



WAIPA DISTRICT CONTROL OF SIGNS AND SALE OF GOODS IN A PUBLIC PLACE BYLAW 2007

In pursuance and exercise of the powers and authorities vested in it by Section 145 and 146 of the Local Government Act 2002 and of each and every other power and authority it thereto enabling, the Waipa District Council makes and ordains this Bylaw.

Part 1 – Introduction

1. TITLE

This Bylaw shall be cited and referred to as the "Waipa District Control of Signs and Sale of Goods in a Public Place Bylaw 2007".

2. PURPOSE OF THE BYLAW

The purpose of this Bylaw is to ensure that the placing of any signs or goods for sale in or on a public place is done in a manner that:

- (a) Protects the public from nuisance; and,
- (b) Maintains public health and safety; and,
- (c) Minimises the potential for offensive behaviour in public places; and,
- (d) Minimises any distraction to motorists.

3. AREA OF APPLICATION

This Bylaw shall apply only to the Urban Areas of the Waipa District.

4. DEFINITIONS

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

"Authorised Officer" means any person appointed by the Council as an Enforcement Officer under the Local Government Act 2002 and includes any other person authorised by the Council to administer and enforce this Bylaw.

"Commercial Undertaking" means any business operation of any kind and includes any land or buildings on or in which a business operation takes place.

"Community Organisation" means any charitable, community, cultural, recreational or religious organisation and includes any land or building on or in which any such activities take place.

"Council" means the Waipa District Council and **"Waipa District"** means the area administered by the Council.

"Footpath" means part of any road laid out or constructed primarily for pedestrians and includes the edging, kerbing, and channelling.

"Goods for Sale" means and includes goods for sale, goods for repair and goods displayed for decorative or advertising purposes.

"Land" includes any buildings erected on that land.

"Permit" means a written permit issued by Council.

"Public Place" means any road, street, public car park, footpath, public reserve or other Council operated or controlled facility.

"Road Carriageway" means that portion of any road which is constructed so as to be available for the passage or parking of vehicles whether or not that portion is sealed.

"Sign" means any notice, placard, flag, delineation, poster, handbill, sandwich board, bill board, advertising device or appliance or anything of a similar nature and shall include all parts, portions, units and materials of the same together with the frame, background, structure and support or anchorage thereof.

"Urban Area" means any area within the Waipa District in which the speed limit on any road is 80 kilometres per hour or less pursuant to the provisions of the Land Transport Act 1998 or any regulation made pursuant to that Act.

"Vehicle" has the meaning given to it by Section 2 of the Land Transport Act 1998.

5. EXCLUSIONS

This Bylaw does not apply to any sign

- (a) Lawfully erected or approved by Council; or,
- (b) Lawfully erected pursuant to any Statute or Regulation; or,
- (c) Lawfully erected pursuant to a Resource Consent or the provisions of the Waipa District Plan.

Part 2 – Signs

6. SIGNS ADJOINING RESIDENTIAL LAND

No sign shall be placed on or above any public place which adjoins land used solely or principally for residential purposes.

7. SIGNS ADJOINING COMMERCIAL UNDERTAKINGS AND COMMUNITY ORGANISATIONS

7.1 No sign shall be placed on or above any public place which adjoins land used solely or principally as a commercial undertaking or by a community organisation unless it complies at all times with the requirements set out in the First Schedule to this Bylaw.

8. ADVERTISING SIGNS ON VEHICLES

8.1 No person shall abandon, leave, park or station any vehicle on any public place in such circumstances that its purpose may reasonably be assumed to be the display for advertising purposes of a sign affixed to or otherwise displayed on the vehicle.

8.2 Clause 8.1 does not apply to any trade vehicle on any public place in the normal course of business.

9. TEMPORARY DIRECTION SIGNS

No sign, the primary purpose of which is to give directions to auctions, open homes, stock sales or similar short duration events may be placed in a public place except in accordance with the provisions of the Second Schedule of this Bylaw.

10. SPORTING, CULTURAL AND OTHER EVENTS

Signs advertising sporting, cultural and other similar events or advertising market days or promotions may be placed in a public place only if a written permit has been granted and then only in accordance with the terms and conditions of that permit.

Part 3 – Goods for Sale

11. RESIDENTIAL LAND

11.1 No goods for sale shall be displayed in or above any public place which adjoins land used solely or principally for residential purposes.

11.2 Clause 11.1 shall not apply to any Market Day event displaying goods for sale approved by Council in accordance with the Waipa District Public Places Bylaw 2007.

12. COMMERCIAL UNDERTAKINGS AND COMMUNITY ORGANISATIONS

12.1 No goods for sale shall be displayed in or above any public place which adjoins land used solely or principally as a commercial undertaking or by a community organisation except in accordance with the Third Schedule to this Bylaw.

