

Upper Hutt City Council

Control of Temporary Signs Bylaw

2018

Contents

1. Purpose of Bylaw	2
2. Commencement.....	2
3. Interpretation	2
4. Scope of Bylaw.....	3
5. General requirements.....	4
6. Specific requirements.....	5
7. Temporary signs on or over roads.....	8
8. Maintenance	9
9. Exemptions and permissions	9
10. Transition.....	10
11. Offences and penalty.....	11

Explanatory Note

This Bylaw is called the Control of Temporary Signs Bylaw 2018 and was made pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

Reprint as at 22 December 2020

1. Purpose of Bylaw

- 1.1. This Bylaw applies within the district of the Upper Hutt City Council.
- 1.2. The purpose of this Bylaw is as follows:
 - i. to allow temporary signs to be erected or displayed in locations that are visible from public places as of right, without the need to obtain prior Council permission, where the requirements of the Bylaw are satisfied;
 - ii. to ensure that temporary signs are appropriately erected, maintained and displayed in locations that are visible from public places so that they do not present a hazard or danger to public safety, and to ensure the maintenance of aesthetic standards; and
 - iii. where a temporary sign is subject to, but does not comply with, the requirement/s of the Bylaw, to allow an application to be made to the Council for an exemption from compliance with the Bylaw.

2. Commencement

- 2.1. This Bylaw came into force on 3 October 2018.

3. Interpretation

- 3.1. In this Bylaw, unless the context otherwise requires:

Controlled intersection means an intersection that is controlled by stop or give-way signs, a roundabout, or traffic signals.

Council means the Upper Hutt City Council and any authorised officer.

District Plan means the proposed and/or operative Upper Hutt City Council District Plan under the Resource Management Act 1991.

Local election temporary sign means any temporary sign that advertises, promotes or is otherwise associated with a local authority election, or candidates for any such election.

National election temporary sign means any temporary sign that advertises, promotes or is otherwise associated with the election of an electoral party or a member of the House of Representatives.

Park includes all parks, reserves, recreation grounds, gardens and open space under the management and control of Council.

Public place means:

- i. any road, whether or not it is under the control of the Council; and
- ii. any footpath; and
- iii. any place that is open to being used by the public, whether for free or on the payment of a charge, which is under the control of the Council at any material time, including, but not limited to, every:
 - (a) park;
 - (b) hall;
 - (c) library;
 - (d) cemetery;

- (e) aquatic centre;
- (f) leisure centre; and
- (g) sporting facility.

Road includes—

- (a) a road
- (b) a street;
- (c) a beach;
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); that is within the Upper Hutt District

Sandwich board includes any temporary sign that is conceptually consistent with the diagram in Schedule Three.

Sign means a visual message, notice or image that is visible from a public place; and any frame, supporting device and associated ancillary equipment. It includes, but is not limited to:

- i. any mural, image, message or notice that is painted on, affixed to or otherwise incorporated with a building, structure, site, banner, poster, billboard, wind sock, blimp or sandwich board; and
- ii. a projection of light to create an image for advertising or other purposes; and
- iii. bunting that has symbols, messages or images on it.

Teardrop sign includes any temporary sign that consists of a flag or banner hanging from a supporting structure or pole.

Temporary sign means a signs that is displayed or erected at a site which is visible from a public place and has content that is generally associated with short term events or activities and includes, but is not limited to:

- i. signs that depict, advertise, promote or are otherwise associated with the following:
 - (a) a local authority or central government election, or candidates for any such election; or
 - (b) construction or development works on a building site or demolition site; or
 - (c) real estate, including any open home, and the intention to sell or lease any land or premises; or
 - (d) any sporting, community, cultural or other entertainment event; or
 - (e) a garage sale; and
- ii. teardrop signs and sandwich boards.

Traffic management plan has the same meaning as in the Code of Practice for Temporary Traffic Management: Part 8 of the Traffic Control Devices Manual.

- 3.2. Whether an event or activity under the definition of Temporary Sign is short term or not is determined by the Council at its discretion.

