



# ROTORUA DISTRICT COUNCIL SIGNS ON ROADS BYLAW 2008

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## Part 1

**1. Introduction**

- 1.1 In pursuance of the powers and authorities vested in it by the Local Government Act 2002, and of all and every other power and authority in that behalf enabling it, Rotorua District Council hereby resolves to make the following Bylaw.
- 1.2 This Bylaw shall be referred to as Rotorua District Council Signs on Roads Bylaw 2008.
- 1.3 This Bylaw shall come into force and take effect on 1 October 2008.
- 1.4 Rotorua District Council Signs and Hoardings Bylaw 1985 is hereby revoked.

**2. Objectives**

- 2.1 The objectives of this Bylaw include:

The control of signs on roads to ensure so far as is practical:	
	- Consistency in their placement; and
	- Safety of road users; and
	- Functionality of roads.

**3. Interpretation**

- 3.1 In this Bylaw, unless inconsistent with the context:

**authorised officer** means an employee of the Council appointed to carry out general or specific duties arising from any of the provisions of this Bylaw.

**Central Business District** has the same meaning as in the operative Rotorua District Plan.

**Council** means Rotorua District Council.

**directional signs** means signs which inform the road user of the direction to a community or public facility. They are in the form of a finger board with black lettering on a white background and are not reflectorised.

**footpath** means that portion of any road laid out or constructed by or under the authority of the Council primarily for the use of pedestrians (but also for others such as cyclists where so authorised by the Council and indicated by signage); and includes the edging, kerbing and channelling thereof and any footbridge.

**freestanding sign** means a portable self-supporting sign placed on and removed from the road.

**open home sign** means a sign giving the directions to the location of an open home.

**permit** means a permit issued under Part 5 by the Council for the erection of any freestanding sign or temporary event sign.

**real estate signs** means signs advertising the sale, auction or lease of land or buildings and not being an open home sign.

**regulatory signs** means signs that are authorised or required by any statute, regulation or bylaw. These may include, but are not be limited to, health warnings, liquor bans, dog control, rural fire control closed circuit cameras and navigational safety signs.

**road** has the same meaning as in section 315 of the Local Government Act 1974, and also includes any formed or unformed part of a road including the kerb, berm and footpath as well as a motorway as defined in section 2(1) of the Transit New Zealand Act 1989.

**road controlling authority** means the authority, person or body having control of a road, and includes a person acting under and within the terms of a delegation or authorisation given by the road controlling authority.

**road network signs** means all regulatory, road, traffic, directional, visitor information and road safety signs erected on a road.

**road safety sign** means a sign erected by the road controlling authority and intended to promote road safety.

**road signs** means signs which inform the road user of a particular road. They are in the form of a finger board with white lettering on a blue background and are reflectorised.

**show home sign** means a sign giving the directions to the location of a show home.

**sign** means any symbol, display or device, drawing attention with directional or identifying information or advertising and includes any symbol, display or device which is affixed to any building or other structure or incorporated into the finish of any building (including colour schemes or branding used in the exterior finish of the building) and also includes any sign which is freestanding and able to be carried by a person.

**temporary event signs** means signs advertising events (including but not limited to of an educational, sporting, religious, cultural, charitable, entertaining, celebratory, exhibitiv or competitive nature) which occur for periods of not more than 5 consecutive days and includes signs erected for the duration of the event to facilitate the safe conduct and management of those attending.

**traffic sign** means a sign provided for by the Traffic Regulations 1976 or a Land Transport (Road User) Rule as promulgated by Land Transport New Zealand or any successor body.

**visitor information signs** means signs intended to inform of tourism attractions/facilities.

**working day** means a day of the week other than a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Xmas Day, Boxing Day, New Year's Day and Waitangi Day.

