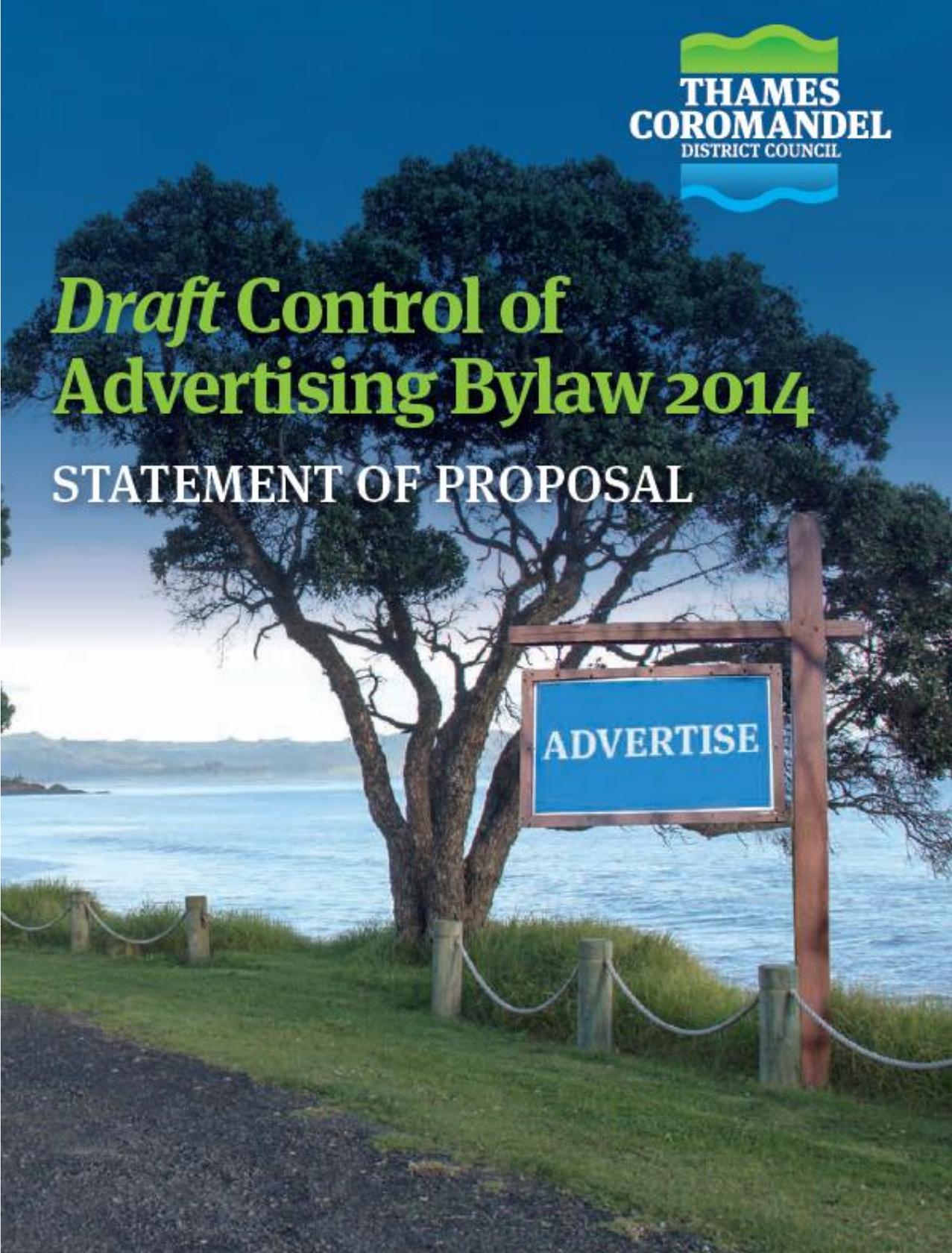


Draft Control of Advertising Bylaw 2014

STATEMENT OF PROPOSAL



ADVERTISE

www.tcdc.govt.nz/advertisingreview

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1. Introduction

The Thames-Coromandel District Council is reviewing its current Control of Advertising Bylaw 2007 (currently Part 8 of the Council's Consolidated Bylaw 2004) and is seeking your views on a proposed draft Control of Advertising Bylaw 2014.

