

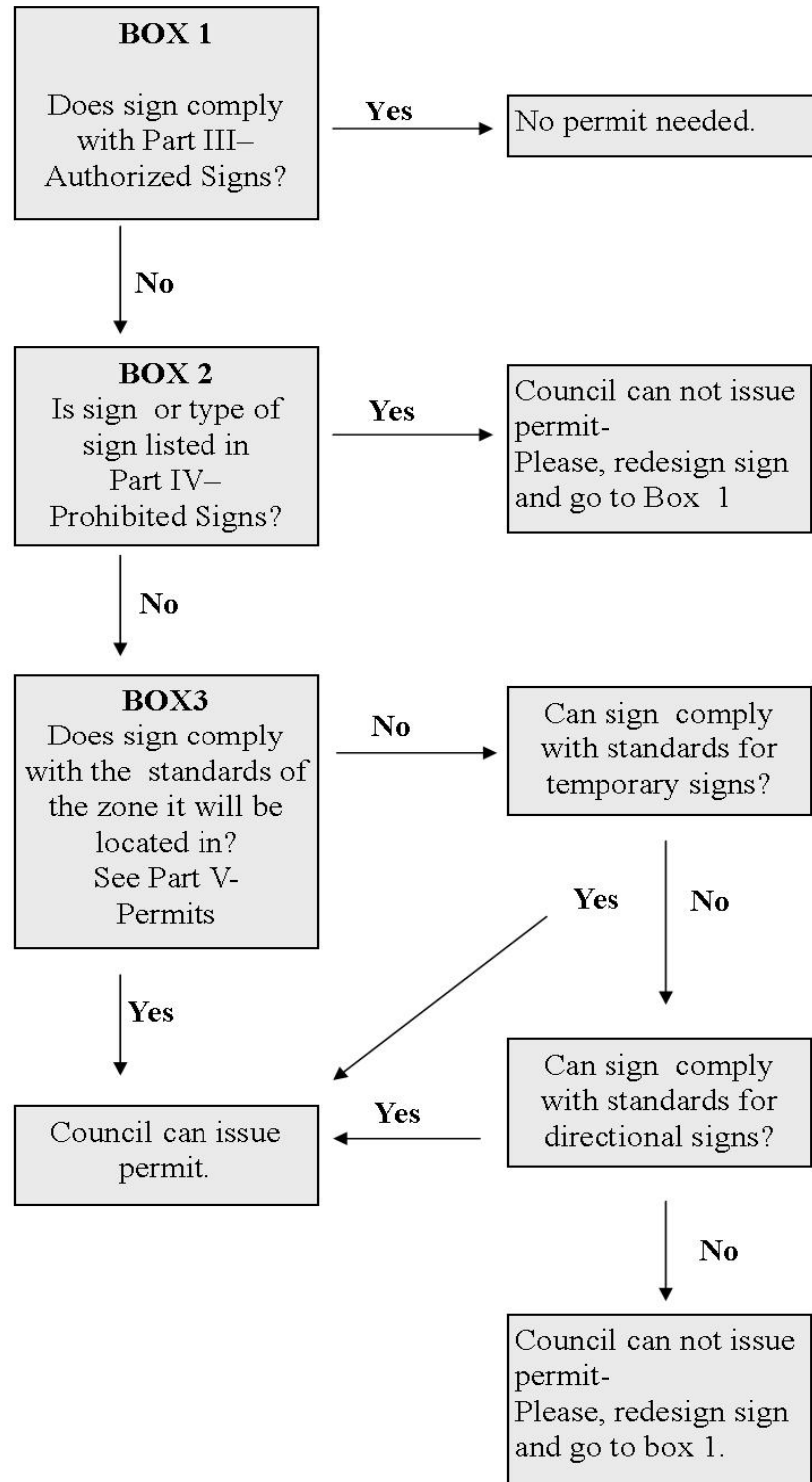


**KAIKOURA  
DISTRICT COUNCIL**

# Kaikoura District

## (Signs) Bylaw

## *Flow Chart for Assessment for a Sign Permit*



# PART I INTRODUCTORY

## 1. TITLE

This bylaw may be cited as the Kaikoura District (Signs) Bylaw 2009.

## 2. COMMENCEMENT

This bylaw shall come into force on the 1st day of January 2009

Bylaw prepared under section S145 of the Local Government Act 2002 and s684 of the Local Government Act 1974.

## 3. SCOPE

The purpose of the bylaw is to ensure that signs are erected, maintained and displayed in a manner that does not present a hazard or a danger to public safety. The Bylaw is also to ensure that the amenity values of the District are maintained and enhanced.

Note: Transit New Zealand as a road controlling authority has its own bylaws for the control of signs on State Highways. However a permit issued by Council is required for all signs erected on the State Highways unless authorized under Part III of the Kaikoura District Signs Bylaw.

## 4. PURPOSE

The purpose of signs and other forms of outdoor advertising is to convey information to the public. Although signs are essential throughout the District for the information they provide to the public, they have the potential to cause adverse environmental effects, particularly in respect of transport safety and visual amenities.

The ability of the environment to accommodate signs varies considerably between commercial, residential and rural environments. The greatest concentration of outdoor advertising is in commercial areas where signs are necessary for business promotion. However, in residential and rural areas, where the maintenance and enhancement of amenity values are important, the potential adverse effect of signage is of greater significance.

Signs and outdoor advertising have the potential to adversely affect traffic and pedestrian safety. They could be placed in inappropriate locations or be of inappropriate sizes, forms or designs and may distract drivers. The potential adverse effects of signs on traffic safety are most significant on roads such as State Highway 1 where the potential for traffic accidents is significant due to higher traffic volumes and speeds.

Section 32 of the Resource Management Act allows effects of activities to be controlled by means other than rules in a District Plan. A signs bylaw on its own is considered the most effective and efficient way of controlling adverse effects of signs. A bylaw allows effects of signs to be adequately controlled through a permit system, while avoiding the additional time and expense involved in the resource consent process.

Advertising signs are restricted in the bylaw to sites on which they relate except for special events. This is to avoid proliferation of signs along the margins of roads and adjacent to intersections. However, Transit New Zealand has a policy of providing for tourist and motorist service signs at appropriate locations on state highway reserves to advertise qualifying activities which are remote from the highway.

Signs located on footpaths have the potential to impede pedestrian access. In particular, signs located on footpaths in the West End commercial area have the potential to have adverse effects on pedestrian safety due to the number of businesses and the number of people using the footpaths in this area. For this reason A-frame or sandwich board signs require a permit under the Signs Bylaw and are not permitted in the residential areas.

The number, size, form and location of signs are therefore controlled in all areas, under the Signs Bylaw.

## PART II INTERPRETATION

### 5. DEFINITIONS

1. In this bylaw, unless the context otherwise requires:

**Above ground floor sign** is a sign placed in or on a building above the ground floor area.

**Access way** has the same meaning as in Section 315(1) Local Government Act 1974 which states:

**Access way** means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development [or, on or after the 1st day of April 1988, the Minister of Lands] for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve.

**Advertising Face Area (AFA)** In the business zones and Kaikoura Peninsula Tourism Zone the Advertising Face Area shall be taken as the total exterior wall area facing in one direction on any side of a building as shown in figure 1. Each AFA shall be seen as one sign for the purpose of fees although it may contain more than one type of sign (for example an AFA may have a veranda sign and an above ground floor sign).

AFA will be either a primary or secondary face area. Each building will have one AFA which will be seen as the primary face area as nominated by the applicant and the rest of the AFA's shall be secondary face areas. If a building face is below the road it faces, only the area of the building above the road level will be used to calculate the advertising face area as shown below in figure 2. If more than one business shares a building, each business frontage shall receive a share of advertising face area proportional to the area that the business occupies within that advertising face area. Please see section 6. Determining the Measurements of All Signs to calculate the area of the signs within an AFA.

