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WAIMAKARIRI DISTRICT COUNCIL

SIGNAGE BYLAW 2019

Adopted at a Council Meeting held on
4 February 2020

A handwritten signature in blue ink, appearing to read 'J. Palmer', written over a horizontal line.

Chief Executive

A handwritten signature in blue ink, appearing to read 'G. [unclear]', written over a horizontal line.

Governance Manager



CONTENTS

1. General	3
2. Purpose and Objectives	3
3. Scope.....	3
4. Definitions	3
PART 1 - SIGNAGE.....	5
5. General Provisions.....	5
6. Vehicle and Trailer Signage	6
7. Real Estate Signage	6
8. Event Signage.....	6
9. Footpath Signage and Advertising	7
10. Signage Overhanging Footpaths or Roads.....	8
11. Signs Affecting Traffic	8
12. Location of Election Signs	9
13. Signage Content	9
PART II - ADMINISTRATIVE	9
14. Exemptions from this Bylaw	9
15. Delegations and Approvals	9
16. Notices.....	9
17. Offences and Breaches.....	9
18. Penalties	10
19. Serving of Notices and Documents	10
20. Revocations and Savings	11
21. Review of Bylaw.....	11
SCHEDULE 1. SIGNS AFFECTING TRAFFIC	12

Waimakariri District Council Signage Bylaw 2019

1. General

Introduction

- 1.1 This bylaw may be cited as the Waimakariri District Council *Signage Bylaw 2019*.
- 1.2 This bylaw supersedes the Waimakariri District Council *Signage Bylaw 2012* and comes into force on 13 February 2019.
- 1.3 This bylaw is made pursuant to Sections 145, 156(1) and 160(A) of the *Local Government Act 2002*.

2. Purpose and Objectives

- 2.1 The purpose of this bylaw is to ensure that signs are erected, maintained and displayed in such a manner that they do not create a nuisance or present a danger to pedestrians or vehicles.
- 2.2 This bylaw has the objective of enhancing road safety in the Waimakariri District by avoiding dangerous placement of signs that could impair visibility or access for road users or pedestrians.
- 2.3 This bylaw has the further objective of seeking to avoid public nuisance by ensuring advertising displays and signage on footpaths does not obstruct the passage of pedestrians.

3. Scope

- 3.1 This bylaw covers temporary and permanent signage located on the Council road reserve, parks and reserves, and any buildings or structures owned by the Council.
- 3.2 This bylaw requires any sign located on any privately owned premises within the district to comply with provisions in Sections 5 and 11, but otherwise the bylaw does not apply to any sign on any privately owned premises.

This bylaw does not apply to:

- 3.3 Signage located within the State Highway road reserve.
- 3.4 Any traffic safety or directional signs that are erected by the Council, its Authorised Officer or Agent, or the New Zealand Transport Agency.

4. Definitions

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

Authorised Officer or Agent means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority.

Changeable message signage means visible signage with mechanical or electronic moving images or displays, including LED, neon, and electronically projected images.

Commercial event means an event that is intended to generate a profit and that is hosted for commercial purposes.

Continuous accessible path of travel (CAPT) is defined as the area where the pedestrian route is safe and convenient for everyone, including pedestrians who are blind, have impaired mobility or have low vision.

Council road reserve means any part of the legal road including formed road areas designed for the carriage of vehicles, and adjacent footpath and berm areas, usually adjoining the property boundaries (including privately owned premises) on either side of the road.

Council means the Waimakariri District Council or any officer authorised to exercise the authority of the Council.

Display means an exhibition or presentation of goods or materials, or a presentation of information or graphics that can be easily seen from or within a public place.

Directional signage means visible signage providing direction to a building, land, site or event.

Event means a planned public or social occasion, including educational, social or recreational occasions to be held within the Waimakariri District or directly adjoining local authorities.

Frangible means able to be broken into fragments; brittle or fragile.

