

Bylaw 2010 New Zealand Transport Agency (Signs on State Highways) Bylaw

Pursuant to section 61(3) of the Government Roading Powers Act 1989, the New Zealand Transport Agency hereby makes the following bylaw.

Bylaw

1. Title and commencement-

This bylaw may be cited as the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010 and will come into force 28 days after the date of publication of this notice in the New Zealand Gazette.

2. Interpretation-

In this bylaw:

"Agency" means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003.

"official road sign" means any sign erected in accordance with:

- (a) the Traffic Regulations 1976; or
- (b) the Land Transport Act 1998 and rules made pursuant to it, including the Land Transport Rule: Traffic Control Devices 2004; or
- (c) any Gazette Notice issued under clause 4.4 of the Land Transport Rule: Traffic Control Devices 2004.

"road safety billboard" means a sign containing only an easily understood message of text, and optionally graphics, specifically aimed at promoting a road safety message to road users.

"sandwich board" means a stable self-supporting portable sign not more than 900mm high by 600mm wide by 600mm deep.

"sign" means any name, figure, character, outline, display, notice, placard, poster, banner of any kind, advertising device or appliance, or any other thing of a similar nature to attract attention that is on or over a State highway including being on any bridge or other structure that is over a State highway; and

- (a) includes all materials composing the sign, together with the frame, background, structure and support or anchorage of the sign;
- (b) includes any of the above listed things when fixed or mounted on any vehicle that is parked on a State highway for the purpose of displaying that sign;
- (c) includes signs used by roadside vendors licensed by the Agency;
- (d) includes road safety billboards, sandwich boards and temporary local banners; but
- (e) does not include any official road sign or traffic sign.

"State highway" means a State highway as defined in section 2 of the Government Roading Powers Act 1989 (which includes the carriageway, the road verge, associated land, structures and fixtures) and includes a motorway as defined in section 2 of that Act.

"temporary local banner" means a banner relating to a specific event in the area where the banner extends across a State highway carriageway.

"traffic sign" means those signs detailed in Schedule 1 to the Land Transport Rule: Traffic Control Devices 2004.

"vehicle" has the same meaning as in section 2 of the Land Transport Act 1998.

3. Motorways-

No person may construct, maintain or display or cause to be constructed, maintained or displayed on or over any part of a motorway any sign.

4. Need for consent-

(1) No person may construct, maintain or display or cause to be constructed, maintained or displayed on or over any part of a State highway any sign unless the Agency consents, in writing, to the construction, maintenance or display of such sign.

(2) The restriction in subclause (1) does not apply to any sign constructed, maintained or displayed behind the kerbline of any State highway in any area where a 50km/h or lesser speed limit applies.

5. When consent may be given-

(1) The Agency may consent to the construction, maintenance or display of any sign to which clause 4(1) applies if:

(a) it is satisfied that the sign meets the relevant requirements specified in the Schedules to this bylaw; and

(b) it is satisfied that the sign meets the requirements of the relevant territorial authority; and

(c) it considers that the colours, wording, legend or siting of the sign will not:
(i) obscure or cause confusion with any official road sign or any traffic sign;
(ii) cause alarm or unduly attract the attention of people operating vehicles on the State highway;
(iii) create or contribute to a traffic hazard; or
(iv) in any other way compromise the safe and efficient operation of the State highway.

(2) The Agency may, subject to such conditions as it thinks appropriate, authorise a sign which does not comply with any or all of the requirements in the relevant Schedule if the purpose of the sign is to provide advice or information to the public in relation to health or safety issues or risks.

6. The Agency may impose conditions on consent-

(1) Any consent given under this bylaw may be made subject to:

(a) time limits;

(b) conditions as to maintenance and maintenance activity; or

(c) conditions as to size, colour, wording, legend or siting of any sign including (subject to clause 5(2) conditions that are in addition to, but not in conflict

with) the requirements in the relevant Schedule, which the Agency thinks appropriate.

- (2) When considering the imposition of a condition, the Agency must have regard to:
 - (a) the proximity of any official road sign or traffic sign;
 - (b) the proximity of any other sign authorised by this bylaw or any predecessor to this bylaw; and
 - (c) the effects listed in clause 5(1)(c).

7. Decisions-

- (1) In considering whether to grant consent under clause 5(1) of this bylaw, the Agency may, at its discretion, consider and rely on any report from the Police, any relevant territorial authority, or any employee of, or consultant commissioned by, the Agency, whether or not prepared in respect of the particular application.
- (2) Where the Agency is considering refusing consent or imposing a condition on the consent, the Agency must give the applicant an opportunity to provide information relevant to the matters listed in clause 5(1) for consideration, and comment on any report under subclause (1) in respect of the application.
- (3) The Agency must record its decisions in writing and where consent is refused, give reasons to the applicant.