The principal amendments to the Control of Advertising Bylaw relate to:

- ensuring alignment with the Council's District Plan, including the removal of provisions in the draft bylaw relating to heritage signs
- the inclusion of more definitions, for clarity
- including further provisions regarding sandwich board signs.

This Statement of Proposal has been prepared in accordance with the Local Government Act 2002, and includes:

- the reasons for the proposal
- the proposed draft Control of Advertising Bylaw 2014.

2. Reasons for the proposal and determinations

The Council's current Control of Advertising Bylaw is due for review. Informal community consultation and internal review suggest that some amendments should be made.

The Council considers that the proposed draft Control of Advertising Bylaw 2014 is necessary and appropriate to regulate aspects of advertising in the District, along with other mechanisms available such as via District Plan rules.

3. Background

Control of advertising can be regulated under the Local Government Act 2002, which enables a council to make bylaws for its district for one or more of the following purposes:

- Protect the public from nuisance
- Protecting, promoting and maintaining public health and safety
- Minimising the potential for offensive behaviour in a public place.

We aim for our District and our public places to be welcoming, safe and vibrant. Although advertising and signs are an important part of our environment for the information they provide, without controls there is the potential to cause adverse effects, particularly in respect to transport safety and visual amenities.

The Council's current Control of Advertising Bylaw regulates advertising and signs, by nature of placement, size, content, type (e.g. posters, sandwich boards, fixed signs, digital signs), and the visual impact that advertising and signs have in different areas of the District. This is to ensure that signs are not offensive, do not present a danger to public safety or prevent safe movement, create clutter, dominate or detract from the environment. The Council also has some provisions relating to signage under its District Plan.

It is a requirement that Council's Control of Advertising Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Process to date

We have been working through a process to review the Council's current Control of Advertising Bylaw, in line with requirements of the Local Government Act 2002. This process has included:

- internal review of the current Control of Advertising Bylaw
- informal community consultation from mid-December 2013 to mid-February 2014
- internal staff consultation
- consideration to the New Zealand Bill of Rights Act 1990
- consultation with the Council's Community Boards.

Taking the above into account, the Council has prepared a draft Control of Advertising Bylaw 2014 and is now seeking your feedback on what is proposed. You can tell us what you think by making a submission - please see below for information on how to do this.

4. How to provide your feedback

Submission forms are available at the end of this document and online at the Council's website:

www.tcdc.govt.nz/advertisingreview

The submission period opens at 4pm on 30 June 2014 and closes at 4pm on 01 August 2014.

When you make a submission please remember to tell us:

- what area of the proposed Control of Advertising Bylaw you would like to comment on
- what decision you would like made
- the reasons for your submission, and
- whether you wish to be heard by Council.

You can make a submission by:

- entering it online at: www.tcdc.govt.nz/advertisingreview
- posting it to: Thames-Coromandel District Council, Private Bag, Thames
- emailing it to: customer.services@tcdc.govt.nz
- faxing it to: (07) 868 0234
- delivering it to one of the Council Offices in Thames, Coromandel, Whitianga or Whangamata.

If you have any queries regarding this proposal or about how to make a submission, please contact Customer Services on 07 868 0200 or email customer.services@tcdc.govt.nz

Please note that only those who make a submission and request the opportunity to be heard by Council will have the opportunity to present a summary of their submission. If you wish to be heard, please make sure that you state this in your submission and include a daytime phone number and email address to ensure that you can be contacted easily.

Remember that submissions must be received by 4pm on Friday, 01 August 2014.

5. Proposed Draft Control of Advertising Bylaw 2014

Further below is a full copy of the Council's proposed draft Control of Advertising Bylaw 2014.