Garage sale means the sale of private household and personal items from any privately owned premises.

Grass berm is the area of footpath which is laid out in grass.

Household means members of a family or other non-related persons living together as occupants of a separate housing unit.

Nuisance means anything that disturbs the reasonable use of property, endangers life and health, or is offensive.

Offence includes any act or omission in relation to this bylaw or any part thereof for which any person is liable for prosecution.

Pedestrian means any person travelling by foot or using pedestrian facilities. This would include those using wheelchairs, prams, electric scooters, mobility scooters and other mobility devices.

Person means a natural person, corporation sole or a body of persons whether corporate or otherwise.

Premises means:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or

- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.
- (d) Land and open spaces managed by the Council for which reserve management plans are applicable.

Public place means:

- (a) An area that is open to or used by the public and which is owned, managed, maintained or controlled by the Council.
- (b) Public places include, but are not limited to roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.
- (c) The extent of the legal property boundary adjoining the Council road reserve. It includes any fence, wall or partition as part of that boundary or frontage.

Real estate sign means a sign including information about the proposed or pending sale of any premises or business.

Sign / Signage means:

- (a) An advertisement, message or notice conveyed using any visual medium, which advertises or promotes a product, business, service, or event or acts to inform or warn any person;
- (b) The frame, supporting device and any associated ancillary equipment whose principal function is to support the advertisement, message or notice;
- (c) Advertisements, messages or notices placed on, or affixed to, or painted or stencilled onto a window, a fence, a hoarding, street furniture, utility infrastructure, footpath, road or building;
- (d) Murals, banners, feather / sail / teardrop flags, posters, balloons, blimps, sandwich board signs, rotating signs, projections of lights or electronic displays.

Temporary sign means a sign or signage that is displayed or erected at a site which is visible from a public place and has content that is generally associated with short-term events or activities.

PART 1 - SIGNAGE

5. General Provisions

- 5.1 No person shall display or erect any sign in the district except in conformity with this bylaw.
- 5.2 No person shall erect any sign on any of the following:
 - 5.1.1 any Council owned premises; or
 - 5.1.2 the Council road reserve, other than as provided for in this bylaw.
- 5.3 Signs that are located on any privately owned premises within the district are required to comply with the District Plan.
- 5.4 No person shall attach or affix any sign or signage upon any infrastructure that is erected in or constructed or standing on or abutting any public place, including any part of a Council-owned premises, any Council sign or its support structure, or any part of the Council road reserve.

- 5.5 Any sign shall be erected and maintained in such a way that it does not become a nuisance to the public or a hazard to any pedestrian or vehicle using footpaths or roads in the District.
- 5.6 Any sign erected on or within the Council road reserve must meet all of the requirements of the *Traffic Control Devices Manual* or any other relevant documentation published by the New Zealand Transport Agency.

6. Vehicle and Trailer Signage

- 6.1 A person must not display in the Council road reserve, signage on or connected to a mobile or parked trailer or vehicle, if the primary function of the trailer or vehicle is to display advertising material.
- 6.2 Should any motor vehicle, to which clause 6.1 applies, be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner.
- 6.3 Clause 6.1 does not apply to vehicles with sign writing (business logos or the business name) where the vehicle is being used in, and as part of, the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle is causing a safety hazard.

Explanatory note: also refer to Clause 14.3 in the Parking Bylaw 2019.

7. Real Estate Signage

- 7.1 A person may only erect a real estate sign within the Council road reserve where the sign is a temporary sign advertising an open home; and where the real estate sign is only in place on the road reserve for the duration of that open home.
- 7.2 Directional signage used for advertising open homes (for sale or lease) and auctions shall be removed on the day the open home or auction takes place once these events are complete.
- 7.3 Real estate signage at the street frontage must be flush with or on the wall or fence and not project beyond the legal boundary of the property to which it relates. A maximum of two real estate signs can be located per property. Where the property is a corner property, two real estate signs can be placed on each street frontage of the property.
- 7.4 Real estate signs, flags or banners attached to a vehicle or trailer may be displayed only during the time of an open home or on-site auction.
- 7.5 Signage must be removed within 14 days of the property being sold.

