



Rangitikei District Council Control of Advertising Signage Bylaw 2007

1. SCOPE

1.1 This bylaw is made pursuant to section 145 of the Local Government Act 2002, which gives authority to the Council to adopt bylaws for the following general purposes:

- (a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.

1.2 The general purpose of this bylaw is to ensure that advertising signs erected in public places are erected, maintained, 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.

2. DEFINITIONS

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

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

COUNCIL means the Rangitikei District Council

PUBLIC PLACE means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road (as defined by s315 of the Local Government Act 1974) or berm whether or not it is under the control of the Council. It also includes, without limitation, every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

SIGN means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, building, structure, or site, banner flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a Sign for the purposes of this bylaw.

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

- (a) A parliamentary or local authority election, or candidates for any such election; or
- (b) Construction or development works on a building site or demolition site; or
- (c) An auction or the intention to sell or lease any land or premises; or
- (d) Any exhibition or entertainment event.

- 2.2 This bylaw does not apply to traffic, direction, information and naming signs erected by or with the approval of the Council, signs indicating hazardous substances used at a hazardous facility, signs erected pursuant to any statute or regulation, or to signs that require a resource consent. This bylaw does not affect any conditions placed on signs by a resource consent.

3. SERVING OF ORDERS AND NOTICES

- 3.1 When this bylaw provides for an order to be made or a notice to be given, such order or notice shall be delivered to the person required to do or refrain from doing something, and may be delivered to them either personally or by sending the same by messenger, post, fax or email, to them at their last-known place of abode or business.
- 3.2 If such person is absent from New Zealand the order or notice may be sent to their agent instead of to such person, in any manner mentioned in the last preceding subclause.
- 3.3 If the order or notice relates to any land or building, and the owner is not known or is absent from New Zealand and has no known agent in New Zealand, the order or notice may be served on the occupier (or anyone else in occupation) of the land or building. If there is no occupier, the order or notice may be affixed to a conspicuous part of the land or building without naming the owner or occupier.
- 3.4 Where an order or notice is sent by registered post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

4. POWERS

- 4.1 Every person who obstructs or hinders any such authorised officer or authorised agent in the exercise of their powers under this bylaw shall be liable to prosecution for an offence against this bylaw.

DISPENSATION

- 4.2 Where in the opinion of the Council or an authorised officer full compliance with any of the provision of this bylaw would needlessly or injuriously affect any person or the course or operation of the business of, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council or an authorised officer may, on the special application of that person, dispense with the full compliance with the provisions of this bylaw.

Provided that any other terms or conditions (if any) that the Council or an authorised officer may deem fit to impose shall be complied with by such person.

5. OFFENCES & PENALTIES

- 5.1 Any breach of this bylaw is an offence and liable to summary conviction and a fine not exceeding \$20,000.

6. GENERAL REQUIREMENTS FOR SITING OF SIGNS

- 6.1 No person shall:

- (a) Display or erect any sign visible from a public place which does not comply with this bylaw or with any provisions set out in the District Plan under the Resource Management Act 1991, except where:
- (i) A resource consent has been granted for that sign, or
 - (ii) An exemption to the requirements of this bylaw has been granted by the Council or an authorised officer; or
 - (iii) The sign is exempted by clause 2.2 of this bylaw
- (b) Place any poster on any building or structure without the permission of the owner or occupier of that building or structure unless it is a designated poster board;
- (c) Erect any sign identified in this bylaw as requiring a building consent before that building consent is issued;
- (d) Place or allow to remain in place any 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.

6.2 The Council may prescribe fees for the assessment of any sign that is required to, but does not comply with this bylaw.

7. SIGNS ON OR OVER ROADS, FOOTPATHS AND PUBLIC PLACES

7.1 Except as otherwise provided by this bylaw no person shall place any 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 any authorised officer (or Transit New Zealand in the case of State Highways) has been obtained.

7.2 All signs located on verandahs over roads or public places on commercial/industrial/business zoned land shall be:

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

7.3 The Council may nominate streets or areas of the district where one sandwich board may be placed on public land outside the businesses to which the sandwich board relates. Sandwich boards shall only advertise services or products available from the business to which they relate. In approving areas or streets on which sandwich boards may be placed the Council shall nominate the maximum size of the sandwich boards and their correct placement.