**zone** means a zone as referred to and defined in the Rotorua District Plan.

## Part 2

### Control of signs

#### 4. Control of Signs on Roads

4.1 No sign shall be displayed on a road unless:

4.1.1 The sign is authorised as of right by this Bylaw; or

4.1.2 The sign is displayed in accordance with a permit issued under this Bylaw.

#### 5. Duties

5.1 It is the duty of every person to comply with this Bylaw in relation to signs on roads.

5.2 It is the duty of every holder of a permit issued under this Bylaw to comply with, or ensure compliance with, the permit.

5.3 The holder of every permit issued under this Bylaw shall, in addition to complying with the permit, also comply with the provisions of Part 3.

5.4 Any person who displays a sign authorised under this Bylaw shall comply with the provisions of Part 3.

## Part 3

### General obligations

#### 6. General standards

- 6.1 Notwithstanding any other provision of this Bylaw or any permit issued under it, no sign shall be displayed on a road so as to:
- 6.1.1 Obscure or impair the sight distance of any vehicle/pedestrian entry or exit; or
  - 6.1.2 Obscure or impair the sight distance at or near intersections; or
  - 6.1.3 Be situated where regulatory, road safety and traffic signs are permanently displayed; or
  - 6.1.4 Be of a design or contain lettering that constitutes a hazard to traffic safety; or
  - 6.1.5 Use reflective material; or
  - 6.1.6 Be illuminated; or
  - 6.1.7 Conflict with the colour combinations or shape of traffic control signs; or
  - 6.1.8 Be constructed, placed and/or fixed in a manner which in the opinion of an authorised officer poses a potential danger to property, people or traffic; or
  - 6.1.9 Obstruct, obscure or impair the line of sight at a corner or bend, across a median strip, or between roads at a crossing junction or roundabout, or at any point of access to a highway or arterial route, or at other places where local conditions may present specific traffic hazards; and
  - 6.1.10 Contain text or illustration which in the opinion of an authorised officer is offensive.

#### 7. Repair of signs

- 7.1 All signs on roads displayed under this Bylaw shall be kept in good repair.

## Part 4

### Authorised signs

#### 8. Road network signs

- 8.1 Road network signs erected on the road by the road controlling authority are authorised by this Bylaw and are not required to be in accordance with Part 3.

#### 9. Real estate signs

- 9.1 Real estate signs are authorised by this Bylaw where such signs are in accordance with 9.1.1 to 9.1.4 and Part 3.
- 9.1.1 Location  
Real estate signs shall only be placed on, and parallel to, the boundary of the property or building being advertised in the manner shown in the diagram in Appendix 1 to this Bylaw.
  - 9.1.2 Distance of Sign from Boundaries  
The maximum distance that a real estate sign shall be placed from the boundary of the property or building being advertised is 150 millimetres.
  - 9.1.3 Maximum size  
The total area of a real estate sign shall not exceed 1.5m<sup>2</sup>.
  - 9.1.4 Maximum number of signs  
A maximum of three (3) real estate signs may be displayed, as provided for in 9.1.1 and 9.1.2 at any one time.

