

Pursuant to Section 145 Local Government Act 2002 the Southland District Council makes this Bylaw:

**SOUTHLAND DISTRICT COUNCIL SIGNS AND OBJECTS ON ROADS AND  
FOOTPATHS BYLAW 2016**

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**PART 1**

**PRELIMINARY PROVISIONS**

**1 TITLE**

1.1 The title of this Bylaw is “THE SOUTHLAND DISTRICT COUNCIL SIGNS AND OBJECTS ON ROADS AND FOOTPATHS BYLAW 2016”.

**2 PURPOSE**

2.1 This Bylaw is made for the purposes of:

- a) Protecting the public from nuisance.
- b) Protecting, promoting, and maintaining public health and safety.
- c) Regulating, controlling, or prohibiting the placement of signs or objects on roads and footpaths.

### **3 COMMENCEMENT AND APPLICATION**

- 3.1 This Bylaw will come into force on 1 July 2017.
- 3.2 This Bylaw applies to all Roads under the control of the Southland District Council. This includes footpaths and berms.
- 3.3 This Bylaw does not regulate the placement of signs or objects in parks, reserves or open spaces owned or controlled by Southland District Council.
- 3.4 Signs and objects on private land are regulated under the Southland District Plan, and not this Bylaw.

### **4 REPEAL**

- 4.1 The Southland District Council Control of Advertising Signs Bylaw 2008 is repealed on 1 July 2017.

### **5 INTERPRETATION**

- 5.1 In this Bylaw:

<b>Advertising</b>	means using words or any pictorial or other representation to notify the availability of or to promote the sale of an object, a product, a service or business.
<b>Authorised Officer</b>	means a person appointed or authorised by the Council to act on its behalf in relation to this Bylaw.
<b>Council</b>	means the Southland District Council.
<b>District Plan</b>	means the operative Southland District Plan.
<b>Display</b>	means place, erect, construct or fix.
<b>Flag Sign</b>	means a flag with advertising.
<b>Footpath</b>	means that portion of any road laid out or constructed for the use of pedestrians and includes the edging and kerbing and includes any footbridge.
<b>Footpath Sign</b>	means a sign containing advertising displayed on a footpath but does not include a <b>flag sign</b> .
<b>Object</b>	includes any item other than a sign displayed on a road or footpath by the occupier of a premises. It includes planter boxes, topiaries and items displayed for sale but does not include furniture placed on roads and footpaths for the purposes of alfresco dining.
<b>Pedestrian</b>	means a person travelling on foot, in a wheelchair or a mobility scooter or using a buggy, pushchair or perambulator.
<b>Permit</b>	means any approval or consent required or given by the Council under this Bylaw.

<b>Road</b>	<p>means the whole of any land which is within a district, and which—</p> <ul style="list-style-type: none"> <li>(a) immediately before the commencement of this Part was a road or street or public highway; or</li> <li>(b) immediately before the inclusion of any area in the district was a public highway within that area; or</li> <li>(c) is laid out by the Council as a road or street after the commencement of this Part; or</li> <li>(d) is vested in the Council for the purpose of a road as shown on a deposited survey plan; or</li> <li>(e) is vested in the Council as a road or street pursuant to any other enactment;—</li> </ul> <p>and includes—</p> <ul style="list-style-type: none"> <li>(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:</li> <li>(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—</li> </ul> <p>but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989</p>
<b>Sign</b>	<p>means words or any pictorial or other representation or notice on any material or object. This does not include any illuminated sign, which will be assessed under the provisions of the District Plan.</p>
<b>Temporary Sign</b>	<p>means a sign that is portable and not fixed to land or buildings.</p>

5.2 Any term not defined in this bylaw but which is defined in the Local Government Act 2002 shall have the meaning given to it by the Act.