4. Scope of Bylaw

- 4.1. This Bylaw does not apply to:

- i. signs that are regulated by the following processes:
 - (a) signs that are not temporary signs; or

- (b) signs that are not temporary signs under clause 3 and can be displayed or erected as a permitted activity or which have been granted a resource consent under the District Plan pursuant to the Resource Management Act 1991; or
- (c) traffic, direction, information and naming signs erected by or with the approval of the Council; or
- (d) signs that are displayed or erected in accordance with an approved traffic management plan; or
- (e) signs indicating hazardous substances used at a hazardous facility; or
- (f) signs that advertise or inform the public about a brothel or other commercial sexual services, which are regulated by clause 5 of the Brothels Bylaw 2003; or
- (g) Signs that are located on roads that are controlled by the New Zealand Transport Agency
 - ii. vehicles being offered for sale or used to advertise goods or services between the Silverstream Bridge and Mangaroa Hill Road or on any road listed in Schedule Three of the Upper Hutt City Council Traffic and Parking Bylaw 2005, which are regulated by clause 18 of that bylaw; or
 - iii. temporary advertising signs, notices or markers to be displayed or erected on a road for five [5] days or more, which are regulated by clause 19 of the Upper Hutt City Council Traffic and Parking Bylaw 2005; or
 - iv. posters or advertising devices applied to any ornament, statue, building, structure or facilities in a Public Place as defined in the Upper Hutt City Council Public Places Bylaw 2005 and for which prior Council permission has been granted under clause 6.1(b) of that bylaw.

5. General requirements

5.1. Application of Bylaw

- i. Except where the Bylaw provides otherwise, temporary signs that comply with its requirements may be displayed or erected at sites which are visible from public places without Council permission.
- ii. No person shall display or erect at any location visible from a public place a temporary sign which does not comply with this Bylaw, except where:
 - (a) the temporary sign is not subject to this Bylaw under clause 4.1; or
 - (b) the Council has granted an exemption to the requirements of this Bylaw under clause 9, or permission under clause 5.3(i)(c) or 7.1(iii); or
 - (c) permission for the temporary sign has been granted under another bylaw.
- iii. For the avoidance of doubt, where any specific requirement in clause 6 is inconsistent with any general requirement in this Bylaw, the specific requirement shall apply.

5.2. Size and duration

- i. No temporary sign may:
 - (a) be displayed or erected for more than the timeframe specified in the Bylaw for the particular type of sign, and where unspecified, for more than two [2] months; or
 - (b) exceed the size specified in the Bylaw for the particular type of sign, and where unspecified, exceed an area of 3m² visible in any one direction including the sign surround; or
 - (c) be higher than 3m above ground-level, or if attached to a building, be higher than 4m or the height of the façade, whichever is the lesser of the two.

- ii. Any temporary sign that is located in a zone with a speed limit of 50km per hour or less may be two-sided;
- iii. Any temporary sign that is located in a zone with a speed limit of more than 50 km per hour must be one-sided only; and
- iv. Every temporary sign that is a teardrop sign or sandwich board must comply with the diagrams in Schedule Three.

5.3. General safety, traffic and amenity requirements

- i. No person shall:
 - (a) display or erect a temporary sign on a building or structure visible from a public place without the permission of its owner or occupier; or
 - (b) display or erect a temporary sign in a manner which:
 - obstructs the entrances to or exits from a public place; or
 - interferes with the passage of pedestrians or traffic upon any public place; or
 - interferes with any ornament, statue, building, structure or facilities; or
 - (c) attach a temporary sign to any pole, fence, piece of street furniture or other facility in a public place without the permission of Council, except where the temporary sign is attached to a poster board at a location described in Schedule Two; or
 - (d) display or erect a temporary sign visible to road users that is digital, illuminated, animated, variable, flashes or produces a glare; or
 - (e) display or erect a temporary sign which is visible from the State Highway and where the speed limit is 70km per hour or greater, if:
 - letters have a height less than 160 mm;
 - it contains more than six words or 40 characters; and
 - it is located to restrict the view to the motorist to less than a distance of 180 metres.

6. Specific requirements

6.1. Approved places

- i. Any temporary sign subject to clause 6.1(ii) that is erected or displayed at an approved place included in Schedule One must comply with the general requirements in clause 5 and the following:
 - (a) relate to a temporary or one-off activity;
 - (b) not be displayed or erected for more than two [2] months;
 - (c) be removed within 48 hours of the ceasing of the activity to which the temporary sign relates;
 - (d) be located so that it does not obstruct any official traffic sign;
 - (e) not be digital, flashing, animated, or continuously differ in form or detail;
 - (f) have a minimum letter height of 160mm, or in the case of a national election temporary sign, the minimum letter height allowed by the Electoral Act 1993 or any amending or replacement enactment;

- (g) be located so as to provide an unrestricted view to the motorist for a minimum distance of 180m; and
 - (h) be of a professional standard.
- ii. Notwithstanding clause 6.1(i), only election signs may be displayed at approved sites included in Schedule One.
 - iii. Any temporary sign located in an approved place in a zone with a speed limit of 70km per hour or more, must:
 - (a) include no more than 6 words or 40 characters, in addition to any statement required under the Electoral Act 1993 or Local Electoral Act 2001 or any amending or replacement enactment or legislative instrument.
 - iv. The Council may add, remove or amend the approved places included in Schedule One or Two by resolution.

