

NEW ZEALAND STANDARD

Model general bylaws

CHAPTER 8

CONTROL OF ADVERTISING SIGNS

Metric units

Superseding NZS 791, Part 25

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COMMITTEE REPRESENTATION

This chapter of the model general bylaws was prepared under the supervision of the Local Government Sectional Committee (92) for the Standards Council established under the Standards Act 1965. The sectional committee consisted of representatives of the following:

- *Department of Health
- Department of Internal Affairs
- Fire Service Council
- *Municipal Association of New Zealand
- New Zealand Counties Association
- *New Zealand Institute of County Clerks
- *New Zealand Institute of County Engineers
- *New Zealand Institute of Town Clerks and Municipal Treasurers
- *New Zealand Institution of Engineers (Municipal Division)

The Building and Engineering Bylaws Committee (2/8/11) was responsible for the drafting of this chapter, and consisted of representatives of the organizations marked with an asterisk (*) in the foregoing list.

FOREWORD

NZS 791: Part 25, *Signs and hoardings*, was first published in 1954. This is the first revision.

The bylaw has been altered considerably, mainly because Town and Country Planning legislation has encouraged local authorities to control the erection of advertising material under district planning schemes, especially as to siting and other related matters. In addition, the reference to "hoardings" in the bylaw has been deleted. Provision for the control of hoardings is contained in NZS 9201: Chapter 9, *Scaffolding and deposit of building materials*.

Because of differing standards throughout New Zealand controlling the sizes of signs permitted to be erected, it was felt preferable to leave this to the local authority concerned, so "Tables A and B" have been deleted. This, together with the details of construction of any sign, will be to the standards laid down by the local authority. Accordingly the new bylaw becomes a medium for the control of advertising signs and should be read in conjunction with the planning requirements of the District scheme in force in that District. Thus the new name is simply *Control of advertising signs*.

Apart from two minor categories of advertising signs, "nameplates", and "window signs", permits will be required in all cases, but it is the prerogative of the local authority to decide whether or not it will require annual licensing of the signs otherwise permitted to be erected. In the main, the provisions of the old bylaw as to construction and maintenance of existing and new signs have been retained, but the clauses relating to removal of dilapidated signs and revocation of licences have been considerably strengthened.

RELATED LEGISLATION

Town and Country Planning Act 1953

Clause reference
herein
806.1

NEW ZEALAND STANDARD
MODEL GENERAL BYLAWS**Chapter 8****CONTROL OF ADVERTISING SIGNS****801 Interpretation**

801.1 In this Part of this bylaw, unless inconsistent with the context — **BUSINESS SIGN** means any sign displayed on a premises, the sole purpose of which is to indicate the business name of the occupier and the type of business undertaken.

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.

SIGN includes every advertising device or advertising matter of whatever kind whether consisting of a specially constructed device, structure, erection, or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto, placed, or otherwise 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.

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 a sign to announce or advertise an event, function, sale, or product, erected or displayed on any public place or private premises, and displayed only for such limited period of time as is approved in writing by the Engineer.

WINDOW-SIGN means any sign displayed in or painted, printed, written, carved, inscribed, endorsed, or otherwise fixed to or upon any window.

802 Permit required

802.1 Save as hereinafter provided in clause 804.1 no person shall display, erect, or construct for display or cause or permit to be displayed, erected, or constructed for display any sign without first obtaining a permit from the local authority, and upon the payment of such fee prescribed by resolution of the local authority from time to time.

803 Application for licence and annual fee payable

803.1 For each sign as defined herein save as hereinafter provided in clause 804.2, there may be required a licence from the local authority which may be issued upon application and upon payment of the annual licence fee prescribed by resolution of the local authority from time to time.

803.2 Every such licence, unless sooner revoked, shall expire on such day after the issue thereof as shall be fixed by the local authority and shall be renewable annually thereafter.

804 Exemptions from permit and licence

804.1 The provisions of clause 802 relating to permits shall not apply to—

- (a) Name-plates.
- (b) Window-signs.

804.2 The provisions of clause 803 relating to licences and licence fees shall not apply to—

- (a) Business signs.
- (b) Name-plates.
- (c) Sign-cases.
- (d) Temporary signs.
- (e) Window-signs.

805 Existing signs

805.1 No sign existing at the time of the coming into force of this Part of this bylaw shall be repainted, renewed, or repaired except in accordance with the provisions of this Part of this bylaw unless by special written consent of the Engineer.

805.2 Any alterations or additions to any existing sign which in the opinion of the Engineer may be necessary to render it safe and sufficient shall be made thereto before a licence is issued therefor, and any plans and specifications necessary for the full explanation of such intended alterations or additions shall be submitted to the Engineer for his written approval.

806 General requirements for siting of signs

806.1 No person shall display or erect or cause to be displayed or erected any sign except in conformity with this Part of this bylaw and with the provisions set out in the Code of Ordinances in force within the District under the Town and Country Planning Act 1953.

806.2 No person shall display, erect, or maintain or cause or permit to be displayed, erected, or maintained any sign so close to any part of a road, motorway, or to any corner, bend, safety-zone, traffic sign, traffic signal, or intersection as in the opinion of the Engineer 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.

806.3 No person shall place, display, or permit or suffer 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 as in the opinion of the Engineer would distract or be likely to distract the attention of the driver of any motor vehicle.

806.4 No person shall place, display, cause, or permit to be placed or displayed on or upon or against any public place, public building, bridge, or other structure, any post, pole, or other upright for whatever use 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 the Engineer.

806.5 No person shall cause or permit any sign other than a name-plate or sign-case to be erected over any public place unless every part of such sign is at least 2.5 m above the footpath or 5.5 m above the carriage way, and then only with the prior permission in writing of the Engineer.

806.6 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 the Engineer has been obtained.

807 General requirements for construction and maintenance of signs

807.1 No sign shall be made, erected, or constructed otherwise than in a good and workmanlike manner of materials approved by the Engineer and where required by the Engineer, in accordance with plans and specifications approved by him.

807.2 Every such sign shall at all times be maintained in good repair and condition to the satisfaction of the Engineer.

807.3 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 Engineer may, by notice in writing signed by him and addressed to the owner or lessee of the premises upon which such sign exists, 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, and if such owner or lessee shall fail to comply with the requirements of any such notice within the time therein specified he shall be liable to prosecution for an offence against this Part of this bylaw.

808 Removal of offending signs

808.1 If any sign, whether licensed or not, fails to conform to all the provisions of this Part of this bylaw, it shall be the duty of the occupier for the time being of the premises on which such sign shall have been displayed or erected, after being served with a notice in writing under the hand of the Engineer requiring him so to do, to take down and remove such sign or so much thereof as does not conform to the provisions of this Part of this bylaw within the period of time specified in such notice.

808.2 If the person on whom such notice has been served fails to comply with the terms of such notice within the time stated therein he shall be liable to prosecution for an offence against this Part of this bylaw.

808.3 If such sign be a licensed sign in terms of this Part of this bylaw, on failure to comply with the terms of such notice, the licence may be immediately revoked by the local authority.

809 Right of appeal

809.1 The applicant or the owner of a sign shall, on having been informed in writing of any decision relating to this Part of this bylaw and of the reasons therefor, have the right of appeal to the local authority, which may confirm, reverse, or modify any such decision.