

Auckland Transport Election Signs Bylaw 2013

Te Ture a Rohe mo nga Tohu Pānui Pōti a Auckland Transport 2013

Auckland Transport Board Meeting 30 May 2013

*(amended with effect from 12 August 2013 by the Auckland Transport Election Signs
Amendment Bylaw No 1 of 2013)*

*(amended with effect from 18 July 2014 by the Auckland Transport Election Signs
(Amendment No. 2) Bylaw 2014)*

Explanatory Note

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998, allows Auckland Transport to provide for the display of election signs that are on or visible from roads that are under the care, control or management of Auckland Transport. This bylaw revokes and replaces provisions of bylaws made by the previous local authorities of Auckland.

This explanatory note is for information purposes only and does not form part of this bylaw.



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1 Title

This bylaw is the Auckland Transport Election Signs Bylaw 2013.

2 Commencement

This bylaw comes into force on 8 June 2013.

3 Application

This bylaw applies to election signs on sites that are on or visible from roads under the care, control or management of Auckland Transport (which includes roads, public places and private property).

Part 1

Preliminary provisions

4 Purpose

The purpose of this bylaw is to regulate the display of election signs on or visible from roads under the care, control or management of Auckland Transport and to enable Auckland Transport to specify—

- (a) the public sites where election signs may be displayed; and
- (b) controls for the display of election signs.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires—

commercial billboard means a permanently erected structure available for hire or reward that is designed and used for the display of advertisements and includes a large passenger service vehicle so used.

election means an election under the Electoral Act 1993 or the Local Electoral Act 2001 and elections for the Auckland Energy Consumer Trust.

election day means the day on which the voting period for an election ends.

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 party or a person standing as a candidate or to vote in a particular way on a referendum or election.

private site means a site other than a public place.

public place means an area that is open to or used by the public, that is visible from a road and that is under the control of the Auckland Council, or one of its Council Controlled Organisations.

reflective material means any material or surface that tends to reflect a beam of light parallel to the path of the beam and in an opposite direction to that path.

road has the meaning given by the Local Government Act 1974.

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

traffic control device has the same meaning given by the Land Transport Rule 54002: Traffic Control Devices 2004.

unitary plan means the Auckland Council combined resource management plan.

vehicle has the meaning given by the Land Transport Act 1998.

vehicle crossing means a formed access for vehicles to enter or leave private land from or to a roadway.

- (2) The following are not election signs for the purposes of this bylaw
 - (a) an advertisement which is specified as not being an election advertisement under section 3A(2) of the Electoral Act 1993; or
 - (b) an advertisement described in regulation 3(c)(i) and (ii) of the Electoral (Advertisements of a Specified Kind) Regulations 2005.
- (3) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable legislation including Acts, regulations, bylaws and district plan or Unitary Plan rules.
- (4) Any words, phrases or expressions not defined in this bylaw have the same meaning given in the Land Transport Act 1998 or the Electoral Act 1993 or the Local Electoral Act 2001.
- (5) The Interpretation Act 1999 applies to this bylaw.
- (6) Any explanatory notes or attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formal process.

Part 2

Display of election signs

6 Location of Election Signs

- (1) A person must not display an election sign on or visible from a road under the care, control or management of Auckland Transport unless it is—
 - (a) on a site on a public place that is specified by Auckland Transport as suitable for the display of election signs;
 - (b) on a private site; or
 - (c) on a vehicle provided that the movement of the vehicle or the position of a stationary vehicle in combination with the sign does not—

- (i) compromise the safe and efficient operation of the road in any way; or
 - (ii) create a nuisance where the use of a road unreasonably interferes with other road users; or
 - (iii) breach any of the provisions of this bylaw; and
 - (iv) in the case of a trailer, remain parked on any road for a period longer than 4 hours.
- (2) Subject to clause 6(3) Auckland Transport may specify by resolution, sites that are suitable for the display of election signs under clauses 6(1)(a).
- (3) Prior to specifying a site as suitable for the display of election signs Auckland Transport must—
- (a) obtain approval for any site located within a local park from the local board allocated responsibility for that local park; and
 - (b) take into consideration any comments made by a local board responsible for the area on any proposed site that is not in a local park.
- (4) Any person may propose a site on a public place for Auckland Transport to consider its suitability for the display of election signs.
- (5) If a site specified under clause 6(2) is assessed by Auckland Transport as temporarily unsuitable for the display of an election sign, it may disallow the display of election signs on that site.