- 9.1.5 Duration of display  
Real estate signs authorised by this Bylaw may be displayed for the duration that the related property or building is for sale or lease; but must be removed within 10 working days of the property or building being sold or leased or withdrawn from the market.
- 9.2 Open home and show home signs are authorised by this Bylaw where such signs are in accordance with 9.2.1 to 9.2.4 and Part 3.
  - 9.2.1 Duration of display  
Open home and show home signs may be displayed on the day of the open home for a period commencing half an hour before, and concluding half an hour after, the duration of the open home.
  - 9.2.2 Number of signs  
A maximum of four (4) open home or show home signs may be displayed.
  - 9.2.3 Maximum size  
The total area of each open home or show home sign shall not exceed 0.240m<sup>2</sup>.
  - 9.2.4 Display of signs  
Open home and show home signs may only be displayed by affixation to the ground and shall not penetrate the ground by more than 150mm.
- 9.3 A flag advertising an open home or auction is authorised by this Bylaw where the flag is in accordance with 9.3.1 to 9.3.3 and Part 3.
  - 9.3.1 In an urban area the flag is displayed from a vehicle parked immediately outside or as near as is practically possible to the property subject to sale. In a rural area the flag may be attached securely to a fence adjacent to the principle entrance to the property which is subject to sale.
  - 9.3.2 The flag does not exceed 2.0 metres in height by 0.9 metres in width and is flown from a flagpole structure not exceeding 3.0 metres in height; and
  - 9.3.3 In an urban area, the base of the flagpole is not positioned more than 2.5 metres from the face of the kerb, is attached to or anchored by the associated vehicle and is not a free-standing device.
- 9.4 Temporary event directional signs
  - 9.4.1 Temporary event directional signs are authorised by this Bylaw where such signs are in accordance with Part 3 and 9.4.2 to 9.4.4.
  - 9.4.2 Display of signs – Temporary event directional signs may only be displayed behind the kerblines on local roads in any area where a 60 kilometre per hour or lesser speed limit applies, or on Transit controlled roads where a 50 kilometre per hour speed limit applies. Signs must be affixed to the ground and shall not penetrate the ground by more than 150mm.
  - 9.4.3 Maximum size – the total area of each temporary event directional sign shall not exceed 0.240m<sup>2</sup>.
  - 9.4.4 Duration of display – Temporary event directional signs may be displayed one day before, during and one day after the completion of the event being advertised.

## 9.5 Trailer mounted temporary event signage

- 9.5.1 Signs mounted on trailers advertising temporary events are permitted by this Bylaw, where such signs are in accordance with Part 3 and 9.5.2 to 9.5.4.
- 9.5.2 Maximum size – Trailer mounted temporary event advertising signs are not to exceed 2.88m<sup>2</sup> per side.
- 9.5.3 Display of signs – Trailer mounted signs advertising temporary events may only be displayed on local roads in any area where a 60 kilometre per hour or lesser speed limit applies, or on Transit controlled roads where a 50 kilometre per hour speed limit applies.
- 9.5.4 Duration of display – Trailer mounted signs advertising temporary events may be displayed one day before, during and one day after, the completion of the event being advertised.

## Part 5

### Permits

#### 10. Permits for signs

- 10.2 Except as authorised for in Part 4 of this Bylaw, no person shall display any sign on a road without having first obtained a permit from Council.
- 10.3 Except as provided for in Parts 2 and 4 of this Bylaw no person may alter, reconstruct or replace any sign for which a permit is required under this Bylaw without having first obtained a permit from Council.
- 10.4 Council may issue permits for freestanding signs in accordance with 10.4.1 to 10.4.9 and Part 3.
  - 10.4.1 Where the freestanding sign is situated:
    - i) on the road at street level adjacent to a property in the Central Business District;
    - ii) on the road at street level adjacent to a property in a Commercial B, C, D and F Zone and which is outside the Central Business District, as identified on District Plan Planning Map 26.
    - iii) on the road at street level adjacent to a property on Lake Road, Fenton Street, Clayton Road, Sunset Road, or Malfroy Road.
  - 10.4.2 Subject to clause 10.4.3, there shall be a maximum of one (1) sign for each adjacent business.
  - 10.4.3 A maximum of two (2) signs shall be authorised for premises with either two (2) street frontages or located on corner sites or with a road frontage length exceeding 27m.
  - 10.4.4 Subject to clause 10.4.5, signs shall be sited immediately adjacent to the premises' frontage with a maximum encroachment onto the footpath of 600mm from the front property boundary; and positioned so as not to obstruct the free flow of pedestrian or other authorised traffic along the footpath or through doorways.
  - 10.4.5 Signs at the Westend Shopping Centre in Old Taupo Road, Rotorua shall be located adjacent to the carriageway and shall not encroach onto the footpath more than 600mm from the kerb.
  - 10.4.6 Any freestanding signs for a business above ground floor level of any building are to be sited as close as is practicable from the principal street level entrance to the building in a manner consistent with other provisions of this section.
  - 10.4.7 The maximum size of any freestanding sign shall be no greater than 1000mm in height x 600 mm in width and 600 mm base spread.
  - 10.4.8 The advertising matter on any freestanding sign shall relate only to the business carried out in the premises.
  - 10.4.9 All freestanding signs shall be removed from the road each day after the close of the normal trading hours of the business concerned.