Main proposed changes

The proposed draft Control of Advertising Bylaw 2014 has changes to make it easier to understand. This includes using less technical language and including more definitions.

We are currently reviewing our District Plan and to avoid duplication where possible going forwards, the proposed draft Control of Advertising Bylaw is aligned with provisions under the Proposed District Plan (which generally takes the approach that signage is to be controlled under a bylaw). However, provisions for heritage signs in the current bylaw have been removed from the proposed draft bylaw as these are now covered under the Proposed District Plan.

The proposed draft bylaw also sets out in more detail the provisions for sandwich boards, to be clearer about what is permitted. The draft bylaw proposes that a sandwich board sign for a premises may be placed on the inner 1/3 portion of the footpath width adjacent to the frontage of the premises, providing there remains a minimum clear space of 1.8m of footpath for pedestrian access. These measurements are regardless of whether the premises has licence to occupy for alfresco dining.

What is proposed in the draft bylaw is based on recent community feedback and the views of the current elected Community Boards.



DRAFT Control of Advertising Bylaw 2014



Control of Advertising Bylaw 2014

Governance Policy

Policy Owner	Community Environment Group Manager		
Endorsed for consultation by	Thames-Coromandel District Council		
Description of policy	This bylaw controls the impact of advertising and signs on the visual amenity of the district without limiting the need for information about and advertising of businesses, activities and events.		
Keywords	Signage, advertising, visual amenity, events,		
Policy Number	TBC	Doc Set Number	TBC
Supersedes policy no.	10042	Superseded by	TBC
Date policy first adopted	2007	Date this version adopted	TBC
This version effective from:	TBC	Date of next review:	2024

EXPLANATORY NOTE

At the time of reviewing this bylaw the Council is reviewing its District Plan. The terminology used in the bylaw reflects the terminology in the Proposed District Plan.

The District Plan has additional controls for heritage areas. Additional controls also apply if the sign is within an outstanding or amenity landscape as shown in the District Plan maps. Please refer to the operative District Plan.

Occupiers or premises should be aware that building consents and/or resource consents may be required for specific signs. Where this is the case, this bylaw does not duplicate the provisions or rules set out in Council's District Plan.

Similarly, signs on state highways are covered under the New Zealand Transport Agency Signs on State Highways Bylaw and these provisions and rules are not duplicated here.

1 TITLE

This bylaw may be cited as the Thames-Coromandel District Council Control of Advertising Bylaw 2014.

2 REVOCATION

This bylaw revokes and replaces the Thames-Coromandel District Council Consolidated Bylaw Part 8 Control of Advertising 2007.

3 PURPOSE

3.1 This bylaw controls the impact of advertising and signs on the visual amenity of the district without limiting the need for information about and advertising of businesses, activities and events.

Broadly the outcomes sought from this Bylaw are to:

- protect the public from inappropriate positioning of advertising material,
- ensure that advertising signs are erected, maintained and displayed so that they do not present a hazard or a danger to public safety, and
- maintain aesthetic standards in the district e.g. avoidance of visual pollution.

