

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 22

TEMPORARY SIGNS

EXPLANATION

The Council is authorised under sections 145 and 146 of the Local Government Act 2002 and section 684(1)(15) of the Local Government Act 1974 to make bylaws for the control of temporary signs on public or private land which will be visible from any road or public place under the control of the Council.

The purpose of this bylaw is to provide controls for temporary signs within the District. Transit New Zealand and the Auckland Regional Council have given their authorisation for this bylaw to apply to land under their control. Temporary signs are useful for a range of purposes, including advertising of services and products, to indicate the location of places and to provide information.

In providing for temporary signs control the Council wishes to ensure that there are no adverse effects on pedestrian or traffic safety, public convenience, damage or misuse of Council controlled land, structures and infrastructure within the district.

Temporary signs which comply with this bylaw are permitted under the Proposed Rodney District Plan 2000 (Proposed Plan). Any sign outside the definition of 'temporary sign' in this bylaw is subject to the signs provisions contained within the Proposed Plan.

This bylaw outlines the minimum criteria that every temporary sign is required to meet. Temporary signs which comply completely with the clauses of this bylaw may be erected without formal application to the Council.

There is provision for an application to be made for dispensations for a non complying sign under this bylaw where assessment criteria are met.

1.0 COMMENCEMENT AND APPLICATION

- 1.1 This bylaw applies within the Rodney District, including on state highways and motorways under the control of Transit New Zealand and Regional Park land under the Control of the Auckland Regional Council, and comes into force on 1 September 2007
- 1.2 This bylaw is made under section 684(1) (15) of the Local Government Act 1974 and sections 145 and 146 of the Local Government Act 2002.
- 1.3 This bylaw should be read in conjunction with all chapters of the Rodney District Council General Bylaw 1998, in particular the interpretation section contained in Chapter 1 of the bylaw.
- 1.4 Nothing in this bylaw shall derogate from the requirements of the District Plan.
- 1.5 Temporary signs which comply with this bylaw are permitted activities under the District Plan.

2.0 INTERPRETATION

BALLOON	Means any sign made of flexible material, inflated by air, or inflated by a gas lighter than air so that it is capable of rising skyward.
FLAG	Means a sign consisting of any bunting or other flexible material attached by one edge to a staff or halyard.
PORTABLE	Means not fixed to the ground or any building or other structure and able to be moved by lifting, driving, towing or any other means.
SURFACE AREA	Means the area of the face of a temporary sign, and where a limitation on that area is specified, that limitation shall, in the case of a double faced sign, apply to one face only, but does not include that part of the structure used solely for support purposes.
TEMPORARY	Means no more than a total of six months in any consecutive 12 month period, and not permanently fixed to any building or other structure.

3.0 EXEMPTIONS

- 3.1 This bylaw does not apply to the following signs, where they are temporary signs:
- (a) traffic signs contained in the current Transit New Zealand Manual of Traffic Signs and Markings (MOTSAM);
 - (b) traffic signs contained in the current Transit New Zealand Code of Practice for Temporary Traffic Management where such signs form part of an approved Traffic Management Plan;
 - (c) traffic directional and informational signs (including public transport timetables);
 - (d) signs required for safety and emergency purposes;
 - (e) signs erected by or on behalf of Rodney District Council;
 - (f) signs indicating hazardous substances used at a hazardous facility;
 - (g) signs lawfully erected pursuant to any statute or regulation.

4.0 GENERAL COMPLIANCE REQUIREMENTS FOR ALL TEMPORARY SIGNS

4.1 No person shall place, or permit to be placed, any temporary sign which is visible from any public place unless:

- (a) it is exempt from compliance under section 3 of this bylaw; or
- (b) it complies with the requirements for permitted signs in clauses 4.2, 4.3 and 4.4 of this bylaw, and the applicable requirements in sections 5.0, 6.0, 7.0, 8.0 or 9.0 of this bylaw, in which case it may be erected without formal application to the Council; or
- (c) a dispensation has been granted as provided for in Section 10 of this bylaw.

4.2 No person shall place, or permit to be placed, a temporary sign which is visible from any public place unless:

- (a) the temporary sign relates to a lawful activity undertaken on, or service provided from, the site on which the sign is located; and
- (b) all necessary consents, including those required under the Building Act 2004, any other statute, or any plan or bylaw prepared under any statute have first been obtained; and
- (c) the temporary sign does not use artificial illumination or reflective materials of any kind; and
- (d) the temporary sign is placed with the permission of the owner or occupier of the building, structure, or land upon which it is located; and
- (e) the temporary sign does not include visual or written content which in the opinion of the Council or an Authorised Officer is:
 - (i) discriminatory; or
 - (ii) offensive, threatening or insulting; or
 - (iii) likely to incite, or counsel any person to commit an offence; or
 - (iv) likely to promote or encourage unsociable behaviour.
- (f) it complies with the provisions of the Human Rights Act 1993 and any other relevant legislation.