Note:

There are eight community noticeboards located within Upper Hutt for free use by clubs and organisations to promote their Upper Hutt community event. Signs must be under 1.8m wide x 1.2m high, and must be stapled to the boards rather than fastened with screws or bolted.

For more information about these noticeboards, including where they are located and how to make a booking, see: <https://upperhuttcity.com/local-events/promoting-your-event/signs-and-noticeboards>.

6.2. Local elections

- i. Any local election temporary sign must comply with section 113 of the Local Electoral Act 2001 (Electoral Advertising), or the equivalent section in any amending or replacement enactment.
- ii. Each candidate may erect one local election temporary sign that complies with the requirements in clause 6.1 of this Bylaw at each of the approved places in the maps in Schedule One.
- iii. In addition to the signs allowed under clause 6.2(ii), candidates may erect any other local election temporary signs that comply with the requirements of clauses 5, 6.2(i) and 7 of this Bylaw at any other places.

6.3. National elections

- i. The Electoral Act 1993 and Electoral (Advertisements of a Specified Kind) Regulations 2005, and any amending or replacement enactment or legislative instrument, apply to national election temporary signs during the period beginning 9 weeks before polling day and ending with the close of the day before polling day.
- ii. The Bylaw applies to national election temporary signs outside of the period specified in clause 6.3(i).
- iii. Each candidate may erect one national election temporary sign that complies with the requirements in clause 6.1 of this Bylaw at each of the approved places in the maps in Schedule One.
- iv. In addition to the signs allowed under clause 6.3(iii), candidates may erect any other national election temporary signs that comply with the requirements of clauses 5, 6.3(i) and 7 of this Bylaw at any other places.

6.4. Open homes

The following requirements apply to any temporary signs that depict, advertise, promote or are otherwise associated with any open home:

- i. Any substantive sign advertising an open home must be displayed or erected within the boundary of the advertised property, on the direct road frontage, on the grass verge directly outside the property, or otherwise as close as practicable.

- ii. Directional signage can be placed in the proximity of an open home to indicate its location, except within 10 metres before the beginning or after the end of a controlled intersection.
- iii. Any temporary sign that is an open home sign, must:
 - (a) not be displayed or erected in any carriageway, except to the extent permitted by the Upper Hutt City Council Traffic and Parking Bylaw 2005;
 - (b) except as provided for in clause 6.4(i), must not be displayed or erected on private property;
 - (c) be self-supporting;
 - (d) not attach to any Council infrastructure;
 - (e) not affect traffic sightlines;
 - (f) not be displayed or erected earlier than 48 hours prior to the open home;
 - (g) be removed no more than 24 hours after the end of the open home; and
 - (h) not exceed 60cm x 90cm in size.
- iv. Notwithstanding clause 6.4(iii)(g), a general real estate temporary sign that includes an open home advertisement for the property to which it relates may be displayed on the fence of that property for the duration of the sale period, if:
 - (a) the open home dates are imbedded in the content of the sign or are included on a strip board atop or near the main sign.

6.5. General real estate

Any temporary sign that depicts, advertises, promotes or is otherwise associated with real estate, including the intention to sell or lease any land or premises:

- i. can remain displayed or erected until the property is sold or leased; and
- ii. must be removed from the site either immediately after the purchaser or lessee takes possession of the land or premises, or the date of settlement, whichever is earliest; and
- iii. must relate to the property on which it is displayed or erected; and
- iv. must be the only sign on the street frontage of the property to which it relates, except where:
 - (a) the property is a corner property, in which case one real estate sign can appear on each street frontage of the property; or
 - (b) the property is a commercial property, in which case more than one real estate sign is allowed; or
 - (c) clause 6.4(iv) allows an additional strip board advertising open home dates for the property to be located atop or near the main sale sign on the fence of that property; and
- v. must not exceed 3m² in size.

