

Grey District Council Signage Bylaw

The Model General Bylaw Part 8 - Control of Advertising signs NZS 9201: part 8 1999 was adopted by the Grey District Council on 9 June 2008

The Street Signage Bylaw was adopted by the Grey District Council on 11 February 2019.

The bylaws were amended and adopted on 13 July 2020 following consideration of submissions received as part of the Special Consultative procedure.

Note: This bylaw replaces the Model General Bylaw Part 8 - Control of Advertising signs NZS 9201: part 8 1999 and the Street Signage Bylaw which were revoked on 13 July 2020

This bylaw was adapted from the Standards New Zealand model bylaw NZS 9201:Part 8:1999: Control of Advertising Signs. © [1999 Standards Council] The Crown in right of New Zealand, administered by the New Zealand Standards Executive.

TABLE OF CONTENTS

1.	OBJECTIVE.....	3
2.	DEFINITIONS AND INTERPRETATION	3
3.	SHORT TITLE AND COMMENCEMENT	4
4.	GENERAL REQUIREMENTS FOR SITING OF SIGNS.....	4
5.	SIGNS ON OR OVER ROADS, FOOTPATHS AND PUBLIC PLACES	5
6.	SIGNS AFFECTING TRAFFIC SAFETY.....	5
7.	REQUIREMENTS FOR CONTRUCTION AND MAINTENANCE OF SIGNS.....	5
8.	LIGHTING OF SIGNS	6
9.	SIGNS ON PARKED VEHICLES	6
10.	TEMPORARY SIGNS.....	6
11.	STREET SIGNAGE.....	7
12.	EXEMPTIONS	7
13.	REPAIR OR REMOVAL OF SIGNS	8
14.	FEEES AND CHARGES	8
15.	OFFENCES, BREACHES AND NON- COMPLIANCE.....	8
16.	PENALTIES FOR BREACH OF BYLAWS	9
17.	RELEVANT LEGISLATION AND RELATED DOCUMENTS	10

GREY DISTRICT COUNCIL SIGNAGE BYLAW

1. OBJECTIVE

- 1.1 To provide a means of regulating the size, condition, placement and number of street and advertising signs in the Grey District.
- 1.2 To ensure that street and advertising signs are erected, maintained and displayed in such a manner that they do not present a hazard or a danger to public safety and to maintain aesthetic standards.

NOTE 1: Waka Kotahi NZ Transport Agency (NZ Transport Agency), as a road controlling authority, has its own bylaws and rules for the control of signs and markings on State Highways. Council is also a road controlling authority and is also required to comply with the NZTA rules. These rules relate to permanent and temporary traffic and traffic information signs and road markings and advertising and temporary signs.

NOTE 2: This Bylaw applies to roads in the Grey District that are controlled by the Grey District Council as the road controlling authority. For all instances of work, processes, rules or bylaws on State Highways, this is controlled by Waka Kotahi NZ Transport Agency (NZ Transport Agency) as the Road Controlling Authority.

2. DEFINITIONS AND INTERPRETATION

- 2.1 For the purposes of this bylaw, the word "shall" refers to practices that are mandatory for compliance with this bylaw, while the word "should" refer to practices which are advised or recommended.
- 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 which require a planning approval.
- 2.3 This bylaw does not affect any conditions placed on signs by a planning approval.
- 2.4 **APPROVED** Approved by the Council or by any officer so authorised on behalf of the Council.
- 2.5 **AUTHORISED OFFICER** Any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority and includes a member of the police.
- 2.6 **COUNCIL** The Grey District Council or any officer authorised to exercise the authority of the Council.
- 2.7 **DISTRICT** Means the district of the Grey District Council.
- 2.8 **INFRINGEMENT OFFENCE** An offence for which any person can be punished on indictment, by summary process, or by infringement process.
- 2.9 **LICENCE** A Licence or approval issued under this bylaw.
- 2.10 **PERSON** A natural person, corporation sole or a body of persons whether corporate or otherwise.
- 2.11 **PUBLIC PLACE** Means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner

or occupier of the place is lawfully entitled to exclude or eject any person from it.

