



STRATFORD
DISTRICT COUNCIL

CONTROL OF ADVERTISING SIGNS BYLAW 2020

Date in force: 12 March 2021

Purpose: 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 danger to public safety. The bylaw recognises there is a need to advertise businesses and promote activities, events and commerce whilst also seeking to maintain aesthetic standards and preserve amenity values.

Review date: 12 March 2031

1 **Title**

1.1 This bylaw is made pursuant to section 145 of the Local Government Act and shall be known as the Stratford District Council Control of Advertising Signs Bylaw 2020.

2 **Commencement**

2.1 This Bylaw shall come into force on 12 March 2021

3 **Repeal**

3.1 As from the day this Bylaw comes into force, the previous Control of Advertising Signs Bylaw 2008 shall be repealed.

4 **Application of Bylaw**

4.1 This Bylaw shall apply to the Stratford District.

5 **Scope**

5.1 This bylaw is made pursuant to section 145 of the Local Government Act 2002, which gives authority to the Council to adopt bylaws for the following general purposes:

- (a) Protecting the public from nuisance;
- (b) Protecting, promoting, and maintaining public health and safety;
- (c) Minimising the potential for offensive behaviour in public places.

And any other authority enabling the Council to make bylaws and regulate activities in Public Places, makes this Bylaw.

Notes: Waka Kotahi, New Zealand Transport Agency as a road controlling authority has its own bylaws for the control of signs on State Highways within the Stratford District.

6 **INTERPRETATION**

6.1 In this Bylaw, unless the context otherwise requires:

“Authorised Officer” - means any person authorised by Council to carry out or exercise any powers, duties or functions under this Bylaw or any part thereof and includes any Police Officer.

“Chief Executive Officer” means the person appointed as the Chief Executive Officer of the Stratford District Council or his/her nominee.

“Event” means a planned public or social occasion.

“Footpath” means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

“Name-Plate” means any plate of metal, wood, glass, plastics, or other material fixed to a wall surface or in a sign-case near the entrance to premises to denote the name, business, designation, and agencies of an occupier of such premises.

“Private property” means land or buildings that belongs to a particular person/s or company.

“Public Place” means a place that is:

- (a) Under the control of the Council; and
- (b) Open to, or being used by, the public whether or not there is a charge for admission; and includes:
 - (i) Any part of a public place; and
 - (ii) Any reserve; or
- (c) A road, whether or not the road is under the control of the Council;

“Real estate sign” means a publicly visible sign that is advertising for sale, lease, rent or auction the whole or part of a property or premises.

“Settlement date” means the date the buyer must make payment to the seller.

“Sign” means any display or device which is visible from a public place and which is intended to attract attention for the purpose of identifying, advertising, informing or directing.

“Sign area” means the area of the sign (not including its supporting structure) that is visible from any aspect.

“Sign-Case” means any case, panel, board, or other device attached to any premises to which name-plates are affixed, or for the display of the names, business designations, agencies, and addresses of the occupiers of the premises to which it is attached.

“Temporary Sign” means any display or device which is visible from a public place and which is intended to attract attention for the purpose of identifying, advertising, informing or directing. A Temporary sign is a sign advertising a one-off event that will be in place for no more than 3 months and removed within 48 hours after the event.

“Window-Sign” means any sign displayed in or painted, printed, written, carved, inscribed, endorsed, or otherwise fixed to or upon any window.

“Mobile Sign” means the display of advertising signage from vehicles, stands or stalls whether self-propelled or not, located in a Public Place, from which goods, wares, or merchandise are offered or exposed for sale or from which goods, wares, or merchandise may be ordered or from services that are offered (including food) for sale.

But does not include, any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of goods, wares or merchandise. Or a vehicle displaying advertising signage, but whose primary purpose is not advertising.

7 **Approval Required**

7.1 Approval shall be required for any sign that does not comply with the provisions of this bylaw, and the Stratford District Plan, unless a resource consent has been obtained for that sign pursuant to the Resource Management Act 1991, or the sign is a permitted activity under the Resource Management Act 1991.

8 **Exemptions from Approval**

8.1 The provision of Clause 7.1 relating to approval shall not apply to –

- (a) Name-plates
- (b) Window-signs
- (c) Sign Cases
- (d) Temporary signs.

- 8.2 Where the Chief Executive Officer or delegate is satisfied that compliance with any requirement of this bylaw would be unreasonable or impractical, an exemption from compliance with the bylaw may be granted on such conditions as the Chief Executive Officer or delegate considers appropriate.
- 8.3 In making a decision to exempt any sign from the provisions of this bylaw, the Chief Executive Officer or delegate will have regard to:
- the purpose of the sign
 - the benefits to the community of that sign
 - the potential for proliferation of signs
 - the duration the sign will remain erected
 - the effect on amenity in the area of the sign
 - the size of the sign
 - traffic safety

9 **General Requirements for Siting of Signs**

- 9.1 No person shall display, erect, or allow to be displayed any sign close to any part of a road, motorway, or to any corner, bend, safety-zone, traffic sign, traffic signal, or intersection that in the opinion of an Authorised Officer would:
- (a) Obstruct or be likely to obstruct the view of traffic; 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.
- 9.2 No person shall place, display, or allow to be placed or displayed, or to remain 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 that in the opinion of an Authorised Officer would distract or be likely to distract the attention of the driver of any motor vehicle.
- 9.3 No person shall place, display, allow to be placed or displayed on or upon or against any public place, public building, bridge, or other structure, any post, pole, including those for the guidance and control of traffic, or any tree or other vegetation, traffic sign, traffic signal, or pavement any sign for advertising or any other purpose unless with the prior permission in writing of an Authorised Officer.
- 9.4 No person shall permit any sign other than a name-plate or sign-case to be erected over any public place unless every part of the sign is at least 2.5 m above the footpath or 5.5 m above the carriageway, and then only with the prior permission in writing of an Authorised Officer.
- 9.5 No person shall erect any sign-case in such a position as to project over any road, private street, or public place unless the prior permission in writing of an Authorised Officer has been obtained.