4 DEFINITIONS AND INTERPRETATION

4.1 In this Bylaw, unless inconsistent with the context:

AREA MANAGER / AUTHORISED OFFICER	means a person who holds the position of Area Manager at the Thames-Coromandel District Council. The Area Manager may delegate responsibilities to an Authorised Officer to act on their behalf.
CAMPGROUND	means where people stay for one or more nights in: <ul style="list-style-type: none"> • A tent without a foundation; and/or • A vehicle that can be legally driven/towed to a different location on request; used for sleeping, with a tariff paid. A campground may include buildings for communal purposes (e.g. kitchen, bathrooms, utility blocks, BBQ area on the site for visitors to use, but does not include any buildings used for sleeping (refer to visitor accommodation)).
COMMERCIAL SIGN	means any sign which displays the name of the occupier of the site on which it is displayed, or advertises only the business or commercial activity carried out on that site, or the goods or services offered for sale from that site.
COMMUNITY BOARD	Has the same meaning as set out in the Local Government Act 2002.
DISTRICT	means the area controlled by Thames-Coromandel District Council.
HOME BUSINESS	means a craft, profession or service that is accessory to a dwelling on the same site. Home business does not include on-site purchase of goods, except as incidental to the home business.
DWELLING	means a building, buildings, or portion of a building that contains in a contiguous area one kitchen, at least one toilet and at least one habitable room. The dwelling has its own access from the outside or from a shared foyer. The dwelling may have more than one kitchen, however if the kitchen forms part of a second contiguous area that can be defined as a dwelling (as per above), it is a second dwelling or minor unit.
OCCUPIER/LEASEE	means a person who leases or rents a property/building or part of a property/building from the owner, for the time being.
OFF SITE SIGN	means any commercial sign that is being displayed at a location that is not the place of the business, where the goods or activity are carried out or where the product, goods or services are offered for sale.
OFFICIAL SIGN	means a sign placed, printed or erected on or above a road or public place by the Council, or with the written consent of the Council and includes a finger directional sign or information sign, all regulatory traffic and official signs approved by a road controlling authority or any sign provided for under any legislation and which is erected on a legal road or highway.
OWNER	means the legal owner of a property/building as shown on the Certificate of Title
PUBLIC PLACE	means any place that, at any material time, is: <ol style="list-style-type: none"> a) under control of Council; and b) open to, or being used by, the public, whether free or on payment of a charge; and includes: every reserve, park, domain, beach, foreshore and recreational ground under the control of

	the Council a road, whether or not the road is under the control of Council;
REAL ESTATE SIGN	means a sign used to advertise a property for sale or for lease and includes but is not limited to a "For Sale", "Auction", "Open Home", "Development", and "Subdivision" sign.
RESERVE	means any land set aside for any public purpose and shall have the same meaning as in the Reserves Act 1977.
RESIDENTIAL CARE FACILITY	means a site where more than six people or more than one family stay for one or more nights for a tariff and who are given personal care by at least one non-family-related care or service provider who may or may not live on-site.
ROAD	has the same meaning as provided for in Part 1 Preliminary and General of the Council's Consolidated Bylaw 2004.
SANDWICH BOARD	means any free standing, moveable sign advertising goods and or services that is not permanently fixed in position.
SIGN	means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, building, structure, or site, banner flag, poster, billboard, footpath/sandwich board, wind sock, blimp or projection of light to create an advertising image.
SITE	means the area of land clearly related to a particular development, application, proposal, or activity. A site contains at least one complete lot. Included in this definition are: <ul style="list-style-type: none"> • All buildings and land use that relate to a particular development, application, proposal, or activity; • The site can include more than one lot however, the lots must be adjoining.
TEMPORARY SIGN	means any sign advertising: <ol style="list-style-type: none"> a) A parliamentary or local authority election or referendum, or candidates for any such election; or support for or against the subject of any such referendum; or b) Construction or development works on a building site or demolition site; or c) Any exhibition or entertainment event.
VISITOR ACCOMMODATION	Visitor Accommodation means where a person stays in a building for one or more nights but for less than 50 days per calendar year for a tariff.

4.2 This bylaw does not apply to:

- traffic, emergency service, direction, information and naming signs erected by or with the approval of the Council,
- signs indicating hazardous substances, as defined in the Hazardous Substances and New Organisms Act 1996, used at a hazardous facility,
- signs erected pursuant to any statute or regulation.

5 SIGNS MAY BE ERECTED AS OF RIGHT

Signs of the type described in Clauses 7, 12, 13, 14, and 15 and complying with the requirements of those clauses may be erected as of right without consent under this Bylaw. However in some cases approval must be obtained from the relevant Area Manager/Authorised Officer prior to placement of the sign.

