

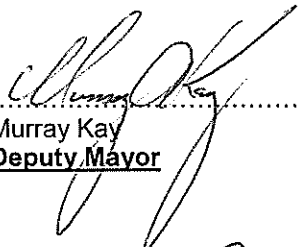
**Franklin District Council Control of Signs Bylaw 2007
(as amended 24 June 2010)**

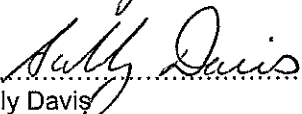
1. Title and Commencement

- (1) This Bylaw may be cited as the Franklin District Council Control of Signs Bylaw 2007 and shall come into force on 1 March 2007.
- (2) This Bylaw applies to the Franklin District.

2. Control of Signs Bylaw Validation

- (1) The Franklin District Council Control of Signs Bylaw 2007 was duly made at a meeting of the Franklin District Council held on 22 February 2007 after completion of the Special Consultative Procedure under section 86 of the Local Government Act 2002.
- (2) At its meeting on 24 June 2010, the Franklin District Council amended parts of the Franklin District Council Control of Signs Bylaw 2007 effective from 1 July 2010.
- (3) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 28 June 2010 in the presence of:


.....
Murray Kay
Deputy Mayor


.....
Sally Davis
Chief Executive



28/06/10
.....
Date

3. Scope and Purpose

- (1) 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 ensure that advertising signs do not significantly alter the appearance of buildings and are appropriate in terms of their effect on the surrounding environment.
- (2) This Bylaw shall be read in conjunction with the operative Franklin District Council District Plan.
- (3) This Bylaw does not apply to: traffic, direction, information and naming signs erected by or with the approval of the Council; signs indicating hazardous substances used at a hazardous facility; signs erected pursuant to any statute or regulation; or signs which require resource consent. This Bylaw does not affect any conditions placed on any sign by a resource consent.
- (4) This Bylaw is made pursuant to Part 8 Subpart 1 of the Local Government Act 2002 and its amendments.
- (5) Transit New Zealand as a road controlling authority has its own bylaws for the control of signs on State Highways.

4. Definitions and Interpretation

For the purposes of this Bylaw the following definitions shall apply:

Authorised Officer means any person warranted by Council in accordance with section 177 of the Local Government Act 2002 to enforce this Bylaw.

Banner means any sign made of flexible material suspended in the air and supported on more than one side by poles or cables.

Balloon or Blimp means any sign made of flexible material, inflated by air, or inflated by a gas lighter than air.

Building has the same meaning as ascribed to it in the relevant section of the District Plan that applies to the site on which the sign in question is to be located.

Chief Executive means the Chief Executive of the Franklin District Council or a person acting under a delegated authority on behalf of the Chief Executive.

Class 4 venue has the same meaning as in section 4(1) of the Gambling Act 2003.

Council means the Franklin District Council.

District Plan means the operative Franklin District Council District Plan.

Flag means any bunting or other flexible material attached to one end to a staff or halyard and includes pennants.

Ladder Board means a sign constructed with two vertical uprights between which are displayed at least two advertising signs belonging to separate businesses.

Owner or Occupier in relation to any land includes the registered proprietor of any freehold or leasehold interest in that land, and any mortgagee in possession of that land, and any person occupying all or part of that land.

Poster means any sign including a placard or leaflet which is affixed to street furniture, utilities, traffic signage, or placed on any car windscreen, wall or building.

Sandwich Board means any portable sign, placed on a public place advertising goods, services or an event.

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 this Bylaw.

Street Verandah means any verandah, portico, balcony or awning over a public place.

Temporary Sign means any sign advertising:

- i. A parliamentary or local authority election, or candidates for any such election; or
- ii. Construction or development works on a building site or demolition site; or
- iii. An auction or the intention to sell or lease any land or premises; or
- iv. Any exhibition or entertainment event.

Trailer means a vehicle without motive power that is capable of being drawn or propelled by a motor vehicle from which it is readily detached.