8. Event Signage

- 8.1 Event signage at the street frontage must be flush with the wall or fence.
- 8.2 A sign on any part of the Council road reserve pertaining to an event shall only be permitted where:

- 8.2.1 it is not in excess of 2 metres in height or does not have a display area that exceeds 3 square metres; and
 - 8.2.2 it is not within 50 metres of any intersection or roundabout; and
 - 8.2.3 it has a stable, non-perishable or frangible support structure.
- 8.3 Any sign pertaining to an event shall not be erected more than 6 weeks prior to the date of that event and shall be removed within 7 days of the date of that event.
- 8.4 No person shall erect any sign on any part of the Council road reserve that pertains specifically to any of the following
- 8.4.1 a commercial event, unless prior written consent has been obtained from the Council; or
 - 8.4.2 any private function pertaining to any family or household group including any birthday or household party.
- 8.5 Any garage sale sign is only permitted on the Council road reserve for the duration of that garage sale.

9. Footpath Signage and Advertising

- 9.1 Any business or franchise may place one sign and/or one display of goods for sale on the footpath area adjacent to their premises along any road or street that has a speed limit of 70 kilometres per hour or less, if that road or street has a formed kerb, channel and footpath.
- 9.2 The display of any business goods for sale on a footpath is subject to a license to occupy that may be granted at the discretion of the Council.
- 9.3 No sign or display of any business goods on any footpath shall be placed in a position that would obstruct a pedestrian's CAPT along the footpath, or present an obstacle for any person using the footpath including any disabled person, or obstruct movement of a vehicle using any formed vehicle crossing over any footpath.
- 9.4 Any sign placed by a business premises on any footpath under clause 10.1 shall:
- 9.4.1 not exceed 1.0 metres in height and 0.6 metres in width;
 - 9.4.2 not exceed 3.2 metres in height and 0.75 metres in width if they are feather, sail or teardrop style flags;
 - 9.4.3 be located so as to retain a clear pedestrian access way along the footpath that is no less than 2 metres wide in a continuous line, with all signs placed upon any one length of footpath between two intersections to be placed on the same side of that footpath;
 - 9.4.4 not be placed closer than 0.5 metres to the adjacent kerb or otherwise must be placed immediately adjacent to the frontage or facade of the building at that premises;
 - 9.4.5 not interfere with permanent fixtures in the road reserve, street furniture or fittings, a grass berm or with the opening of car doors.
- 9.5 Notwithstanding clauses 10.1 and 10.4, the Council may approve the placement of a larger sign that includes advertising for more than one premises in the following situations

- 9.5.1 where the sign is required by, and includes advertising on behalf of, more than one premises; and
 - 9.5.2 where there are a number of premises occupying a limited road frontage area; and/or
 - 9.5.3 where there are several premises located in an area that is remote from the road frontage.
- 9.6 Any sign placed by any business premises on a footpath at the start of any trading day must be removed from that footpath by that premises at the end of that same trading day.

10. Signage Overhanging Footpaths or Roads

- 10.1 No person shall cause or permit any sign to be erected overhanging any footpath unless every part of such sign is at least 2.2 metres above the footpath and the height of such sign is no greater than 1.0 metre.
- 10.2 Any sign erected overhanging a footpath shall be set back at least 0.5 metres from the kerb.