4.3 The owner or occupier of land or buildings upon which a temporary sign is erected shall ensure that the temporary sign is:

- (a) constructed, fixed and placed in a manner that poses no danger to property or people; and
- (b) maintained in good order, clean and free of graffiti;
- (c) of good quality material, construction and finish

to the satisfaction of the Council or Authorised Officer, who may issue a notice requiring specified maintenance work to be carried out on any sign within 10 working days of service of the notice. The notice shall state the reason for the maintenance required.

4.4 No person shall place, or permit to be placed, a temporary sign in a location or manner that is visible from any road, state highway or motorway, which in the opinion of the Council or an authorised officer, may endanger the safety of road users.

When assessing a temporary sign, in accordance with this clause, the Council or an Authorised Officer shall have regard to the extent which the temporary sign:

- (a) may distract or cause confusion to road users;
- (b) would obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
- (c) would resemble, obstruct, confuse or impair the view of any road control signs and traffic signals or in any way cause confusion;
- (d) is likely to produce glare or dazzle to road users;
- (e) has any flashing or revolving lights that would distract a road user's attention;
- (f) would invite drivers to turn so closely to the turning point that there is no time to signal and turn safely.

4.5 Where appropriate the Council may consult with Transit New Zealand and seek its comments on applications for any temporary sign visible from any state highway or motorway.

5.0 TEMPORARY SIGNS ADVERTISING THE SALE OR LEASE OF LAND OR BUILDINGS

5.1 Subject to meeting the requirements of Section 4.0 of this bylaw, a single-sided temporary sign is permitted on the site which advertises the sale, lease, or tenancy of any land or building available at the same location. This excludes signs on subdivisions and development projects where any new site or unit has been created as set out in section 7.0. The sign shall meet the following conditions;

- (a) It does not exceed 1.0 square metre in surface area in any residential zone, or 3.0 square metres in surface area in all other zones; and
- (b) is positioned parallel to the road boundary; and if positioned on a building or fence is within the profile of the host structure; and
- (c) does not remain on the property for more than 7 days from the date on which the sale, lease or tenancy agreement becomes unconditional.

5.2 As an alternative to the allowance in Clause 5.1(b):

- (a) up to three temporary signs, none of which may exceed 0.54 square metres in surface area, are permitted on a site in any zone instead of the single sign otherwise provided for; and
- (b) a single temporary sign not exceeding 3.0 square metres in surface area is permitted where the property is for sale by tender or auction.

6.0 TEMPORARY SIGNS ADVERTISING CULTURAL, RELIGIOUS, COMMUNITY OR SPORTING EVENTS

6.1 Subject to meeting the requirements of Section 4.0 of this bylaw, temporary signs advertising cultural, religious, community or sporting events are permitted signs if:

- (a) the temporary signs are limited in number to one temporary sign per site frontage of the site where the event will be taking place; and
- (b) beach temporary sign does not exceed 3.0 square metres in surface area and 1.8 metres in height; and

- (c) each temporary sign is displayed for no more than 30 days prior to the event to which it relates and is removed on the day following the final day of the event; and
 - (d) the temporary sign is located on the site of the event being advertised or as may otherwise be allowed by Clause 6.2.
- 6.2 No person shall place, or permit to be placed, a temporary sign advertising a cultural, religious, community or sporting event at any public place, other than:
- (a) at a site specifically set aside by the Council for such temporary signs; and
 - (b) with the prior permission of the Council or an authorised officer; and
 - (c) in accordance with the size and time limits set out in Clause 6.1 of this bylaw.
- 6.3 The provisions of clauses 6.1 and 6.2 do not apply to any temporary sign for central or local government election or polling purposes, to which the provisions of section 8.0 shall apply.