**PART 2**  
**CONTROL OF SIGNS**

**6 GENERAL CONTROL OF SIGNS**

- 6.1 This Bylaw allows for the placement of two signs on a road or footpath without a permit if the signs meet the conditions contained in Part 4 of this Bylaw.
- 6.2 No person may display a sign on a Road or Footpath without a Permit from the Council, unless:
- a) The display of the Sign is authorised by this Bylaw; or
  - b) It is a Temporary Sign associated with a cultural, social, sporting or educational activity and is removed after the activity ceases.
- 6.3 No person may display a Sign in a location or manner that impedes the safe and efficient flow of pedestrian or vehicular traffic on a Footpath or Road.

**7 SIGNS AND FLAGS ON FOOTPATHS**

- 7.1 To be authorised under this Bylaw a Sign must comply with all of the following:
- a) A Footpath Sign is only authorised if it complies with the following specifications:

<b>Minimum height</b>	<b>0.5 metres</b>
<b>Maximum height</b>	<b>1.0 metres</b>
<b>Maximum width</b>	<b>0.6 metres</b>
<b>Maximum base spread</b>	<b>0.6 metres</b>

- b) A Flag Sign on a Footpath is only authorised if it complies with the following specifications:

<b>Maximum height</b>	<b>3.0 metres</b>
<b>Maximum width</b>	<b>0.9 metres</b>
<b>Maximum base spread</b>	<b>0.6 metres</b>

- c) A Footpath Sign or Flag Sign on a Footpath must:
  - (i) Advertise a business or relate to the business activity; and
  - (ii) Be located adjacent to the business to which it relates; and
  - (iii) Be removed when the business is not open to the public; and
  - (iv) Have a minimum width of Footpath free of objects, adjacent to the Footpath Sign or Flag Sign, of 1.5 metres; and
  - (v) Be placed immediately adjacent to the Footpath kerb; and
  - (vi) Not protrude onto the vehicle carriageway of a road; and
  - (vii) Not, alone or with other Footpath Signs or Flag Signs, unreasonably impede safe and efficient pedestrian flow.

- d) A Flag Sign fixed to a building must:
  - (i) Relate to a business in that building; and
  - (ii) Have a clearance height of a minimum of 2.1 metres above the ground; and
  - (iii) Not protrude onto the vehicle carriageway of a road; and
  - (iv) Not protrude into any Footpath more than 0.6 metres.

### **PART 3**

#### **OBJECTS ON ROADS AND FOOTPATHS**

#### **8 GENERAL CONTROL OF OBJECTS ON ROADS AND FOOTPATHS**

- 8.1 Council does not require a permit for objects placed on roads or footpaths unless the standard conditions contained in Part 4 of this Bylaw cannot be met.

### **PART 4**

#### **STANDARD CONDITIONS**

#### **9 LOCATION OF SIGNS AND OBJECTS**

- 9.1 Signs or objects must be placed on the footpath outside the premises to which they relate unless a permit allows them to be placed in another location.
- 9.2 Generally, signs or objects should be placed on the footpath only when the premises to which they relate are open to the public.
- 9.3 Pedestrians using the footpath must not be impeded by the signs or objects placed on the footpath.
- 9.4 Signs or objects placed on the footpath must be placed to ensure a minimum 1.2 metres continuous, straight-line width of the footpath remains clear for pedestrian access.

#### **9.5 Displaying a sign in a public place**

- 9.5.1 The sign must correspond with the specifications and description in the permit application, including but not limited to the construction and dimensions of the sign.
- 9.5.2 Any sign, including any structure attached to the sign, must be maintained in good repair. If it is damaged for any reason it must be removed, repaired or replaced within 24 hours of sustaining damage, if there is a safety issue otherwise within 72 hours.
- 9.5.3 Permits are granted for an unlimited timeframe unless otherwise stated in the permit.
- 9.5.4 The permit holder is responsible for any damage to the public place or any other property of the Southland District Council caused by the sign, or the activities of the permit holder, the permit holder's contractors or the permit holder's employees in relation to the permitted sign.