6.6. Sandwich boards and teardrop signs

- i. Any temporary sign that is a sandwich board or teardrop flag must meet the following requirements:
 - (a) be capable of being removed from its temporary location and stored in the relevant premises overnight;
 - (b) only be displayed during the usual business hours of the business to which it relates, and must be relocated inside the premises at the close of each trading day;
 - (c) if displayed on a footpath, there must be a clear, unobstructed footpath width of at least 0.8m at all times; and

- (d) be located on the same side of the road as the premises to which it relates, and be located in the area parallel to the premises' frontage.
- ii. In addition to the requirements in clause 6.6(i), any temporary sign that is a sandwich board must also meet the following requirements:
 - (a) as depicted in Schedule Three, no part of the sandwich board, including its base, shall be more than 1m above ground level;
 - (b) as depicted in Schedule Three, the width of the sandwich board, including its base, must not exceed 0.6m;
 - (c) as depicted in Schedule Three, the depth of the sandwich board must not exceed 0.6m;
 - (d) the sandwich board must be sufficiently weighted to ensure it remains secure in its location in all circumstances, including in all weather conditions;
 - (e) folding sandwich boards must be able to be locked in the 'open' position; and
 - (f) the sandwich board must not affect the safety of pedestrians who use the footpath (including disabled pedestrians), or traffic safety.
- iii. In addition to the requirements in clause 6.6(i), any temporary sign that is a teardrop sign must also meet the following requirements:
 - (a) as depicted in Schedule Three, the width of the teardrop sign must not exceed 0.5m;
 - (b) as depicted in Schedule Three, the overall height of the teardrop sign must not exceed 2m; and
 - (c) as depicted in Schedule Three, the sign, flag or banner hanging from the supporting structure or pole must not exceed 1.6m in length from the top down.

7. Temporary signs on or over roads

- 7.1. Any temporary sign may be displayed or erected on, or project or hang over, any part of the formed carriageway of any road or private street (including grass berms, but excluding footpaths), if:
- i. it is to be in a position for five [5] days or less; and
 - ii. in respect of a temporary sign which projects or hangs over any State Highway, prior permission has been obtained from the New Zealand Transport Agency; or
 - iii. in respect of a temporary sign which projects or hangs over any other road, the Council is satisfied that it would not or does not:
 - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, pedestrian crossing, traffic sign or signal;
 - (b) distract unduly or be likely to distract unduly the attention of road users;
 - (c) resemble or likely to be confused with any traffic sign or signal;
 - (d) give rise to excessive levels of glare, use flashing or revolving lights or use reflective materials that may interfere with a road user's vision;
 - (e) invite drivers to turn so close to a turning point that there is no time to signal and turn safely.

8. Maintenance

- 8.1. All temporary signs and their supporting structures shall be displayed or erected and maintained in such a manner that they do not pose a nuisance or danger to property or the public. This shall be the responsibility of the temporary sign owner and the owner of the land or building on which the temporary sign is placed.
- 8.2. The Council may, by notice in writing, require the owner, occupier or lessee of any land on which any non-complying or unsafe temporary sign is located to repair or remove such temporary sign within a period stated in such notice.
- 8.3. Where a sign requires, but does not have a resource consent under the District Plan, the Council may, by notice in writing, require the owner of the sign or the owner of the land on or over which it is located, to remove it unless or until resource consent is obtained within the period stated in the notice.
- 8.4. Where the owner or user of a temporary sign, or the owner of land on or over which the temporary sign is located, receives a notice given under clause 8.2 or 8.3, that person shall comply with the requirements of the notice within the time specified in the notice.
- 8.5. Where any person has been requested to pull down, alter or remove any temporary sign under clause 8.2 or 8.3, that temporary sign shall not be altered or replaced unless the altered or replacement temporary sign complies with this Bylaw.
- 8.6. The Council may, pursuant to section 163 of the Local Government Act 2002, remove or alter any temporary sign constructed or displayed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

9. Exemptions and permissions

- 9.1. An application may be made to the Council for an exemption from any of the requirements for a temporary sign in this Bylaw, except:
 - i. the maximum timeframe for which the particular type of sign can be displayed (which, if not otherwise specified in the Bylaw, is no more than two [2] months), unless it is appropriate for the Council to allow a longer duration for health and safety reasons; and
 - ii. the maximum size for the particular type of sign (which, if not otherwise specified in the Bylaw, is an area of no more than 3m² visible in any one direction, including the sign surround).

Note:

Any proposal for a temporary sign that exceeds the maximum size or time requirements set out in this Bylaw will be regulated through the District Plan.

