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# ASHBURTON DISTRICT COUNCIL BYLAW

## CHAPTER 2 - ADVERTISING SIGNS, PLACARDS, AND FOOTPATH ADVERTISING CONTROLS

### SCOPE

The purpose of this Chapter of the 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.

### INTERPRETATION

**200** In this Part of the Bylaw, unless the context requires otherwise -

**A SIGN** includes every advertising device or advertising matter of whatever kind whether consisting of a specially constructed device or structure, painted, fixed to or upon any premises, wall, fence, rock, stone, structure, stationary vehicle, or erection of any kind whatsoever if such advertising device or matter is visible from any public place, but does not include signs that are required for the direction of the public by a roading authority such as Transit New Zealand or the Ashburton District Council.

**TEMPORARY SIGN** means a sign for a community, educational, election campaign or recreational event, and during building construction, within the Ashburton District; being of a total maximum area of 5 square metres. Signs are permitted to be erected 6 weeks prior to the event and removed within one week of the completion of the promoted activity.

Provided that signs authorised as shop sandwich boards shall not be classified as temporary signs.

### GENERAL REQUIREMENTS FOR SITING OF SIGNS

**201** No person shall display or erect any sign except in conformity with this Part of the Bylaw and any provision set out in the District Plan.

**201.1** All signs must conform to the following dimensions if they overhang streets and/or are connected to verandas:-

- (a) Minimum height to underside of sign from footpaths 2.5 m.
- (b) Set back, 500mm from a vertical line from the kerb.
- (c) Maximum veranda facia sign 900mm in height.
- (d) Signs erected above a veranda shall not extend beyond the profile and height of the building.

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**SIGNS AFFECTING TRAFFIC**

- 202** No person shall display, erect, or maintain any sign so close to any part of a road, motorway, or to any corner, bend, safety-zone, traffic sign, traffic signal, or intersection as in the opinion of the Council would:
- (a) Obstruct or be likely to obstruct the vision of persons driving on a roadway or entering a roadway; or
  - (b) Distract unduly or be likely to distract unduly the attention of road users; or
  - (c) Constitute or be likely to constitute in any way a danger to the public.
- 202.1** No person shall place or display any sign containing any reflective material which tends to reflect vehicle lights, or contains any material dependent for illumination upon the lights of traffic in such a position as in the opinion of the Council would distract or be likely to distract the attention of the driver of any motor vehicle.
- 202.2** No person shall illuminate any sign in such a way that the light is directed onto a footpath and/or roadway in such a manner as to distract or obstruct the vision of persons on that footpath and/or roadway.

**SIGNS OVER FOOTPATHS AND PUBLIC PLACES**

- 203** No person shall cause or permit any sign to be erected over any public place unless every part of such sign is at least 2.5m above the footpath or 5.5m above the carriage way.
- 203.1** No person shall erect any sign in such a position as to project over any road, street, or public place unless the prior written permission of the Council or, in the case of State Highways, Transit New Zealand has been obtained.

**GENERAL REQUIREMENTS FOR CONSTRUCTIONS AND MAINTENANCE OF SIGNS**

- 204** No sign shall be made, erected, or constructed otherwise than in a safe manner securely fastened to a permanent structure. Signs on the faces of buildings, sky signs and pole signs shall, if required by Council, be designed by a structural engineer and shall be located in a position approved by Council.
- 204.1** Every such sign shall at all times be maintained in good repair and condition.
- 204.2** If any sign shall at any time not be in good order and condition, or if it shall at any time be unsightly or dangerous, the Council may, by notice in writing require such owner or lessee to repair or secure or otherwise put in order or remove such sign within a period stated in such notice.