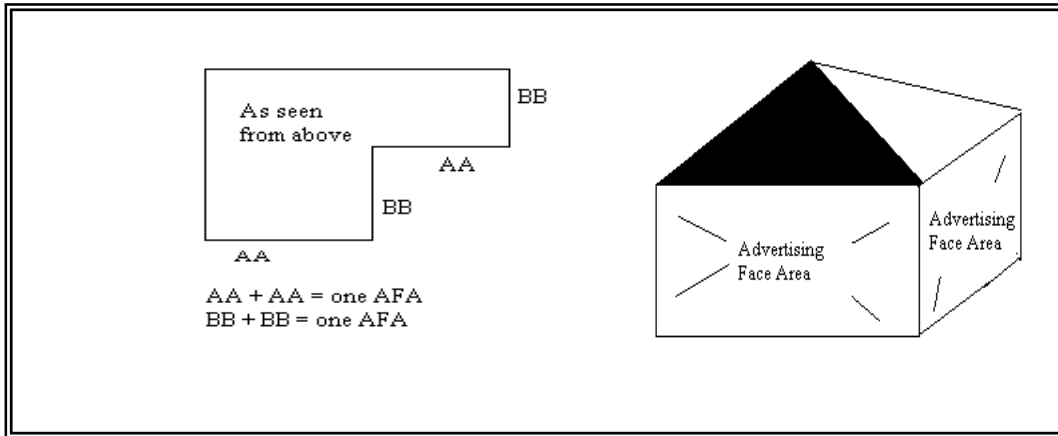


Figure 1

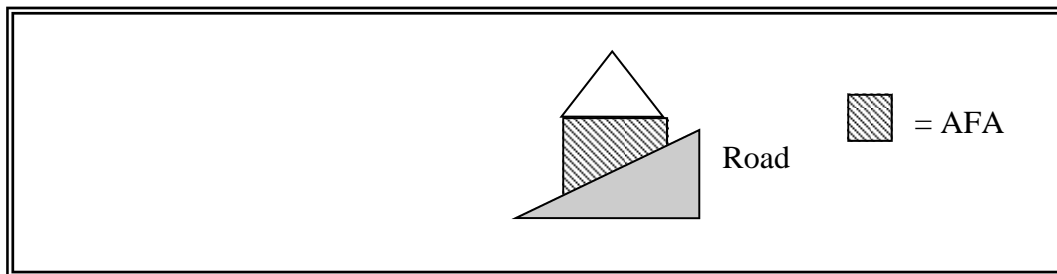


Figure 2

**Arcade** is a building which is used for one or more business activities and which does not have frontage to a road but does have frontage to an access way.

**Authorised sign** means a sign authorised by Part III of this bylaw.

**Banner** means any sign made of flexible material, suspended in the air and supported on more than one side by poles, ties, or cables.

**Bed** in relation to water has the same meaning as in the Resource Management Act 1991

**Building** has the same meaning as in Section 3 of the Building Act 1991.

**Business Zones** as described in the Kaikoura District Council proposed and subsequently operative District Plan and planning maps and include business a, b, and c, business park the airport reserve and the mixed use area of the Ocean Ridge Comprehensive Living Zone.

**Captive balloon** means a non-powered balloon for advertising purposes, which is tethered to a site or structure on a site.

**Council** means the Kaikoura District Council.

**Commercial Sexual Services** has the same meaning as defined in the Prostitution Reform Act 2003

**Display** includes:

- To construct or maintain
- To cause, permit or allow to be displayed.

**District** means the area for the time being administered by the Kaikoura District Council

**District Signs Officer** means any person appointed by the Council under Clause 34 to exercise the powers and functions of the District Signs Officer under this bylaw

**Enforcement Officer** means any person appointed by the Council under Clause 27 to carry out all or any of the functions of an Enforcement Officer under this bylaw.

**Flashing sign** means a sign with lights or any other forms of illumination which flash, move, rotate, scintillate, blink, flicker or have any similar visual effect or which varies in intensity or in colour, or which uses intermittent electrical pulsations. These signs are prohibited.

**Flatboard sign** is a portable flatboard sign which is not self-supporting.

**Footpath** has the same meaning as in Section 315(1) of the Local Government Act 1974.

**Freestanding Flag** means a sign intended for the purposes of advertising or to attract attention but which is mounted on a flagpole or similar device and which is usually made from fabric,

textile or cloth. National flags are not considered freestanding flags for the purpose of this by-law.

**Freestanding sign** means a self-supporting sign not attached to a building and includes a sign on a fence and excludes a sandwich board or flat board.

**Ground floor sign** is a sign displayed in or on the ground floor of a building and includes:

- Any sign attached to the interior or exterior of any external ground floor window; and
- Any sign displayed under a veranda; and
- A sign on the outside face of a veranda; and
- Any freestanding sign on or associated with the site of the building.
- The area of ground floor windows and veranda faces.

Ground floor sign does not include any sign above any veranda.

**Illuminated sign** includes:

- Any sign the whole or any part of which is illuminated by any means and
- A sign on a light of any kind.

**Kaikoura Peninsula Tourism Zone** for the purpose of this bylaw is as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps.

**Ladder Board** means a sign constructed with two vertical uprights between which are displayed at least two advertising signs belonging to separate businesses.

**Marine Facilities Zone** as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning Maps.

**Motel /Hotel Duty Manager Sign** means a sandwich board for the expressed purpose of notifying tourists of which motel or hotel is the duty manager for that night.

**Moving signs** means a sign which physically moves or appears to move in whole or in part. This excludes captive balloons, flags or banners. Moving signs are prohibited.

**Noise sign** includes any version or type or part of a sign that attracts attention and notice in an aural manner or by any form of aural device or projection. Noise signs are prohibited.

**Obsolete** sign means a sign which contravenes Clause 30 of this bylaw.

**Occupier** has the same meaning as in the Local Government Act 1974.

**Ocean Ridge Comprehensive Living Zone** for the purpose of this bylaw is as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps.

**Offsite sign** is a sign which does not relate to goods or services available at the site where the sign is located; or an event at the site where the sign is located; and is authorised only under clause 20.E of this By-Law.

**Owner** has the same meaning as in the Local Government Act 1974.

**Permit** means a permit issued under Part V of this bylaw and includes all conditions contained in the permit.

**Person** includes a corporation sole, a body corporate, and any unincorporated body of persons.

**Prohibited** sign means a sign prohibited by Part IV of this bylaw. No person shall be allowed to apply for a prohibited sign.

**Public facilities** means any facilities that, at any time, are available to or are used by the public, whether of right or not, and, whether for free or for payment of a charge, but does not include any place used for accommodation, or for the sale or supply of goods or services or both.

**Public place** includes any place that, at any time, is open to or is being used by the public, whether of right or not, and whether for free or for payment of a charge.

**Residential Zones** as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps. Residential zones for the purpose of this bylaw include Residential A , Residential B and Residential areas A,B,C and Low Density Area D and D(i) of the Ocean Ridge Comprehensive Living Zone, the Lifestyle Living Area of the Kaikoura Peninsula Tourism Zone and the settlement zones.

**Reserve** has the same meaning as in the Reserves Act 1977.

**River** has the same meaning as in the Resource Management Act 1991

**Road boundary** of a site means a boundary of a site contiguous to a boundary or proposed final boundary of any legal road (other than an access way or service lane).

**Road** has the same meaning as in Section 315(1) of the Local Government Act 1974.

**Roof line** is the highest part of any building being roof or parapet. No sign shall be located higher than the roofline.

**Roof sign** includes a sign painted on or attached to a roof.

**Rural zone** for the purpose of this bylaw are as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps.

**Sandwich board** is a self-supporting and portable sign. Sandwich boards are only allowed in the business zones and the Kaikoura Peninsula Tourism Zone.