6 GENERAL REQUIREMENTS FOR ALL SIGNS

6.1 No person shall:

- (a) Display or erect any sign visible from a public place which does not comply with this Bylaw.
- (b) Place any poster on any building or structure without the permission of the owner or occupier of that building or structure;
- (c) Place or allow to remain in place any sign which explicitly or implicitly:
 - (i) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
 - (ii) Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
 - (iii) Is offensive, threatening or insulting; or
 - (iv) Incites or counsels any persons to commit any offence.
- (d) Where a sign is attached to a building the sign must not exceed a vertical distance of 2m above the height of the building to which it is attached.

7 SIGNS ON OR OVER ROADS, FOOTPATHS AND PUBLIC PLACES

- 7.1** Except as otherwise provided by this Bylaw no person shall place any sign in such a position as to be on, or project over any road, private street, or public place unless the prior permission of the relevant Area Manager/Authorised Officer (or New Zealand Transport Agency in the case of State Highways) has been obtained.

7.2 Signs on or Extending over Public Places

- (a) No sign shall be erected in on or over any public place except in accordance with the provisions of Clauses 7.2. The provisions of Clause 7.2 shall not apply to veranda signs complying with Clause 7.3.
- (b) The Council may erect official signs on or over any public place.
- (c) Signs for periods not exceeding six (6) weeks may be erected over public places subject to the relevant Area Manager/Authorised Officer's approval. Approval will only be given to a sign the content of which is restricted to information promoting a sporting or cultural event and identifies the site, hours of operation and other information related to the event.

Proprietary brand names, product symbols or motifs shall not be included in the content of the sign, except as an acknowledgement of sponsorship and where the proportion of the content of the sign related to the sponsor is restricted to not more than thirty percent (30%) of the area of the sign.

- (d) All signs placed on a reserve shall comply with the requirements of any reserve management plan for that reserve.

806.3 Veranda Signs

All signs located on verandas, over roads or public places shall be:

- (a) No closer than 2.75 m to the footpath beneath the sign;
- (b) Set back not less than 450mm from an imaginary vertical line from the road kerb;
- (c) If located on the veranda fascia, be not more than 900 mm in depth, or protrude more than 200mm from fascia;
- (d) If located under the veranda, at right angles to the fascia line, be limited to one sign per site;
- (e) If located on top of the veranda, shall not extend beyond the fascia of the building;
- (f) Restricted to only advertising businesses, services or products located on the site associated with the sign.

7.4 Sandwich Board Signs

Sandwich board signs may be displayed on public footpaths subject to the following conditions:

- (a) They shall not exceed 900mm in width, or 900mm in height.
- (b) They are placed on the inner 1/3 portion of the footpath width adjacent to the premises frontage, and there remains a minimum clear space of 1.8m of footpath for pedestrian access. These measurements are regardless of whether the premise has licence to occupy for alfresco dining.
- (c) They must be removed from the public place at the end of each trading period each day.
- (d) A fee may be charged for the use of public space occupied by the sign.
- (e) There shall be a limit of 1 sandwich board per premise.

8 SIGNS AFFECTING TRAFFIC SAFETY

No sign shall be placed or be allowed to remain where in the opinion of the Council (or New Zealand Transport Agency in the case of State Highways) that sign would:

- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic 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 not time to signal and turn safely;
- (f) Constitute or be likely to constitute in any way a danger to road users.

9 GENERAL REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF SIGNS

- 9.1** All signs and their supporting structures shall be constructed, 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 the owner of the land or building on which the sign is placed. The sign owner shall obtain any necessary building consent required for the proposed sign prior to the sign being erected.

