



New Plymouth District Council Bylaw 2008

(as amended and re-adopted, September 2014)

Signs

The purpose of this part of the bylaw is to ensure that any signs on any public place are erected and maintained in such a manner that they do not present a hazard or danger to the public and regulate the type and location of advertising signs on parks and reserves or other public places.



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

newplymouthnz.com

1. Authority

- 1.1 This part is made under sections 145 and 146 of the Local Government Act 2002.

2. Purpose

- 2.1 The purpose of this part of the bylaw is to ensure that any signs on any public place are erected and maintained in such a manner that they do not present a hazard or danger to the public and regulate the type and location of advertising signs on parks and reserves or other public places.

3. Application of this part

- 3.1 This part of the bylaw applies to public places and areas of state highway over which control of signs has, by agreement with Transit New Zealand, been delegated to the council.

4. Application of other laws

- 4.1 Nothing in this part limits the application of any other law (for example, and without limitation, the Resource Management Act 1991 or the Building Act 2004).

5. Interpretation

- 5.1 This part of the bylaw shall be in addition to the provisions of Part 1 Introductory and if this part of the bylaw is inconsistent with Part 1 Introductory then the provisions of this part of the bylaw shall prevail.

- 5.2 In this part of the bylaw unless the context otherwise requires:

Definitions

Banner means a piece of cloth or material bearing a symbol, logo, slogan or other message for the purposes of advertising or decoration.

Community event means any school fair, charity event or other non-profit public event, occasion or service where the proceeds (if any) are returned to the community or the community organisation involved.

Electoral hoarding means a stationary sign erected for the purposes of promoting a candidate or political party at a specific parliamentary or local authority election or by-election.

Mural means a painting or drawing on a building or other wall where that painting or drawing has no implied advertising or advertising content.

Normal Business Hours means Monday to Friday 8am to 5pm and excludes Public Holidays.

Official sign means any sign owned by the council or other regulatory body or provided for under any legislation.

Public furniture includes all traffic signs, council owned signs, power poles, bus shelters, seats, traffic islands, gardens, trees, transformers, traffic lights, flower pots, hanging baskets and other structures lawfully located in a public place.

Sign for the purpose of this part of the bylaw means a visual message or notice which is displayed to advertise to the public, or to identify a product, business, or service to the public, or to inform or warn the public, and:

- a) Includes any:
 - i) Poster, placard, hoarding, handbill, banner, writing, picture, image, logo, or device (including but not limited to blimps, balloons, flags, sandwich boards and banners).
 - ii) Vehicle or trailer parked on or visible from any road used principally for the purpose of displaying advertising content.
 - iii) Illuminated signs, billboard, banner or hoarding or projection of light to create an advertising image.
 - iv) Frame, supporting device and associated ancillary equipment.
- b) Excludes any:
 - i) Traffic, information or official sign.
 - ii) Murals.
 - iii) Footpath sign for trade purposes provided that the following conditions are adhered to:
 - The sign must not encroach more than 600mm of the unobstructed footpath; and
 - Size as per District Plan rules; and
 - The sign is removed at the completion of the day's trading; and
 - The sign is placed immediately outside the premises to which it relates.
 - iv) Sign indicating hazardous substances or activity.
 - v) Sign providing information or instruction relating to equipment use, property entrances or for security purposes and is no larger than reasonably necessary to convey the information to the intended recipient.
 - vi) Any sign identifying a construction site or a development under construction.
 - vii) Any sign advising of resource consent application or bylaw rules.

Temporary sign means any sign displayed for not more than 12 months whose purpose is:

- a) Advising of a forthcoming community event; or
- b) Electioneering; or
- c) Identifying a construction site or a development under construction; or
- d) Notifying the availability of land or premises for sale or lease; or
- e) Advising of a resource consent application.

Traffic sign means a sign as detailed in Part Two of the Land Transport Rule: Traffic Control Devices 2004 and any Automobile Association and Venture Taranaki directional sign.

