Delivery Centre, 122 Cambridge Avenue, Ashhurst.

You are welcome to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at the Planning and Strategy Committee meeting, scheduled for February 2018. The date and time for hearings will be confirmed in the letter acknowledging your submission, and will also be advertised in the Tribune newspaper.

To get your submission to us, either:

Mail to: Draft Traffic and Parking Bylaw 2018 Submissions, Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North

Email to: submission@pncc.govt.nz (write "Draft Traffic and Parking Bylaw 2018 Submissions" in the subject)

Phone: 06 356 8199

Fax: 06 355 4115

**The submission period runs from 18 November
until 4pm on Wednesday 20 December 2017**

Please note that all written submissions, including the contact details on the submission, will be made available to the public and media and on the Council's website, unless you specifically request that your contact details are kept private. For further information on this consultation please phone the Council on 06 356 8199 or email us at info@pncc.govt.nz.



PALMERSTON NORTH CITY

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

CONTENTS

| | |
|---|-----------|
| PART ONE - INTRODUCTION | 3 |
| 1. TITLE | 3 |
| 2. PURPOSE | 3 |
| 3. COMMENCEMENT..... | 3 |
| 4. REPEAL..... | 3 |
| 5. DEFINITIONS | 3 |
| PART TWO - PARKING | 9 |
| 6. PARKING RESTRICTIONS | 9 |
| 7. PARKING TRIALS | 10 |
| PART THREE - FOOTPATHS AND ROADS..... | 11 |
| 8. USE OF FOOTPATHS FOR DELIVERY..... | 11 |
| 9. ONE-WAY ROADS | 11 |
| 10. HEAVY VEHICLE PROHIBITIONS..... | 11 |
| 11. TRANSPORTING AND DROVING STOCK..... | 11 |
| 12. TURNING RESTRICTIONS..... | 11 |
| 13. SPECIAL VEHICLE LANES..... | 12 |
| 14. ENGINE BRAKING..... | 12 |
| 15. ACCESS TO UNFORMED LEGAL ROADS | 12 |
| PART FOUR – ADMINISTRATION | 13 |
| 16. ADMINISTRATION MANUAL AND DELEGATIONS | 13 |
| 17. PERMITS..... | 14 |
| 18. FEES FOR PERMITS..... | 14 |
| 19. WAIVER OF FEES | 14 |
| 20. TRANSITIONAL PROVISIONS | 15 |
| PART FIVE - ENFORCEMENT | 16 |
| 21. OFFENCES AND PENALTIES | 16 |
| 22. DEFENCES | 16 |
| 23. EXEMPTED VEHICLES | 16 |

Palmerston North Traffic and Parking Bylaw 2018

PART ONE - INTRODUCTION

1. TITLE

- 1.1. The title of this Bylaw is the “Palmerston North City Council Traffic and Parking Bylaw 2018”.

2. PURPOSE

- 2.1. This Palmerston North City Council Traffic and Parking Bylaw 2018 (the Bylaw) is made pursuant to section 22AB of the Land Transport Act 1998.
- 2.2. The purpose of this Bylaw is to place controls on and specify the method of signifying controls on the use, stopping, standing and parking of vehicles on roads and Council controlled places in Palmerston North for the convenience of the public and to achieve the safe, equitable and efficient allocation of public parking.

3. COMMENCEMENT

- 3.1. This Bylaw commences on 25 June 2018.

4. REPEAL

- 4.1. The Palmerston North Traffic and Parking Bylaw 2011 is repealed when this Bylaw commences.

5. DEFINITIONS

- 5.1. In this Bylaw:

| | |
|-----------------------------|---|
| Authorised delegate | Means a person given delegated authority by the Council to perform duties and functions under this Bylaw. |
| Berm and Grass Verge | Means any grassed area on a road separated from the roadway by channelling or kerbing, but does not include a grassed area immediately adjoining the roadway. |
| Council | Means the Palmerston North City Council and includes any person with delegated authority and authorised to act on its behalf. |

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

| | |
|---------------------------------|---|
| District | Means the area within the territorial boundaries of the Palmerston North City Council. |
| Eligible Resident | Means a person who resides in a dwelling, apartment or other building which has its only or principal access to the road that forms part of a resident's parking area or which has access in the immediate vicinity of that road. |
| Footpath | Means as much of any road or Council controlled place that is laid out or constructed by the Council for pedestrian use, and includes footways and walkways. |
| Heavy Motor Vehicle | Means a motor vehicle with a gross vehicle mass exceeding 3,500 kilograms but it excludes passenger service vehicles. |
| Mobility Parking Permit | Means a permit or concession card issued by CCS Disability Action or Sommerville Disability Support Services to a person with a physical disability. |
| Mobility Parking Space | Means a parking space set aside by signs or markings by the Council for exclusive use by holders of a mobility parking permit. |
| Network Utility Operator | <p>Means a person who—</p> <ul style="list-style-type: none">(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or(b) operates or proposes to operate a network for the purpose of—<ul style="list-style-type: none">(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or(ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or |

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system; or
- (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—

and the words network utility operation have a corresponding meaning.

