

Kaipara District Council

Consolidated General Bylaw 2020

Made by Kaipara District Council by Resolution in Council: 28 October 2020

Commencement: 1 December 2020



Kaipara te Orangahui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

Consolidated General Bylaw 2020

Part 5 – Control of Advertising Signs

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1. Purpose

- 1.1 The purpose of this Part is to ensure that advertising signs visible from a public place are erected, maintained, and displayed in a way that ensures public safety, preserves amenity values and maintains aesthetic standards. The Bylaw recognises there is a need to advertise businesses for commerce or promote activities, and events with signage.

2. Explanation

- 2.1 This Part of the Bylaw complements rather than duplicates provisions for signs within the Operative Kaipara District Plan. The environmental impacts of signage are considered more fully in the Operative Kaipara District Plan.

3. Application

- 3.1 Part 5 of the Bylaw does not apply to:
- a. traffic, direction, information and naming signs erected by or with the approval of the Council
 - b. signs indicating hazardous substances used at a hazardous facility
 - c. signs erected pursuant to any Act or regulation
 - d. signs that have been erected or sited pursuant to a resource consent
 - e. place any sandwich board on public land except in accordance with clause 4.2.

4. General requirements for siting of signs

- 4.1 No person shall:
- a. display or erect any sign which does not comply with this Part of the Bylaw unless:
 - i. pursuant to clause 3.1, this part of the Bylaw does not apply to the sign
 - ii. an exemption to the requirements of this part of the Bylaw has been granted by Council or an Authorised Officer
 - 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 designated display board.
 - c. erect any sign identified in this part of this Bylaw 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
 - iv. incites or counsels any persons to commit any offence
 - e. erect or display a sign in any location where, in the opinion of an Authorised Officer, the sign would create a traffic hazard or traffic safety issue. This includes any sign that:
 - i. obstructs, obscures or impairs the line of sight of any corner, bend, intersection, vehicle crossing, pedestrian crossing, or view of any traffic control device

- ii. obstructs or hinders the safety or movement of persons or vehicles using the footpath or any other part of the road
 - iii. resembles, or is likely to be mistaken for, a traffic control device
 - iv. directed at a person driving a vehicle on a road and cannot be read safely by such a person travelling at the legal speed limit of that road
 - v. uses any method of illumination that may adversely affect traffic safety, including but not limited to, reflective materials, lasers, flashing or revolving lights
- f. erect or display any sign, including attaching a sign in any way to a pole, fence, street furniture or other public utility structure, in a public place under the control of Council unless approved by an Authorised Officer or by or under any other provision in this Bylaw or by resource consent

4.2 Council may, by resolution, identify streets or areas of the district where sandwich boards may be placed on public land outside the business to which the sandwich board relates. In approving such streets or areas for this purpose Council may impose conditions including the maximum size of the sandwich boards and their placement. Sandwich boards may only advertise services or products available from the business to which they relate.

4.3 Council may prescribe fees for assessing and determining an application for an exemption for any sign that does not comply with this part of this Bylaw.

5. Requirements for construction and maintenance of signs

5.1 All signs and their supporting structures shall be constructed, fixed, placed and maintained so they do not pose a hazard or danger to property or the public. The sign owner and the owner of the land or building on which the sign is placed shall be responsible for the construction, placement and maintenance of that sign.

6. Exemptions

6.1 Where a sign lawfully existed prior to the coming into force of this 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 non-compliance with this Bylaw. Every sign shall be removed at the expiry of any time set as a condition of a resource consent or approval under this Bylaw or any other enactment.

6.2 Where an Authorised Officer is satisfied that compliance with any requirements of this Part of the Bylaw would be unreasonable or impracticable, an Authorised Officer may grant an exemption for any clause within this Part of the Bylaw and may include such conditions as are considered appropriate

7. Removal or repair of signs

7.1 An Authorised Officer may by written notice require the owner or lease holder of any unsightly, noncomplying, unsafe or unauthorised sign to remove such sign or repair the sign to the standard so as to comply with this Part of the Bylaw, within the period stated in such notice.

- 7.2 Where any person fails to comply with any requirements to alter or remove any sign an Authorised Officer may have the sign altered or removed. The cost incurred in 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.
- 7.3 Council may alter or remove any sign that has been placed on:
- a. any building or structure without the permission of the owner of that building or structure
 - b. any surface, building or structure in a public place in breach of this Bylaw
- and recover the costs of removal from the persons placing the sign or at whose direction the sign was placed.
- 7.4 Any sign removed by Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 7.5 Any sign that remains unclaimed for a period exceeding six months or, is not released for a period exceeding six months may be sold or otherwise disposed of by 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.

Explanatory Note: *Seizure and disposal of any sign needs to follow the process that is set out under sections 164 -168 of the Local Government Act 2002.*

8. Display boards

- 8.1 Council or an Authorised Officer may supply or approve the installation of display boards in any public place for the purpose of allowing posters or advertising devices to be displayed announcing forthcoming functions or events and may impose conditions to such approvals.
- 8.2 Any person who has displayed a poster or advertising device on a display board in a public place shall remove the poster or advertising device within 24 hours of the event concluding.
- 8.3 Should a person fail to remove the poster or advertising device when requested, an Authorised Officer or his/her agent may do so, and all expenses incurred by Council in connection with such removal shall be recoverable from those persons.