12.2 Clause 12.1 shall not apply to any Market Day event approved by Council in accordance with the Waipa District Public Places Bylaw 2007.

Part 4 – Non-Complying Signs and Goods for Sale

13. REMOVAL OF NON-COMPLYING SIGNS

13.1 If any sign is placed in breach of this Bylaw, or in breach of any permit issued under this Bylaw, an Authorised Officer may serve a notice upon the owner or occupier of the land, building or vehicle in front of or alongside or on which such sign is placed requiring that the sign be removed or made to comply with the provisions of this Bylaw as the case may be, within the time specified in such notice.

13.2 If the notice is not complied with in the time specified therein, then the Authorised Officer may remove the sign from the public place.

13.3 If any sign is removed by the Authorised Officer under the provisions of this Bylaw the Authorised Officer shall, at the time of removal, make a

list of the item(s) removed and shall, if practicable serve a copy the list as though it were a notice in accordance with Clause 15 of this Bylaw.

14. REMOVAL OF NON-COMPLYING GOODS

14.1 If any goods are displayed in breach of this Bylaw, or in breach of any permit issued under this Bylaw, the Authorised Officer may serve a notice upon the owner or occupier of the land, building or vehicle in front of or alongside or on which such goods are displayed requiring that the goods be removed or made to comply with the provisions of this Bylaw as the case may be, within the time specified in such notice.

14.2 If the notice is not complied with in the time specified therein, then the Authorised Officer may remove the goods from the public place.

14.3 If any goods are removed by the Authorised Officer under the provisions of this Bylaw the Authorised Officer shall, at the time of removal, make a list of the goods removed and shall, if practicable serve a copy the list as though it were a notice in accordance with Clause 15 of this Bylaw.

15. NOTICES AND NOTICE PERIODS

Service of Notices

15.1 For the purposes of Clause 13 and Clause 14 of this Bylaw a notice shall be deemed to be properly served if:

- (a) In the case of a breach of Clauses 6 or 11 of this Bylaw:
 - (i) It has been handed to the owner, occupier or resident for the time being in or on the land, or in any residence on the land, whether or not such person is actually the owner or permanently resident therein; or,
 - (ii) If the land, or any residence on the land, is unoccupied, whether permanently or temporarily, it has been affixed to an outside door, gate or fence of the land or any buildings on the land; or,
 - (iii) It is sent by pre-paid ordinary mail to the owner or occupier at his or her last known address as shown in the Council records.
- (b) In the case of a breach of Clauses 7 or 12 of this Bylaw:

- (i) It has been handed to the owner or manager of the commercial undertaking or community organisation or to any other person for the time being in charge of the commercial undertaking or community organisation whether or not such person is the owner or manager; or,
 - (ii) If the commercial undertaking or community organisation is closed, whether temporarily or permanently, it has been affixed to an outside door or gate or other structure of the commercial undertaking or community organisation;
 - (iii) It is sent by pre-paid ordinary mail to the owner or manager at his or her last known address as shown in the Council records.
- (c) In the case of a breach of Clause 8 of this Bylaw:
- (i) It has been handed to the owner of the vehicle; or,
 - (ii) It has been affixed to the offending sign or to the vehicle on which such sign is displayed.

Minimum Notice Periods

15.2 For the purposes of Clauses 13 and 14 of this Bylaw the minimum notice period required to be given requiring the removal of a sign or goods for sale which breaches the provisions of Clauses 6 or 11 of this Bylaw shall be twelve (12) hours.

15.3 For the purposes of Clauses 13 and 14 of this Bylaw the minimum notice period required to be given requiring the removal of a sign which breaches the provisions of Clauses 7 or 12 of this Bylaw shall be thirty (30) minutes.

16. RECOVERY AND RETURN OF ITEMS SEIZED

16.1 If any sign or goods seized pursuant to this Bylaw for sale have not been recovered by the owner and any fees paid under the provisions of Clause 18.1 and the Fifth Schedule to this Bylaw within 30 days from the date of removal, an Authorised Officer may dispose of such sign or goods as he/she sees fit.

17. PERMITS

17.1 Any application for a permit under this Bylaw must be accompanied by all relevant documentation and fees.

17.2 Any application may be declined by an Authorised Officer where in the opinion of the Officer, the purpose for which the permit is sought may be contrary to the purpose of this Bylaw or may breach a statutory requirement or policy of Council.

18. FEES

18.1 Fees payable for the issue of permits under this Bylaw are set out in the Fourth Schedule to this Bylaw.

18.2 Fees payable in respect of the storage of signs or goods removed pursuant to the provisions of this Bylaw are Set out in the Fifth Schedule of this Bylaw.