10 LIGHTING OF SIGNS

- 10.1** Subject to Clauses 10.2 and 10.3 below, no illuminated sign shall produce more than 1000 cds/m² for signage areas less than 10 metres square and not more than 800 cds/m² for areas equal to or greater than 10 square metres (cds/m² = candelas per square metre).
- 10.2** No illuminated sign located in the Rural Zone and Lifestyle Zone (All Policy Areas) of the District Plan shall produce more than 600 cds/m² for signage areas less than 10 square metres, and 400 cds/m² for signage areas equal to or greater than 10 square metres.
- 10.3** Any sign the face of which is at a 90^o axis to the road or within 20 metres of a road and 20^o of either side of a driver's line of sight, or at road intersections, shall conform to the lower luminance levels as required for rural areas.
- 10.4** With the exception of neon signs, the lighting filament used to light any sign shall not be visible from ground level except where approved by the Council.

11 SIGNS ON VEHICLES

No person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material thereon.

12 SIGNS FOR SPECIFIC ACTIVITIES

12.1 Dwellings

A dwelling may have affixed to it one sign not exceeding 0.36 square metres in total area bearing the name of the dwelling, the names of the occupants of the dwelling and the street number.

12.2 Home Business

Signs advertising home businesses shall not exceed 1.8 metres in height above ground level. Only one sign not exceeding 0.5 square metres in total area is permitted on the site where the activity is taking place. Where the sign is a free-standing sign it may be erected on the front boundary of the site provided that the sign does not unreasonably block daylight to neighbouring properties/buildings.

12.3 Residential Care Facilities and Community and Formal Recreation Facilities and Outdoor Recreation Activities

Sign advertising Residential Care Facilities, Non-Residential Services, Facilities and Outdoor Recreation Activities shall not exceed 1.8 metres in height above ground level. Two signs not exceeding a total of 0.5 square metres in area are permitted on the site where the activity is taking place. Where the sign is a free-standing sign it may be erected on the front boundary of the site provided that the sign does not unreasonably block daylight to neighbouring properties/buildings.

12.4 Visitor Accommodation and Campgrounds

Signs advertising Visitor Accommodation and Campgrounds shall comply with the following requirements.

- (a) For facilities catering for up to and including 12 people, signs shall not exceed a height of 1.8 metres above ground level. Only one sign not exceeding 0.5 square metres in total area is permitted on the site where the activity is taking place. Where the sign is a free-standing sign it may be erected on the front boundary of the site provided that the sign do not unreasonably block daylight to neighbouring properties/buildings.
- (b) For facilities catering for 13 or more persons a maximum of two signs not exceeding a total of 0.5 square metres in total area are permitted on the site where the activity is taking place. Where the sign is a free-standing sign it may be erected on the front boundary of the site provided that the sign does not unreasonably block daylight to neighbouring properties/buildings.

12.5 Industrial Activities

Signs advertising Industrial Activities shall not exceed 1.8m in height above ground level. Two signs not exceeding a total of 0.5 square metres in area are permitted on the site where the activity is taking place. Where the sign is a free-standing sign it may be erected on the front boundary of the site provided that the sign does not unreasonably block daylight to neighbouring properties/buildings.

12.6 Rural Commercial Activities

Signs advertising rural commercial activities shall not exceed 1.8 metres in height above ground level. A maximum of two signs not exceeding a total of 0.5 square metres in total area on the site where the activity is taking place is permitted. Where the sign is a free-standing sign it may be erected on the front boundary of the site provided that the sign does not unreasonably block daylight to neighbouring properties/buildings.

12.7 All Public Works and Utilities

It is anticipated that all signs associated with Public Works and Utilities will be Official signs or are signs that are consistent with the designation that applies to any particular site (for example New Zealand Transport Agency designated sites for highways, Ministry of Education designated sites for schools etc). Signs such as official signs on highways may also be covered by other legislation.

13 REAL ESTATE SIGNS

All real estate signs shall be placed on/or adjacent to the property to which they relate. No signs shall be displayed off site with the exception of directional signs identified in clause 14.4.