**Settlement Zone** for the purpose of this bylaw are as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps. Settlement zone is controlled under the residential standards of the signs-bylaw.

**Service lane** has the same meaning as in Section 315(1) of the Local Government Act 1974 which states Service lane means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development [[or, on or after the 1st day of April 1988, the Minister of Lands]] for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

**Sign-** for the purpose of this bylaw includes:

- Any name, figure, character, outline, display, delineation, announcement, design, logo, painting or other artwork (excluding all other art work which does not contain words or logos), poster, handbill, hoarding or any other thing of a similar nature which is:
- All material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing;
- A banner, captive balloon, flag, flashing sign, flat board, freestanding sign, illuminated sign, moving sign, roof sign, sandwich board, streamer which is:
  - intended to attract attention; and
  - is visible from a road or any public place

**Site-** In this bylaw, "site" means:

- When used in relation to land, means any land which is lawfully permitted to be used for an activity and which:-
  - If it is under the Land Transfer Act 1952, is contained in one Certificate of Title; or
  - If it is subject to a Unit Plan under the Unit Titles Act 1972 is, the whole of the land comprised in a Unit Title on the Plan; or
  - If the land is not subject to the Land Transfer Act or Unit Titles Act is the whole of the parcel of land last acquired under one instrument of conveyance:
- "Site" includes the air space above land or water.
- A "site" intersected by a road, river or railway line shall constitute one site.
- If a "site" is used for any activity in conjunction with any other site or sites, then for the purpose of this bylaw all sites are deemed to be one site if:
  - the sites adjoin one another; or
  - the sites are intersected by a road, river or railway line.
- If any "site" is crossed by a zone boundary under the District Plan, the site is deemed to be divided into two or more sites by the zone boundary.
- Where a "site" is situated partly within the district of the Council and partly in an adjoining district, then the part situated in the district shall be deemed to be one site.

**Temporary Sign** means any sign advertising:

- A parliamentary, local authority, health board or board of trustee election, or candidates for any such election; or
- Construction or development works on a building site or demolition site; or
- An auction or the intention to sell or lease any land or premises; or

— Any exhibition, activity or entertainment event.

**Traffic sign** has the same meaning as in the Traffic Regulations 1976.

**Under veranda sign** means a sign attached to the under side of a veranda.

**Vehicle** has the same meaning as in the Transport Act 1962.

**Veranda** means a roof of any kind which extends out from a face of a building and which continues along the whole of that face of the building.

**Veranda face** has a corresponding meaning and includes that the whole or part of the area of the veranda that is parallel or perpendicular to a road or access way.

**Visitor accommodation** shall have the same meaning as is given in the District Plan for Kaikoura.

## 6. DETERMINING THE MEASUREMENTS OF ALL SIGNS

1. For the purposes of this Bylaw:
  - a. The height of a sign means the vertical distance from either:
    - i. The base of the sign; or
    - ii. If the sign is a freestanding sign:
  - b. From the level of the ground before any work is done to prepare the site for the sign to the highest point of the sign.
2. Where the supporting poles emerge from the ground at different levels, the distance from the top of the pole to the lowest ground level shall be the maximum as measured as shown below in figure 3.

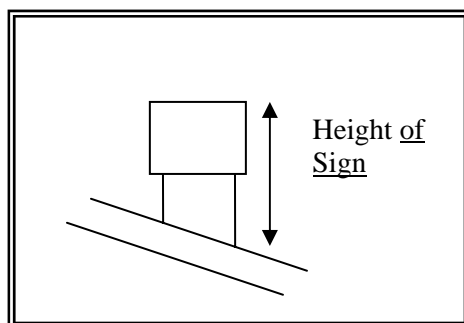


Figure 3

3. The width of a sign means the horizontal distance across the sign measured at its greatest extent.
4. The thickness or depth of a sign means the distance at right angles to the face of a sign and "thick" shall be construed accordingly.
5. The area of a sign means the surface area of a sign.
6. If a sign is displayed on a wall or window: the area of a sign means the area actually or notionally enclosed, as the case may be, by the outside of a line drawn around the sign as indicated in the figure 4:

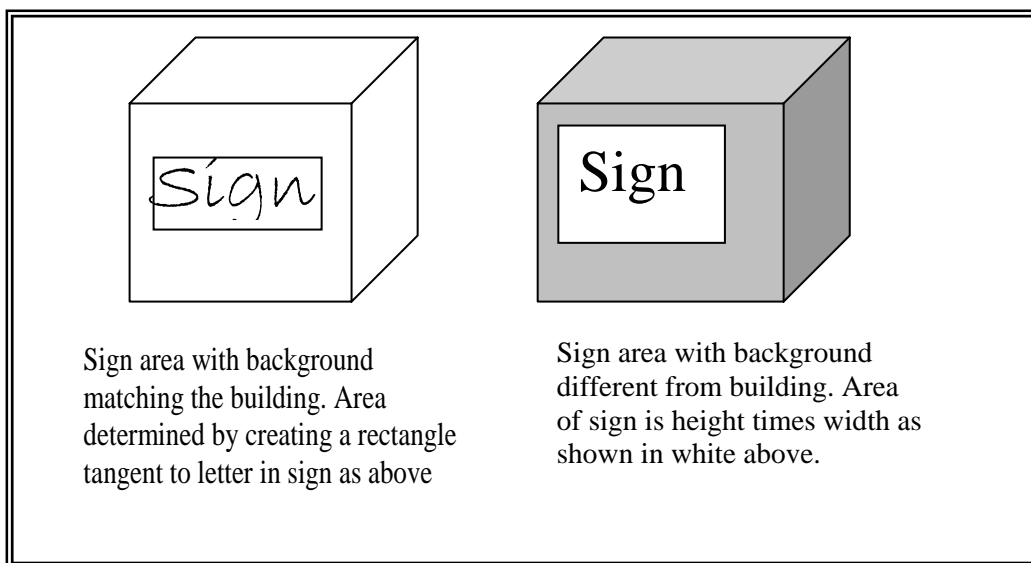


Figure 4

7. Ground floor area shall be measured:
  - c. horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage; and
  - d. vertically by the height from the surface of the road, footpath, access way or service lane or as the case may be to the point at which the veranda, if any, meets the wall of the building or to a height of 3m above the surface of the road, footpath, access way or service lane, whichever is less.

## 7. INTERPRETING AND APPLYING THIS BYLAW:

1. The singular includes the plural
2. The plural includes the singular
3. Words referring to one gender include all other genders.

## 8. REFERENCES TO OTHER LEGISLATION

1. A reference in this bylaw to any statute, regulation, plan or bylaw (unless the context otherwise requires) includes reference to all later statutes, regulations, plans, changes to plans and bylaws made in amendment or substitution of the statute, regulation, plan or bylaw cited.

## 9. EFFECT OF OTHER LEGISLATION

1. Compliance with this bylaw does not remove the need to comply with any Act, regulations, rules of law or any operative or proposed regional or district plan under the Resource Management Act 1991 or any other bylaw.
2. This bylaw shall have full force and effect unless inconsistent with any Act, regulations or the provisions of any operative or proposed regional or district plan under the Resource Management Act.

# PART II - CONTROL OF SIGNS

## 10. CONTROL OF SIGNS

1. No sign shall be displayed unless:
  - a. The sign is authorised by this bylaw; or
  - b. The sign is displayed in accordance with a permit issued under this bylaw.
2. No person shall display a prohibited sign.