Transit New Zealand means the crown owned entity responsible for State Highways

6. Rules applying to signs in all public places

- 6.1** Clauses 7 to 11 and clause 13 apply to signs in all public places, regardless of whether the public place is a road, park or reserve. Clause 12 applies to banners in all public places. **Application**

7. General requirements

- 7.1** All signs must comply with this part but if 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, the authorised officer may grant approval for a complying sign, in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

- 7.2** If a clause in this part is changed, and that change affects a sign's compliance with this part, the sign must comply fully with this part within 12 months of the change coming into force. **Compliance**

8. Safety hazards

- 8.1** No sign shall be placed or be allowed to remain if, in the opinion of the council or an authorised officer, that sign would: **Unsafe signs**
- i) Obstruct or be likely to obstruct the view of any vehicle or pedestrian approaching before a corner, bend, intersection, vehicle crossing, traffic sign or traffic signal.
 - ii) Distract unduly or be likely to distract unduly the attention of road users.
 - iii) Resemble or likely to be confused with any traffic sign or signal.
 - iv) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere

- v) with a road user's vision.
Invite drivers to turn so close to a turning point that there is no time to signal and turn safely.
- vi) Constitute or be likely to constitute in any way a danger to road users.

9. Construction and maintenance of signs

- 9.1** Every sign on a public place must in the opinion of the council or an authorised officer:
- Conditions for signage**
- a) Be constructed in a good workmanlike manner; and
 - b) At all times:
 - i) Be maintained in good repair; and
 - ii) Be clearly legible; and
 - iii) Be in a safe condition; and
 - iv) Comply with the requirements of the Building Act 2004 (or any subsequent corresponding enactment), including withstanding wind and seismic loads; and
 - v) Comply with any relevant provisions of the District Plan.

10. Electoral Hoardings

- 10.1** No person shall construct, maintain or display or cause an electoral hoarding to be displayed on, over or above a public place.
- Electoral hoardings not permitted**

11. Temporary Signs

- 11.1** No person shall without approval from an authorised officer on, over or above any road commence or continue to display, fix, erect, re-erect or alter the construction of, or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of:
- Temporary signage**
- 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 described in paragraph a) for more than seven days following completion of the event to which the sign relates.

12. Banners

- 12.1** If a sign over or above a public place is a banner, the banner must comply with the conditions set out in Appendix 1 of this part of the bylaw.
- Banners to comply with Appendix 1**

13. Signs on parks and reserves

13.1 No person shall erect, display or construct any sign located on a park or reserve without the approval of an authorised officer.

Signs on parks or reserves

13.2 Approval granted under clause 13.1 will be subject to:

- a) Any applicable reserve management plan; and
- b) Any applicable council policy dealing with signs located on council parks and reserves.

14. Removal of signs

14.1 An authorised officer may remove or alter any sign, together with its supporting device that:

Signs may be removed for bylaw breach or interfere with utility operators

- a) Is in breach of this part; or
- b) Interferes with or in any way obstructs the right of any network utility operator authorised by any Act or by the District Plan to construct, place, maintain, alter, or remove, or otherwise deal with any network utility service within a public place (including a road).

14.2 The council may recover the costs of such removal or alteration, in accordance with section 163 of the Local Government Act 2002.

Costs

14.3 Before removing or altering any sign:

Notice

- a) An authorised officer will give notice in writing addressed to the owner of the sign requiring that owner to alter, repair or secure or to otherwise put in order or remove that sign within the period that is stated in the notice; and
- b) The owner of the sign must have failed to comply with the notice.
- c) If the sign presents an immediate hazard or danger to the public, the period stated in the notice referred to in clause (a) may be one hour.

14.4 Nothing in clause 14.3 applies in any case where the authorised officer is unable to locate an owner of a sign, or where the sign needs to be removed outside normal business hours in which case the authorised officer may immediately remove a non-complying sign.

14.5 Where a sign is removed prior to the serving of a notice under clause 14.3 and the sign owner can be located, a retrospective notice shall be served detailing costs to be recovered as set out in clause 14.2.

14.6 Sections 167, 168 and 175 of the Act apply to any sign that is removed by the Council.

APPENDIX 1

This appendix is for information purposes only. This appendix is not part of the New Plymouth District Council Bylaw 2008.

Banners

- No part of a banner may be less than 5.5 metres above road height (or above the carriageway at any point), where applicable.
- Lettering and symbols used must be at least 300 millimetres in height.
- No reflective material may be used on a banner.
- The banner must not display more than six words or symbols.
- The banner must be fixed securely.
- The owner of a banner is responsible for any damage caused by that banner.
- The banner must not remain in place for more than two weeks in any year.
- The banner's anchor points must be constructed to withstand wind gusts and the banner should not tear or flap in the wind (air holes may be necessary).
- The banner must not impair the effective operation of any traffic signs signals, street lights or other control devices.
- The banner must not be erected on roads that form part of designated routes for over-dimensional loads.