7 Controls for all election signs

- (1) A person who displays an election sign must comply with the following controls—
- (aa) election signs may only be displayed during the period commencing on the Saturday that is nine weeks before the election day and ending at midnight on the day before the election day.

- (a) election signs must be removed before midnight on the day before election day;
- (b) election signs must not be displayed on election day;
- (c) election signs must not exceed 3m² in area except for signs on commercial billboards which may exceed 3m²;
- (d) election signs must not be displayed in a way that endangers public safety;
- (e) the name and contact details (including a telephone number) of the person responsible for establishing and maintaining the election sign who can be contacted to repair, secure or otherwise take action in relation to the display of the election sign must clearly be displayed on elections signs and must be able to be read from a distance of at least 1m;
- (f) election signs and their supporting structures must be securely braced and anchored, and constructed, fixed or displayed in a manner so that they will not come loose under normal weather conditions;
- (g) election signs must not obstruct the safe line of sight of any pedestrian crossing, corner, bend, intersection, vehicle crossing or private entrance, nor obscure any traffic control device;
- (h) election signs must not be displayed on roadways other than on a vehicle covered by clause 6(1)(c);
- (i) election signs must not be displayed on footpaths, road medians, roundabouts, traffic islands or any other traffic separation structure or kerbed projection;
- (j) election signs must not be made of, or have affixed, any reflective material that is likely to reflect the light from the headlights of any approaching vehicle;

- (k) election signs, other than on commercial billboards, must not be internally illuminated by any means and must not be externally illuminated by artificial lighting designed specifically to illuminate the election sign;

Note: Election signs on billboards that are not available for hire or reward, located on private or public sites, must also comply with signage bylaws, the district plans and the unitary plan.

- (l) *Revoked by Auckland Transport Election Signs (Amendment No 2) Bylaw 2014;*
- (m) election signs must not be animated;
- (n) election signs must not be similar to or the same as any traffic control device in its shape and colour, and liable to be mistaken for a traffic control device;
- (o) election signs must not display flashing, revolving or changeable information or images;
- (p) election signs must not have affixed to it, any moveable part or light that is intended to draw attention to the election sign;
- (q) posters, pamphlets, flags or other material must not be attached to election signs other than material that is securely affixed within the surface area of the sign panel under the authority of the person responsible for that sign;

8 Election sign controls for specified sites on public places

- (1) Any person who displays an election sign on a site specified in accordance with clause 6(2) must comply with the controls in clause 7 and must also comply with the following controls—
 - (a) election signs must be free-standing on their own dedicated structure within the boundaries of the site and must not be attached to any other election sign, building, tree, litter bin, street furniture, traffic control device, bus shelter, public toilet, power pole, light pole or telephone pole, post or

