

# Bylaw

## ADVERTISING SIGNAGE IN PUBLIC PLACES

<b>TEAM:</b>	Planning
<b>RESPONSIBILITY:</b>	Planning Manager
<b>DATE ADOPTED:</b>	21 September 2017
<b>COMMENCEMENT:</b>	21 September 2017
<b>NEXT REVIEW DUE:</b>	21 September 2027

### 1. Title

The title of this bylaw is Ashburton District Council Advertising Signage in Public Places Bylaw 2017.

### 2. Purpose

The purpose of this bylaw is to ensure that signs are erected, maintained, and displayed in such a manner that they do not create a nuisance, cause offence or present a hazard or a danger to pedestrians or vehicles.

### 3. Related documents

- Ashburton District Council District Plan
- Ashburton District Council Brothel Location Bylaw 2016
- Ashburton District Council Transportation and Parking Management Bylaw 2015
- Building Act 2004
- Local Government Act 2002
- Prostitution Reform Act 2003
- Resource Management Act 1991
- Election Signs Policy 2015
- Local Electoral Act 2001 and Electoral Act 2003.

## 4. Application

- 4.1 This bylaw covers:
- 4.1.1 signage located on Council owned premises, land or road reserve; and
  - 4.1.2 signage located on private property in Ashburton district, where the purpose of that signage is for the advertisement of commercial sexual services.
- 4.2 This bylaw does not apply to:
- 4.2.1 any traffic safety or directional signs that are installed by the Council, its authorised officer or agent, or the New Zealand Transport Agency (these are covered by the Ashburton District Council Transportation and Parking Management Bylaw 2015);
  - 4.2.2 signage located on private property (without restricting clause 4.1.2); and
  - 4.2.3 sign writing on licensed vehicles (covered by the Ashburton District Plan).

## 5. Definitions

**Authorised officer or agent:** any person appointed or authorised in writing by the Chief Executive or by Council to act on its behalf and with its authority.

**Road reserve:** any part of the legal road including formed road areas designed for the carriage of vehicles, and adjacent footpath and berm areas, usually adjoining property boundaries (including privately owned premises) on either side of the road.

**Commercial Sexual Services:** has the same meaning set out in section 4 of the Prostitution Reform Act 2003 and generally means service that:

- (a) Involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) Are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

**Commercial Sexual Premises:** has the same meaning as defined in the Prostitution Reform Act 2003 and means any premises used for the purposes of providing Commercial Sexual Services.

**Council:** means Ashburton District Council.

**District:** the Ashburton District as constituted by the Local Government (Canterbury Region) Reorganisation Order 1989.

**Nuisance:** anything that disturbs the reasonable use of property or endangers life and health, or is offensive.

**Person:** a natural person, corporation sole or a body of persons whether corporate or otherwise.

**Premises:**

- a) a property or allotment which is held under a separate certificate of title or for which a separate certificate or title may be issued and in respect of which a building consent has been or may be issued; or
- b) a building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- c) Land held in public ownership (eg: reserve) for a particular purpose.

**Real Estate Sign:** a sign including information about the proposed or pending sale of any premises or business.

**Sexually offensive:** means any content of a sexually explicit nature which may be considered offensive to an ordinary person, or in the opinion of the Council.

**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, but may be less dependent on restrictions under specific regulations or legislations. 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.

## 6. General requirements for construction and maintenance of signs

- 6.1 No sign shall be made, erected, or constructed otherwise than in a safe manner securely fastened to a permanent structure.
- 6.2 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.
- 6.3 Every sign shall at all times be maintained in good repair and condition.
- 6.4 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.

## **7. Temporary signs**

- 7.1 Temporary signs advertising the sale of property on which the sign is not situated shall be restricted to a maximum of 5.0 square metres in any location.
- 7.2 No temporary signs may be attached in any way to power or telephone poles or to fences on any public property.
- 7.3 No temporary sign shall be erected for a period greater than six months.
- 7.4 Free-standing temporary signs associated with sporting, recreational or cultural functions on Council reserves may be displayed subject to permission granted from the Open Spaces Manager. Approved advertising will only be displayed:
  - 7.4.1 in proximity to the area where the activity is taking place,
  - 7.4.2 for the duration of the activity, and;
  - 7.4.3 if it is of a nature that is unlikely to cause offence.

## **8. Dispensation or waiver**

- 8.1 Where an applicant wishes to erect a sign that is not in conformity with this bylaw, that person 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 Building Act 2004, Resource Management Act 1991 or the Prostitution Reform Act 2003.

## **9. Placards & markings on buildings, posts, utilities, pavements and footpaths**

- 9.1 No person shall -
  - 9.1.1 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;
  - 9.1.2 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
  - 9.1.3 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 has 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.

## **10. Sandwich board signs and other off-site advertising signs**

- 10.1 Retailers and business premises may advertise their business by means of portable display boards in the immediate vicinity of their premises without having to seek the written permission of Council in each individual case. Such advertising should not obstruct public thoroughfares or present an obstacle to the public, including disabled persons.
- 10.1.1 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 1.2 meters in height or 65 centimetres 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.
- 10.1.2 Signs may only be displayed immediately outside the premises to which they or the goods or services they advertise relate.
- 10.1.3 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.
- 10.1.4 Any person who repeatedly displays a sign without Council consent or in contravention of this bylaw 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 Council.

## **11. Removal of offending signs**

- 11.1 If any sign, whether or not approved by Council, fails to conform with all of the provisions of this bylaw it shall be the duty of the occupier 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 Council 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.
- 11.2 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.
- 11.3 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.
- 11.4 Council reserves the right to remove without notice any sign that is illegal or in the Council's opinion is considered to be hazardous, dangerous or offensive 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, including those costs associated with the storage of the offending signs.

11.5 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.

11.6 Council may also place stickers on offending signs to the effect that it is cancelled.

## **12. Signage advertising commercial sexual services**

12.1 Publicly visible signage that advertise commercial sexual services must be no larger than:

12.1.1 0.33 square metres in residential zones of the Ashburton District Plan; or

12.1.2 1 square metre in all other zones of the Ashburton District Plan.

12.2 A person may only display signage advertising commercial sexual services attached either to a fence or a wall on the premises at which the services are provided.

12.3 Publicly visible signage advertising commercial sexual services may only contain:

12.3.1 the name of the operator or registered business;

12.3.2 street number; and

12.3.3 telephone number.

12.4 Publicly visible signage advertising commercial sexual services must not contain:

12.4.1 flashing lights;

12.4.2 changeable message signage; or

12.4.3 sexually offensive or explicit content.

## **13. Offences and penalties**

13.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.

## **14. Amendments**

14.1 This bylaw amends the Ashburton District Council Advertising Signs, Placards, and Footpath Advertising Controls Bylaw.