## 11. DUTIES

1. It is the duty of every person in the district to comply with this bylaw in relation to signs.
2. It is the duty of every holder of a permit issued under this bylaw to comply with or ensure compliance with the permit.
3. The holder of every permit issued under this bylaw shall, in addition to complying with the permit, also comply with the following Clauses:
  - a. Clause 29- Repair of signs
  - b. Clause 30 - Obsolete signs
  - c. Clause 32 - Names and addresses to be supplied
  - d. Clause 33 - Powers of entry
  - e. Clause 34 - Notice of non-compliance
  - f. Clause 40 - Fees.
4. The holder of every permit shall also comply with the standards, if any, prescribed by this bylaw for a sign of the kind authorised by the permit.

# PART III - AUTHORISED SIGNS

## 12. FOR SALE SIGNS

1. Except as provided in subclauses 12.3 and 12.4 one sign advertising each site for sale may be displayed by each real estate agent instructed in writing by the vendor of the site if:
  - a. The sign is located on the site; and
  - b. The sign has an area of up to 1.0m<sup>2</sup>; and
2. A maximum of three signs shall be displayed at any site at any one time.
3. If a site is to be sold by auction one sign advertising the site is for sale by auction may be displayed if:
  - a. The sign is located on the site; and
  - b. The sign has a maximum area of 2m<sup>2</sup> in business zones and 1.08m<sup>2</sup> in all other zones
  - c. The sign is not illuminated.
4. If a site is offered for sale as two or more sites, each real estate agent instructed in writing by the vendor may display one sign advertising the sale of those sites if:
  - a. The sign is located on the site; and
  - b. The sign has a maximum area of 1m<sup>2</sup>; and
  - c. The sign is not illuminated; and
  - d. A maximum of three signs shall be displayed at any site at any one time.

## 13. VEHICLE SIGNS

1. Signs on or attached to vehicles are permitted provided that the display is incidental to the principal use of the vehicle as a means of transport or conveyance. No vehicle shall be visible to the public for the sole purpose of advertising.

**Note:** Incidental to the principal use means the vehicle has a current registration and warrant of fitness and is used in the day to day operation of the business.

## 14. CONSTRUCTION SIGNS

1. One sign may be displayed on a construction, development, building or demolition site if the sign:
  - a. Is a freestanding sign; and
  - b. Has a maximum area of 1.5m<sup>2</sup>; and
  - c. Is not illuminated; and
  - d. Is not displayed more than 30 working days before work commences; and
  - e. Is removed within fourteen days of completion of the work; and
2. Only contains information naming:
  - a. The owner of the site:
  - b. The occupier, if the owner is not the occupier:
  - c. Any person involved in the development of the site:

- d. Any person involved in the design of the construction work on the site:
  - e. Any person involved in carrying out the construction work on the site:
  - f. Any person involved in the supervision of the construction work on the site:
  - g. Any person involved in the financing of the construction work on the site.
3. Any sign on construction sites required by the Building Act 2004.

## 15. Motel/Hotel Duty Manager Sign

1. One sign may be displayed at a motel or hotel performing the Duty Manager function if the sign:
- a. Is not illuminated.
  - b. Has a maximum height of 800mm and width of 600 mm
  - c. Is located against the curb edge and perpendicular to the curb
  - d. Is not be closer than 2m from any utility including telephone boxes, power poles, post office boxes.
  - e. Provides at least 1.4m clear passage on footpaths from the kerb,
  - f. Where there is no footpath, the sign shall be located so as to allow clear pedestrian passage without the need to enter the carriageway.
  - g. Complies with Clause 20.A if located along the State Highway.

## 16. SIGNS AUTHORISED BY RESOURCE CONSENTS

1. All signs displayed in accordance with any resource consent (whether granted before or after the commencement of this bylaw and including any deemed resource consent under Part XV of the Resource Management Act 1991) are authorised signs.
2. All signs lawfully established before the commencement of this bylaw are authorised signs under Section 10 of the Resource Management Act.

## 17. SIGNS UNDER LEGISLATION

1. All signs required to be displayed by any other legislation and displayed in accordance with the provisions of that legislation are authorised signs.
2. All signs authorised to be displayed by any other legislation and displayed in accordance with the provisions of that legislation are authorised.
3. All signs permitted by any operative regional or district plan under the Resource Management Act are authorised signs.
4. Any sign discharging a statutory function is permitted under this bylaw.

# PART IV - PROHIBITED SIGNS

## 18. PROHIBITED SIGNS

1. No person shall display any prohibited signs.
2. No permit shall be granted by the Council for any prohibited sign.
3. The prohibited signs are:
  - a. Signs projecting above the roofline of the building to which the sign is attached or, if the sign is not attached to the building, above the roofline of a building to which the sign relates
  - b. Flashing signs or flickering and flashing lights used for advertising
  - c. Moving signs
  - d. Signs causing direct glare
  - e. Signs which have lights which externally illuminate signs and result in illumination of residential properties or buildings.
  - f. All external light fixtures illuminating a sign not shielded so that the light is confined to the surface of the sign and directed away from the public roadways and residential areas.
  - g. More than one sandwich board per 100 metres or part thereof, displayed on any footpath or business if no footpath is present
  - h. More than one flag per business frontage per 100 metres or part thereof .
  - i. Signs creating any optical illusion
  - j. Signs in, on or attached to any vehicle or trailer parked in or visible from any road or public place for the principal purpose of advertising
  - k. Signs attached to a tree unless the sign identifies the species of tree and/or its classification under the District Plan
  - l. Signs on the face of any building above ground floor level except as provided for in Clauses 21 and 26.
  - m. Off-site signs; except for temporary event signs with Council approval and Transit New Zealand approval, if required as provided for in clause 20.E.
  - n. Freestanding flags outside of the business b zone, business a, mixed use area of Ocean Ridge Comprehensive Living Zone and the Kaikoura Peninsula Tourism Zone with the exception of temporary signs
  - o. Sandwich boards outside of any business zone or the Kaikoura Peninsula Tourism Zone
  - p. Signs with light spill greater than 2 lux on the boundary of the site the sign is located on.
  - q. Signage that is in, or is visible from, a public place, and that advertises commercial sexual services.
  - r. The public display of signage for commercial sexual services that—
    - i. Is likely to cause a nuisance or serious offence to ordinary members of the public using the area; or

- ii. Is incompatible with the existing character or use of that area.
4. Notwithstanding any other provision of this bylaw or any permit issued under the bylaw, no sign shall be displayed if:
    - a. That display or manner of display is or is likely to be harmful or dangerous; or
    - b. In the reasonable opinion of an enforcement officer offensive, objectionable, indecent, obscene, threatening or insulting.
  5. Notwithstanding any other provision of this bylaw or any permit issued under the bylaw, no sign shall be displayed if: the sign:
    - a. Obstructs the view of any driver or pedestrian of any corner, bend, intersection or vehicle crossing; or
    - b. Obstructs, obscures or impairs the view of any driver or pedestrian of any traffic sign or signal; or
    - c. Resembles or is likely to be confused with any traffic sign or signal; or
    - d. Uses reflective materials that may interfere with the vision of any driver or pedestrian; or
    - e. Creates a hazard to road users or pedestrians.