11. Signs Affecting Traffic

- 11.1 No person shall display, erect or maintain any sign so close to any part of a road, motorway, or to any corner, bend, roundabout, safety zone, traffic sign, traffic signal, or intersection, in such a manner as, when assessed by an Authorised Officer or agent, is seen to:
- 11.1.1 obstruct the vision of, or access for, persons driving on a roadway or entering a roadway; or
 - 11.1.2 constitute or be likely to constitute in any way a danger to the public.
- 11.2 No person shall illuminate on privately owned premises any sign in such a way that the light is directed onto a footpath and/or roadway in such a manner as, when assessed by an Authorised Officer or Agent, is seen to obstruct the vision of persons on that footpath or roadway.
- 11.3 An Authorised Officer or Agent will assess whether a sign complies with Section 12 of this bylaw using the criteria outlined within Schedule 1.
- 11.4 A person must not display any changeable message signage which:
- 11.4.1 scrolls, is continuously moving or appears to be moving, or is animated; or
 - 11.4.2 changes rapidly, with a dwell time of less than eight seconds for any separate display; or
 - 11.4.3 has a transition time of greater than one second from one display to the next; or
 - 11.4.4 uses more than three sequential images to impart the whole message.

12. Location of Election Signs

- 12.1 In accordance with Council's Policy S-CP 4460, no political signage is to be placed on Council-owned or leased buildings or land including the road reserve. Signs written on motor vehicles are exempt provided:
- 12.1.1 the stationary vehicle does not compromise the safe use of the road; or
 - 12.1.2 does not breach any other provision of the bylaw; or
 - 12.1.3 is displayed only in the period nine weeks preceding the local body election day; and
 - 12.1.4 must be removed by midnight prior to election day.

13. Signage Content

- 13.1 A person must not display visible signage within a public place that does not comply with the latest Code of Ethics and any relevant Code of Practice issued by the New Zealand Advertising Standards Authority.
- 13.2 A person must not display, place, or allow remaining in place or on display any visible signage that:
- 13.2.1 is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination in the *Human Rights Act 1993*; or
 - 13.2.2 is objectionable within the meaning of the *Films, Videos and Publications Classification Act 1993*; or
 - 13.2.3 is defamatory, or incites or counsels any person to commit any offence.

PART II - ADMINISTRATIVE

14. Exemptions from this Bylaw

- 14.1 Any person may apply to the Council for an exemption to this bylaw. Applications for exemption must be in writing and may be subject to a fee as prescribed in the Council's fees and charges manual.

15. Delegations and Approvals

- 15.1 In this bylaw where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of the Council.

16. Notices

- 16.1 The Council may give notice to any person in breach of this bylaw to carry out any remedial action in order to comply with the bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

17. Offences and Breaches

- 17.1 Every person breaches this bylaw and commits an offence who

- 17.1.1 does, or allows anything to be done, which is contrary to this bylaw or any part of it; or
 - 17.1.2 fails to do, or allows anything to remain undone, which ought to be done by him or her within the time and in the manner required by this bylaw or any part of it; or
 - 17.1.3 does anything which this bylaw prohibits; or
 - 17.1.4 fails to comply with any notice given to him or her under this bylaw or any part of it or any condition that is part of any notice granted by the Council; or
 - 17.1.5 obstructs or hinders any Authorised Officer or Agent in performing any duty or in exercising any power under this bylaw.
- 17.2 Council reserves the right to remove without notice any sign or display of goods that is illegal or in the Council's opinion is considered to be hazardous, dangerous or offensive to the public. In such cases, the Council will, where possible, notify the person or persons responsible.
- 17.3 The Council may recover the cost of dealing with signs that breach this bylaw from the sign owner and/or operator, including those costs associated with the storage of the offending signs and/or goods.