- other structure of any kind, other than on the front face of a fence separating a public place from a private site specified in clause 9(1)(b);
- (aa) election signs displayed on sites specified under clause 6(1)(a) must not be smaller than 0.25m² (A2 paper size);
 - (b) on any specified site, a person standing as a candidate may only be displayed on—
 - (i) one sign that promotes that person only, as a candidate for each elected position being stood for; and
 - (ii) one sign that shows that person's association with another candidate or candidates as a team or party.
 - (ba) on any specified site, a person may only display one sign (that does not promote a specific candidate or party) that encourages or persuades (or appears to encourage or persuade) voters to vote in a particular way on a referendum or election;
 - (c) on any specified site, in a general election, a party may only display one election sign promoting that party;
 - (d) a single election sign may consist of any or all of the following so long as the combined surface area of any side does not exceed 3m² —
 - (i) a single-sided panel;
 - (ii) a double-sided panel; or
 - (iii) two panels displayed back to back.
 - (e) a single election sign consisting of two panels (or four if back to back) attached at one edge to the same post in a V-shape may be displayed on larger sites that are specified by resolution under clause 6(2) as suitable for this configuration if the widest point of the V is not more than 2m;
 - (f) the top edge of an election sign must not exceed 3m from ground level and the bottom edge must not be less than 500mm from ground level;

- (g) election signs must be set back at least 500mm from a footpath, cycle path, vehicle crossing or roadway other than on the front face of a fence separating a public place from a private site as specified in clause 9(1)(b);
 - (h) election signs must not be displayed directly under any part of a tree;
 - (i) election signs must not be displayed on sites that are recorded or scheduled as cultural or heritage sites or that are geological or archaeological features identified in the relevant district plans or unitary plan;
 - (j) no alterations or additions may be made to an election sign that protrude from the original size of the sign;
 - (k) *Revoked by Auckland Transport Election Signs (Amendment No 2) Bylaw 2014.*
 - (l) election signs must be maintained in good order and condition;
 - (m) the person responsible for an election sign must restore the site to the condition it was in before the election sign was displayed.
- (2) Auckland Transport may by resolution make additional controls for the display of election signs on particular sites.

9 Election sign controls on private sites

- (1) A person who displays an election sign on a private site visible from a road must comply with the controls in clause 7 and must also comply with the following controls—
- (a) the consent of the occupier, or if an occupier cannot be located the consent of the owner of the private site must be obtained for the display of an election sign;
 - (b) an election sign may only be affixed to the front face of a fence between private property and a public place if it is flat against the surface area of the fence and does not protrude from it.

Part 3

Enforcement powers, offences and penalties

10 Enforcement

Auckland Transport may use its powers under the Local Government Act 2002 to enforce this bylaw, including the power to—

- (a) remove or alter an election sign, if the sign is damaged or is not in good order or condition or is otherwise in breach of this bylaw and to recover any reasonable costs;
- (b) recover reasonable costs to restore a site if the site is not restored by the person who displays an election sign to the condition it was before the sign was displayed.

11 Offences and penalties

A person who fails to comply with clause 6, 7, 8 or 9 commits a breach of this bylaw and is liable on conviction to a fine not exceeding \$500.

Part 4

Revocation

12 Revocation of provisions in existing bylaws

- (1) The provisions in the following bylaws, are revoked to the extent that they relate to election signs that are on or visible from roads that are under the care, control or management of Auckland Transport—
 - (a) Auckland City Council Signs Bylaw 2007;
 - (b) Chapter 19 (Temporary Signs) of the Manukau City Consolidated Bylaw 2008;
 - (c) Part 12 (Control of Temporary Signs) of the North Shore City Bylaw 2000;

Note: For the avoidance of doubt, the revocation of Part 12 (Control of Temporary Signs) of the North Shore City Bylaw 2000 does not include revocation of clause 12.5.2 that regulates the display of signs relating to political meetings. Signage for political meetings also must comply with the district plans, the unitary plan and the bylaws in Auckland regulating signage for events.

- (d) Chapter 22 (Temporary Signs) of the Rodney District Council General Bylaw 1998;
 - (e) Franklin District Council Control of Signs Bylaw 2007;
 - (f) Papakura District Council Control of Advertising Signs Bylaw 2008.
- (2) Any schedules, resolutions, approvals, permits or other acts of authority made pursuant to the bylaws referred to in clause 12(1) relating to election signs that are on or visible from roads that are under the care, control or management of Auckland Transport are revoked.