## PART V - PERMITS

### 19. PERMITS FOR SIGNS

1. Except as provided for in Parts III and IV of this bylaw, no person shall display any sign without having first obtained a permit from the Council.
2. Except as provided for in Parts III and IV 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 the Council.
3. The Council shall not issue any permit which has the effect of:
  - a. Increasing the number of authorised signs on or relating to any site beyond the number authorised by Part III of this bylaw
  - b. Relaxing the standards prescribed in Part III of this bylaw for authorised signs of any kind beyond the standard allowed in the zone the sign is located. This permit shall be issued at the absolute discretion of Council.
4. An application for a permit shall:
  - a. Be made on the form provided by the Council
  - b. Be signed by the applicant
  - c. Contain a full description of the sign which is the subject of the application
  - d. Include a drawing of the sign, to scale, showing its shape, dimensions, contents and colours
5. Be accompanied by a site plan, to scale, showing the position of the sign in relation to:
  - a. The boundaries of the site
  - b. Any buildings on the site

- c. The position of the sign on the building, if applicable
  - d. The distance to any other signs on the site
  - e. In respect of under veranda signs the distance to any other under veranda signs whether on the same site or not
- 6. Be accompanied by the prescribed fee.
- 7. In considering any application for a permit, the Council may seek such further information, and advice as it thinks fit.
- 8. The Council shall not issue a permit for any sign if:
  - a. It does not satisfy the eligibility criteria, if any, specified for a sign of that type in this part of the bylaw
  - b. It does not conform to the standards prescribed for a sign of that kind in this part of the bylaw.
- 9. No permit shall be issued which is inconsistent with any of the provisions of this bylaw.
- 10. In considering whether to grant any permit or whether to grant a permit subject to conditions, the Council shall have regard to any actual or potential effects of the sign on amenity values. The materials, colours and design of the sign should reflect the character of the area in which it will be placed.
- 11. Subject to Clause 19.8 the Council may, in issuing a permit, impose any conditions which the Council considers appropriate.
- 12. Council will retain a register of signs.
- 13. Council may issue permits under this part of the bylaw for signs as follows:
  - a. In all zones:
    - i. Directional signs for public facilities, commercial and industrial activities under clause 20.C.1
    - ii. Special purpose signs under clause 20.E.1
    - iii. Interpretation signs intended for instruction or use of site provided that they:
      - a) Contain no advertising for commercial activities
      - b) Are not intended for vehicular traffic
      - c) Are no larger than 1m<sup>2</sup>
    - iv. Temporary signs under Clause 20.E.1
  - b. In the business zone:
    - i. Advertising face areas under clause 21.A.1
    - ii. Veranda face signs under clauses 21.A.1
    - iii. Under veranda signs under clauses 21.E.1.
    - iv. Arcade directory signs under clauses 21.G.1.
    - v. Upstairs entrance signs under clauses 21.I.1.
    - vi. Freestanding signs under clauses 21.K.1.
    - vii. Sandwich board, flat boards, and freestanding flags under clauses 21.M.1.

- viii. Roof signs under clause 21.Q.1
- c. In the residential zones:
  - i. Signs generally under clause 22.A.1.
  - ii. Signs for recreation grounds, churches, medical facilities, nursing homes, educational institutes and community buildings under Clauses 22.A.3.
  - iii. Visitors accommodation signs under Clauses 22.A.4.
- d. Rural zones: under Clauses 23.A.1.
- e. Marine Facilities zones: under Clauses 24.A.1.
- f. Reserves: business signs under Clauses 25.A.1.
- g. Kaikoura Peninsula Tourism Zone under Clauses 26.A.1.

## 20. IN ALL ZONES

### A. SIGNS ALONG THE STATE HIGHWAY 1 (SH1): ELIGIBILITY

1. The Council may issue a permit for a sign if it complies with the relevant standards prescribed in Clause 20.B.1 and the standards of the relevant zone in which the sign is located.

### B. SIGNS ALONG THE STATE HIGHWAY 1 (SH1): STANDARDS

1. For the purpose of this by-law, any sign located on a property which shares a boundary with State Highway shall be deemed along the state highway.
2. Lettering on signs along SH1 in areas of up to 70km/hr shall:
  - a. Be a minimum of 120mm
  - b. Have a maximum of 6 words and/or symbols with a maximum of 40 characters
3. Lettering on signs along SH1 in areas of greater than 70km/hr shall:
  - a. Be a minimum of 160mm
  - b. Have a maximum of 6 words and/or symbols with a maximum of 40 characters
4. All signs within areas of 70km/h or higher shall:
  - a. Not use internal or external illumination
  - b. Be located to the site which it relates
  - c. Be located so there is an unrestricted view to the motorist for a minimum distance of 180 m
  - d. Not be less than 100m from an official sign or traffic signal
  - e. Not obscure diver visibility at access or intersections
  - f. Be at right angles to the state highway and positioned to avoid vehicle headlights reflection
  - g. Be placed to ensure that there is only one advertising sign located on or adjacent to the property to which it relates
  - h. Comply with all other criteria for the zone in which the sign is located.

### C. DIRECTIONAL SIGNS: ELIGIBILITY

1. The Council may issue a permit for a directional sign for a commercial activity, public facility or industrial area if it complies with the relevant standards prescribed in Clause 20.D.1.

### D. DIRECTIONAL SIGNS: STANDARDS (excluding signs on the State Highway)

1. Any sign for which a permit is granted to provide directions to any commercial activity, industrial zone or public facility shall be:
  - a. Coloured to a recognised international standard; and
  - b. 200mm x 0.5m in dimension; and
  - c. Contain only the name of the facility to which it relates.
  - d. Not exceed three directional signs per post or location.

### E. TEMPORARY SIGNS: ELIGIBILITY

1. The Council may, in its absolute discretion; subject to any conditions it thinks appropriate issue a permit subject to compliance with standards 20.F.1 for:
  - a. Temporary signs, banners, streamers and gas-filled balloons for the purposes of any specific event or activity
  - b. Any temporary sign for the purposes of an election campaign or a referendum

### F. TEMPORARY SIGNS: STANDARDS

1. Temporary signs shall be limited to:
  - a. A maximum period of four (4) months in any twelve month period; or
  - b. Two (2) days following the completion of the event to which the sign relates; or
  - c. Two (2) days after the date upon which a purchaser or lessee takes possession of that land or premises or the date of settlement, whichever is the earlier; or
  - d. Any date or time limit set by statute for elections for removal.

## 21. SIGNS IN BUSINESS ZONES

### A. ADVERTISIGN FACE AREA: ELIGIBILITY

1. A permit may be issued in the business zone for any advertising face area of a building including a veranda face sign if:
  - a. It complies with the relevant standards prescribed in Clause 21.C.
  - b. In the case of a veranda face sign it also complies with the standards prescribed in Clause 21.D of this Bylaw; and
  - c. In the case of an under veranda sign it also complies with the standards prescribed in Clause 21.E of this bylaw; and
  - d. It complies with clause 21.B if illuminated.
  - e. It complies with Clause 20.A if located along the State Highway.

- f. The building has more than one story, no single story contains more than 75% of total sign area.

## B. ALL ILLUMINATED SIGNS IN BUSINESS ZONE

1. All external light fixtures illuminating a sign shall be shielded so that the light is confined to the surface of the sign and directed away from the public roadways and residential areas.
2. No illumination shall be allowed on any advertising face area adjacent to the residential zone.

## C. ADVERTISING FACE AREA: STANDARDS

Please refer to definition of advertising face area in section 5.1

1. In the Business B, Business C, Kaikoura Airfield and Business Park with the exception of the business a zone located between Avoca Street, The Esplanade and Wakatu Quay including the wharf area, the sign area of the Primary Face shall not exceed:
  - a. 15% of the advertising face area or 15m<sup>2</sup> whichever is less.
  - b. If the building is located on a corner, each advertising face area parallel to the road may have a maximum combined area of 20% of the area of the combined face areas with either side having no more than 15% of the area of its particular face or 10m<sup>2</sup> for each face whichever is less.
2. The sign area of each Secondary Face shall not exceed 15% of the advertising face area or 5m<sup>2</sup> whichever is less.
3. In the Business A and Mixed Use Area of the Ocean Ridge Comprehensive Living Zone and the business b zone located on Avoca Street, The Esplanade and Wakatu Quay including the wharf area, the sign area of any primary and secondary face of a building shall not exceed 15% of the advertising face area or 5m<sup>2</sup> whichever is less.