7.0 TEMPORARY SIGNS ON SUBDIVISION, DEVELOPMENT AND BUILDING PROJECTS

- 7.1 Subject to meeting the requirements of Section 4.0 of this bylaw, temporary signs are permitted on land where subdivision, development or building projects or other building construction works are taking place, if:
- (a) the temporary sign is limited to the purposes of:
 - (i) identifying the project;
 - (ii) identifying the parties involved in the project;
 - (iii) providing marketing and sales information related to the project.
 - (b) the temporary sign is single-sided and placed at an angle to the property boundary so as to face persons approaching the project.
- 7.2 Where resource consent has been obtained for subdivision or development the following temporary signs are permitted signs at the subdivision or development site:
- (a) a temporary sign limited in number and size (excluding signs required by any law) in accordance with the following table:

NUMBER OF SITES OR UNITS THE SUBJECT OF ANY ONE RESOURCE CONSENT FOR SUBDIVISION/ DEVELOPMENT.	MAXIMUM NUMBER OF SIGNS	MAXIMUM SURFACE AREA OF SIGNS (square metres)	MAXIMUM HEIGHT OF SIGNS (metres)
1 to 10	1	3.00	1.8
11 to 20	1	6.00	1.8
21 to 100	1	9.00	1.8
101 plus	1	12.00	1.8

- (b) one temporary sign, not exceeding 0.6 square metres in surface area, on each site within a subdivision or on each development unit containing sales information about that site or unit, provided that such sign shall be removed no later than seven days after the sale of the site or unit has become unconditional; and
- (c) one temporary sign, of the maximum size permitted by Clause 7.2(a), for each separate public road onto which the subdivision or development project has frontage; and
- (d) any other temporary sign relating to the subdivision or development affixed to the wall of any temporary site office and contained within the profile of the site office; and
- (e) up to three flags, each not exceeding 6.0 metres in height, provided in the immediate vicinity of the main project sign.
- (f) no more than six temporary signs, each not exceeding 0.27 square metres in surface area and 1.0 metre in height, placed on a public place for the purpose of giving direction to persons so as to reach the project area on any day set aside for the promotion of sales, provided that such temporary signs:
 - (i) are not displayed for more than 45 days per project area in any one year period; and
 - (ii) are removed at the end of each sales day.
- (g) one temporary sign not exceeding 3.0 square metres in surface area erected on the site of any show home but only where the primary purpose of that show home is as a venue for promoting and or transacting the sale of all remaining unsold sites or units in the subdivision or development.

7.3 Any temporary sign permitted by Clause 7.2, other than a temporary sign provided for under sub Clauses 7.2b) and 7.2f), shall be removed immediately after a date 12 months from the date on which it was first erected.

7.4 In the case of an approved building project that is the subject of a building consent but that is not the subject of a resource consent for subdivision or development, a temporary sign not exceeding 1.8 metres in height and 1.0 square metres in surface area in residential and rural areas and 3.0 square metres in all other zones is a permitted sign provided that it is removed on completion of the building project.

8.0 SIGNS FOR CENTRAL AND LOCAL GOVERNMENT ELECTION OR POLLING PURPOSES

Note: Parliamentary elections are also governed under the Electoral Act 1993 as amended by the Electoral Amendment Act 2004

8.1 Subject to meeting the requirements of Section 4.0 of this bylaw, a temporary sign for central or local government election or polling purposes is permitted if the temporary sign:

- (a) is limited in number to one sign per site; and
- (b) is located on private property only; or on a site specifically set aside by the Council for temporary signs; and

- (c) does not exceed 1.0 square metres in surface area in any residential zone and does not exceed 3.0 square metres in area and 1.8 metres in height in any other zone; and
- (d) is not located on any common boundary fence with any reserve so as to be visible from that reserve; and
- (e) is not erected more than 30 days prior to the election, or poll to which it relates and is removed prior to the day of the election or poll.

9.0 PORTABLE SIGNS

9.1 Subject to meeting the requirements of Section 4.0 of this bylaw, portable signs on the footpath or kerb-side, placed in public places or on private premises, are permitted in any zone if the portable sign:

- (a) is related to lawfully operating businesses in the premises on which, or directly adjacent to which, they are placed;
- (b) is limited in number to one sign per ground floor premise; or
- (c) is limited in number to one sign per public entranceway to other than a ground floor premise and:
 - (i) that portable sign is positioned directly outside the public entranceway and;
 - (ii) there is only one portable sign per entranceway regardless of the number of businesses using the entranceway with a maximum height from the ground of 1.5 metres and maximum width of 750mm.
- (d) is compliant with all of the following requirements for portable signs:
 - (i) it is self supporting;
 - (ii) it is no higher than 1.0 metres nor wider than 750mm (other than a sign under 9.1 (c) (ii));
 - (iii) a footpath banner type, no higher than 2.0 metres nor greater than 0.9 square metres in surface area;
 - (iv) it is positioned only in front of the premises being advertised;
 - (v) it only displays information and advertising directly related to the business undertaken at the premises;
 - (vi) it is positioned securely, no more than 3.0 metres directly outside the premises frontage in such a way as to leave not less than 1.5 metres of footpath clear immediately in front of the premises at all times; and
 - (vii) it is removed when the business is closed.