Parking

Means, -

- (a) In relation to a portion of a road where parking is for the time being governed by the location of parking machines, the stopping or standing of a vehicle on that portion of the road for any period exceeding five minutes.
- (b) In relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

entitled to do so) on that portion of the road.

- (c) For enforcement purposes, once a vehicle has parked in accordance with the above requirements, it shall be deemed as remaining parked until the vehicle has been fully removed from the parking space.

Parking Fee

Means the fee payable for use of a parking space for a period of time at the rate specified by the parking meter controlling the parking space.

Parking Place

Means a place (including a building) where vehicles, or any class of vehicles, may park.

Parking Space

Means a space or section of a parking place, road or other public place marked out and defined by painted lines for the accommodation of a vehicle.

Passenger Service Vehicle

Means a vehicle used or available for use in a passenger service for the carriage of passengers.

Residents' Exemption Area

Means any road, or portion of a road, or a Council controlled place identified by signs or markings as a restricted parking area in which eligible residents may park contrary to time restrictions of that area in accordance with this Bylaw.

Residents' Only Area

Means any road, or portion of a road, or a Council controlled place identified by signs or markings as a restricted parking area reserved for parking by eligible residents in accordance with this Bylaw.

Residents' Parking Area

Means a residents' exemption area or a residents' only area.

Residents' Parking Permit

Means a permit issued by the Council under this Bylaw for parking in a residents' parking area.

Road

Includes—

- (a) A street; and

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

- (b) A motorway; and
- (c) A beach; and
- (d) A place to which the public have access, whether as of right or not; and
- (e) All bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) All sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.

Roadway

Means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

Special Vehicle Lane

Means a lane defined by signs or markings and restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light-rail vehicle lane.

Urban Area

Means any land zoned residential in the District Plan.

Vehicle

means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include—

- (a) a perambulator or pushchair:
- (b) a shopping or sporting trundler not propelled by mechanical power:
- (c) a wheelbarrow or hand-trolley:
- (d) a pedestrian-controlled lawnmower:
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power:
- (f) an article of furniture:

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

- (g) a wheelchair not propelled by mechanical power:
- (h) any other contrivance specified by rules made under the Land Transport Act 1998 not to be a vehicle for the purposes of this definition:
- (i) any rail vehicle.

5.2. Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Land Transport Act 1998 unless the context plainly requires a different meaning. The Interpretation Act 1999 applies to the interpretation of this Bylaw as if it was an enactment.

PART TWO - PARKING

6. PARKING RESTRICTIONS

6.1. The Council may:

- (a) Prohibit or restrict the stopping, standing or parking of vehicles on any road.
- (b) Limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description of vehicle.
- (c) Limit the period of time that vehicles may park on any part of the road where parking is limited to such vehicles.
- (d) Provide that a vehicle used for a specified purpose be treated for the purpose of this Bylaw to be of another specified purpose or class of vehicle.
- (e) Prohibit or restrict the parking of heavy motor vehicles, or any specific class or description of heavy motor vehicle, on any specified road during specified hours for a period that exceeds a specified period.

6.2. In respect of any parking place or transport station, the Council may:

- (a) Specify the vehicles or classes of vehicle that may be entitled to use any parking place or transport station;
- (b) Reserve any specified parking place or transport station for use, either generally or at specified times, only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons as defined in section 2 of the Disabled Person Community Welfare Act 1975;
- (c) Reserve specified parking places or transport stations for use by persons who hold a Residents' Parking Permit for that area, either generally or at specified times;
- (d) Prohibit or restrict parking on specified roads or parts of roads in residential areas by specified classes of vehicles, either generally or at specified times where the Council believes the parking is likely to cause a nuisance or danger;
- (e) Prescribe the conditions under which any parking place or transport station may be used;
- (f) Prescribe the charges to be paid for the use of any parking place or transport station, as measured by parking meters or by way of a fee for a permit to use the parking place or transport station, or by any other prescribed method of time measurement or payment.

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

- 6.3. Where required by the Land Transport Act 1998 or any regulations or rules made under that Act the Council will identify parking restrictions by erecting the prescribed signs or making the prescribed road markings.
- 6.4. Every person who stops, stands or parks a vehicle on a road, or uses a parking place or transport station must comply with the terms and conditions contained in the Administration Manual.