## D. VERANDA FACE SIGNS: STANDARDS

1. Any Veranda Face Sign:
  - a. May extend for the full length of the veranda face; and
  - b. Must not exceed 500mm in depth; and
  - c. Must not project above or below the veranda face; and
  - d. Shall not on its own or together with other ground floor signs exceed the area prescribed by Clause 21.C of this Bylaw.

## E. UNDER VERANDA SIGNS: ELIGIBILITY

1. A permit may be issued for one Under Veranda sign for each public entrance to a building if it complies with the standards prescribed in Clause 21.C and 21.F.

## F. UNDER VERANDA SIGNS: STANDARDS

1. Every Under Veranda sign shall:
  - a. Be located at the public entrance to the building to which that sign directly relates; and
  - b. Be at least 2.25m above the surface of the road, footpath, service lane or access way; and
  - c. Be at least 2m from any under veranda sign on any adjoining building; and
  - d. Not be more than 450mm thick; and

- e. Not on its own or together with other ground floor signs exceed the area prescribed by Clause 21.C of this Bylaw.
- f. It complies with Clause 20.A if located along the State Highway.

## G. ARCADE DIRECTORY SIGNS: ELIGIBILITY

1. A permit may be issued for one arcade directory sign to be located at the entrance to the arcade if it complies with the standards prescribed in 21.B and 21H.

## H. ARCADE DIRECTORY SIGNS: STANDARDS

1. Every Arcade Directory Sign shall:
  - a. Be displayed at the entrance to the arcade in a position approved by the District Signs Officer; and
  - b. List only the names of the occupiers of the arcade; and
  - c. Have a maximum area of 3m<sup>2</sup>.
  - d. Complies with Clause 20A if located along the State Highway

## I. UPSTAIRS ENTRANCE SIGNS: ELIGIBILITY

1. A permit may be issued for a sign located at the ground floor public entrance for an activity carried out in a building above its ground floor level if it complies with the standards prescribed in Clauses 21 B and 21J.

## J. UPSTAIRS ENTRANCE SIGNS: STANDARDS

1. Signs for activities located above ground floor level shall:
  - a. Contain only the name of the activity of the occupier using that entrance; and
  - b. Have a maximum area of 0.25m<sup>2</sup>.

## K. FREESTANDING SIGNS: ELIGIBILITY

1. A permit may be issued for one freestanding sign per business frontage in a business zone if it complies with the standards prescribed in Clause 21.B and 21.L:

## L. FREESTANDING SIGNS: STANDARDS

1. The sign shall:
  - a. Have a maximum area of 3m<sup>2</sup> and
  - b. Be located at least 3m from any building; and
  - c. Not project over any road or service lane; and
  - d. Not project over a footpath unless:
    - e. Be at least 2.25m above the level of the footpath; and
    - f. Not project more than one metre over the footpath; and
    - g. Have a maximum height not exceeding 3.5m above ground level
  - h. Comply with Clause 20.A if located along the State Highway
2. Within the Kaikoura Airfield one freestanding may be located at the entrance listing all business located within the airfield and have a maximum area of 5m<sup>2</sup>. No other freestanding sign may be erected within this area. It must comply with Clause 20.A .

## M. SANDWICH BOARD, FLAT BOARDS AND FREESTANDING FLAGS: ELIGIBILITY

1. A separate permit may be issued for each: one Sandwich Board, up to two Flat boards, and/or a Freestanding Flag for each site if it complies with the standards prescribed by 21.N,21O or 21P.

## N. SANDWICH BOARD SIGNS: STANDARDS

1. The sign shall:
  - a. Not be illuminated.
  - b. Have a maximum height of 800mm and width of 600 mm
  - c. Be located against the curb edge and perpendicular to the curb
  - d. Not be closer than 2m from any utility including telephone boxes, power poles, post office boxes.
  - e. Provide at least 1.4m clear passage on footpaths from the kerb, where there is no footpath, the sign shall be located so as to allow clear pedestrian passage without the need to enter the carriageway.
  - f. Comply with Clause 20.A if located along the State Highway.
  - g. Be pedestrian focused and not located along the SH1 if located within the Kaikoura Airfield.

## O. FLATBOARDS: STANDARDS

1. Any flat board Sign shall:
  - a. Not exceed 1m<sup>2</sup> in area; and
  - b. Be placed against the exterior of the building to which the sign relates; and
  - c. Be located on the site.
  - d. Not on its own or together with other ground floor signs exceed the area prescribed by Clause 21.C of this Bylaw.
  - e. Not be illuminated.
  - f. Comply with Clause 20.A if located along the State Highway.
  - g. Be pedestrian focused and not located along the SH1 if located within the Kaikoura Airfield.

## P. FREESTANDING FLAGS: STANDARDS

1. Any freestanding flag shall:
  - a. Exceed no more than 2m<sup>2</sup> and 3.5m in height.
  - b. Located wholly within the site to which they relate.
  - c. Not located on footpaths.
  - d. No more than one flag per business frontage
  - e. Shall not be illuminated.
  - f. Comply with Clause 20.A if located along the State Highway.
  - g. Be pedestrian focused and not located along the SH1 if located within the Kaikoura Airfield.

## Q. ROOF SIGNS: ELIGIBILITY

1. Council may issue a permit for a roof sign.

## R. ROOF SIGNS: STANDARDS

1. The sign shall not
  - a. Exceed 5% of roof face or 5m<sup>2</sup> whichever is less.
  - b. Project over the roofline of the building

## 22. RESIDENTIAL ZONES

**For the purposes of this bylaw, Residential Zones include Residential A, Residential B and Residential areas A,B,C and Low Density Area D and D(i) of the Ocean Ridge Comprehensive Living Zone, the Lifestyle Living Area of the Kaikoura Peninsula Tourism Zone and the Settlement zones.**

### A. RESIDENTIAL ZONES: ELIGIBILITY

1. A permit may be issued for a sign to be displayed on any site in a residential zone if it complies with the relevant standards prescribed in Clause 22.B.

### B. RESIDENTIAL ZONES: STANDARDS

1. Subject to subclauses 22.B.2, 22.B.3 and 22.B.4 any sign permitted in a residential zone shall:
  - a. Have a maximum area of 1.0m<sup>2</sup> unless the site is located along State Highway 1 whereas the maximum shall be 2.0m<sup>2</sup>
  - b. Be no more than 3.5meters high.
  - c. Be attached to a building or be freestanding
  - d. All external light fixtures illuminating a sign shall be shielded so that the light is confined to the surface of the sign and directed away from the public roadways and residential areas
  - e. Comply with Clause 20.A if located along the State Highway
2. If the sign is located at the front of the site the sign shall:
  - a. Be displayed in a position approved by the Council; or
  - b. Not project over any road or service lane; and
  - c. Not extend over any footpath unless:
    - i. It is at least 2.25m above the footpath; and
    - ii. The extension is less than 1m over a footpath, where there is no footpath, the sign shall be located so as to allow clear pedestrian passage without the need to enter the carriageway.
3. Signs for recreation grounds, churches, medical facilities, nursing homes, educational institutions and community buildings shall have a maximum area of 1.0m<sup>2</sup> unless the site is located along State Highway 1 whereas the maximum shall be 2.0m<sup>2</sup> and shall comply with 20.A.
  - a. All external light fixtures illuminating a sign shall be shielded so that the light is confined to the surface of the sign and directed away from the public roadways and residential areas.
4. Subject to standards 22.B.2 Visitor accommodation in a residential zone permits may be issued for:

- a. One sign which identifies the site and has a maximum area of 1.0m<sup>2</sup> unless the site is located along State Highway 1 whereas the maximum shall be 2.0m<sup>2</sup>
- b. One sign which contains the words "vacancy" or "no vacancy" and does not exceed 1m x 0.15m in dimension;
- c. All external light fixtures illuminating a sign shall be shielded so that the light is confined to the surface of the sign and directed away from the public roadways and residential areas.