(a) General Real Estate Sales

- (i) Not more than one sign is permitted for each Real Estate Company advertising the intention to sell or lease the land or premises on which the sign is displayed. Where a property backs onto a reserve or onto another street other than a corner site, one additional sign for each real estate company is permitted.
- (ii) For properties accessed by way of a right-of-way where the sign is placed on the road frontage and is at right angles to the road, the advertising may be reproduced on both the front and back sides of the sign.
- (iii) Signs shall not exceed 1.8m high by 0.9 width (excluding supporting structure). Signs may be situated on the front boundary of the site provided that they do not unreasonably block daylight to neighbouring properties/buildings.
- (iv) Proprietary brand names, product symbols or motifs related to the Real Estate Company shall be limited to not more than 30% of the area of the digital sign.
- (v) After the property has been sold no sign shall remain displayed for more than one week.

(b) Subdivision Land for Sale

- (i) Any sign advertising subdivision land for sale shall note if consent has not been granted.
- (ii) Not more than one sign advertising subdivision land for sale is permitted for each subdivision without the prior approval of Council.
- (iii) No sign advertising subdivision land for sale shall be displayed for a period exceeding 12 months at which time the sign must be reviewed and updated.
- (iv) Signs shall not exceed 1.8m high by 0.9 width (excluding supporting structure). Signs advertising subdivision land for sale may be situated on the front boundary of the subdivision site provided that they do not unreasonably block daylight to neighbouring properties/buildings.

(c) **Sale by Auction**

- (i) No signs advertising real estate for sale by auction shall be displayed for a period exceeding four weeks without the consent of the relevant Area Manager/Authorised Officer.
- (ii) No sign advertising real estate for sale by auction shall continue to be displayed for a period exceeding one week following the date stated on the sign for the auction.
- (iii) Signs shall not exceed 1.8m high by 0.9 width (excluding supporting structure). Signs may be situated on the front boundary of the site provided that they do not unreasonably block daylight to neighbouring properties/buildings.

14 DIRECTION SIGNS

14.1 Only a direction sign approved under Clause 14.2 or 14.4 shall be erected away from the site on which the activity takes place.

14.2 No more than two direction and identification signs to businesses providing accommodation for the travelling public will be erected on Council road to identify the location of the business.

14.3 A fee may be charged for this service if a cost is incurred by the Council.

14.4 Offsite real estate directional signs shall be limited to advertising open homes and auctions. No sign shall exceed 0.2 square metres in area. Signs shall be limited to identifying the direction to where the auction or open home is taking place.

All real estate directional signs shall be placed no more than 3 hours before the open home or auction takes place and must be removed within 3 hours of the completion of the open home or auction.

15 TEMPORARY SIGNS

15.1 Sporting, Community or Cultural events

- (a) Temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to one sign located on the site of the forthcoming event unless the prior written consent of the relevant Area Manager/Authorised Officer has been obtained.
- (b) Other signs advertising festival and events shall comply with Clauses 7.2(c) and 14.

15.2 Election or Referendum Signage

- (a) No temporary signs advertising candidates for an election or a referendum shall exceed 3 square metres in total area.
- (b) No temporary sign for an election or a referendum shall be placed on any reserve or public place.
- (c) No temporary sign for an election or a referendum shall be erected earlier than 2 months before polling day and shall be removed the day before polling day.
- (d) Nothing in this bylaw purports to authorise any matters which are prohibited or otherwise controlled by legislation governing any election or referendum.

15.3 Construction Signs

- (a) Not more than one sign advertising a trade or business, construction or development works on a building site or demolition site is permitted for each site.
- (b) No sign advertising construction or development works on a building site or demolition site shall exceed 0.6 square metres in total area (excluding supporting structure) or exceed a height of 1.8 metres.
- (c) Trade advertising signage shall be removed within 1 week after the completion of any development or construction work.

15.4 Except with the permission of the relevant Area Manager/Authorised Officer temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.

15.5 No person shall on any land or premises commence or continue to display, fix, erect, re-erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of:

- (a) Any temporary sign for a period greater than 4 months in any 12 month period; or
- (b) Any temporary sign for more than two days following completion of the event/works to which the sign relates;

15.6 The Council may grant an extension to the time limits specified by 15.5.

16 EXEMPTIONS

16.1 Existing Signs

Where a sign lawfully existed prior to the coming in to force of this Bylaw, but it does not comply with the performance standards of this Bylaw it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of its non-compliance with this Bylaw.

