

SOUTHLAND DISTRICT COUNCIL CONTROL OF ADVERTISING SIGNS BYLAW

800 SCOPE

800.1

The purpose of this 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.

800.2

This bylaw is made pursuant to Part 8 of the Local Government Act 2002 and its amendments.

800.3

This bylaw should be read in conjunction with the provisions of the Southland District Plan.

801 DEFINITIONS AND INTERPRETATION

801.1

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

COUNCIL means the Southland District Council or any officer authorised to exercise the authority of 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, 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.

OFFENCE includes any act or omission in relation to this bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

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 bylaw the word “shall” refers to practices that are mandatory for compliance with this bylaw, 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 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;
- (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.

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

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 beneath the sign;
- (b) Set back at least 600 mm from an imaginary vertical line from the 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, 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 1.2 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.

803.3

The Council may nominate streets or areas of the district where one sandwich board may be placed on public land outside the business to which the sandwich board relates. Sandwich boards shall only advertise services or products available from the business to which they relate.

A sandwich board sign will have the following dimensions:

- (a) Height - minimum of 0.5 m; maximum 0.75 m
- (b) Width - maximum of 0.5 m; and
- (c) Spread - maximum of 0.5 m.

804 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.

805 GENERAL REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF SIGNS

805.1

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.

805.2

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.

806 LIGHTING OF SIGNS

806.1

Subject to 806.2 and 806.3 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).

806.2

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.

806.3

Any sign the face of which is at a 90⁰ axis to the road or within 20 m 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.

806.4

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.

807 SIGNS ON PARKED VEHICLES

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.

808 TEMPORARY SIGNS

808.1

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.

808.2

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.

808.3

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.

808.4

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

808.5

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.

808.6

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 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 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.

808.7

An authorised officer of the Council may grant an extension to the time limits specified by 808.6.

809 EXEMPTIONS

809.1

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.

809.2

A sign that does not comply with the requirements of this Part of the bylaw and is not a sign referred to in 809.1, shall be removed or otherwise made to comply within six months of adoption of this Part of the bylaw.

809.3

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.

810 REPAIR OR REMOVAL OF SIGNS

810.1

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.

810.2

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 810.1, that person shall comply with the requirements of the notice within the time specified in the notice.

810.3

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.

810.4

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.

810.5

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

810.6

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.

810.7

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.

811 OFFENCES

Every person commits an offence who breaches the provisions of this Bylaw.

812 PENALTIES

Every person who commits an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.00 (Section 242 of the Local Government Act 2002).

SCHEDULE

Streets or areas of the Southland District where, pursuant to Clause 803.3, one sandwich board may be placed:

<p>Balfour Queen Street, Balfour</p>	<p>Edendale Ferry Road Seaward Road</p>
<p>Lumsden Diana Street Flora Road</p>	<p>Riversdale Newcastle Street</p>
<p>Riverton/Aparima Palmerston Street Rocks Highway Riverton - Orepuki Highway</p>	<p>Te Anau One sandwich board sign may be erected by any legally complying business within the entire Te Anau Urban Resource Area, immediately adjacent their business of operation.</p>
<p>Tuatapere Orawia Road Clifden Highway Half Mile Road Main Road</p>	<p>Otautau King Street from Alderly Street to Chester Street Alderly Street from Main Street to Rye Street Chester Street from Main Street to Queen Street</p>
<p>Wallacetown Dalry Street from Largs Street to Cumnock Street Largs Street from Dalry Street to Mauchline Street</p>	<p>Winton Wemyss Street Brandon Street Great North Road</p>
<p>Wyndham Balaclava Street Redan Street</p>	<p>Colac Bay Colac Bay Foreshore Road Colac Bay Road</p>
<p>Manapouri All streets within the Manapouri CDA Area</p>	<p>Mossburn Devon Street</p>
<p>Nightcaps High Street Johnston Road</p>	<p>Ohai Birchwood Road</p>
<p>Orepuki Oldham Street</p>	<p>Thornbury Foster Road</p>
<p>Waikaia Blaydon Street</p>	

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 26 March 2008 and shall come into force on 1 May 2008.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of: }

..... **MAYOR**

..... **CHIEF EXECUTIVE**