7. PARKING TRIALS

- 7.1. The Council may establish new parking restrictions, suspend specific existing parking restrictions, or otherwise amend or alter specific existing parking restrictions, including any parking fees or charges, as a parking trial for a specified period of time.
- 7.2. Before making any such decision under clause 7.1, the Council must consult appropriately with any person or organisation it reasonably believes may have an interest in the proposed parking trial, and have regard to any views submitted to it as a result of that consultation.
- 7.3. The maximum duration of any parking trial established under clause 7.1 is 12 months. A parking trial may be renewed by repeating the process required by clauses 7.1 and 7.2, provided that the renewed parking trial shall have a maximum duration of 12 months.
- 7.4. For the duration of the parking trial created under clause 7.1, any parking restrictions, fees or charges that are contradicted by the parking trial are suspended and have no effect until the parking trial ends.

PART THREE - FOOTPATHS AND ROADS

8. USE OF FOOTPATHS FOR DELIVERY

- 8.1. No person may drive a motor vehicle, including a moped or motorcycle, along the footpath to deliver newspapers, mail or printed material to letter boxes unless the Council has issued a permit authorising the activity to that person or to the organisation employing that person.

9. ONE-WAY ROADS

- 9.1. The Council may identify roads where, subject to the erection of the prescribed signs, vehicles must travel in one specified direction only.
- 9.2. No person may drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a “one-way road” in Part 3 of the Administration Manual, other than in the direction specified.

10. HEAVY VEHICLE PROHIBITIONS

- 10.1. The Council may prohibit or restrict, absolutely or conditionally, any specified class of traffic or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.

11. TRANSPORTING AND DROVING STOCK

- 11.1. No person may drive stock along or across any road in the urban area of the district.
- 11.2. Notwithstanding clause 11.1, stock may be driven along or across any road in any other part of the district only if the person driving the stock holds a permit issued by the Council, and complies with the conditions of that permit.
- 11.3. No stock may be transported in heavy motor vehicles over the routes specified in part 4 of the Administration Manual.
- 11.4. A person driving a vehicle transporting stock must not allow effluent to discharge from the vehicle onto the roadway.

12. TURNING RESTRICTIONS

- 12.1. The Council may prohibit, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (commonly known as a “u-turn”), or prohibiting vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left.
- 12.2. No person may drive a vehicle in contravention of a turning restriction made under clause 12.1 of this Bylaw.

13. SPECIAL VEHICLE LANES

- 13.1. The Council may prescribe, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by buses, taxis, or other passenger service vehicles, or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants.
- 13.2. No person may drive a vehicle in contravention of a special vehicle lane restriction made under clause 13.1 of this Bylaw.

14. ENGINE BRAKING

- 14.1. The Council may prohibit or restrict, subject to the erection of the prescribed signs, engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour.
- 14.2. No person may use a vehicle in contravention of an engine braking restriction made under clause 14.1 of this Bylaw.

15. ACCESS TO UNFORMED LEGAL ROADS

- 15.1. The Council may restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- 15.2. No person may use a motor vehicle on an unformed legal road in contravention of a restriction made under clause 15.1 of this Bylaw

PART FOUR – ADMINISTRATION

16. ADMINISTRATION MANUAL AND DELEGATIONS

- 16.1. The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. The Administration Manual records the restrictions and conditions established under this Bylaw, and will be updated from time to time as those restrictions and conditions are amended.
- 16.2. The Council may amend the Administration Manual. Before amending the Administration Manual the Council will consult in accordance with the decision-making requirements of section 82 of the Local Government Act 2002.
- 16.3. The following people are authorised delegates under this Bylaw:
- (a) The Chief Executive of the Council;
 - (b) The person holding the office identified in the Council's Delegations Manual as responsible for the administration of this Bylaw;
 - (c) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 16.4. An authorised delegate may exercise any power, function or duty under this Bylaw, or carry out any act in order to achieve its effective administration, on behalf of the Council including the following:
- (a) Amend the Administration Manual;
 - (b) Establish any restriction, limitation or condition under this Bylaw;
 - (c) Specify forms and procedures for the effective administration of the Bylaw;
 - (d) Make any decision or determination required in this Bylaw in order to administer it;
 - (e) Make decisions regarding whether or not a permit should be granted, and the terms and conditions of that permit including standard conditions and variations;
 - (f) Make decisions regarding suspension, withdrawal or removal of a permit.
- 16.5. Notwithstanding clause 16.4, an authorised delegate may not:
- (a) Prescribe, alter or repeal any fees or charges that might be set under this Bylaw;
 - (b) Approve any parking trial created under clause 7 which alters or repeals any parking fees or charges set under this Bylaw for the duration or purposes of the trial.
- 16.6. All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual and shall be available to the public.