8. Consent fee-

- (1) It is a condition of every consent given by/or under this bylaw to construct, maintain or display a sign in terms of this bylaw, that an annual licence fee is payable by the applicant.
- (2) The annual licence fee payable is \$300.00 for the initial year of any new consent granted under this bylaw and \$100.00 for each subsequent year of the consent.
- (3) No initial year fee is payable if a fee has been paid under the:
 - (a) Signs on State Highways Bylaw 1987/3; or
 - (b) Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways¹, in respect of the sign.
- (4) All amounts specified in this clause include goods and services tax.
- (5) The condition referred to in subclause (1) of this clause may be waived by the Agency where the sign is for non-profit or charitable purposes.

9. Revocation of consent-

- (1) Any consent given under this bylaw or the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways¹ may be revoked by the Agency if:
 - (a) any condition of the consent is not adhered to;
 - (b) the person granted consent to construct, maintain or display a sign has committed any breach of this bylaw, or has allowed a breach to occur;

- (c) the Agency is of the opinion that forthcoming changes to the State highway or official road sign scheme on that portion of the State highway makes the continuance of the consent contrary to the criteria specified in clause 5(1) or contrary to the requirements specified in the relevant Schedule, or is otherwise undesirable; or
 - (d) the person granted consent to construct, maintain or display a sign has failed to pay the annual licence fee (if any).
- (2) The person who holds the consent for the sign must dismantle and remove that sign from the State highway within five working days of receiving written notice of the revocation of that consent or immediately if the Agency states that there is a safety issue.

10. Signs may be removed-

- (1) The Agency may at any time, through any authorised agent or representative, dismantle or remove any sign from the State highway if:
 - (a) the Agency considers the colours, wording, legend or siting of the sign will cause one of the prohibited effects listed in clause 5(1)(c);
 - (b) the Agency has not given consent under clause 5 to the construction, maintenance or display of the sign and no consent for the construction, maintenance or display of the sign was given under the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways1;
 - (c) a consent for the construction, maintenance or display of the sign has been revoked under clause 9(1), or under the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways1, and the sign has not been removed by the consent holder;
 - (d) any condition imposed under this bylaw, or any condition imposed under the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways1, has not been complied with;
 - (e) subject to clauses 5(2) and 15, the sign does not meet any one or more of the requirements set out in the relevant Schedule to this bylaw; or
 - (f) the sign is in breach of any consent given under clause 5 or under the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways1.
- (2) Any sign removed from a State highway under subclause (1) must be held by the Agency and made available for collection by the owner for a period of one month from the date of its removal. After such time, the Agency may dispose of the sign in whatever way he or she considers appropriate.
- (3) The Agency must use reasonable care in the dismantling, removal and storage of any sign removed under this clause.
- (4) The Agency is not liable for any loss arising from the removal and/or disposal of any sign under subclause (2) of this clause, or any damage to the sign unless reasonable care was not used in its dismantling, removal or storage.

11. Owner of sign to be liable for damage caused to or by sign-The owner of a sign is responsible for the sign and liable for any damage caused to, or by, the sign while on or over

the State highway and any damage to the sign caused during its proper dismantling, removal or storage under clause 10 of this bylaw.

12. Vehicles may be removed-The Agency may at any time, through any authorised agent or representative:
- (a) require the owner of any stationary vehicle on a State highway to remove or cover any sign; or
 - (b) seek the assistance of any enforcement officer to act, pursuant to their powers under section 113(2) of the Land Transport Act 1998, to remove any stationary vehicle from a State highway; or if a sign fixed or mounted on the vehicle, or the position of the vehicle:
 - (i) compromises the safe and efficient operation of the State highway in any way; or
 - (ii) breaches any of the provisions of this bylaw.

13. Breach of bylaw-

- (1) Every person committing any breach of this bylaw or any condition imposed in a consent issued under this bylaw is liable upon conviction to a fine not exceeding \$500.00.
- (2) In the case of a continuing breach, the Agency may seek an injunction, under section 109 of the Government Rounding Powers Act 1989, restraining the further continuance of the breach.

14. Role of territorial authorities-

Where the Agency has delegated its powers to control a State highway to a territorial authority, under section 62 of the Government Rounding Powers Act 1989, then, subject to the terms of the delegation, this bylaw applies to the territorial authority as if it was the Agency.

