



MOBILE SIGN *Bylaw*

2020



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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1.0 Scope

The purpose of this bylaw is to ensure that vehicle and trailer advertising signs are erected, maintained, positioned and displayed in such a manner that they do not present a hazard or a danger to public safety. The bylaw also seeks to maintain aesthetic standards.

1.2 Authority

This bylaw is made pursuant to Part 8 of the Local Government Act 2002.

2.0 Definitions and Interpretations

2.1 Definition of Mobile Sign

For the purposes of this bylaw MOBILE SIGN means a visual message or notice conveyed to the public and visible from a public place painted on, affixed to, resting on, or in any way attached to or incorporated with, a vehicle, trailer or other means of transportation that:

- (a) is displayed to advertise or identify a product, business, or service, or to inform or warn the public; and
- (b) includes any frame, supporting device and associated ancillary equipment.

2.2 Interpretation

For the purposes of this Part of the Bylaw the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to which are advised or recommended.

2.3 Exclusions

This bylaw does not apply to:

- (a) traffic, direction, information and naming signs erected by or with the approval of the Council or any other relevant road controlling authority;
- (b) signs indicating hazardous substances used at a hazardous facility or being transported;
- (c) signs erected pursuant to any statute or regulation;
- (d) signs painted on or affixed to a vehicle where the vehicle is not being used primarily for the purpose of exhibiting the sign; or
- (e) signs authorised by a resource consent or specified as a permitted activity in the operative District Plan.

3.0 General Requirements for Mobile Signs

3.1 General restrictions

No person shall:

- (a) Display or erect any mobile sign which does not comply with this part of this bylaw, except where:
 - (i) An exemption to the requirements of this part of this bylaw has been granted by the Council or an authorised officer, or
 - (ii) The mobile sign is exempted by 2.3 of this part of this bylaw.

- (b) Place or allow to remain in place any mobile sign which explicitly or implicitly:
 - (i) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
 - (ii) Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
 - (iii) Is offensive, threatening or insulting; or
 - (iv) Incites or counsels any persons to commit any offence.

3.2 Fees

The Council may prescribe fees for the assessment of any application for a dispensation for any mobile sign that is otherwise required to, but does not comply with this part of this bylaw.

4.0 Mobile Signs Left On or Over Roads, Footpaths and Public Places

Except as otherwise provided by this bylaw no person shall place or leave any mobile sign in such a position as to be on, or project over any road, private street, or public place unless the prior permission of the Council or an authorised officer has been obtained.

5.0 Mobile Signs Affecting Traffic Safety

No mobile sign shall be placed or be allowed to remain where in the opinion of the Council or an authorised officer that sign would:

- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal; or
- (b) Distract unduly or be likely to distract unduly the attention of road users; or
- (c) Resemble or likely to be confused with any traffic sign or signal; or
- (d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision; or
- (e) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely; or
- (f) Constitute or be likely to constitute in any way a danger to road users.

6.0 General Requirements for Construction and Maintenance of Mobile Signs

Mobile signs (including those covered by a dispensation under 8.2 or excluded 2.3(1)(d)) 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. This shall be the responsibility of the mobile sign owner and the owner of the land, building, or thing on which the mobile sign is placed.

7.0 Mobile Signs on Vehicles

No person shall display any mobile sign on a vehicle, whether stationary or moving, on a road, where the vehicle is being used primarily for the purpose of exhibiting the mobile sign.

8.0 Exemptions

8.1 Non-compliant Mobile Signs

A mobile sign that does not comply with the requirements of this Bylaw shall be removed or otherwise made to comply within 1 month of adoption of this part of the bylaw.

8.2 Dispensations

Where the Council, or the Regulatory Solutions Manager, is satisfied that compliance with any requirements of this part of this bylaw would be unreasonable or impracticable, having regards to the circumstances of the case, a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances. In circumstances where there is contention over a decision with regard to a mobile sign the matter may be referred to the Hearings Committee.

9.0 Repair or Removal of Mobile Signs

9.1 Notice to Repair or Remove

The Council may, by notice in writing, require the owner, of any vehicle, trailer or other means of transportation on which any unsightly, non-complying, unsafe or unauthorised mobile sign is located, to repair or remove such mobile sign within a period stated in such notice.

9.2 Compliance With Notice

Where the owner or user of a mobile sign, or the owner of the vehicle, trailer or other means of transportation on which a mobile sign is located, receives a notice given under 9.1, that person shall comply with the requirements of the notice within the time specified in the notice. Where any person has been requested to pull down, alter or remove any non-complying, unsafe, or unauthorised mobile sign, that mobile sign shall not be altered or replaced unless the altered or replacement mobile sign complies with this bylaw.

9.3 Removal By Council

Where any person fails to comply with any requirement to pull down, alter or remove any mobile sign, the Council may have the mobile sign pulled down, altered or removed. The cost incurred in pulling down, altering or removing the mobile sign shall be recoverable as a debt against the owner of the mobile sign.

9.4 Return of Signage

Any mobile sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage.

9.5 Unclaimed Signage

Any mobile sign that remains unclaimed for a period exceeding one month or is not released for a period exceeding one month may be sold or otherwise disposed of by the Council. Where such a mobile sign is sold, the proceeds of the sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application.

9.6 The offences and penalties provisions of the Introductory Bylaw apply in this bylaw so far as they are applicable, and are not contrary to the provisions of this bylaw.

This bylaw was adopted by the Napier City Council at a meeting of the Council on 27 August 2020.