8. SIGNS AFFECTING TRAFFIC SAFETY

8.1 No sign shall be placed or be allowed to remain where in the opinion of the Council or an authorised officer (or Transit New Zealand in the case of State Highways) that sign would:

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

9. GENERAL REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF SIGNS

9.1 All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and the owner of the land or building on which the sign is placed.

9.2 The following signs and their supporting structures may require a building consent prior to their erection:

- (a) Free standing signs where the maximum height is 3m or more above ground level, or where the sign area exceeds 2m²;
- (b) Signs suspended clear of any building where the total weight of the signs and supports exceeds 50 kg or where the sign area exceeds 2m²;
- (c) Signs attached to the face of any building where the total weight of sign and supports exceeds 50 kg;
- (d) Verandah signs where the total weight of signs and supports exceed 50 kg but is less than 250 kg or is supported at less than four locations;
- (e) All banners with a surface area exceeding 12m²;
- (f) All flags with a surface area exceeding 4.5m²;

10. LIGHTING OF SIGNS

10.1 Subject to 10.2 and 10.3 below, no illuminated sign shall produce more than 1000 cds/m² for signage areas less than 10m² and not more than 800 cds/m² for areas equal to or greater than 10m² (cds/m² = candelas per square metre).

10.2 No illuminated sign located in a rural environment shall produce more than 600 cds/m² for signage areas less than 10m², and 400 cds/m² for signage areas equal to or greater than 10m².

- 10.3 Any sign the face of which is at a 90° axis to the road or within 20m of a road and 20° of either side of a driver's line of sight, or at road intersections, shall conform to the lower luminance levels as required for rural areas.
- 10.4 With the exception of neon signs, the lighting filament used to light any sign shall not be visible from ground level except where approved by an authorised officer.

11. SIGNS ON PARKED VEHICLES

- 11.1 Subject to clause 11.2, no person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material thereon.
- 11.2 Clause 11.1 does not apply to any advertising material on a stationary or moving vehicle where that advertising material is permitted as a condition of a licence to trade in a public place issued by the Council, or where the advertising material relates to the business that owns the vehicle.

12. TEMPORARY SIGNS

- 12.1 Any temporary sign shall comply with the rules about the number, size, and type of signs, contained in the Rangitikei District Plan for the zone in which the sign is erected.
- 12.2 No election signs shall be placed on any reserve or public place except those specifically approved by Council for such purpose or otherwise in conformity with any Electoral Regulations currently in force.
- 12.3 Except with the permission of an authorised officer temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- 12.4 No person shall on any land or premises commence or continue to display, fix, erect, re-erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of:
- (a) Any temporary sign advertising land or premises for sale, auction or lease after one calendar month after the date of settlement; or
 - (b) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates.
- 12.5 An authorised officer of the Council may grant an extension to the time limits specified by 12.4.

13. EXEMPTIONS

- 13.1 Where a sign lawfully existed prior to the coming into force of this bylaw, but it does not comply with the performance standards of this bylaw it may remain in

place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of its non-compliance with the bylaw. Every sign shall be removed at the expiry time set as a consent condition.

- 13.2 A sign that does not comply with the requirements of this bylaws and is not a sign referred to in clause 13.1 above, shall be removed or otherwise made to comply within 6 months of adoption of this bylaw.

14. REPAIR OR REMOVAL OF SIGNS

- 14.1 The Council or authorised officer may, by notice in writing require the owner, occupier or lessee of any land on which any unsightly, non-complying, unsafe or unauthorised sign is located, to repair or remove such sign within a period stated in such notice.
- 14.2 Where the owner or user of a sign, or the owner of land on or over which a sign is located, receives a notice given under clause 14.1 above, that person shall comply with the requirements of the notice within the time specified in the notice.
- 14.3 Where any person has been requested to pull down, alter or remove any non-complying, unsafe or unauthorised sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this bylaw.
- 14.4 Where any person fails to comply with any requirement to pull down, alter or remove any sign the Council may have the sign pulled down, altered or removed. The cost incurred in pulling down, altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.
- 14.5 Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 14.6 Any 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 sign is sold, the proceeds of sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application.
- 14.7 The Council may pull down, alter or remove any poster that has been placed on any:
- (a) Building or structure without the permission of the owner of that building or structure;
 - (b) Surface, building or structure in a public place not being a designated poster site;
- and recover the costs of removal from the persons placing the poster.

15. COMMENCEMENT

15.1 This bylaw commences on the 15th of October 2007.