- 9.2. Such an application must be made in the prescribed form and be accompanied by payment of the application and processing fees and such supporting information as required to enable processing of the application.
- 9.3. Exemptions or permissions may be granted or refused at the discretion of the Council:
 - i. having taken into account the considerations in clause 9.4 and those matters in clause 9.5 that are considered relevant; and
 - ii. upon such terms and conditions as provided for in clauses 9.6 and 9.7 of this Bylaw as the Council considers appropriate.
- 9.4. An exemption may be granted by the Council under clause 9, or permission under clause 5.3(i)(c) or 7.1(iii) after it has considered whether:

- i. the exemption or permission will not significantly prejudice the achievement of the purpose of this Bylaw; and
 - ii. one or more of the following applies:
 - (a) the temporary sign is in substantial compliance with the Bylaw and complete compliance is unnecessary;
 - (b) some other action is taken or provision is made to address the matter that the requirement not complied with is directed at, and this action or provision is more effective than compliance with the requirement itself;
 - (c) a requirement/s in the Bylaw is/are unreasonable or inappropriate in the particular case;
 - (d) events have occurred that make compliance with a requirement or requirements in the Bylaw unnecessary or inappropriate in the particular case.
- 9.5. When considering an application for an exemption under clause 9 or permission under clause 5.3(i)(c) or 7.1(iii) and the conditions which may be imposed under it, the Council may take into account any or all of the following matters:
- i. the extent to which the temporary sign will promote the achievement of:
 - (a) the Council's strategies and policies for the management of temporary signs; and
 - (b) any relevant operational policy, guidance document or management practice of, or approved by, the Council; and
 - ii. the impact of the temporary sign on traffic safety and public safety; and
 - iii. compliance with other Bylaws and/or statutory or regulatory requirements; and
 - iv. whether the temporary sign would be or be likely to be a nuisance.
- 9.6. The terms and conditions upon which an exemption may be granted under clause 9 include:
- i. the location and duration of display of the temporary sign;
 - ii. the design, material, colour, size, structure and specifications of the temporary sign;
 - iii. the construction and maintenance requirements for the temporary sign;
 - iv. the frequency at which the temporary sign must be inspected and maintained;
 - v. conditions that in the opinion of the Council are reasonably necessary to ensure traffic safety, public safety, pedestrian access and the avoidance of nuisance;
 - vi. conditions relating to lighting; and
 - vii. the provision of a bond or insurance in favour of the Council where failure to comply with the conditions of the exemption could result in costs for the Council.
- 9.7. Permission may be granted for temporary signs under clauses 5.3(i)(c) or 7.1(iii) of this Bylaw subject to conditions, including any of the conditions in clause 9.6 as are relevant in the circumstances of the permission sought.
- 9.8. The Council may, by resolution, prescribe fees in relation to an application for an exemption or an approval under this Bylaw, including fees to process an application to review an existing exemption or approval, or to inspect a temporary sign.

10. Transition

- 10.1. Any temporary sign visible from a public place that was displayed or erected before the commencement of this Bylaw, and which is now subject to but does not comply with the requirements of the Bylaw, must be removed or otherwise made to comply with the Bylaw within twelve months of it coming into force.