## 23. RURAL ZONES

### A. RURAL ZONE: ELIGIBILITY

1. A permit may be issued for a sign to be displayed on any site in rural zones if it complies with the relevant standards prescribed by Clause 23.B.

### B. RURAL ZONE: STANDARDS

1. Subject to Clause 23.B.2 a sign shall:
  - a. Have a maximum area of 2.0m<sup>2</sup>; where the posted speed limit is 70kph or over and 1.5m<sup>2</sup> where the posted speed limit is under 70kph.
  - b. Not be illuminated; and
  - c. Be attached to a building or be freestanding
  - d. In areas where the speed limit is over 70km/h the signs shall:
    - i. Have lettering a minimum of 200mm in height
    - ii. Have a maximum of 6 words and/or symbols with a maximum of 40 characters
    - iii. Located so there is an unrestricted view to the motorist for a minimum distance of 180 metres or approved by Council Engineer
    - iv. Not be less than 100m from an official sign or traffic signal
    - v. Not obscure driver visibility at access or intersections
  - e. If the sign is located at the front of the site the sign shall:
    - i. Be displayed in a position approved by the Council; and
    - ii. Not project over any road or service lane; and
    - iii. Not extend over any footpath unless:
      - a) It is at least 2.25m above the footpath; and
      - b) The extension is less than 1m over a footpath.
2. Signs on Strategic routes (identified as State Highway 1(SH1) and Route 70) (Inland Road) shall:
  - a. Have a maximum area of 2.0m<sup>2</sup>; and
  - b. Not be illuminated; and
  - c. Comply with Clause 20.A.
  - d. Be designed in consultation with Transit New Zealand to ensure that the sign will not compromise driver safety on SH1 or Route 70.

- e. Approved by Council's engineer to ensure that all designs and locations will not compromise driver safety on SH1 or Route 70.

## 24. MARINE FACILITIES ZONE

### A. MARINE FACILITIES ZONE: ELIGIBILITY

1. A permit may be issued for a sign to be displayed on any site in the Marine Facilities zone if it complies with the relevant standards prescribed in Clause 24.B.

### B. MARINE FACILITIES ZONE: STANDARDS

1. A sign shall:
  - a. Have a maximum area of 0.5m<sup>2</sup>; and
  - b. Not be illuminated; and
  - c. Be attached to a building or be freestanding
2. If the sign is located at the front of the site the sign shall:
  - a. Be displayed in a position approved by the Council; and
  - b. Be at least 3m from any building; and
  - c. Not project over any road or service lane; and
  - d. Not extend over any footpath unless:
    - e. It is at least 2.25m above the footpath; and
    - f. The extension is less than 1m over a footpath, and
    - g. Be no more than 3.5m high

## 25. RESERVES

### A. BUSINESS SIGNS WITHIN A RESERVE: ELIGIBILITY

1. A permit may be granted by the Council for one sign for each business operating in a reserve if it complies with the standards prescribed by Clause 25B.

### B. BUSINESS SIGNS WITHIN A RESERVE: STANDARDS

2. Any sign shall:
  - a. Be attached to the building to which it relates or be free-standing
  - b. Not be illuminated
  - c. Have a maximum area of 1m<sup>2</sup>.

## 26. KAIKOURA PENINSULA TOURISM ZONE

### A. KAIKOURA PENINSULA TOURISM ZONE: ELIGIBILITY

1. A permit may be issued for a sign to be displayed within the Kaikoura Peninsula Tourism Zone if it complies with the relevant standards prescribed by Clauses 26.B., 26C, 27D, 27G.

## B. KAIKOURA PENINSULA TOURISM ZONE: STANDARDS

1. All signs shall:
  - a. Be located within the building platforms as designated in Appendix O of the Kaikoura District Plan with the exception of the entrance at Scarborough Street.
  - b. All illumination shall be hooded and directed solely at the sign. No illumination of the sign may occur between 23:00 and sunrise.
  - c. No sign shall be able to be read from South Bay Reserve or along any point of the Department of Conservation walkway between the South Bay Reserve and Keen Point.
  - d. All signs greater than 5m<sup>2</sup> and 2m in height shall be deemed a structure and as such buildings and be subject to resource consent under the Kaikoura District Plan and subsequent amendments.
  - e. Any use of Maori names shall be subject to Council approval in consultation with Te Runanga o Kaikoura.
  - f. No sign shall be internally lit.

## C. ADVERTISIGN FACE AREA ELIGIBILITY

1. A permit may be issued for a sign for an advertising face area within the Kaikoura Peninsula Tourism Zone if it complies with the standards 26.B. and 26.D:

## D. ADVERTISIGN FACE AREA: STANDARDS

1. The primary and secondary face of a building shall not exceed:
  - a. 10% of the building face or 5m<sup>2</sup> whichever is less.
  - b. If the face area of the building has more than one story, no single story shall contain more than 75% of total advertising face area.

## E. FREESTANDING SIGNS: ELIGIBILITY

1. A permit may be issued for a freestanding sign within the Kaikoura Peninsula Tourism Zone if it complies with the standards prescribed in Clause 26.B.1 and 26.F:

## F. FREESTANDING SIGNS: STANDARDS

1. The sign shall:
  - a. Have a maximum area of 2m<sup>2</sup>; and
  - b. Be located at least 3m from any building; and
  - c. Not project over any road or service lane; and
  - d. Not project over a footpath unless:
    - e. the sign is at least 2.25m above the level of the footpath; and
    - f. The projection of the sign is less than one metre over the footpath; and
  - g. Have a maximum height not exceeding 3.5m above ground level
  - h. Not be illuminated outside of hours of operation
  - i. No more than one freestanding sign per building or at the entrance to Scarborough Street.

## G. SANDWICH BOARD, FLATBOARD AND FREESTANDING FLAGS: ELIGIBILITY

1. A separate permit may be issued for each freestanding sign within the Kaikoura Peninsula Tourism Zone if it complies with the standards prescribed in Clause 26.B.1 , 26.H, 22I and 26J.

## H. SANDWICH BOARD SIGNS: STANDARDS

1. The sign shall:
  - a. Not be illuminated.
  - b. Be a maximum area of 800mm x 600 mm
  - c. Not be located along Scarborough Street
  - d. One per 100m or part thereof of each business frontage

## I. FLAT BOARDS: STANDARDS

1. Any flat board sign shall:
  - a. Not exceed 1m<sup>2</sup> in area; and
  - b. Be placed against the exterior of the building to which the sign relates; and
  - c. Not be located along Scarborough Street
  - d. Not be illuminated.
  - e. Be limited to two per business frontage

## J. FREESTANDING FLAGS: STANDARDS

1. Any freestanding flag shall:
  - a. Not exceed more than 2m<sup>2</sup> and 3.5m in height.
  - b. Not be located along Scarborough Street
  - c. Be located wholly within the site to which they relate.
  - d. Not located on footpaths.
  - e. Be limited to no more than one flag per business frontage
  - f. Be no less than 10 m from any sandwich board or freestanding sign on site
  - g. Not be illuminated.

# PART VI - GENERAL OBLIGATIONS

## 27. REVOCATION OF PERMITS

1. If the 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 the Council may, in its absolute discretion, revoke the permit.

## 28. THE COUNCIL MAY REVOKE THE PERMIT:

1. Notwithstanding that proceedings for any offence against this bylaw constituted by the breach have not been taken; or
2. Where the person is convicted of an offence against this bylaw, in addition to taking the prosecution.
3. Before revoking any permit, the Council shall
  - a. Give at least ten working days notice to the holder; and
  - b. Invite the holder to make any submissions and, if requested by the holder give the holder the opportunity to be heard.