- 10.5 Notwithstanding clauses 10.4 to 10.9 no freestanding sign shall be granted a permit which in the opinion of Council is likely to cause undue obstruction to pedestrians or constitute a danger to people or property or is likely to be offensive or cause detraction from amenity.
- 10.6 Every application for a permit to place, erect or display a sign shall:
- (a) be made on the form provided by Council; and
  - (b) be signed by the applicant.
- 10.7 In considering any application for a permit, Council may seek such further information from the applicant as it sees fit.
- 10.8 No permit shall be issued which is inconsistent with any of the provisions of this Bylaw.
- 10.9 When issuing any permit, Council may impose any reasonable conditions which it considers appropriate.

#### **11. Transfer of permits**

- 11.2 Every permit may be transferred by the permit holder to any other person in accordance with this clause.
- 11.3 No transfer shall have effect until written notice of the transfer has been received by Council.
- 11.4 The notice of transfer shall:
- (a) be made on the form provided by Council; and
  - (b) be signed by both the transferor and the transferee.

#### **12. Revocation of permits**

- 12.2 If Council is satisfied that a person holds a permit to display a sign and has acted in breach of the permit or any part of this Bylaw relating to that sign, Council may, in its absolute discretion, revoke the permit.

### Part 6

#### **Miscellaneous**

#### **13. Consent of road controlling authority**

- 13.2 Any sign authorised by this Bylaw which requires a building consent must have the prior written consent of the road controlling authority.

#### **14. Vehicles**

- 14.1 Vehicles (including a trailer) shall not be used as a stationary platform upon which to display any sign other than a trailer mounted temporary event sign as provided for in 9.5. However, this provision does not apply to vehicles advertising a business or a person by way of professional permanent signwriting on the exterior of such vehicle.

#### **15. Unlawful interference with signs**

- 15.2 No person shall interfere with, damage or move any sign erected by the road controlling authority.

#### **16. Replacement of lost or damaged road, directional or visitor information signs**

- 16.2 Where any road, directional, or visitor information sign erected by the road controlling authority is lost or damaged, the cost of providing and erecting a replacement sign will be the responsibility of the entity/business that the sign refers to and will become a debt due and recoverable by the road controlling authority.

**17. Fees and charges**

Council reserves the right to determine by resolution, following the special consultative procedure provided for in Section 83 of the Local Government Act 2002, reasonable fees and charges for the issue of a permit to erect any sign provided for by this Bylaw and for undertaking any inspection or other work involved in discharging its responsibilities under and in terms of this Bylaw

Part 7

**Offences and powers**

**18. Offences**

18.2 Every person commits a breach of this Bylaw who:

- 18.2.1 Commits, or causes to be committed, any act contrary to this Bylaw, or
- 18.2.2 Omits, or knowingly permits to remain undone, any act required by this Bylaw, or
- 18.2.3 Refuses or neglects to comply with any notice whether given pursuant to this Bylaw, or
- 18.2.4 Obstructs or hinders any authorised officer in the performance of any power or duty conferred upon him or her by this Bylaw.

18.3 Every person who commits a breach of this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

**19. Offensive signs**

19.2 Any sign deemed to be offensive may be removed forthwith by Council without notice at the expense of the person or persons responsible for the sign. Any costs incurred by Council in removal of such a sign will become a debt due and recoverable by Council.