2.12 **ROAD** The meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

2.13 **SIGN** Means a visual message or notice conveying information 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, street sign, 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.

2.14 **STREET SIGNAGE** Means any temporary advertising sign that is not permanently fixed in position and is normally placed on the footpath or the side of the road (on Council property) on a daily basis and is removed overnight.

2.15 **TEMPORARY SIGN** Means any sign advertising:

- (a) A parliamentary or local authority election, or candidates for any such election as defined in section 3A of the Electoral Act 1993; 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 event.

2.16 **VEHICLE** The meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

3. SHORT TITLE AND COMMENCEMENT

3.1 This bylaw is known as the Grey District Council Signage Bylaw.

3.2 This bylaw shall come into force on 13 July 2020 and any subsequent amendment or review, on the date of its confirmation by Council.

4. GENERAL REQUIREMENTS FOR SITING OF SIGNS

4.1 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 Grey District Council Planning Approval 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 2.2 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.
- 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.

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

- 5.1 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 New Zealand Transport Agency in the case of State Highways) has been obtained.
- 5.2 A road works consent is obtained from Council prior to the installation of the sign.
- 5.3 All signs located on verandas over roads or public places on commercial/industrial/business zoned land shall comply with all requirements of the District Plan and the requirements of Council as the road controlling authority.

6. SIGNS AFFECTING TRAFFIC SAFETY

- 6.1 No sign shall be placed or be allowed to remain where in the opinion of the Council or an authorised officer (or New Zealand Transport Agency 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.

7. REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF SIGNS

- 7.1 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. Where an approved sign is placed

on road reserve, the sign owner shall remain responsible for the construction, renewal and maintenance of the sign.

- 7.2 All signs as defined in this bylaw and their supporting structures shall comply with all building consent requirements if required.

8. LIGHTING OF SIGNS

- 8.1 Subject to 8.2 and 8.3 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).
- 8.2 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.
- 8.3 Any sign the face of which is at a 90-degree axis to the road or within 20 m of a road and 20 degree 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.
- 8.4 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.

9. SIGNS ON PARKED VEHICLES

- 9.1 No person shall display any advertising material on a vehicle (including trailers) whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material on.

10. TEMPORARY SIGNS

- 10.1 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 and comply with requirements of the District Plan.
- 10.2 Temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to one sign with a maximum area of 2 m² located on the site of the forthcoming event.
- 10.3 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.
- 10.4 No election signs shall be placed on any reserve or public place except those specifically approved by Council for such purpose.
- 10.5 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.
- 10.6 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 4-6 months prior to an activity; or
 - c) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 7 days following completion of the event to which the sign relates; or

10.7 An authorised officer of the Council may grant a planning approval to the time limits specified by 10.6.

11. STREET SIGNAGE

11.1 Signage that meets the definition of Street Signage is required to comply with all sections and clauses: (4) General requirements for siting of signs, (6) Signs affecting traffic safety and (7) Requirements for construction and maintenance of signs;

and in addition, must:

- a) Limit Street Signage to two (2) signs per business. This includes but is not limited to Sandwich Boards and Flags.
- b) Be sufficient weight to remain in position in light winds up to 32.0 metres/second.
- c) Be no more than the maximum dimensions of:

Width	600mm
Height	900mm
Depth (extended fully)	500mm

11.2 Flag base diameters must not exceed 500mm and the maximum height is to be no greater than 2.5 metres.

11.3 Street signage must not compromise pedestrian safety and must be positioned to allow a minimum clearance of 2 metres between the sign and the internal boundary of the footpath, or where there is licensed Outdoor Dining, there must be a 2metre clearance between the sign and the street furniture.

11.4 Signage, if approved by the road controlling authority, shall not be located within 3 metres of any access way or entranceway.

11.5 Signage if approved by the road controlling authority shall not be located on median islands within 20 metres of any street intersection.

