

# Attachment 1

## **TRANSIT NEW ZEALAND BYLAW SIGNS ON STATE HIGHWAYS BYLAW 1987/3**

*(NOTE: This Attachment is not part of this Plan, but is included here for reference.)*

### **Bylaw to Control the Use of Unofficial Signs on State Highways**

1. This bylaw shall be known as the Signs on State Highways Bylaw 1987/3 and shall come into force on the 26th day of February 1987.
2. The bylaw is made under the authority of the National Roads Act 1953 in respect of State highways throughout New Zealand.
3. In this bylaw:
  - “Board” means the National Roads Board.
  - “District Commissioner of Works” shall mean the District Commissioner of Works of the Ministry of Works and Development.
  - “Sign” means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliances or any other thing of a similar nature to attract attention and which is on a State highway, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, structure and support or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle, but shall exclude all traffic signs as detailed in the Fourth Schedule of the Traffic Regulations 1976.
  - “State highway” means a State highway declared as such by the board under the provisions of the National Roads Act 1953; and, subject to the provisions of Section 39 of that Act, includes a motorway.
  - “Vehicle” has the same meaning as defined in Section 2 of the Transport Act 1962.
4. No person shall, construct, maintain or display or cause to be constructed, maintained or displayed any sign on any part of a State highway subject to this bylaw unless the board consents to the construction, maintenance or display of such a sign in writing.
- 4A. Where approval is given to construct, maintain or display a sign in terms of this bylaw, an annual license fee of \$100.00 shall be payable by the person or persons making application for such approval.
- 4B. No part of this bylaw shall apply in any areas where a 50 km/h gazetted vehicle speed limit applies except within those local authorities which have been granted approval to administer the bylaw as set down in the Second Schedule as may be approved from time to time by resolution of the Transit New Zealand Authority.

5. If the sign meets the size and other requirements specified in the First Schedule to this bylaw and should the board determine that the colours of or wording on the sign will not:
- i) confuse it with official road signs; or
  - ii) cause alarm, offend public decency or unduly attract the attention of persons operating vehicles on the State highway; or
  - iii) consist of any reflectorised material; or
  - iv) in any other way detract from the safe and efficient operation of vehicles on the State highway;

then the board may consent in writing to the constructions, maintenance, or display of the sign subject to the imposition of such conditions as to colour, wording and siting of the sign as the board shall consider reasonable to achieve the objectives of this regulation.

- 5A. In imposing a condition as to siting, the board shall have regard to the proximity of any official road sign.

6. In considering whether the proposed sign meets the criteria specified in Section 4 hereof, the board may in its discretion consider any report submitted in that regard by the Ministry of Transport, the District Commissioner of Works, any local authority whose territory the State highway passes through or any employee of the board. Should such a report or reports be received by the board then the person seeking consent to the construction, maintenance or display of any sign shall be given the opportunity to comment on the report before the board decides whether the consent should be granted.

The board shall give reasons for and record its decision on the application for consent by way of formal resolution of the board.

7. Any consent given under this bylaw may be made subject to such time limitations as the board may think reasonable and may be revoked:
- i) if any condition of the consent is not adhered to; or
  - ii) if any unauthorised sign is constructed, maintained or displayed on any part of a State highway when the person so responsible for construction, maintenance or display has been given consent in respect of another sign then consent to the other sign may be revoked in addition to any action the board may take in respect of the unauthorised sign; or
  - iii) if the council 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 Section 5 hereof or otherwise undesirable.
8. Notice of revocation of the consent may be signed by the board's secretary on the board's behalf and shall take effect upon the expiration of 14 days after the date on which the notice is received by the person to whom the consent is given.
9. Should the sign continue to be maintained or displayed after revocation of the consent then the board by its agents and servants may at its discretion remove the sign from the State highway without giving further notice.

10. Notwithstanding anything contained in Section 8 or 9 hereof the board by its agents and servants may at any time without notice remove any unauthorised sign if the sign is considered to create a traffic hazard or otherwise is considered to impede the safe and efficient operation of a State highway.
11. Every person committing any breach of this bylaw shall be liable upon conviction to a fine not exceeding \$40.00.
12. The board may, in writing, delegate any or all of its powers under this bylaw to the District Commissioner of Works in whose district the State highway or highways to which this bylaw relates are situated.

### **First Schedule**

Signs other than traffic signs defined in the Traffic Regulations 1976, or permitted in terms of the National Roads Board "Manual of Traffic Signs and Markings" shall meet the following criteria:

1. Size shall not exceed 1 square metre in area nor 2 metres of any edge dimension.
2. Colour combinations used for background and legend shall not be similar to any of those used for traffic signs defined in the Traffic Regulations.
3. Lettering used in the sign legend shall not be less than 100 mm in height.
4. No reflective materials shall be used on the sign.
5. No internal or external illumination of the sign is permitted.
6. Mounting height of the sign shall be such as to restrict the top of the sign to a level of not greater than 2.5 metres above road level; and
7. Sign location shall not be closer than 5 metres from the edge of the trafficable roadway.

### **Second Schedule**

Territorial authority areas where the unofficial signs on State Highways Bylaw 1987/3 shall apply in gazetted 50 km/h vehicle speed limit areas are those which may be approved from time to time by the Transit New Zealand Authority.

This bylaw was made by resolution duly passed at a meeting of the National Roads Board held in Wellington on the 18th day of February 1987.

R K THOMSON, Secretary, National Roads Board

*(NOTE: Incorporating an amendment duly passed at a meeting of the National Roads Board held in Wellington on the 15<sup>th</sup> of March 1989 signed by R K Thomson, Secretary, National Roads Board and an amendment duly adopted at a meeting of Transit New Zealand held in Wellington on the 17<sup>th</sup> of September 1991 signed by J H Van Barneveld, Land Transport Manager, Transit New Zealand)*