## **9.6 Placing objects on or use of the footpath**

- 9.6.1 Objects other than tables and chairs may not occupy more than one quarter of the footpath width or 0.6 metres, whichever is the lesser.
- 9.6.2 Objects including but not limited to umbrellas, canopies or shades must be secured in such a way that they will not fall or be blown over.
- 9.6.3 The lower edge of the canopy of any umbrella or shade must be at least 2.1 metres above the footpath.
- 9.6.4 Access to fire exits, fire hydrants, shop doorways, parking meters, rubbish receptacles, street furniture and bicycle stands must be kept clear at all times.
- 9.6.5 All braziers or heating devices must be securely fixed so as to not fall over.
- 9.6.6 A brazier or heating device must not present a danger to any pedestrian or building.

## **PART 5** **ADMINISTRATION**

### **10 FEES AND CHARGES**

- 10.1 The Council may set fees and charges for any Permit granted under the Bylaw. Fees will be set each year in the Council's Annual Plan.

### **11 DELEGATIONS**

- 11.1 The Chief Executive may appoint Authorised Officers of Southland District Council.
- 11.2 The Chief Executive and Authorised Officers may exercise any power, function or duty under this Bylaw or carry out any act in order to achieve its effective administration including:
  - a) Process, grant or refuse permits;
  - b) Specify additional conditions that apply to a permit (guided by any site specific constraints);
  - c) Specify forms and procedures for the effective administration of the Bylaw;
  - d) Make any decision or determination required in this Bylaw in order to administer it;
  - e) Make any decisions regarding suspension, withdrawal or removal of a Permit;
  - f) Remove, store or dispose of Signs or objects in breach of this Bylaw;
  - g) Determine the costs of the removal, storage or disposal of Signs or objects in breach of this Bylaw.

### **12 PERMITS**

- 12.1 Permits are issued under the Southland District Council Signs and Objects on Roads and Footpaths Bylaw 2016.

- 12.2 The permit holder must present the permit if requested by any officer of the Southland District Council.
- 12.3 The permit may be reviewed by the Council at any time and may be revoked on 48 hours written notice or earlier if necessary to prevent harm to any person or damage to any private or public property.
- 12.4 The permit is only valid if all applicable fees have been paid and funds have cleared.
- 12.5 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:
- a) Complete the required application form;
  - b) Pay the applicable fee; and
  - c) Comply with the conditions of that Permit.
- 12.6 The Council may grant a Permit for any activity that would otherwise contravene this Bylaw.
- 12.7 A Permit is personal to the applicant and the address and is not transferable.
- 12.8 An Authorised Officer may revoke or suspend any Permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the Authorised Officer may consider appropriate in the event the Permit issued is breached, or to protect Council property, public health and safety or to minimise nuisance.

## **PART 6**

### **ENFORCEMENT AND COMPLIANCE**

#### **13 OFFENCES AND PENALTIES**

- 13.1 Every Person or Permit holder who:
- a) Fails to comply with any provision of this Bylaw; or
  - b) Breaches the conditions of any permit granted pursuant to this Bylaw
- commits an offence under Section 239 of the LGA 2002 and is liable to a fine as specified in Section 242 of the LGA 2002.
- 13.2 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA 2002.
- 13.3 In accordance with Section 163 of the Act, Council may remove or alter any sign or other work or thing that is or has been constructed in breach of this Bylaw.
- 13.4 Council may recover the cost of removing or altering the Sign or other work or thing that is in breach of this Bylaw from the person who committed the breach. Payment of this cost does not relieve the person of liability for the breach of this Bylaw.
- 13.5 In accordance with Sections 164 and 165 of the Act, Council may seize and impound property if it is used in breach of this Bylaw.

13.6 In accordance with Sections 167 and 168 of the Act, Council may return or dispose of property seized and impounded. The person in breach of this Bylaw is responsible for any costs associated with disposal of seized property.

**14 COMPLIANCE MONITORING**

14.1 If a complaint is upheld regarding a breach of this Bylaw, Council may recover the cost of investigating and resolving the complaint from the party in breach of the Bylaw.

14.2 Where a complaint is not upheld, no costs shall be recovered.