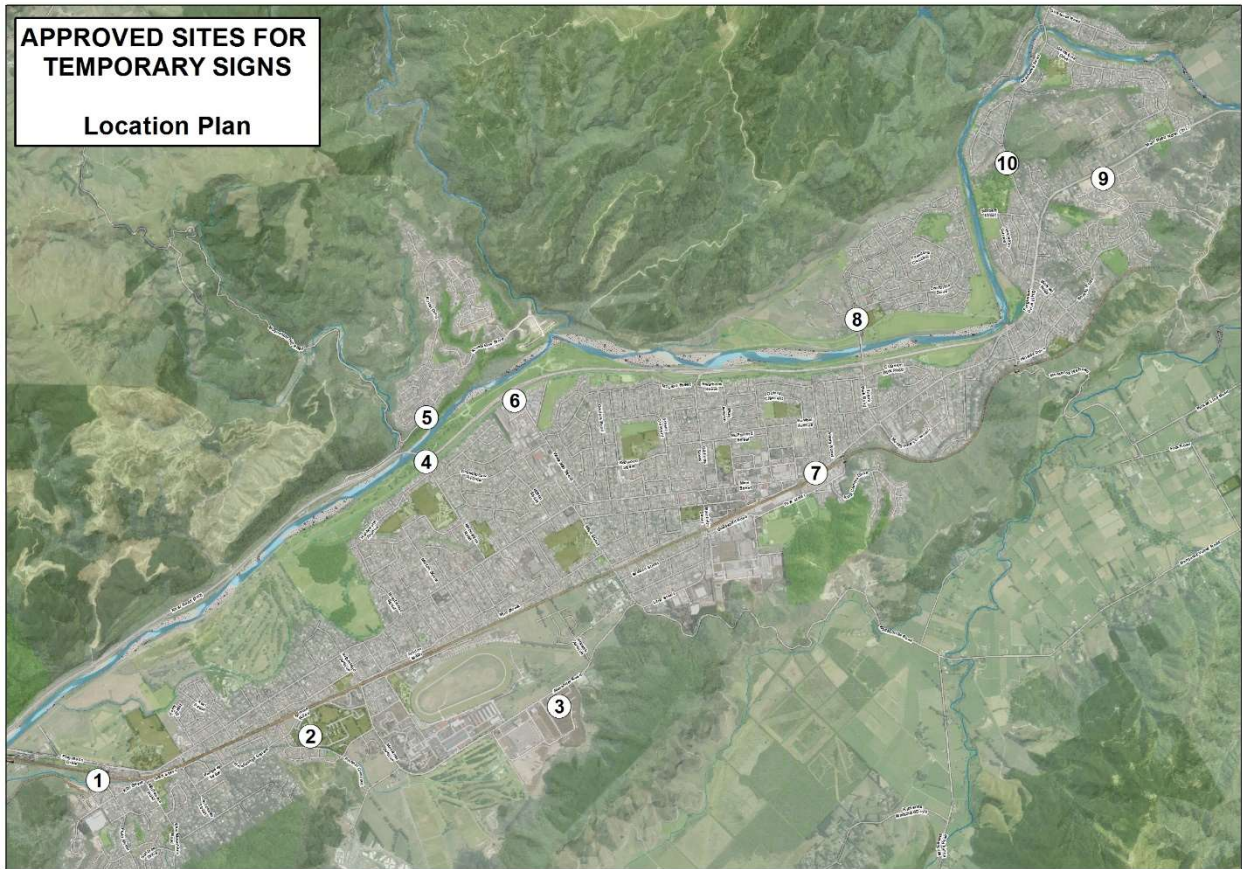
11. Offences and penalty

11.1. Every person commits an offence against this Bylaw who:

- i. fails to comply with any requirement or restriction imposed by the Bylaw or any resolution made under it; or
- ii. erects or displays a temporary sign which is subject to, but does not comply with the Bylaw, and for which no exemption has been granted.

11.2. A person who breaches this bylaw may be liable on conviction to a fine of up to \$20,000 under section 242(4) of the Local Government Act 2002 or a fine of up to \$1,000 for those offences created under section 22AB of the Land Transport Act 1998.

Schedule One

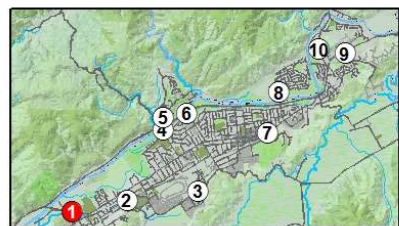




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 1

On the southern berm of Fergusson Drive between Field Street and the Eastern Hutt Road roundabout in the area identified on the map.

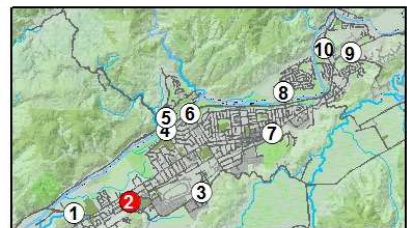




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 2

On the berm of Somme Road in front of Heretaunga Station.

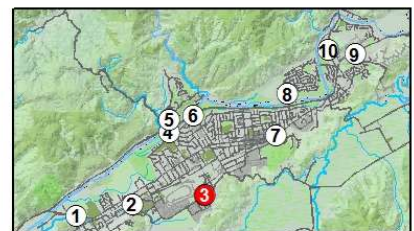




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 3

On southern berm of Alexander Road to the east of William Durant Drive in the area identified on the map.

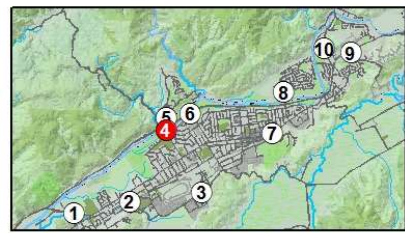




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 4

On the western berm of Moonshine Road adjacent to the intersection with State Highway 2, but not visible from State Highway 2.





APPROVED SITE FOR TEMPORARY SIGNS

Site No. 5

The eastern berm of Kirton Drive, north of the Moonshine Hill Road roundabout but south of the first major bend in the road.