19. PENALTIES

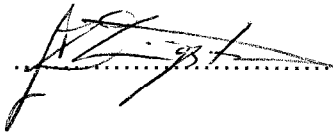
19.1 Any person who does, or causes or allows to be done, anything in contravention of this Bylaw, or who omits or neglects to do, or knowingly permits to remain undone, any matter or thing required under this Bylaw, commits an offence, and shall be liable to a fine not exceeding \$20,000.00.

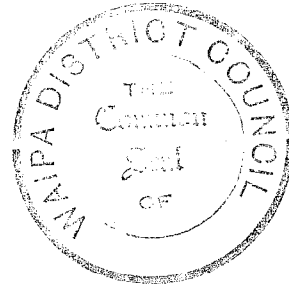
20. REVOCATION

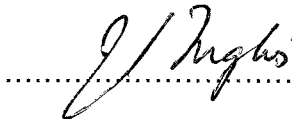
The Waipa District Advertising Signs and Sale of Goods Bylaw 1992 is hereby revoked.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the ~~25~~ day of ~~SEPTEMBER~~ 2007. This Bylaw becomes operative on the ~~15~~ day of ~~OCTOBER~~..... 2007.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the ~~25~~ day of ~~SEPTEMBER~~ 2007 in the presence of:

..... Mayor



..... Chief Executive

FIRST SCHEDULE

Any sign placed in accordance with the provisions of Clause 7.1 of this Bylaw must at all times comply with the following requirements:

1. No sign may:

- (a) Be placed on a road carriageway;
- (b) Be placed in a position where:
 - (i) It may cause a nuisance or obstruction to the lawful use of a footpath or road; or,
 - (ii) It may endanger public safety; or,
 - (iii) It may interfere with the visibility of persons lawfully using a road; or,
 - (iv) It may create a distraction for passing motorists; or,
 - (v) Any part of it extends further than 0.90m into a public place.
- (c) Have measurements which exceed 0.9m in height, 0.9m in width, or 0.7m in depth;
- (d) Contain any reflective material which reflects lights carried by vehicles;
- (e) Be internally or externally illuminated;
- (f) Use colour combinations or background and legend similar to any of those used for any traffic signs as defined in the Land Transport Rule - Traffic Control Devices 2004;
- (g) Be displayed when the commercial undertaking is not open for business or when the community organisation is not operational, with the exception of any sign affixed to a veranda;
- (h) Be displayed when the activities of any commercial undertaking or any community organisation have been terminated indefinitely;
- (i) Be placed or displayed on, or against any public building, bridge, fence, wall, statue, lighting standard, power or telephone pole, public telephone box, bus shelter, public convenience, rubbish receptacle, hydrant or other water supply marker post, stationary vehicle, hedge, shrub, tree or other vegetation or any post or pole erected to hold signs as detailed in the Land

Transport Rule - Traffic Control Devices 2004 or upon anything whatsoever erected in or constructed or standing on or abutting any public place.

2. All signs must

- (a) Be constructed of sound materials; and,
- (b) Be designed so that information is displayed in a professional manner; and,
- (c) Be maintained in good order and condition at all times; and,
- (d) Have their own support or stand, and, where affixed to a veranda, shall leave at least 2.4 metres clear space between the lowest portion of the sign and the footpath.

SECOND SCHEDULE

Temporary Direction Signs (Clause 9)

Any Temporary Direction Sign erected in accordance with Clause 9 of this Bylaw must

- (a) Comply with the provisions of the First Schedule of this Bylaw (with the exception of clause 1(c) which deals with the size of signs); and,
- (b) Not exceed a maximum size of 1.0m² and have no edge dimensions greater than 0.5m; and,
- (c) Not remain in place for more than 6 hours on any one day.

THIRD SCHEDULE

Display of Goods (Clause 12)

Any goods displayed for sale in accordance with Clause 12 of this Bylaw must

- (a) Not extend more than 0.9m onto a public place; and,
- (a) Not exceed more than fifty percent (50%) of the frontage of any commercial undertaking or community organisation (such distance being measured exclusive of doorways); and,
- (b) Not be suspended from a veranda so as to reduce the clear space above the footpath to less than 2.4 metres.

FOURTH SCHEDULE

Fees payable for Permits (Clause 18.1)

Description	Fee
Permit payable in accordance with Clause 18.1	\$50.00. However, where a permit is sought by a recognised not-for-profit organisation, no fee will be charged.

FIFTH SCHEDULE

Fees payable for the Storage of Signs and Goods Removed Pursuant to this Bylaw (Clause 18.2)

The following fees shall be payable to the Council:

- | | |
|---|--|
| (a) Storage of a sign for sale removed under the provisions of this Bylaw | \$50.00 + \$10.00 per day or part day |
| (b) Storage of goods removed under the provisions of this Bylaw | \$100.00 + \$20.00 per day or part day |