5. General Requirements for the Siting of Signs

(1) No person shall:

- (a) Display or erect any sign in, on, over or visible from a public place that does not comply with this Bylaw or with any provisions 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 Chief Executive or an authorised officer; or
 - (iii) The sign is exempted by clause 3(3) 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) Attach any sign to any tree;
- (d) Erect any sign identified in this Bylaw as requiring a building consent before that building consent is issued;
- (e) 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; or

- (v) Is in breach of any Franklin District Council bylaw.
- (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

- (1) Except as otherwise provided by this Bylaw, no person shall place any sign in such a position as to be on, or project over any road, private street, or public place unless the prior permission of the Chief Executive or an authorised officer (or Transit New Zealand in the case of State Highways) has been obtained.
- (2) All signs located on verandahs over roads or public places on any land zoned business in the District Plan shall:
 - (a) Be no closer than 2.4 metres to the footpath beneath the sign;
 - (b) Be set back at least 600 millimetres from an imaginary vertical line from the road kerb;
 - (c) If located on the verandah fascia, be not more 900 millimetres in depth, or protrude more than 200 millimetres from the fascia;
 - (d) If located under the verandah, be at right angles to the fascia line, and be limited to one per business per site;
 - (e) If located on top of the verandah, be more than 1.2 metres high, not more than 1.8 square metres in area and limited to one per site; and
 - (f) Advertise only businesses, services and products located on the same site as the sign.

7. Signs Affecting Traffic Safety

- (1) No sign shall be placed or allowed to remain where, in the opinion of the Chief Executive or an authorised officer (or Transit New Zealand in the case of State Highways), that sign would:
 - (a) Obstruct or be likely to obstruct or impair the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - (b) Distract unduly or be likely to distract unduly the attention of road users;
 - (c) Resemble or be likely to be confused with any traffic sign or signal;
 - (d) Use reflective materials that may interfere with a road user's vision;
 - (e) Give rise to excessive levels of glare, or use flashing or revolving lights;
 - (f) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely; or
 - (g) Constitute or be likely to constitute in any way a danger to road users.
- (2) No sign shall be placed:
 - (a) On any median strip, roundabout or any other traffic separation structure on any road;
 - (b) On any traffic signals or traffic signs;
 - (c) Within 15 metres of any traffic signals or traffic signs; or
 - (d) On any kerb projection.

8. General Requirements for Construction and Maintenance of Signs

- (1) All signs and their supporting structures shall be constructed, fixed, placed and maintained in such a manner that 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.

- (2) The following signs and their supporting structures shall require a building consent prior to their erection:
- (a) Free standing signs where the maximum height is 3 metres or more above ground level, or where the sign area exceeds 2 square metres;
 - (b) Signs suspended clear of any building where the total weight of the sign and supports exceeds 50 kilograms, or where the sign area exceeds 2 square metres;
 - (c) Signs attached to the face of any building where the total weight of sign and supports exceeds 50 kilograms;
 - (d) Verandah signs where the total weight of sign and supports exceeds 50 kilograms;
 - (e) All banners with a surface area exceeding 12 square metres; and
 - (f) All flags with a surface area exceeding 4.5 square metres.

9. Lighting of Signs

- (1) Subject to sub-clauses (2) and (3) below, no illuminated sign shall produce more than 1000 cds/m² for signage areas less than 10 square metres and not more than 800 cds/m² for signage areas equal to or greater than 10 square metres (cds/m² = candelas per square metre).
- (2) No illuminated sign located in a rural environment shall produce more than 600 cds/m² for signage areas less than 10 square metres, and 400 cds/m² for signage areas equal to or greater than 10 square metres.
- (3) Any sign the face of which is at a 90⁰ axis to the road or within 20 metres of a road and 20⁰ of either side of a driver's line of sight, or at road intersections, shall conform to the lower luminance levels as required for rural areas.
- (4) With the exception of neon signs, the lighting filament used to light any sign shall not be visible from ground level except where approved by an authorised officer.

10. Banners over Public Places

- (1) The maximum area of any banner flown over a public place shall not exceed 21 square metres. Any banner shall be placed at least 5 metres above ground level, at least 6 metres from any intersection and 10 metres from any pedestrian crossing when it extends over a road, and shall meet the following requirements:
- (a) The banner shall have reinforced corners with appropriate eyelets to allow the fixing of ropes or cables;
 - (b) The safe working load (pullout load) for any banner fixing points certified by a Registered Engineer's calculations shall be a minimum of 1 tonne;
 - (c) For banners 1.0 metres and over in depth, vertical stays shall be sown into the banner at a minimum of 3.0 metre intervals to prevent bowing under wind loads;
 - (d) All rope connections other than strainer and catch ropes shall be made with eye over steel thimble connections properly shackled to at least 10 millimetres galvanised steel rope.
- (2) Except with the permission of the Chief Executive or an authorised officer, no banner spanning across a road shall be displayed for more than 14 days before and 48 hours after the event that is being advertised.