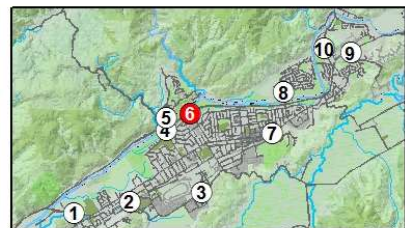




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 6

On the western berm of Whakatiki Street in front of Storage One but not visible from State Highway 2.

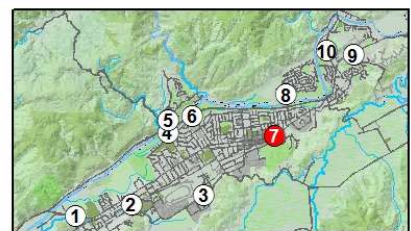




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 7

On the southern berm of Fergusson Drive between Exchange and Ebdentown Streets in the area identified on the map.

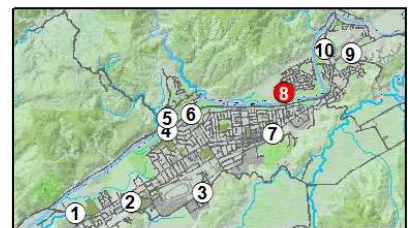


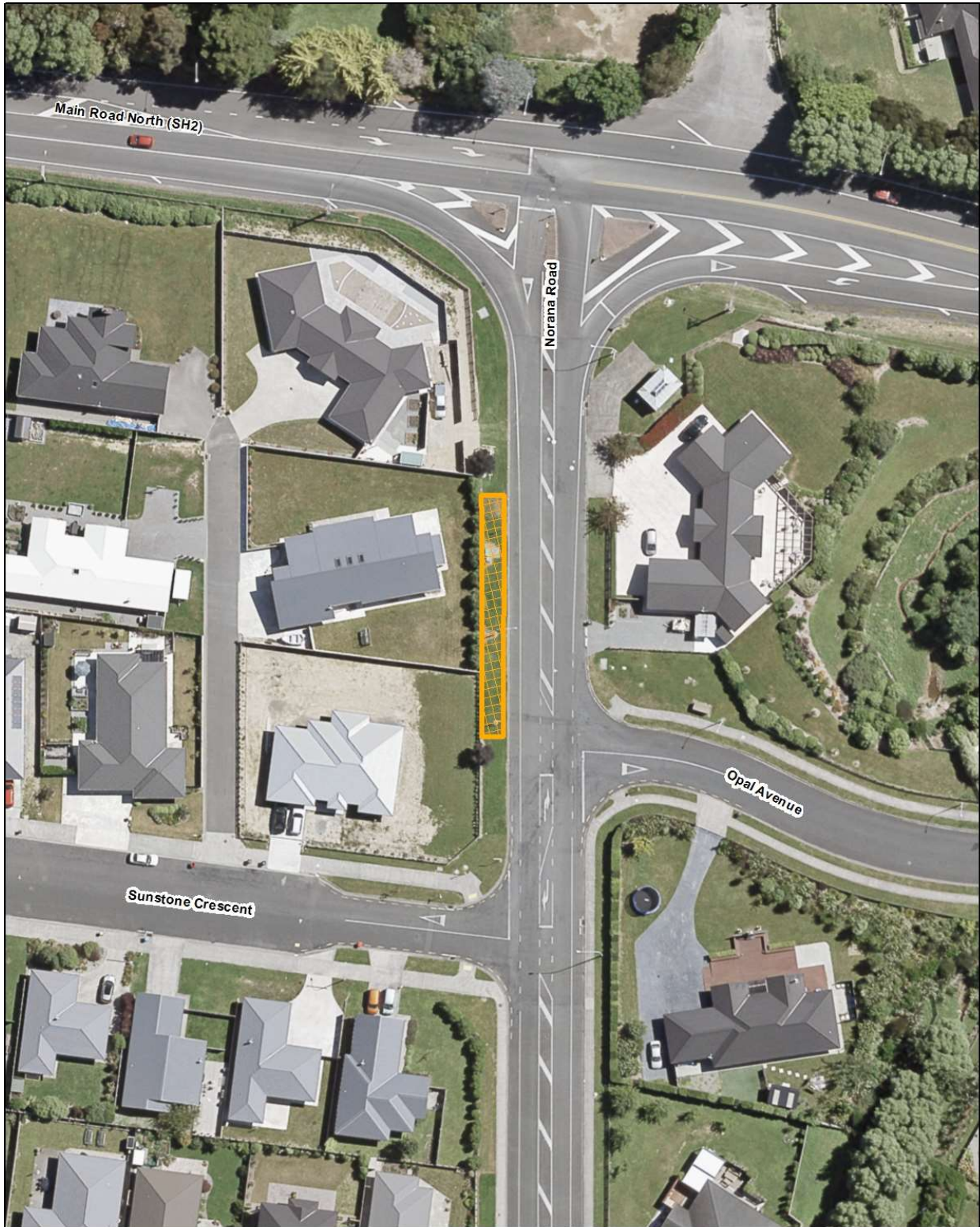


APPROVED SITE FOR TEMPORARY SIGNS

Site No. 8

On the western berm of Totara Park Road between the first and second berm trees from the bridge in the area identified on the map.