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**REMOVAL OF OFFENDING SIGNS**

- 205** If any sign, whether or not approved by the Council, fails to conform with all of the provisions of this Part of the Bylaws it shall be the duty of the occupier for the time being of the premises on which such sign shall have been displayed, erected or affixed or to which it relates, after being served with a notice in writing from the Council requiring him so to do, to take down and remove such sign or so much thereof as does not conform with the provisions of this part of the Bylaw within the period of time specified in the notice.
- 205.1** If the person on whom such notice has been served fails to comply with the terms of such notice within the time stated therein they shall be liable for prosecution for an offence against this part of the Bylaw.
- 205.2** If such sign be an approved sign pursuant to this part of this Bylaw, on failure to comply with the terms of such notice, the approval may be revoked by Council.
- 205.3** The Council reserves the right to remove any sign that is illegal or considered to be hazardous, dangerous or offensive and to recover the costs of doing so without prior notice if the signs present any danger to the public. In such cases the Council will, where possible, notify the person or persons responsible. The Council may recover the cost of dealing with signs that breach this Bylaw from the sign owner and/or operator.
- 205.4** Where any poster, or other document, or writing, or other disfigurement or defacement, has been placed or made the Council reserves the right to remove or cancel the material and recover the cost of such remedial action from the person(s) responsible.
- 205.5** Council may also place stickers on offending signs to the effect that it is cancelled and/or illegal.

**TEMPORARY SIGNS**

- 206** Temporary signs advertising the sale of property on which the sign is not situated shall be restricted to a maximum of 1.0 square metre in any location.
- 206.1** No election signs will be permitted on reserves or roadsides without prior written permission of the Council.
- 206.2** No temporary signs may be attached in any way to power or telephone poles or to fences on any public property.
- 206.3** No temporary sign shall be erected for a period greater than three months.
- 206.4** The Council may grant an extension to the time limit specified by Clause 207 for special circumstances upon prior written application.

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**CONSENT REQUIRED TO ERECT SIGN**

- 207** Before any person erects a sign that requires Council approval he/she shall make written application and obtain the appropriate consent or consents and pay any fee that Council may from time to time set by ordinary resolution.

**DISPENSATION OR WAIVER**

- 208** Where an applicant wishes to erect a sign that is not in conformity with this Bylaw, he/she may make application for a dispensation or waiver. Nothing in this Bylaw shall negate the requirement of a person wishing to erect a sign to also comply with the requirements of the District Plan or be in accordance with the Resource Management Act 1991.

**PLACARDS & MARKINGS ON BUILDINGS, POSTS, UTILITIES, PAVEMENTS AND FOOTPATHS**

- 209** No person shall -
- (a) Place any poster, or other document on, or write, or otherwise disfigure or deface, any building or any wall, fence, statue, lamp post, veranda post, gate, telegraph or telephone post, or electric light or power post, or any public utility, waiting-shed, convenience, rubbish receptacle, fireplug notice plate, or upon anything whatsoever erected in or constructed or standing on or abutting any public place;
  - (b) Stamp, stain, paint, write, print, or post any advertisement or notice upon any public place or kerbstone, footpaths, public utility or steps, except with the prior written authority of Council and then only in conformity with the terms of any permit that may be granted; or
  - (c) Upon or over any footpath of any public place display or carry any placard, board, flag, screen, or frame by way of advertisement, unless permission in writing shall have been obtained from Council. Provided that Council may by resolution from time to time specify conditions with regard to the control of such advertising signs.

**SANDWICH BOARD SIGNS AND OTHER OFF-SITE ADVERTISING SIGNS**

- 210** The reason for this is to allow retailers and business premises to advertise their business by means of portable display boards in the immediate vicinity of their premises without in each individual case having to seek the permission in writing of Council. Such advertising should not obstruct public thoroughfares or present an obstacle to the public, including disabled persons.
- (a) General exemption is granted to allow signs to be displayed up to 600mm from the legal boundary or up to 600mm from the adjacent kerb. In all cases a clear pedestrian access way not less than 2 metres wide is to be retained. Signs displayed on public thoroughfares shall not exceed 1.2m in height or 650mm in width and shall be so located as not to interfere with street furniture or fittings or with the opening of car doors in parking metered areas.

- (b) Signs may only be displayed immediately outside the premises to which they or the goods or services they advertise relate.
- (c) Council officers are authorised to give written notice requiring the removal of signs which do not comply with this Council Bylaw. Such notice may require the removal of signs forthwith, failing which the signs may be impounded by Council and released only upon payment of a fee set by the Council from time to time.
- (d) Should any person repeatedly display a sign without Council consent or in contravention of this Bylaw that person shall receive only one (1) 24 hour warning notice and thereafter it shall not be a requirement that a Council Officer serve written notice prior to the sign being seized and forfeit to the Council.