15. Transitional provisions-

- (1) Where any sign has been constructed or displayed prior to the commencement of this bylaw and that sign complied with the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways¹ but does not comply with any or all of the requirements in the relevant Schedule to this bylaw, then:
 - (a) subject to:
 - (i) any time limits imposed on any consent for the sign granted under the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways¹, and
 - (ii) clauses 9, 10, and 12 of this bylaw, the sign may remain in place; and
 - (b) subject to any conditions in a consent granted under the Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways¹ limiting the repair or maintenance of the sign, the sign may be repaired or maintained provided that such work does not increase its physical

size or the extent of its non-compliance with the requirements in the relevant Schedule.

16. Revocation of Transit New Zealand (Signs on State Highways) Bylaw 2003/13-

The Transit New Zealand (Signs on State Highways) Bylaw 2003/13: Bylaw Regulating Signs on State Highways¹ is hereby revoked.

17. Authority to Make Bylaw-

This bylaw is made by the Group Manager, Highways and Network Operations, under delegated authority of the New Zealand Transport Agency.

Signed on behalf of the New Zealand Transport Agency by:
COLIN CRAMPTON, Group Manager, Highways and Network Operations.

First Schedule

Requirements for signs (other than temporary local banners and road safety billboards) constructed, maintained or displayed on or over any State highway in an area where the speed limit is 70km/h or less than 70km/h:

1. The sign must not exceed 1 square metre in area or 2 metres for any edge dimension.
2. The colour combination used for the sign's background, wording and legend must not be likely to cause confusion with any of those used for any official road sign or traffic sign.
3. Lettering and symbols used must be at least 120 millimetres in height.
4. The sign must not display more than 6 words, symbols or graphics and no more than 40 characters.
5. No reflective material may be used on the sign.
6. No internal or external illumination of the sign may be provided.
7. The bottom edge of the sign must not be more than 2.5 metres above road level or ground.
8. A fixed sign must not be closer than 5 metres from the edge of the carriageway. A sandwich board in accordance with the relevant territorial authority's requirements must not be closer than 2 metres from the edge of the carriageway.
9. The sign must not contain moving parts or a dynamic display.

Second Schedule

Requirements for signs (other than temporary local banners and road safety billboards) constructed, maintained or displayed on or over any State highway in an area where the speed limit is greater than 70km/h:

1. The sign must not exceed 1 square metre in area or 2 metres for any edge dimension.
2. The colour combination used for the sign's background, wording and legend must not be likely to cause confusion with any of those used for any official road sign or traffic sign.
3. Lettering and symbols used must be at least 160 millimetres in height and using a font that is acceptable to the Agency.
4. The sign must not display more than 6 words, symbols or graphics and no more than 40 characters.
5. No reflective material may be used on the sign.
6. No internal or external illumination of the sign may be provided.
7. The bottom edge of the sign must not be more than 2.5 metres above road level or ground.
8. The sign must not be closer than 5 metres from the edge of the carriageway.
9. The sign must not contain moving parts or a dynamic display.
10. The sign must be located so as to provide an unrestricted view to the motorist for a minimum distance of 180 metres.
11. The sign supports must meet the requirements regarding strength, rigidity and impact performance as described in the Agency's specification P24.

Third Schedule

Requirements for temporary local banners:

1. No part of the banner may be less than 6.0 metres above road height.
2. Lettering and symbols used must be at least 300 millimetres in height.
3. No reflective material may be used on the banner.
4. The banner must not display more than 6 words or symbols.
5. The banner must be located at least 100 metres from any intersection and at least 50 metres away from any pedestrian crossing.
6. The banner must be fixed securely.
7. The owner of the banner will be responsible for any damage caused to or by the banner.
8. The banner must not be located over any section of State highway subject to a speed restriction of more than 50 kilometres per hour.
9. The banner must not remain in place for more than 2 weeks in any year.
10. The banner must comply with any territorial authority requirements.

Fourth Schedule

Requirements for road safety billboards:

1. The billboard sign size must not exceed 6 metres in width or 3 metres in height
2. The sign must not display more than 8 words, symbols or graphics and no more than 40 characters.
3. The sign must not display any commercial advertising messages or logos.
4. The colour combination used for the sign's background, wording and legend must not be likely to cause confusion with any of those used for any Official road sign or traffic sign.
5. No reflective material may be used on the sign.
6. No internal or external illumination of the sign may be provided.
7. The sign should not be closer than 5 metres from the edge of the carriageway.
8. The sign must not contain moving parts or a dynamic display.
9. The sign supports must meet the requirements regarding strength, rigidity and impact performance as described in the Agency's specification P24.
10. The sign must comply with the Agency's Guidelines for Road Safety Billboards.

¹New Zealand Gazette, 13 November 2003, No. 154, page 4316