10 **General Requirements for Construction and Maintenance of Signs**

- 10.1 All signs, shall be professional in presentation and be well constructed. All signs must be 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/or the owner of the land or building on which the sign is placed.
- 10.2 **Roadside Signs:**

- (a) Any form of advertising sign inside the circular kerbed round-a-bouts located at the intersections of Regan Street and Fenton Street with State Highway 3 is prohibited. This includes the lane dividing islands and stone wall corners located at these intersections.

10.3 **Footpath Signs:**

- (a) The size of sign area is not to exceed 1 m².
- (b) The signs must be located only on the footpath and as close as possible either to the kerb or to the inside edge of the veranda post outside the premises displaying signs. A minimum distance of 5 metres must be maintained between signs at all times. Advertisers may place signs only along the frontage of the premises leased or occupied by them, and the location of signs along any other section of the frontage of any premises is prohibited.
- (c) This bylaw is to apply only to those parts of the urban areas which are zoned for business purposes or where retail shops are in operation.
- (d) Signs can only be displayed on footpaths during the times the particular advertiser has a business premises open for public business and the sign including any fixtures must be removed at the close of business each day.
- (e) No licensing system is to be established for this bylaw, except as required by the Mobile Travelling Shops Bylaw and where there is the requirement for a Resource Consent.
- (f) The Council reserves the right through its officers to confiscate any portable advertising sign which is displayed in breach of the rules specified in this bylaw.

10.4 **Mobile signs:**

- (a) An operator shall have no more than one double sided freestanding sign associated with their mobile trade. The maximum area of the sign shall not exceed 2m².
- (b) Signs are prohibited from any median strip, trees on road reserve, berm or street poles. Other signage must be directly attached to the mobile trade vehicle or table.

10.5 **Election Signage:**

- (a) Local Election candidates can put their signs up for no more than 3 months prior to the election. Signs must be removed before midnight the night before the election.
- (b) Election signs must display the true name and physical address (place of residence or business) of the person authorising them.
- (c) The Maximum sign area of a board shall be:
 - Residential Zone: 1.0m² per site
 - Rural/Residential Zone: 2.0m² per site
 - Rural Zone: 3.0m² per site
 - Business Zone: 4.0m² per site
 - Protected Area Zone: (Stratford Urban area only): 4.0m² per site.

- Commercial Zone 4.0m² per site.
- (d) Sign structures must be competently constructed and comply with the NZ Building Code, where necessary.
- (e) Signs must only be located on private property. Landowner permission is required for all signs.
- (f) No signs are permitted on Council roads, State Highways, on a heritage site, Council reserves or any other Council property.
- (g) Council staff will remove non-complying signs from Council roads and property.
- (h) Signs must not obstruct driver visibility along the road, at intersections or driveways, or at a railway level crossing.
- (i) Signs must not be placed within 15 metres of a traffic safety or directional sign.
- (j) Signs located next to a State Highway must have a minimum lettering height of 120mm where the speed limit is less than 70km/h; and 160mm where the speed limit is 70km/h or greater.
- (k) Signs must not be rotating, flashing, reflective or illuminated. Signs must be well maintained. Council staff will remove signs that are poorly maintained and which may present a danger to road users or the public generally.
- (l) Signs must include an authorisation in accordance with the Local Electoral Act 2001.

10.6 Heritage signs:

- (a) Heritage signs in public places, heritage areas or outside heritage buildings will be assessed on a case-by-case basis. Special consideration will be taken to ensure that signs do not materially affect the heritage value of the area or building.

10.7 Real estate signs:

- (a) Real estate signs, including flags attached to vehicles advertising open homes or auctions, may only be placed directly outside the property to which the signage refers.
- (b) Signs should be as close to the street front boundary of that property as practicable.
- (c) Signs can be displayed while the property is on the market and shall be removed no later than 2 working days after the settlement date.
- (d) Signage shall comply with the district plan requirements for each land zone.
- (e) Direction signage may be used for open homes if the sign complies with other clauses of this bylaw and will not impede the safety of pedestrian

or road traffic and can only be displayed during the day of the open home.

11 **Repair or Removal of Signs**

- 11.1 The Chief Executive Officer or delegate may, by notice in writing require the owner, occupier or lessee of any land where an unsightly, non-complying, unsafe or unauthorised sign is located to repair or remove that sign within a period stated in the notice.
- 11.2 Where any person fails to comply with any requirement to alter or remove any sign, the Chief Executive Officer or delegate 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 where the sign was placed.
- 11.3 Any sign removed by the Chief Executive Officer or delegate shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 11.4 Any sign that remains unclaimed for a period not exceeding one month, may be sold or otherwise disposed of by the Council.
- 11.5 Pursuant to the authority given by Section 163 of the Local Government Act 2002, an Authorised Officer, may remove any sign and fittings or poster of notice which does not comply with the requirements of this bylaw.

12 **Right of Appeal**

- 12.1 The applicant or the owner of a sign shall, on having been informed in writing of any decision relating to this bylaw, have the right of appeal within 14 days to the Council, which may confirm, reverse, or modify any such decision.

This Bylaw was made by the Stratford District Council on 12 March 2021.

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed
by resolution of the said Council in the presence of:

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Mayor

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Chief Executive