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2018

17. PERMITS

- 17.1. Where a person requires a permit from the Council under this Bylaw, the person seeking a permit must:
- (a) Complete the required application form.
 - (b) Pay the applicable fee.
 - (c) Comply with any requirements set as conditions of that permit.
- 17.2. A permit may include, in addition to conditions incorporated in this Bylaw, conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw; and minimise the risk of nuisance.
- 17.3. For the avoidance of doubt and only in exceptional circumstances, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 17.4. A permit is personal to the applicant and is not transferable.
- 17.5. An authorised delegate may limit the number of residents' parking permits issued to a single household under this Bylaw to ensure that the allocation of on-street parking in a residents' parking area is equitable for all residents covered by that residents' parking area.
- 17.6. The Council 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 Council may consider appropriate in the circumstances to protect public health and safety, to minimise nuisance, or to avoid offensive behaviour.

18. FEES FOR PERMITS

- 18.1. The Council may charge a fee for receiving and processing an application and issuing a permit.
- 18.2. The Council must prescribe a fee for any permit issued under this Bylaw in accordance with the Local Government Act 2002.
- 18.3. A permit may be cancelled by the Council at any time.

19. WAIVER OF FEES

- 19.1. Pursuant to section 150 of the Local Government Act 2002 the Council may by resolution determine situations when fees may be remitted, refunded or waived under this Bylaw.

20. TRANSITIONAL PROVISIONS

- 20.1. Every prohibition, restriction, limitation, condition or permit in existence at the time of the commencement of this Bylaw and that comply with this Bylaw's requirements for signage and marking will continue to apply as if made under this Bylaw.
- 20.2. Every fee or charge that applies at the commencement of this Bylaw will continue to apply as if made under this Bylaw until changed in accordance with this Bylaw.

DRAFT FOR CONSULTATION

PART FIVE - ENFORCEMENT

21. OFFENCES AND PENALTIES

21.1. A breach of any prohibition, restriction, limitation, or condition made under this bylaw is an offence and is subject to the penalty set out in the Land Transport (Offences and Penalties) Regulations 1999 or any such equivalent regulations that may replace it.

21.2. Notwithstanding anything in this clause, the Council may remove vehicles from parking places or transport stations or roads where those vehicles are using those places or stations in breach of this Bylaw, and require the payment of the reasonable cost of such removal.

22. DEFENCES

22.1. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- (a) Complied with the directions of an enforcement officer, a parking warden or a traffic control device; or
- (b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

23. EXEMPTED VEHICLES

23.1. No restriction in this Bylaw applies to emergency vehicles being used when their use is necessary in the execution of the driver's duty.

23.2. The restrictions of Part 2 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.



PALMERSTON NORTH CITY

PALMERSTON NORTH TRAFFIC AND PARKING BYLAW

2018

Administration Manual

CONTENTS

| | |
|---|----------|
| PART ONE – INTRODUCTION | 4 |
| PART TWO – PARKING TERMS AND CONDITIONS | 5 |
| 1. OCCUPANCY | 5 |
| 2. SAFETY | 5 |
| 3. DURATION..... | 5 |
| 4. PARKING FEES..... | 5 |
| 5. CURRENCY | 6 |
| 6. INTERFERENCE WITH PARKING METERS | 6 |
| 7. MOBILITY PARKING..... | 6 |
| 8. RESIDENTS’ PARKING | 6 |
| 9. VEHICLES PARKED FOR SALE..... | 7 |
| PART THREE – ONE WAY ROADS..... | 8 |
| PART FOUR – HEAVY TRAFFIC PROHIBITIONS FOR THE CBD | 9 |

Document Control

| Version No. | Reason for Amendment | Date |
|-------------|----------------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |

Authorisation

| | Name | Signature | Date |
|---------------|------|-----------|------|
| Prepared By | | | |
| Reviewed By | | | |
| Authorised By | | | |

PART ONE – INTRODUCTION

The purpose of this Administration Manual is to provide material complementary to the Traffic and Parking Bylaw. It identifies specific terms and conditions relating to parking restrictions, and identifies specific controls and restrictions such as one-way roads and heavy traffic prohibitions. It may also include administrative tools such as permit application forms.

The Administration Manual is made under the Traffic and Parking Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document and will be made available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up-to-date and reflects current practice. Amendments to this document will be authorised either by the General Manager for City Networks or the Roding Manager.

DRAFT FOR CONSULTATION

PART TWO – PARKING TERMS AND CONDITIONS

The following terms and conditions apply to any person who stops, stands or parks a vehicle on a road, or uses a parking place or transport station.