11.6 Signage shall be located as close as is practical to the outside edge of the footpath in urban areas and should be located between car parks to avoid interference with vehicles in urban areas.

11.7 The sign shall remain in the public place only during the hours for which the business advertising is open for trade or when there is poor light conditions and this may affect safety.

12. EXEMPTIONS

12.1 With the exception of Clause 13, Where a sign lawfully existed prior to the coming in to 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.

12.2 A sign that does not comply with the requirements of this Part of the bylaw and is not a sign referred to in 11.1, shall be removed or otherwise made to comply within 6 months of adoption of this Part of the bylaw.

12.3 Where the Council or an authorised officer is satisfied that compliance with any requirements would be unreasonable or impracticable. Council or an authorised officer must give regards to the circumstances of the case and a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate for the circumstances.

13. REPAIR OR REMOVAL OF SIGNS

- 13.1 Council may order the removal or relocation of any sign that has been determined to compromise public safety.
- 13.2 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.
- 13.3 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 13.1, that person shall comply with the requirements of the notice within the time specified in the notice.
- 13.4 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 and any relevant legislation or related documents listed in clause 17 of this bylaw.
- 13.5 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.
- 13.6 Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 13.7 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.
- 13.8 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.

14. FEES AND CHARGES

- 14.1 The Council may prescribe fees for the assessment of any sign that is required to but does not comply with any part of this bylaw.
- 14.2 The Council may prescribe fees to be charged for any administration, assessment, certificate, authority, approval, permit, consent from, or inspection by, the Council under the provisions of the Local Government Act 2002 or any other enactment where that enactment contains no provision for authorising the Council to charge a fee. The setting of any fees or charges shall be in accordance with section 150 of the Local Government Act.
- 14.3 Where a fee has been paid under 14.1 and 14.2 for a service that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or portion of it as the Council may determine.

15. OFFENCES, BREACHES AND NON- COMPLIANCE

- 15.1 Signage that does not comply with of any of the conditions contained in this bylaw will be considered in breach of the Bylaw.

- 15.2 Signage that does not comply will be required to be removed or rectified immediately upon being advised by Council or an authorised officer that the signage is in breach of the bylaw.
- 15.3 Council or an authorised officer may at any time after advising of the breach and where the breach is not rectified may remove or uplift the signage.
- 15.4 If a sign is required to be uplifted by Council, an administration fee will be charged to the owner. Council will require that fees are paid before the signage is returned.
- 15.5 Also, any person commits a breach of this bylaw who:
- a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw;
 - b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by that person at the time and in the manner provided by this bylaw;
 - c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing;
 - d) Knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this bylaw;
 - e) Refuses or neglects to comply with any notice given to that person under this bylaw;
 - f) Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon that officer by this bylaw; or
 - g) Fails to comply with any notice or direction given under this bylaw.

16. PENALTIES FOR BREACH OF BYLAWS

- 16.1 Every person who commits an offence against this bylaw is liable to:
- a) The penalty set out in section 238 of the Local Government Act 2002; or
 - b) Where another enactment specifies the penalty for a breach of the bylaw, that other penalty (for example Schedule 4 of the Land Transport Act 1998).
- 15.2 In accordance with section 162 of the Local Government Act 2002, the Council may apply to the District Court for an injunction to restrain a person from committing a breach of this bylaw.

17. RELEVANT LEGISLATION AND RELATED DOCUMENTS

- Local Government Act 2002
- Local Government Act 1974
- Human Rights Act 1993
- Resource Management Act 1991
- Building Act 2004
- Films, Videos and Publications Act 1993
- Electoral Act 1993
- Land Transport Act 1998
- Electoral (Advertisements of a Specified Kind) Regulations 2005
- Grey District Plan
- Grey District Outdoor Dining Policy
- Trading in Public Places Bylaw
- NZTA Bylaws
- NZTA Land Transport Rules
- 2010 New Zealand Transport Agency (Signs on State Highways) Bylaw.
- Waka Kotahi NZ Transport Agency – Traffic Control Devices Manual.
- Government Roadway Powers Act 1989.