**20. Signs in breach of this Bylaw**

20.2 Any sign that breaches this Bylaw or any permit issued under it may be removed forthwith by Council without notice at the expense of the person or persons responsible for the sign. Any costs incurred by Council in removal of such sign will become a debt due to and recoverable by Council.

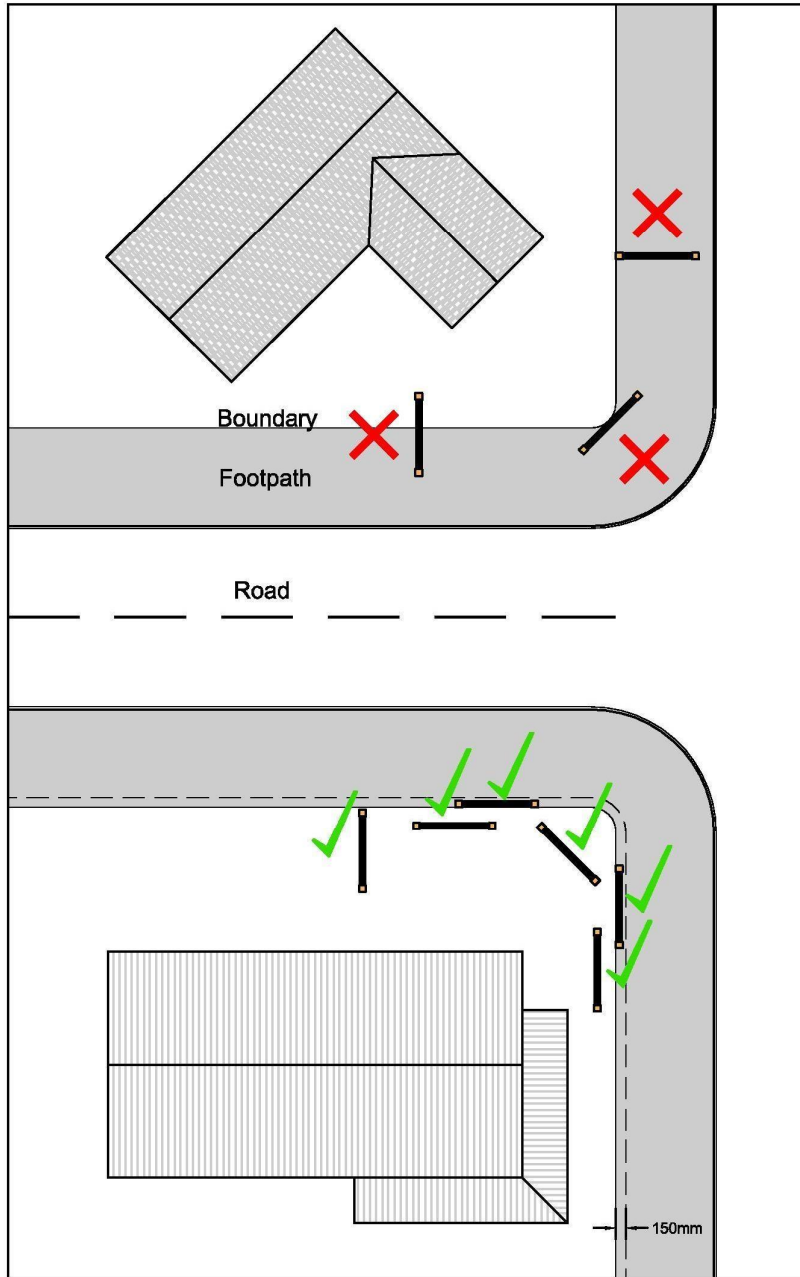
**The common seal of ROTORUA DISTRICT COUNCIL** was hereto affixed in the presence of:

.....  
MAYOR

.....  
CHIEF EXECUTIVE

### Appendix 1

Please refer to the diagram attached below (refer clause 9.1.1 of this Bylaw).



**Real Estate Signage**