1. OCCUPANCY

- 1.1. A parked vehicle must occupy only one parking space unless it is necessary for a vehicle to extend onto an adjoining and unoccupied parking space by reason of the size of the vehicle. In such a case the requirements for use of each parking space must be met.
- 1.2. No person may park any vehicle in a parking space that is already occupied by another vehicle. However more than one motorcycle (but no other vehicle) may occupy any parking space at the same time provided that:
 - 1.2.1. All motorcycles in that parking space are parked at right angles to the kerb.
 - 1.2.2. Any fee payable for the use of that parking space has been paid for the duration that any motorcycle continues to occupy that parking space.

2. SAFETY

- 2.1. Except with the prior written permission of the Council no person shall park a vehicle on a road or Council-controlled place for any period exceeding seven days, if that vehicle cannot be moved on at the request of the Council.
- 2.2. No person may park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that may be required.
 - 2.2.1. This condition does not apply to containers that are used solely for the purpose of a domestic refuse or recycling collection service and which are placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.
- 2.3. No person may repair, alter or add to a vehicle which the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 2.4. No person may stop, stand or park a vehicle on a berm or grass verge or any cultivated land adjacent to, or forming part of, a road in an urban traffic area.
- 2.5. No person may park a vehicle on or overhanging any footpath.
- 2.6. No person may park a vehicle in a parking space when a sign, meter hood or permit identifies it as a discontinued parking space.

3. DURATION

- 3.1. Every person who parks a vehicle in a parking space must comply with the time restrictions shown on the sign or the meter controlling the parking space.

4. PARKING FEES

- 4.1. Where a parking space is controlled by a parking meter, a vehicle must not be allowed to remain in, or occupy, that parking space unless:
 - 4.1.1. The required fee is paid for the period the parking space is to be occupied; and
 - 4.1.2. The parking meter controlling the parking space is activated in accordance with the instructions on the parking meter or signs.
 - 4.1.3. The vehicle displays a valid permit issued under the Bylaw that exempts the user of that vehicle from paying the applicable parking fee.
- 4.2. If a parking meter or sign controlling a parking space requires the user of that parking place to display a receipt or other document on the dashboard of the vehicle parked in the parking place, then the receipt or other document must be prominently displayed on the dashboard at the front of the vehicle in a manner that enables the date and expiry time or date to be seen from outside the vehicle.

5. CURRENCY

- 5.1. Only New Zealand legal tender currency may be used to pay parking fees.

6. INTERFERENCE WITH PARKING METERS

- 6.1. No person may interfere, tamper or attempt to tamper with any parking meter.
- 6.2. No person may, without Council permission, affix or attempt to affix anything, or paint or write upon, or disfigure any parking meter.

7. MOBILITY PARKING

- 7.1. Every person who parks in a parking space which has been designated and marked as a mobility parking space must prominently display a mobility parking permit at the front of the vehicle in a manner which will allow the permit to be seen from outside the vehicle.
- 7.2. A mobility parking permit may only be displayed on a vehicle if the vehicle is being used by the permit holder, either as a driver of or passenger in that vehicle.

8. RESIDENTS' PARKING

- 8.1. Only eligible residents displaying a valid residents' parking permit may park their vehicle in a residents' exemption area for a longer period than the posted time restriction for that area.
- 8.2. No person may park a vehicle in a residents' only area except for:
 - 8.2.1. Eligible residents displaying a valid residents' parking permit;
 - 8.2.2. Vehicles operated by the Council or for the Council and being used in the conduct of Council business.
 - 8.2.3. Vehicles operated by network utility operators if necessary for the provision of, or maintenance of, a network utility operation;
 - 8.2.4. Vehicles used to pick up or deliver goods to, or in connection with maintenance of, the property of an eligible resident.

- 8.3. Where a residents' parking permit is required to be displayed for parking in a residents' exemption area or a residents' only area:
- 8.3.1. The permit must be prominently displayed so as to be seen from outside the vehicle;
 - 8.3.2. The permit must identify the vehicle to which it relates and is only valid to be used for that vehicle;
 - 8.3.3. The vehicle is in the residents' parking area referred to in the permit and is valid only during the time period specified on the permit.
 - 8.3.4. The permit must be returned to the Council immediately after the resident ceases to be an eligible resident.

9. VEHICLES PARKED FOR SALE

- 9.1. No person may park a motor vehicle in a public place for the purpose of sale without a permit from the Council.
- 9.2. For the purposes of this section, "**the purpose of sale**" means a vehicle that contains advertising or other messages designed to solicit offers to purchase the vehicle, and which are displayed in such a way that the vehicle is not capable of being legally or safely driven without first remove that advertising. Vehicles which are advertised for sale incidental to their day-to-day use, and which contain minimal advertising that does not substantially obscure any of the vehicle's windows, are not considered under this section to be parked for the purpose of sale.
- 9.3. The Council has set aside a section of the carpark of Memorial Park as an appropriate place for the private sale of motor vehicles. Council may issue permits to park vehicles for sale in this location, and reserves the right to decline applications for permit to park vehicles for sale in any other location.