9.2 Subject to meeting the requirements of Section 4.0 of this bylaw, tethered balloons are permitted in any business zone only, if:

- (a) they are not displayed for more than 45 days in any 12 month period; and
- (b) they are not flown more than 60 metres above the ground; and
- (c) other than a cold air filled balloon fixed to a building or the ground, shall not be flown within 5 kilometres of an airport and shall not be flown outside daylight hours, or when wind speed exceeds 25kph; and
- (d) They are not above or immediately adjacent to a motorway or state highway.

9.3 No person shall display, or permit to be displayed, tethered balloons, sandwich boards, bunting or banners on subdivision, development and building projects.

9.4 No person shall display, or permit to be displayed, any portable sign visible from a public place, on or connected to a moving or stationary trailer or vehicle, where it can reasonably be assumed that the principal function of the trailer or vehicle is to display advertising material.

10.0 DISPENSATIONS FOR NON-COMPLYING TEMPORARY SIGNS

10.1 Any temporary sign not complying with any provision in this bylaw shall require a dispensation from the Council before it is displayed.

10.2 Any person may make an application to the Council for a dispensation required by Clause 10.1 before displaying a temporary sign not complying with this bylaw.

10.3 When assessing an application for dispensation, the Council will have regard to the following criteria and no other:

- (a) clauses 4.2, 4.3, 4.4, of this bylaw;
- (b) whether the sign, by virtue of its size, location, construction or content, will adversely affect the visual amenity of any public place;
- (c) whether the sign will, for any reason, present a danger to any person (including a traffic danger) or create the potential for damage to any property;
- (d) whether the sign will provide improved information and assist in avoiding confusion for the public;
- (e) whether the sign will provide a clear benefit to the public;
- (f) whether in granting the dispensation the effect of the sign, in combination with the effect of other signs, will adversely effect visual amenity, the safety of people or the protection of property, create confusion or disadvantage the community.

10.4 The Council may grant or decline an application for dispensation and if granting a dispensation, the Council may impose any condition considered appropriate, and may impose a fee for processing the application for dispensation.

10.5 A dispensation granted under Clause 10.5:

- (a) is limited to the sign or signs for which it is granted and is not transferable to any other sign; and
- (b) shall lapse after three months from the date of issue unless otherwise provided for, if not given effect to before the end of that period.

11.0 OFFENCES

11.1 It shall be an offence:

- (a) to display any temporary sign which does not comply with the provisions of this bylaw, or is not otherwise permitted by a dispensation; or
- (b) to fail to comply with the requirements of a notice issued pursuant to the provisions of Clause 12.1 of this bylaw.

12.0 REMOVAL OF NON-COMPLYING SIGNS

12.1 The Council or an authorised officer may, by notice in writing, require a person (who is the owner of or the person who erected a temporary sign or who is the owner of land or buildings upon which that sign is located) to remove a sign not complying with this bylaw within ten (10) working days of that notice.

12.2 Where a person given notice under Clause 12.1 fails to comply with that notice, the Council or an authorised officer may, under section 163 and 186 of the Local Government Act 2002, enter onto the property and remove the sign and destroy or dispose of the sign as it sees fit after seven (7) days if unclaimed, and recover from that person all costs in doing so.

12.3 The Council or any authorised officer may, without notice, remove a sign not complying with this bylaw from any public place and destroy or dispose of the infringing sign as it sees fit after seven (7) days if unclaimed, and recover from the person responsible for that sign all expenses in doing so.

12.4 The Council or any authorised officer may remove or by notice require the relocation of a temporary sign complying with this bylaw in a public place where its location is no longer deemed appropriate or in the public interest. The Council shall not be liable for any costs incurred by the owner of such sign arising from such removal or relocation.

13.0 PENALTIES

13.1 Any breach under Chapter 1 of the Rodney District Council General Bylaw 1998 may be remedied by the Council under Section 9 of that Chapter.

13.2 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000.

13.3 The provisions of sections 243 to 246 of the Local Government Act 2002 shall apply to an infringement offence against any regulations made under section 259(b) of that Act.

13.4 The Council may apply to the District Court under Section 162 of the Local Government Act 2002 for an injunction restraining the person from committing a breach of this bylaw.