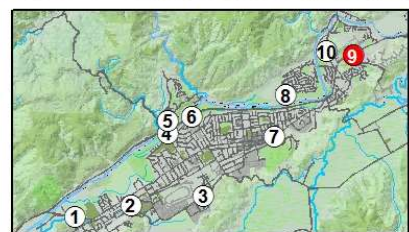




APPROVED SITE FOR TEMPORARY SIGNS

Site No. 9

On the western berm of Norana Road between Sunstone Crescent and the intersection with State Highway 2, but not visible from State Highway 2.

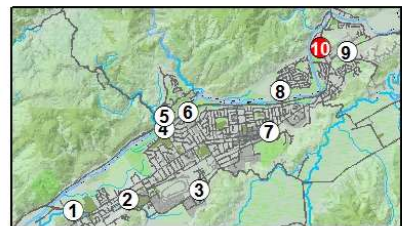




APPROVED SITE FOR ELECTION SIGNS ONLY

Site No. 10

In the Harcourt Park south of the Holiday Park sign

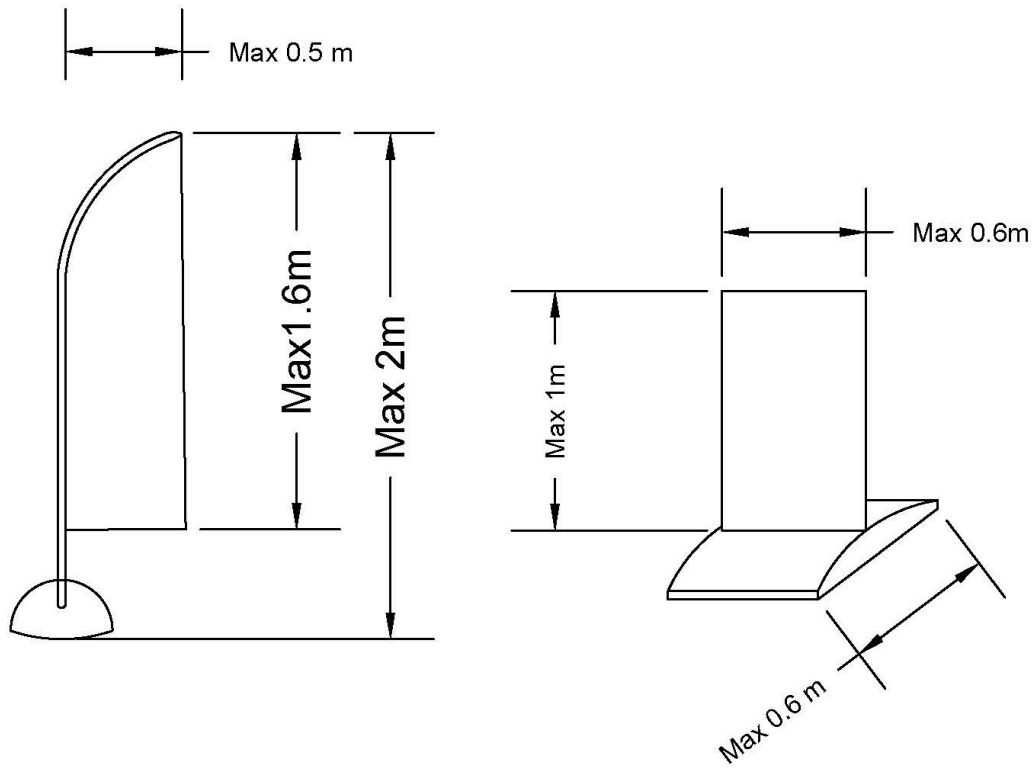


Schedule Two

Poster board locations

- Community Notice Board Blue Mountains Road
- Sign Bollard 146-148 Main Street
- In front of Pinehaven Library by bus stop on Pinehaven Road
- Corner Pinehaven and Blue Mountains Road

Schedule Three



SCHEDULE 3