PART THREE – ONE WAY ROADS

| Road | Section/Part | Permitted direction of travel |
|----------------|--------------|---|
| Coleman Place | All | East to west, from intersection with The Square to intersection with George Street. |
| King Street | All | East to west, from intersection with Princess Street to intersection with Rangitikei Street. |
| Berrymans Lane | All | From Princess Street entry to "T" junction From "T" junction to exit on Broadway Avenue. From "T" junction to exit on Main Street |
| Palm Drive | All | From north-east intersection with Victoria Esplanade Drive to west intersection with Victoria Esplanade Drive Bicycles are permitted to travel in either direction on Palm Drive |

PART FOUR – HEAVY TRAFFIC PROHIBITIONS FOR THE CBD

Subject to the provisions of clause 11 of the Bylaw, the following roads are prohibited to heavy vehicles transporting livestock at all times:

Andrew Young Street

Ashley Street

Broadway Avenue between Rangitikei Street and Princess Street

Campbell Street between Walding Street and Cuba Street

Church Street between Pitt Street and Princess Street

Coleman Place

Cross Street

Cuba Street between Pitt Street and Rangitikei Street

Donnington Street

Fitzherbert Avenue between The Square and Ferguson Street

George Street

King Street

Linton Street between Church and Ferguson Street

Lombard Street between Walding Street and Cuba Street

Main Street between The Square and Pitt Street

Main Street between The Square and Princess Street

Queen Street

Rangitikei Street between Grey Street and Broadway Avenue

Taonui Street between Walding Street and Cuba Street

The Square perimeter

For additional clarity, the roads listed above are all within the area bounded by the ring road:
Princess Street-Ferguson Street-Pitt Street-Bourke Street-Walding Street-Grey Street



PALMERSTON NORTH CITY

PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015

(incorporating amendments as at 6 November 2017)

Contents

| | |
|---|-----------|
| 1. TITLE..... | 3 |
| 2. PURPOSE | 3 |
| 3. COMMENCEMENT AND APPLICATION..... | 3 |
| 4. REPEAL | 3 |
| 5. INTERPRETATION..... | 3 |
| PART 1 – SIGNS..... | 7 |
| 6. GENERAL CONTROL ON SIGNS | 7 |
| 7. SIGNS AND FLAGS ON FOOTPATHS..... | 8 |
| 8. SIGNS ADVERTISING COMMERCIAL SEXUAL SERVICES | 9 |
| 9. REAL ESTATE SIGNS AND FLAGS..... | 9 |
| 10. SIGN PARKS | 11 |
| 11. ELECTION SIGNS | 11 |
| PART 2 – USE OF FOOTPATHS AND PUBLIC PLACES..... | 12 |
| 12. OBJECTS ON FOOTPATHS..... | 12 |
| 13. DRAWING ON FOOTPATHS | 12 |
| 14. USE OF PUBLIC PLACES | 12 |
| 15. SECURITY FENCES..... | 12 |
| PART 3 – STOCK ON ROAD RESERVES | 13 |
| 16. ROADSIDE GRAZING | 13 |
| PART 4 – TRADING IN PUBLIC PLACES | 14 |
| 17. MOBILE TRADING PERMITS | 14 |
| PART 5 – ADMINISTRATION | 15 |
| 18. FEES AND CHARGES..... | 15 |
| 19. DELEGATIONS..... | 15 |
| 20. PERMITS | 16 |
| PART 6 – ENFORCEMENT..... | 17 |
| 21. OFFENCES AND PENALTIES..... | 17 |

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 Manawātū 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 REVOKED

- ~~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.

DRAFT FOR CONSULTATION

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.

DRAFT FOR CONSULTATION



PALMERSTON NORTH CITY

PALMERSTON NORTH SIGNS AND USE OF PUBLIC PLACES BYLAW 2015

Administration Manual

Document control

| Version No. | Reason for amendment | Date |
|-------------|--|-----------------|
| 1 | Adopted by Council | 1 October 2015 |
| 2 | Correct information requirements for permit application form | 3 April 2017 |
| 3 | Remove references to permits for vehicles parked for sale | 6 November 2017 |
| | | |
| | | |

Authorisation

| | Name | Signature | Date |
|----------------------|------------------|-----------|------|
| Prepared by | Peter Ridge | | |
| Reviewed by | Graeme Gillespie | | |
| Authorised by | Peter Eathorne | | |

Contents

| | |
|---|----|
| PART ONE – INTRODUCTION | 4 |
| PART TWO – FORMS | 5 |
| PART THREE – STANDARD CONDITIONS FOR PERMITS..... | 10 |
| PART FOUR – CURRENT GENERAL AUTHORISATIONS..... | 13 |

DRAFT FOR CONSULTATION

PART ONE – INTRODUCTION

The purpose of this Administration Manual is to support the administration of the Signs and Use of Public Places Bylaw 2015 (the Bylaw), to provide information to the public about making applications for permits under the Bylaw, and to identify the standard conditions that apply to the different activities for which permits may be issued.