11. Signs Pertaining to Class 4 Gambling Venues

- (1) Signs advertising any Class 4 venue or electronic gaming machines must not:
- (a) Be sandwich boards;
 - (b) Exceed 1 metre by 0.3 metres (or equivalent surface area) in size;
 - (c) Be illuminated by flashing lights or contain neon;

- (d) Be visible from any residential zone as defined in the District Plan.
- (2) Signs advertising prize money must not be visible from the exterior of any Class 4 venue.

12. Signs Pertaining to Brothels

Restrictions on signs pertaining to brothels can be found in the current Franklin District Council Brothel Bylaw.

13. Election Signs

For the purposes of preparing for the October 2010 triennial general elections for the Auckland Council, the following rules and requirements for election signs shall apply:

- (1) Interpretation
In this clause of the Bylaw,—
election means the October 2010 triennial general elections in Auckland
local authority designated site means land identified in accordance with section 29E(1)(a)(ii).
sign means a sign erected for the purposes of the election and includes an election hoarding.
road means the formed carriageway of a road.
- (2) No building consent required or fee payable for sign 3 m² or less in size
 - (1) Signs do not require a building consent or fee to be paid.
 - (2) Subclause 2(1) applies only if the sign is 3 m² or less in size.
 - (3) This clause applies whether the sign is erected on a local authority designated site or on private property.
- (3) Time period that sign may be displayed
 - (1) A sign may be displayed at any time within the two months preceding the election.
 - (2) Every sign must be removed before the day on which the voting period for the election ends (polling day).
 - (3) This clause applies whether the sign is erected on a local authority designated site or on private property.
- (4) Prohibited sites for signs
 - (1) A sign must not be erected on any footpath, traffic island, or road (except if the sign is on or connected to a legally parked motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998).
 - (2) A sign may be erected on private property only –
 - (a) with the landowner's consent; or
 - (b) where the property is subject to a tenancy agreement, and the erection of a sign is not inconsistent with that agreement, the tenant's consent.
- (5) Signs must be erected in manner that ensures public safety
A sign must be erected in a way that, in the opinion of an officer authorised by the existing local authority for the purpose, ensures public safety.
- (6) Signs on local authority designated sites
 - (1) A sign erected on a local authority designated site must comply with the following conditions:
 - (a) the sign must be less than 3m above ground level:
 - (b) there must be at least 1.4m clearance between the base of the sign and the ground:
 - (c) the sign must have an area of 3m² or less:

- (d) the sign must be securely braced and anchored at ground level;
- (e) the sign must be free-standing (for example, it must not be fixed to a tree, building, or furniture);
- (f) the sign must be placed outside the drip line of any tree;
- (2) A sign must also comply with any site-specific requirements.
- (3) Only one sign may be erected per candidate on each site.

(7) Existing local authority may remove signs

- (1) An existing local authority may remove a sign that—
 - (a) does not meet the requirements of this schedule; or
 - (b) is unsafe in the opinion of an officer referred to in clause 5.
- (2) The existing local authority may recover from the candidate concerned the costs of removing and storing a sign to which this clause applies and any associated administrative costs.

(8) Candidates must supply contact details of person responsible for signs

- (1) Each candidate must supply the electoral officer with the name and contact details of the person responsible for establishing and maintaining signs for the candidate.
- (2) The electoral officer may make this information available to any existing local authority.

- (9) This part of the Bylaw only applies to that part of the District that will be governed by the Auckland Council from 1 November 2010 under the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

14. Signs on Vehicles and Trailers

Except with the permission of the Chief Executive or an authorised officer, no person shall display any sign on a vehicle or trailer, whether stationary or moving on a road, where the primary function of that vehicle or trailer is to display advertising material.

15. Temporary Signs

General

- (1) Except with the permission of the Chief Executive or an authorised officer, temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to one sign with a maximum area of 1 square metre located on the site of the forthcoming event.
- (2) Except with the permission of the Chief Executive or an authorised officer, temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- (3) 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 for a period greater than 3 months in any 12 month period; and
 - (b) 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.
- (4) The Chief Executive or an authorized officer may grant an extension to the time limits specified by sub-clause (3) above.