18. Penalties

- 18.1 Subject to anything to the contrary, every person who commits an offence against this bylaw shall be subject to the penalties set out in Section 242(4) of the *Local Government Act 2002*.
- 18.2 Under Section 163 of the *Local Government Act 2002*, the Council, or an authorised agent appointed by it, may remove or alter signage that is, or has been, constructed in breach of this bylaw.
- 18.3 The Council will, where circumstances are warranted, recover the costs of removing or altering any signage that is in breach of this bylaw from the person who committed or were responsible for the breach. This does not relieve that person of liability for the breach.
- 18.4 Under Section 162 of the *Local Government Act 2002* the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this bylaw.
- 18.5 The Council may seize and impound signage in accordance with Sections 164 and 165 of the *Local Government Act 2002*. The Council may, at its discretion, charge a fee from the person responsible for the breach if that person wishes to have their property returned.
- 18.6 The Council will deal with any signage seized and impounded in accordance with Sections 167 and 168 of the *Local Government Act 2002*.

19. Serving of Notices and Documents

- 19.1 Except as otherwise expressly provided for in any Act, where any notice, order or other document is required to be served on any person for the purposes of this bylaw, the Council may serve notice by:

- 19.1.1 delivering it personally or sending it by courier or messenger
- 19.1.2 sending it by registered post to the person's last known place of residence or business.

- 19.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.
- 19.3 If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.
- 19.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.
- 19.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than when the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

20. Revocations and Savings

- 20.1 The Signage Bylaw 2012 is hereby revoked.
- 20.2 Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in clause 20.1 that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.
- 20.3 The revocation of the bylaws specified in clause 20.1 shall not prevent any legal proceedings being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.
- 20.4 The resolutions of the Council made or continued under the bylaws revoked under clause 20.1 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

21. Review of Bylaw

- 21.1 A comprehensive review of this bylaw shall be carried out no later than 2029 as required by the *Local Government Act 2002*.
- 21.2 The Council reserves the right to carry out an early review of any aspect of the bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns and matters of public nuisance.
- 21.3 By resolution, the Council may make changes to any schedule or explanatory note in this bylaw.

SCHEDULE 1. SIGNS AFFECTING TRAFFIC

The following criteria will be used by an Authorised Officer or Agent to assess whether or not a sign complies with Section 12 of the bylaw. The Authorised Officer or Agent may also find the information about signage published by the New Zealand Transport Agency (as referenced in clause 5.6), useful in making decisions under this schedule and Section 12 of the bylaw.

A. Placement and Location

The appropriateness of the sign in terms of its size, type, location and form in relation to the surrounding environment and the zone in which it occurs. In particular:

1. The scale, style and simplicity of the sign: the location of the sign in relation to other signs and adjacent structures and buildings and the size of the site on which the sign will be placed; and its relationship with the streetscape, landscape and open space areas in the vicinity of the proposed sign.
2. Whether the size of the sign is appropriate for the target audience (e.g. pedestrians or car drivers);
3. The cumulative visual effect of the sign in conjunction with any other signs in the surrounding environment;
4. The impact of any lighting associated with the sign – in particular intensity, glare, duration of use, location, direction and lighting spill;
5. How the sign maintains safe and clear sight and movement lines and how it is separated from other signs.
6. Whether the sign eliminates the need for other signs on the property;
7. If the sign is freestanding, the placement of the sign having regard to whether it creates obstruction of pedestrian paths, sight and movement lines;
8. The opportunity for the sign to be used by multiple tenancies, thus reducing the need for additional signage.

B. Safety

The appropriateness of the sign in terms of its potential to cause danger to public safety. In particular:

1. The impact of the sign in obstructing the view of corners, intersections, vehicle or pedestrian crossings, or any information or naming signs. This also includes signs which cause pedestrians to move off the footpath and onto the road to avoid obstacles.
2. The potential adverse impact of flashing lights or variable images on traffic safety or navigational safety if located near the coast;
3. The potential effect of glare from any illuminated sign on pedestrian and road users safety;
4. The potential for the sign to be confused with or obscure any traffic signal or sign;
5. The ease at which the sign can be read where traffic safety may be an issue near major roads or motorways;
6. The potential for the sign to affect public access to a site or a public place; the safety of pedestrians (including whether or not the sign might create a hiding place or an entrapment area), or the safety of road users.