The Administration Manual is made under the Bylaw, and it will govern the implementation and operation of the Bylaw. The Administration Manual is a public document, and will be made available on the Council's website alongside the Council's bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be authorised by the General Manager for the Customer Services Unit.

PART TWO – FORMS

This section includes the form to be used when applying for a permit under the Signs and Use of Public Places Bylaw. This form applies to the following activities controlled by the bylaw and for which a permit may be issued:

- Displaying a sign in a public place (ref. clauses 6.1 and 6.3)
- Displaying a sign in a sign park (ref. clause 10.2)
- Placing objects on, or use of, the footpath (ref. clause 12.1)
- Mobile trading in a public place (ref. clause 17.1)
- Other (activities which would otherwise contravene the bylaw – ref. clause 20.3)

~~There is no standard form for a permit to park a motor vehicle in a public place for sale (ref. clause 14.1). Any person who wishes to obtain such a permit must apply in person at the Customer Service Centre on the Square.~~

Signs and Public Places Permit Application Form



APPLICANT DETAILS

Applicant Name: _____

Trading Name of Business (if applicable) : _____

Mailing Address: _____

Telephone: _____ Email: _____

After hours: _____ Mobile: _____

ACTIVITY TYPE

Please indicate the type of activity permit for which you are applying

- ☐ Displaying a sign in a public place ☐ Displaying a sign in a sign park
- ☐ Placing objects on or use of the footpath ☐ Mobile Trading in a Public Place
- ☐ Other: _____

PERMIT REQUIREMENTS

I confirm that:

- (a) I have included in this application the required information necessary to enable the Council to consider the application (see overleaf).
- (b) I have paid the prescribed fee (if applicable)
- (c) I agree to comply with the times, terms and conditions of the permit if a permit is issued.

Signature: _____ (applicant) Date: _____

OFFICE USE ONLY

Application received on: _____

Recommendation: Approved/Declined (circle one)

Permit number: _____

Applicant advised: Yes/No (circle one)

Date: _____

Notes: _____

PERMIT INFORMATION REQUIREMENTS

The following are the information requirements for each of the different permit activity types. Please ensure that you supply all the required information with your application to enable the Council to consider your application. A failure to supply the required information may delay your permit application.

Displaying a sign in a public place (clause 6)

1. Identify the location where the sign will be located
2. Provide details of the sign content, and the size and construction of the sign (including whether it is a mobile sign).
3. Provide the date on which the sign is to be erected, and the date on which the sign is to be removed.

Displaying a sign in a sign park (clause 10)

1. Identify in which sign park(s) the sign will be located:
 - a. Pioneer Highway – heading into the city, green area left hand side, past the Information Board and entrance to the Manawatū Trotting Track
 - b. Fitzherbert Avenue – heading out of the city prior to crossing the Manawatū River and bridge, green area on the left hand side.
2. Supply a sketch plan of the sign, including a description of the sign content, and the size and construction of the sign.
3. Provide the date on which the sign is to be erected, and the date on which the sign is to be removed.

Placing objects on or use of the footpath (clause 12)

1. Describe the locality where objects are to be placed.
2. Supply a sketch plan that details the location of the objects to be placed on the footpath.
3. Identify the number and type of each object proposed to be placed on the footpath, and the times of the day and the days that the objects will be placed on the footpath.

Mobile trading in a public place

1. Identify the nature of the mobile trade that will take place.
2. Clearly identify the exact location(s) where the mobile trading will take place. Each site will require a clear map for each proposed location.
3. The dates, times, frequency and duration the mobile trade will take place.

PART THREE – STANDARD CONDITIONS FOR PERMITS

All Permits

1. Permits are issued under the Palmerston North Signs and Use of Public Places Bylaw 2015.
2. The permit holder must present the permit if requested by any officer of the Palmerston North City Council.
3. The permit may be reviewed by the Council at any time and may be revoked on 48 hours written notice or earlier if necessary to prevent harm to any person or damage to any private or public property.
4. The permit is only valid if all applicable fees have been paid and funds have cleared.
5. Unless otherwise specified, a permit issued under this bylaw is valid for a maximum of three years. The Council may grant a renewal of the permit on application.