Real Estate Signs

- (5) Temporary signs advertising the sale of land or premises on which the sign is situated shall be restricted to one sign for each real estate agency involved in the sale with a maximum area of 1 square metre per sign, or 2 square metres if there is a sole agency, which must be located on the site to be sold.
- (6) 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 any temporary sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of settlement, whichever is the earlier.

Blimps and Balloons

- (7) Advertising blimps or balloons shall not be flown:
 - (a) More than 40 metres above the ground;
 - (b) Within a 5 kilometre radius of any aerodrome;
 - (c) Outside of daylight hours;
 - (d) When wind speeds exceed 25 km/h;
 - (e) Above or immediately adjacent to any state highway.

16. Sandwich Boards

- (1) Sandwich boards shall only advertise services or products available from the business to which they relate.
- (2) Sandwich boards shall be limited to two boards for each business.
- (3) The maximum size of any sandwich board shall be 1000 millimetres high by 600 millimetres wide. The Chief Executive or an authorised officer may approve larger sandwich boards where they advertise more than one business.
- (4) All sandwich boards shall be removed from the public place when the business, service or event advertised on the board is closed or finished.
- (5) Subject to sub-clauses (6) and (7) below, sandwich boards shall be generally placed as follows:
 - (a) In areas where a grass verge exists, on the grass verge; and
 - (b) In areas where no grass verge exists, directly against the shop frontage, Provided that at all times a minimum 2.0 metre wide unobstructed pedestrian right of passage is maintained.
- (6) Sandwich boards shall not:
 - (a) Obstruct access to or egress from any building;
 - (b) Be placed within 2 metres of any road corner or intersection;
 - (c) Obstruct any taxi stand, bus stop, or loading zone;
 - (d) Be placed on or over any guidance strips for the blind; or
 - (e) Be placed on any public garden.
- (7) Businesses which do not have road frontage may place one sandwich board on the public place nearest to the entrance to that business. A maximum of 5 sandwich boards may be placed on the footpath outside the entrance to any arcade, plaza or mall.

- (8) Notwithstanding sub-clauses (5) and (6) above, the Council may nominate roads or parts of roads on which the placing of sandwich boards or other temporary advertising signs shall be prohibited. In areas where such a prohibition is in place, the Council may approve alternative signage that may be used in the place of such prohibited signs.

17. Ladder Boards

The Chief Executive or an authorised officer may approve the placement of permanent ladder boards on the public footpath outside arcades, plazas or malls, to replace sandwich boards. If a ladder board is available then sandwich boards shall not be used. A ladder board shall advertise all of the businesses in an arcade or a minimum of five businesses. The maximum size of ladder boards shall be 1500 millimetres high by 600 millimetres wide unless otherwise approved by the Chief Executive or an authorised officer.

18. Exemptions

- (1) Where a sign lawfully existed prior to the coming in to force of this Bylaw, but does not comply with the requirements 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.
- (2) A sign that does not comply with the requirements of this Bylaw and is not a sign referred to in sub-clause (1) above shall be removed or otherwise made to comply within 6 months of the adoption of this Bylaw.
- (3) Where the Council or an authorised officer is satisfied that compliance with any requirements of this Bylaw would be unreasonable or impracticable, having regards 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.

19. Alteration or Removal of Signs

- (1) In the event that any sign does not comply with the provisions of this Bylaw, the Chief Executive or an authorised officer may, by notice in writing, require the owner of the sign or the owner, occupier or lessee of any land on which the sign is located, to alter or remove the sign within a period stated in the notice.
- (2) Where any person has been requested to alter or remove any sign, the altered or any replacement sign must comply with this Bylaw.
- (3) Where any person fails to comply with any notice given under sub-clause (1) above, 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.
- (4) Any sign located on land owned or controlled by the Council, that does not comply with the provisions of this Bylaw, may be removed by an authorised officer without notice to the owner of the sign.
- (5) Any sign removed by an authorised officer shall be released to the owner of the sign upon payment of the costs incurred in its removal and storage.
- (6) Any sign that remains unclaimed for a period exceeding one month or is not released for a period exceeding one month may be sold or otherwise disposed of by the Council.

20. Offences and Penalties

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002.