16.2 Non-Compliant Signs

A sign that does not comply with the requirements of this Bylaw and is not a sign referred to in 14.1, shall be removed or otherwise made to comply within six months of the adoption of this Bylaw.

16.3 Dispensations

Where considered unreasonable or impractical to enforce the provisions of this Bylaw the owner may, in writing, request that the Council consider a dispensation. Dispensations will be considered by the Council (or relevant Council Committee) on a case by case basis and the granting of dispensation must be done so in writing.

17 REPAIR OR REMOVAL OF SIGNS

17.1 An Area Manager, Authorised Officer or the Chief Executive, may, by notice in writing require the owner, occupier or lessee of any land on which any unsightly, off site, non-complying, unsafe or unauthorised sign is located, to alter, repair or remove such sign within a period stated in such notice.

17.2 Where the owner or user of a sign, or the owner of land on or over which a sign is located, receives a notice given under Clause 17.1 that person shall comply with the requirements of the notice within the time specified in the notice.

17.3 Where any person has been required under Clause 17.1 to alter, repair or remove any non-complying, unsafe, or unauthorised sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this Bylaw.

- 17.4** Where any person fails to comply with any requirement to alter, repair or remove any sign the Council may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable from the owner of the sign or the owner of the land on or over which the sign was placed.
- 17.5** Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal, transport and storage.
- 17.6** Any sign that remains unclaimed for a period not exceeding six months after it was seized and impounded may be sold or otherwise disposed of by the Council under section 168 of The Local Government Act 2002. Where such sign is sold, the proceeds of sale shall be applied first towards the payment of the costs incurred in seizing, impounding, transporting, storing and disposing of the property. Any surplus shall be paid to the owner of the property.
- 17.7** The Council may alter or remove any poster that has been placed on any:
- a) Building or structure with the permission of the owner of that building or structure; or any
 - b) Surface, building or structure in a public place not being a designated poster site; and
 - c) Recover the costs of removal from the persons placing the poster.

18 OFFENCES

It shall be an offence against this Bylaw to:

- 18.1** Display any sign which is prohibited by this Bylaw; or
- 18.2** Display any sign which does not comply with the provisions of this Bylaw; or
- 18.3** Fail to comply with any notice referred to in this Bylaw.

19 PENALTIES

- a) Subject to anything to the contrary, every person who commits an offence against this Bylaw shall be subject to the penalties set out in section 242(4) of the Local Government Act 2002.
- b) Under section 163 of the Local Government Act 2002 the Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- c) The Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- d) Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- e) The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- f) The Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

EFFECTIVE DATE

This Bylaw will come into effect on [date].

The COMMON SEAL of the)
THAMES-COROMANDEL)
DISTRICT COUNCIL was hereto)
Affixed in the presence of:)

_____ Mayor

_____ Chief Executive

6. Submission Form - Proposed Draft Control of Advertising Bylaw 2014

Submissions must be received by 4:00pm on Friday, 01 August 2014

(Please print clearly in dark pen)

First name:	
Surname:	
Organisation (if applicable):	
Phone:	
Email:	
Postal address:	
Postcode:	
Date:	
Area of residence in the District:	
<input type="checkbox"/> Ratepayer	
<input type="checkbox"/> Non-residential ratepayer	
<input type="checkbox"/> Usual resident	
<input type="checkbox"/> Other	

Please indicate (tick) if you DO want to speak in support of your submission.

1. Do you consider that, if enforced, the proposed draft Control of Advertising Bylaw 2014 would provide appropriate controls in the District?

Yes

No

Neutral

2. Comment:

13. Please make any further comment below, and attach additional pages if required

Thank you for taking the time to provide your feedback.

Please note that all submissions will be made available to the public for viewing.