Displaying a sign in a public place

1. The sign must correspond with the specifications and description in the permit application, including but not limited to the construction and dimensions of the sign.
2. Any sign, including any structure attached to the sign, must be maintained in good repair. If it is damaged for any reason it must be removed, repaired or replaced within 24 hours of sustaining damage if there is a safety issue, and within 72 hours otherwise.
3. The sign must be removed by the date stated in the permit. If no date is stated, then the permit is deemed to terminate within 21 days of the date the permit was issued.
4. The permit holder is responsible for any damage to the public place or any other property of the Palmerston North City Council caused by the sign, the permit holder, the permit holder's contractors or the permit holder's employees.

Displaying a sign in a sign park

1. The sign must correspond with the specifications and description in the permit application, including but not limited to the construction and dimensions of the sign.
2. The sign must not be erected before a site inspection has been completed by a Council officer.
3. Any sign, including any structure attached to the sign, must be maintained in good repair. If it is damaged for any reason it must be repaired or replaced within 24 hours of sustaining damage.
4. The sign must not exceed 2.9m² in area and it must not exceed 1.6m above the ground inclusive of supports (posts).
5. The posts used to support the sign must fit in ground cylinders. The maximum width is 100mm² or 4"x4", and the maximum depth into the ground is 800mm.

6. The sign must be removed from the sign park by the date stated in the permit or before the end of eight weeks since the sign was erected, whichever is earlier.

Placing objects on or use of the footpath

1. Objects placed on the footpath must be placed outside the premises to which they relate.
2. Objects must not be placed outside adjoining premises without written permission from the adjoining premises.
3. Objects must be placed on the footpath only when the premises to which they relate are open to the public.
4. Pedestrians using the footpath must not be impeded by the objects placed on the footpath.
5. Objects placed on the footpath must be placed to ensure a minimum 1.5 metres continuous, straight-line width of the footpath remains clear for pedestrian access.
6. Objects other than tables and chairs may not occupy more than one quarter of the footpath width or 0.6 metres, whichever is the lesser.
7. Objects including but not limited to umbrellas, canopies or shades must be secured in such a way that they will not fall or be blown over.
8. The lower edge of the canopy of any umbrella or shade must be at least 2.1 metres above the footpath.
9. Access to fire exits, fire hydrants, shop doorways, parking meters, rubbish receptacles, street furniture and bicycle stands must be kept clear at all times.
10. All braziers or heating devices must be securely fixed so as to not fall over.
11. A brazier or heating device must not present a danger to any pedestrian or building.
12. If alcohol is to be consumed in the area to be covered by this permit then it also needs to be licensed for alcohol consumption under the Sale and Supply of Alcohol Act 2012.
13. If tables, chairs, or other seating arrangements are placed on the footpath, then smokefree signage supplied by the Council must be displayed at all times the tables, chairs or other seating arrangements are placed on the footpath, so as to be prominently visible to persons using the tables, chairs or seating. No ashtrays or other devices intended for collecting ash may be placed on the tables or seating arrangements.
14. The permit holder must keep the footpath area where objects are placed clean from litter at all times.

Mobile trading in a public place

1. The permit holder must not impede the efficient flow of traffic or pedestrians.

2. The permit holder must not cause damage to the road reserve or any other property of the Palmerston North City Council.
3. The permit holder must cease trading when the permit expires or on revocation of the permit.

DRAFT FOR CONSULTATION

PART FOUR – CURRENT GENERAL AUTHORISATIONS

The following are General Authorisations made under clause 12.3 of the Bylaw, currently in effect:

General Authorisation #1 - footpaths within the CBD and Local Business Zone

This authorisation, made in accordance with clause 12.3 of the Signs and Use of Public Places Bylaw 2015, authorises the placement of objects (excluding tables, chairs or other seating arrangements) on footpaths within the area bounded by (and including) the following streets: Pitt Street, Bourke Street, Walding Street, Grey Street, Princess Street, and Ferguson Street, and on any footpath adjoining land zoned Local Business in the Palmerston North City District Plan.

The placement of any objects under this general authorisation is subject to the following conditions:

- The person who places the object(s) is the owner or occupier of the premises adjacent to the section of footpath where the objects are to be placed.
- The objects must not impede pedestrians using the footpath.
- A minimum 1.5 metres of continuous, straight-line width of the footpath must remain clear for pedestrian access.
- The lower edge of any object overhanging the footpath must be at least 2.1 metres above the ground.
- The objects must not block access to fire exits, fire hydrants, shop doorways, parking meters, rubbish receptacles, street furniture, or bicycle stands, at any time.

The Council may revoke or amend this general authorisation at any time, and any objects placed on the footpath must comply with any amended conditions or be removed from the footpath.

Declared by PNCC on 1 October 2015