

CENTRAL HAWKE'S BAY DISTRICT COUNCIL BYLAWS



Part 8 – Control of Advertising Signs

Superseding CHBDC:Part 8:2008

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Referenced Documents

Reference is made in this document to the following:

New Zealand Legislation

- Films, Videos and Publications Classification Act 1993
- Human Rights Act 1993
- Local Government Act 1974
- Local Government Act 2002
- Resource Management Act 1991.

Foreword

The CHBDC Bylaws series covers various matters under local authority jurisdiction. Local authorities are empowered under a variety of Acts including the Local Government Act 2002 to make Bylaws.

The purpose of this Part of the bylaw is to ensure that advertising signs 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. This bylaw does not affect any conditions placed on signs by resource consent. Provisions are included for temporary advertising signs.

CHBDC BYLAWS

Part 8 - CONTROL OF ADVERTISING SIGNS

800 SCOPE

800.1 The purpose of this Part of the bylaw is to ensure that advertising signs 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.

NOTE - New Zealand Transport Agency as a road controlling authority has its own bylaws for the control of signs on State Highways.

800.2 This bylaw is made under the provisions of the Local Government Act 2002.

801 DEFINITIONS AND INTERPRETATION

Reference should be made to Part 1 *Introductory Bylaw* and to the legislation referred to under Referenced Documents, for any other definitions not included in this Part.

801.1 For the purposes of this bylaw the following definitions shall apply:

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, message or notice painted on, affixed to or otherwise incorporated with a 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 Part of the bylaw.

Temporary Sign - means any sign advertising:

- (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.

801.2 For the purposes of this Standard the word “shall” refers to practices that are mandatory for compliance with this Standard, while the word “should” refers to practices which are advised or recommended.

801.3 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 which require a resource consent. This bylaw does not affect any conditions placed on signs by a resource consent.

802 GENERAL REQUIREMENTS FOR SITING OF SIGNS

802.1 No person shall:

- (a) display or erect any sign visible from a public place which does not comply with this Part of 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 part of the bylaw has been granted by the Council or an authorised officer; or
 - (iii) the sign is exempted by Section 801.3 of this Part 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; or
- (c) erect any sign identified in this Part of this bylaw as requiring a building consent before that building consent is issued; or
- (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; or
 - (ii) is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993; or
 - (iii) is offensive, threatening or insulting; or
 - (iv) incites or counsels any persons to commit any offence.

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

803 SIGNS ON OR OVER ROADS, FOOTPATHS AND PUBLIC PLACES

803.1 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 an authorised officer (or Transit New Zealand in the case of State Highways) has been obtained.

803.2 No sign shall be erected on or adjacent to a road which will:

- (i) obstruct the line of sight of any corner, bend, intersection or vehicle crossing
- (ii) obstruct, obscure or impair the view of any traffic sign or signal
- (iii) resemble or be likely to be confused with any traffic sign or signal
- (iv) use reflective materials that may interfere with the road user's vision
- (v) use flashing or revolving lights unless used to identify a hazard
- (vi) create a hazard to pedestrian traffic or obstruct doors of parked vehicles

804 GENERAL REQUIREMENTS FOR CONSTRUCTION

804.1 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 3 m or more above ground level, or where the sign area exceeds 2 m²; or
- (b) signs suspended clear of any building where the total weight of the sign and supports exceeds 50 kg or where the sign area exceeds 2 m²; or
- (c) signs attached to the face of any building where the total weight of sign and supports exceeds 50 kg; or
- (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; or
- (e) all banners with a surface area exceeding 12 m²; or
- (f) all flags with a surface area exceeding 4.5 m².

NOTE - Supporting structures may also require a resource consent in terms of the Council's District Plan.

805 TEMPORARY SIGNS

805.1 Temporary signs advertising the sale of land or premises on which the sign is situated shall be restricted to one sign for each real estate agency involved in the sale with a maximum area of 1 m² per sign located on the site to be sold.

805.2 Temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to one sign with a maximum area of 3 m² located on the site of the forthcoming event.

805.3 Temporary signs for elections shall be a maximum area of 4 m² on any one property and shall be removed the day before polling day.

805.4 No election signs shall be placed on any reserve or public place except those specifically approved by Council for such purpose.

805.5 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.

805.6 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 the date upon which the purchaser or lessee takes possession of that land or premises, or the date of settlement, whichever is the earlier; or
- (b) any temporary sign for a period greater than four (4) months in any 12 month period; or
- (c) any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than two (2) days following completion of the event to which the sign relates; or

- (d) more than one temporary sign on any land or premises (being a sign advertising that land or premises for sale, auction or lease) for each real estate agency involved in the sale, auction or leasing of that land or premises.

805.7 An authorized officer of the Council may grant an extension to the time limits specified by Section 805.6.

806 EXEMPTIONS

806.1 Where a sign lawfully existed prior to the coming into force of this Part of the bylaw, but it does not comply with the performance standards of this Part of the 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 this Part of the bylaw. Every sign shall be removed at the expiry time set as a consent condition.

806.2 A sign that does not comply with the requirements of this Part of the bylaw and is not a sign referred to in Section 806.1, shall be removed or otherwise made to comply within six (6) months of adoption of this Part of the bylaw.

806.3 Where the Council or an authorised officer is satisfied that compliance with any requirements of this Part of the 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.

807 REPAIR OR REMOVAL OF SIGNS

807.1 The Council may, by notice in writing require the owner, occupier or lessee of any land on which any unsightly, non-complying, unsafe or unauthorized sign is located, to repair or remove such sign within a period stated in such notice.

807.2 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 Section 807.1, that person shall comply with the requirements of the notice within the time specified in the notice.

807.3 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 Part of this bylaw.

807.4 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.

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

807.6 Any sign that remains unclaimed for a period exceeding one (1) month or is not released for a period exceeding one (1) 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.

807.7 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.

808 BYLAW APPROVAL DATE

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference -Part8: Control of Advertising Bylaw 2018*) passed at a meeting of the Central Hawke's Bay District Council held on (Day) (Month) (Year).

DATE CONFIRMED : ____/____/____