



KAWERAU DISTRICT COUNCIL
General Bylaw 2009: Part 5 - Advertising Signs

Kawerau District Council

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Explanatory Statement

The General Bylaw 2009: Part 5 – Advertising Signs is the fifth in a series that makes up the Kawerau District Council General Bylaw 2009. This part of the Bylaw replaces Chapter 6 of the General Bylaw 1997. The General Bylaw 2009 replaces the General Bylaw 1997.

General bylaws, by their nature, address a diverse range of matters. Kawerau District's 1997 General Bylaw contained all those matters in a single document of 12 chapters and almost 100 pages. To improve functionality, Council has made each chapter into a discrete part that can be read and used on its own. Taken together, the parts make up the General Bylaw 2009.

This part of the Bylaw contains provisions for the erection, maintenance and display of advertising signs, including temporary signs, in areas under Council's jurisdiction. This bylaw does not affect any conditions placed on signs by a resource consent.

The General Bylaw 2009 is made pursuant to Part 8 of the Local Government Act 2002. This Part is also made pursuant to Part 43 of the Local Government Act 1974.

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Kawerau District Council

General Bylaw 2009: Part 5 - Advertising Signs

1 Title

This part of the Kawerau District Council General Bylaw 2009 shall be known as the Kawerau District Council General Bylaw 2009: Part 5 - Advertising Signs.

2 Commencement

This part of the Bylaw shall come into force on the 15th day of December 2009.

3 Repeal

As from the day this part of the Bylaw comes into force, Chapter 6 of the General Bylaw 1997 and any amendments in force in the Kawerau District shall be repealed.

4 Application of Bylaw

This part of the Bylaw shall apply to the Kawerau District.

5 Scope

5.1 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.

5.2 This part of the 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 part of the Bylaw does not affect any conditions placed on signs by a resource consent.

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

6 Definitions

6.1 For the purposes of this Bylaw the following definitions shall apply:

ELECTION SIGN means any sign advertising a parliamentary or local authority election, or a candidate/candidates for any such election.

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 includes 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) Construction or development works on a building site or demolition site; or
- (b) An auction or the intention to sell or lease any land or premises; or
- (c) Any exhibition or entertainment event.

7 Existing signs

7.1 A sign that existed at the date of commencement of this part of the Bylaw and was lawful under the previous Bylaw, but does not comply with the performance standards of this part of the Bylaw, it may remain in place. Such sign may 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 by the expiry date set as a consent condition.

7.2 A sign that existed at the date of commencement of this part of the Bylaw which does not comply with the requirements of this part of the bylaw and was not lawful under the previous Bylaw, shall be either removed or made to comply within a period of time considered reasonable by Council or an authorised officer.

8 General requirements for siting of signs

8.1 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 17 of this part of the 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 part of 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.

8.2 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.

9 Signs on or over roads, footpaths and public places

9.1 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.

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

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

9.3 Businesses shall be allowed to place a free standing sign or upright fabric banner style sign in addition to magazine signs on public land outside the business to which the sign relates. Such signs shall only advertise services or products available from the business to which they relate.

9.4 Free standing signs and upright fabric banners shall be located as close to the kerb or outer edge of the footway as practicable. Magazine signs shall be placed against the shop front. No sign shall be placed in such a way as to hinder visibility to road traffic or obstruct access to rubbish bins, blind guidance strips, bus stops, mobility parking spaces, pedestrian crossings or vehicular entrances.

9.5 The maximum size of signs shall be:

- (a) Free standing signs 1000 mm high x 700 mm wide.
- (b) Upright fabric banner signs: 2000 mm high x 550 mm wide.
- (c) Magazine signs: 0.5 m²

10 Signs affecting traffic safety

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 user's 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.

11 General requirements for construction and maintenance of signs

11.1 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.

11.2 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 3 m or more above ground level, or where the sign area exceeds 2 m².
- (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.
- (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 12 m².
- (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.

12 Lighting of signs

12.1 Subject to 12.2 and 12.3 below, no illuminated sign shall produce more than 1000 cds/m² for signage areas less than 10 m² and not more than 800 cds/m² for areas equal to or greater than 10 m² (cds/m²= candelas per square metre).

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

12.3 Any sign of which the face is at a 90 degree axis to the road or within 20 m of a road and 20 degrees 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.

12.4 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.

13 Signs on vehicles

No vehicle whose primary purpose is advertising shall be allowed to be parked or driven anywhere in the District.

14 Temporary signs

14.1 Each real estate agency that is the sole agency for a property may erect up to two temporary signs to advertise the sale of that property. Where a property is listed with more than one real estate agency, each agency may display only one sign. Each sign shall be located on the property to be sold and shall have a maximum area of 1 m².

14.2 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.

14.3 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.

14.4 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 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 (other than a sign advertising land or premises for sale, auction, or lease) for a period longer than 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 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.

14.5 An authorised officer of the Council may grant an extension to the time limits specified by 14.4.

15 Election signs

Election signs for general elections and by-elections are subject to the provisions of the Electoral Act 1993 and its Regulations. The Council has an Election Signs Policy which extends the same conditions to election signs for local body elections.

16 Repair or removal of signs

- 16.1 The Council may, by notice in writing, require the owner, occupier or lessee of any land on which any unsightly, non-complying, unsafe or unauthorised sign is located, to repair or remove such sign within a period stated in such notice.
- 16.2 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 16.1, that person shall comply with the requirements of the notice within the time specified in the notice.
- 16.3 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.
- 16.4 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.
- 16.5 Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 16.6 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 toward the payment of the costs referred to above.

Any balance shall be paid to the owner on application.

- 16.7 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.

17 Exemptions

Any person who wishes to erect or display a sign and considers that compliance with any requirement of this part of the Bylaw would be impracticable or unreasonable, may apply for an exemption to Council or an authorised officer, who may grant an exemption in whole or in part, with such modifications or conditions as are considered appropriate in the circumstances.

Revocations

Chapter 6 of the General Bylaw 1997 is hereby revoked.

The Kawerau District Council General Bylaw 2009: Part 5 – Advertising Signs was duly made by a resolution passed at a meeting of the Kawerau District Council held on 8 December 2009 following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date