

Upper Hutt City Council

Control of Advertising Signs

Bylaw 2005



Explanatory Note

This Bylaw is called the Control of Advertising Signs Bylaw 2005 and was made pursuant to sections 145 and 146 of the Local Government Act 2002.

The purpose of this Bylaw is to ensure that advertising signs are erected, maintained and displayed in such a manner that they do not present a hazard or a danger to public safety. The Bylaw also seeks to maintain aesthetic standards.

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1. Application of Bylaw

- 1.1. This Bylaw applies within the district of the Upper Hutt City Council.

2. Commencement

- 2.1. This Bylaw came into force on 22 November 2017.
- 2.2. This Bylaw was reviewed in 2017.
- 2.3. The amendments as a result of that review will commence from 22 November 2017.

3. Interpretation

- 3.1. In this Bylaw, unless the context otherwise requires:

“Authorised Officer” means any person appointed or authorised by the Council to act on its behalf and with its authority.

“Council” means the Upper Hutt City Council and any Authorised Officer.

“District Plan” means the Council’s District Plan under the Resource Management Act 1991.

“Public Place” means any place that at any material time is under the control of the Council and is open to or being used by the public whether free or on payment of a charge, and includes any road, whether or not it is under the control of the Council and also includes every park, reserve, recreation ground, garden and open space under the control of the Council.

“Sign” means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of Part 3 of the Bylaw.

“Temporary Sign” means any Sign advertising:

- a. a parliamentary or local authority election, or candidates for any such election; or
- b. construction or development works on a building site or demolition site; or
- c. an auction or the intention to sell or lease any land or premises; or
- d. any sporting, community, cultural or other entertainment event; or
- e. any other matter or thing if approved by the Council

4. Exceptions

- 4.1. This Bylaw does not apply to traffic, direction, information and naming signs erected by or with the approval of the Council including signs permitted under the District Plan, signs indicating hazardous substances used at a hazardous facility, signs erected pursuant to any statute or regulation, or to signs that have a resource consent. This Bylaw does not affect any conditions placed on signs by a resource consent.

5. General requirements for siting of signs

5.1. No person shall:

- a. Display or erect any sign visible from a public place which does not comply with this Bylaw or with any provision set out in the District Plan, except where:
 - i. a resource consent has been granted for that sign, or
 - ii. an exemption to the requirements of this Bylaw has been granted by the Council, or
 - iii. the sign is exempted by clause 4.1 of this Bylaw.
- 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 a designated poster board;
- c. Erect any sign identified in this Bylaw as 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, or
 - iv. incites or counsels any persons to commit any offence.

5.2. The Council may prescribe fees for the assessment of any sign that is required to, but does not comply with this Bylaw.

6. Signs on or over roads, footpaths and public places

- 6.1. Except as otherwise provided by this Bylaw or the District Plan, no person shall place any sign (including sandwich boards, verandah signs, traffic directional signs, and temporary signs) in such a position as to be on or project over any road, private street, or public place unless the prior permission of the Council (or Transit New Zealand in the case of State Highways) has been obtained.

7. Signs affecting traffic safety

- 7.1. No sign shall be placed or be allowed to remain where in the opinion of the Council, (or of Transit New Zealand in the case of State Highways), that sign would:
- a. Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, pedestrian crossing, traffic sign or signal;
 - b. Distract unduly or be likely to distract unduly the attention of road users;
 - c. Resemble or likely to be confused with any traffic sign or signal;
 - d. Give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision;
 - e. Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;

- f. Constitute or be likely to constitute in any way a danger to road users.

8. General requirements for construction and maintenance of signs

- 8.1. All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and the owner of the land or building on which the sign is placed.

9. Signs on parked vehicles

- 9.1. Subject to 9.2, no person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material thereon.
- 9.2. 9.1 does not apply to sign writing on the body surface of any motor vehicle recording the name and contact details of the owner or operator of the motor vehicle.

10. Temporary signs

- 10.1. Temporary signs may be erected provided they comply with the provisions of the District Plan.
- 10.2. No election signs shall be placed on any park or other public place except those specifically approved by the Council for such purpose.
- 10.3. Except with the permission of the Council, temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- 10.4. No person shall on any land or premises commence or continue to display, fix, erect, re-erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of:
 - a. Any temporary sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee take possession of that land or premises, or the date of settlement, whichever is the earlier; or
 - b. Any temporary sign required to be erected for health and safety reasons for a period greater than 6 months; or
 - c. Any other temporary sign for a period greater than 2 months in any 12 month period; or
 - d. Any Temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates; or
 - e. More than one temporary sign on any land or premises (being a sign advertising that land or premises for sale, auction or lease) for each real estate agency involved in the sale, auction or leasing of that land or premises.

11. Exemptions

- 11.1. Where a sign lawfully existed prior to the coming into force of this Bylaw, but does not comply with the performance standards 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 its non-compliance with this Bylaw. Every sign shall be removed at the expiry time set as a consent condition.
- 11.2. A sign that does not comply with the requirements of this Bylaw and is not a sign referred to in clause 11.1 shall be removed or otherwise made to comply within 6 months of adoption of this Bylaw.
- 11.3. Where the Council is satisfied that compliance with any requirements of this Bylaw would be unreasonable or impracticable, having regard to the circumstances of the case a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

12. Repair or removal of signs

- 12.1. The Council may, by notice in writing require the owner, occupier or lessee of any land on which any unsightly, non-complying, unsafe or unauthorised sign is located, to repair or remove such sign within a period stated in such notice.
- 12.2. Where the owner or user of a sign, or the owner of land on or over which a sign is located, receives a notice given under clause 12.1 that person shall comply with the requirements of the notice within the time specified in the notice.
- 12.3. Where any person has been requested to pull down, alter or remove any non-complying, unsafe, or unauthorised sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this Bylaw.
- 12.4. Where any person fails to comply with any requirement to pull down, alter or remove any sign the Council may have the sign pulled down, altered or removed and may recover the costs incurred in doing so from the owner of the sign or the owner of the land on or over which the sign was placed.
- 12.5. The Council may pull down, alter or remove any poster than has been placed on any:
 - a. Building or structure without the permission of the owner of that building or structure;
 - b. Surface, building or structure in a public place not being a designated poster site;
 - c. and recover the costs incurred in doing so from the persons placing the poster:
- 12.6. The provisions of section 163 of the Local Government Act 2002 apply in respect of the removal of Signs by the Council pursuant to clauses 12.4 or 12.5. Sections 167 and 168 apply in relation to the return or disposal of such signs.

13. Penalty

- 13.1. The maximum penalty for an offence against any provision of this Bylaw is a fine not exceeding \$500.