## 29. REPAIR OF SIGNS

1. All signs displayed under this bylaw shall be kept in good repair.

## 30. OBSOLETE SIGNS

1. No sign shall be displayed if:
  - a. The activity to which it relates has ceased on that site; or
  - b. The event to which the sign relates has finished; or
  - c. The goods and services to which the sign relates are no longer supplied at that site; or
  - d. The sign is no longer relevant to the use of the site
  - e. Legislation prevents the display of the sign
2. Even though when the sign was first displayed, the display of the sign was authorised by:
  - a. This bylaw
  - b. Any previous bylaw or legislation.
  - c. A permit issued under this bylaw

# PART VII - MONITORING

## 31. ENFORCEMENT OFFICERS

1. The Council may, by resolution, appoint any of its officers to act as an Enforcement Officer to carry out any of the functions of an enforcement officer under this bylaw.

2. The Council shall supply any Enforcement Officer with a warrant which states the functions and powers the officer is authorised to exercise under this bylaw.
3. Every Enforcement Officer who exercises or purports to exercise any power under this bylaw shall carry and produce, on demand, a warrant and evidence of the officer's identity.
4. An Enforcement Officer shall, on termination of the officer's appointment as an enforcement officer, surrender the warrant to the Council.

## 32. NAME AND ADDRESS TO BE SUPPLIED

1. If it appears to any officer, employee or agent of the Council, that any person is committing or has committed any offence against this bylaw, that officer, employee or agent may require that person to cease the offence and require that person to supply his or her real name in full and his or her residential address.
2. If any person refuses or fails to supply such information or given incorrect information, that person commits an offence against this bylaw.

## 33. POWERS OF ENTRY

1. Any enforcement officer duly authorised by the Council may at all reasonable times enter any land, building or other premises to see if the provisions of the bylaws are being observed or to exercise the powers of the Council under Clause 34.1.5.

## 34. NOTICE OF NON-COMPLIANCE

1. If a sign is displayed which:
  - a. Is a prohibited sign; or
  - b. Is purportedly displayed as an authorised sign but does not comply with Part III of this bylaw; or
  - c. Is a sign which may not be displayed without a permit being issued by the Council but for which no permit has been issued; or
  - d. Is no longer in good repair; or
  - e. Is an obsolete sign; or
  - f. Does not comply with the conditions of any permit issued by the Council; or
  - g. Does not comply with the standards specified in this bylaw for that sign; or
  - h. Is in the reasonable opinion of an enforcement officer is offensive or objectionable; or
  - i. Is in the reasonable opinion of an enforcement officer is or is likely to be a danger to any person or property; or
  - j. Is in the reasonable opinion of an enforcement officer is or is likely to constitute a hazard to road users or pedestrians; or
  - k. Is in any other way in breach of this bylaw
2. An enforcement officer of the Council may give notice in writing to the owner, or occupier, or both, of the site where the sign is displayed requiring, as the enforcement officer thinks fit:
  - a. The removal of the sign; or
  - b. The repair of the sign; or

- c. Other specified work to be taken to ensure compliance with this bylaw or any permit issued under this bylaw, within the time specified in the notice.
3. Any notice issued under subclause (1) of this clause shall be in the form set out in the First Schedule or to similar effect.
4. Any person who fails to comply with the requirements of any notice within the time specified in the notice commits an offence against this bylaw.
5. If any person fails to comply with the requirements of any notice then the Council, or any officer or agent of the Council, may pull down, remove, or alter the sign and recover from any person who failed to comply with the notice all expenses incurred by the Council in connection with the pulling down, removal or alteration of the sign.
6. The exercise of the powers contained in clause 34.2 of this Clause shall not excuse any person from liability for any other penalty for that breach of this bylaw.

## 35. SERVICE OF NOTICES

1. Where a notice is to be served on any person for the purposes of this bylaw it may be served by:
  - a. Delivering it personally to the person; or
  - b. Delivering it to the usual or last known place of business or address of the person, including by facsimile; or
  - c. Sending it by pre-paid post to the person at the usual or last known place of residence or business of the person; or
  - d. Leaving the notice in a conspicuous position on the site to which it relates.
2. If the person to be served is a body corporate, service at the registered office of the body corporate or service of an officer of the body corporate in accordance with subclause (1) of this Clause shall be deemed to be service on the body corporate.
3. If the person to be served is an unincorporated body, service on an officer in accordance with subclause (1) shall be deemed to be service on that body.
4. Where a notice is to be served on a partnership, service on any one of the partners in accordance with subclause (1) shall be deemed to be service on the partnership.
5. Where the document is served by post, it shall be deemed, in the absence of proof to the contrary, to be received by the person to whom it is addressed at the time the notice would have been delivered in the ordinary course of the post.
6. Where the document is served by facsimile, the document shall be deemed to be served when transmitted.
7. If the person who is served is absent from New Zealand, the notice may be served on an agent of that person in accordance with subclause (1).

## 36. OFFENCES

1. Every person commits a breach of this bylaw who:
  - a. Displays any sign or does, causes to be done, permits, or allows to be done, anything in breach of or otherwise than provided for by this bylaw; or
  - b. Omits, neglects, permits or allows anything to remain undone which ought to be done by that person at the time and in the manner provided for in or under this bylaw; or

- c. Fails to refrain from doing anything which under this bylaw that person is required to refrain from doing; or
- d. Permits or allows any condition or thing to exist in breach of this bylaw; or
- e. Fails to comply with any notice served on that person under this bylaw; or
- f. Obstructs or hinders any officer, employee or agent of the Council in the performance of any duty or function under this bylaw; or
- g. Displays any sign or does any other thing or causes any condition to exist or remain for which a permit from the Council is required under this bylaw without first obtaining that permit; or
- h. Displays any sign or does any other thing or causes any condition to exist or remain in breach of a permit issued under this bylaw; or
- i. Displays any sign or does any other thing or causes any condition to exist for which a fee is payable under this bylaw without first paying the fee prescribed; or
- j. Supplies false information to the Council or any officer, employee or agent of the Council.

## 37. PENALTIES

1. A person who commits a breach of this bylaw is liable on summary conviction to a fine not exceeding \$500.00 and, where the breach is a continuing one, to a further fine not exceeding \$50.00 for every day on which the breach is continued.
2. Where a person commits a continuing breach of this bylaw, then, a District Court may, on application by the Council, grant an injunction restraining the further continuance of that breach by that person.

# PART VIII - MISCELLANEOUS

## 38. DELEGATIONS

1. Except where this bylaw provides that a resolution or special order of the Council is required, all actions required to be done by the Council under this bylaw may be undertaken by any officer, employee or agent of the Council to whom authority has been lawfully delegated.
2. Proof of such delegation may be established by:
  - a. reference to the instrument of delegation; or
  - b. Production of an identity card indicating the general terms of the holder's delegated authority; or
  - c. Any other reasonable means.

## 39. DISTRICT SIGNS OFFICER

1. The Council may, by resolution, appoint any of its officers as a District Signs Officer to exercise the powers and functions of the District Signs Officer under this bylaw.
2. The Council shall supply any person appointed as District Signs Officer with a warrant of appointment.

3. A person may be appointed as both a District Signs Officer under this Clause and as an Enforcement Officer under Clause 31.
4. A District Signs Officer shall, on termination of the Officer's appointment as a District Signs Officer, surrender the warrant of appointment to the Council.

## 40. FEES

1. The application fee for a permit for a sign shall be determined in the annual plan.
2. Where any fee is payable to the Council, the Council may require the payment of the fee in whole or in part, before issuing the permit, giving any other approval, or providing any service or carrying out any inspection as the case may be.
3. The holder of a permit shall pay, when due, all fees payable by the holder under this Clause; unpaid fees may be recovered by the Council as a debt due from the holder.

## 41. REPEALS

1. On the commencement of this bylaw, the Kaikoura District Signs Bylaw 2002 shall be repealed.