

## 8. COMMERCIAL SIGNAGE IN PUBLIC PLACES

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Unit Manager Inspections & Enforcement
<b>Author:</b>	Anne Columbus, Investigations & Compliance Manager

### PURPOSE OF REPORT

1. This information only report provides the Spreydon/Heathcote Community Board with the relevant legal provisions and Council enforcement action undertaken in relation to complaints about signs in private and public places. Specific complaints received from the Board, and historical complaint numbers for the Spreydon/Heathcote are discussed.

### EXECUTIVE SUMMARY

2. The enforcement of commercial signage in public places was raised by the Spreydon/Heathcote Community Board as part of the Elected Members Information Exchange at their 13 October 2009 meeting. The Board requested information that covered the following:
  - (a) There are a number of signs in the Spreydon/Heathcote area that do not appear to be legal under the bylaws (with specific examples provided).
  - (b) The Board members are interested in knowing about the enforcement of these signs – particularly with respect to the strict enforcement of election signs, what the law allows and how signs are being policed.

### Relevant bylaw/legislation

3. Signage on public land within the city is governed by the Public Places Bylaw 2008. Under section 3 signs are interpreted as a commercial activity providing advertising for goods, services or events. Section 6 relates to commercial activities in public places whereby such activities may only be undertaken with written Council permission. In such permitted cases a permit is issued detailing such terms and conditions as the Council thinks fit.
4. The Signboards in Public Places operational policy informs the bylaw of the rules regarding sign location, size, design etc (refer **Attachment 3**). It also outlines the implications of contravention of the policy and provides for enforcement action to give written notification to the business/owner requesting compliance prior to any seizure/removal of non-compliant signs. Depending on the circumstances, remote signage, i.e. signage situated remotely from the business, is seized immediately and the business/owner is contacted to advise of seizure. Where the non-complying signage is immediately outside a business the Enforcement team provide the business with written notification of non-compliance and that seizure will be effective from the date of the notification. In situations where the relevant business or owner cannot be identified or there is repeated non-compliance the sign can be seized/removed under section 164 (1)(c), Local Government Act 2002. Seized/removed signs are returned to businesses/owners after payment of a \$150 fee.

### Complaints about Signage

5. Signage complaints tend to relate to four issues, these being:
  - (a) Signboards outside shop/business premises;
  - (b) Remote signage - signs on posts, fences etc not outside immediate business premises;
  - (c) Signage in breach of the City Plan, i.e., situated on private property; and
  - (d) Election Signage.
6. Any enforcement investigation and action follows a standard process as detailed in **Attachment 1**.

(a) Signboards and Remote Signage in Public Places

Enforcement team action is predominately undertaken on a complaint driven basis, although some proactive work is undertaken by Enforcement Officers depending on workload. All complaints come via the CCC Call Centre where a Customer Service request (CSR) is entered and allocated to the Enforcement team. The complainant is required to provide specific details about the nature of the complaint including the time, date and place observed. The CSR is assigned to the Enforcement Officer responsible for the area where the complaint has occurred, and investigation typically begins within one to two days of receiving the CSR complaint including undertaking background research/enquiries as well as a site visit. Where there are breaches of the bylaw, the process of education and/or incremental enforcement action is undertaken to the point where compliance is achieved.

(b) Signs in Breach of the City Plan (on Private Property)

The rules pertaining to signs on private property are governed under the City Plan which provides differing rules for differing City Plan zones. Where a sign is identified as being on private property the complaint is investigated under the Resource Management Act 1991 as a breach of City Plan rules. The enforcement action that may be undertaken in the absence of an appropriate resource consent may involve the issuing of an abatement notice or infringement notice. The issuing of an infringement notice is typically used for recidivist breaches by the same business/owner – where a warning had been previously issued.

(c) Election Sign Investigation Process

The investigation of complaints regarding election signage follows the same process as any general sign complaint, and is also complaint driven often by rival candidates. Given the politics that can be generated regarding election signage size, placement etc an ENF 16 investigation sheet (refer **Attachment 2**) was developed to support the process of election sign complaints in line with normal signage complaints to ensure consistency and fairness in investigation. However the temporary nature of the signage and the period of notice that must be given prior to seizing any sign typically means compliance is obtained prior to any need for further enforcement action.

**Complaints to date in the Spreydon/Heathcote Area**

7. The Community Board provided specific and general examples of current signage issues within the Spreydon/Heathcote area. Table 1 details the subsequent enforcement investigation and/or outcomes pertaining to these matters. Logging a call ASAP with the Call Centre does increase the chances of locating businesses responsible for temporary or movable signage complaints.

<b>Sign and Location</b>	<b>Breach Y/N</b>	<b>Investigation Outcome</b>
Sign on a bridge beside 66 Colombo Street	Yes	Sign has been removed
Trailer advertising Wheelie Bin Storage	Breach of the Public Places Bylaw – Commercial Activity in a Public Place	Company responsible has not been identified; transient signage that frequently varies location
House of Travel Sign	Potential breach of Public Places bylaw – Commercial Activity in a Public Place	Not enough detail to help identify sign / business franchise responsible

<b>Sign and Location</b>	<b>Breach Y/N</b>	<b>Investigation Outcome</b>
Temporary Signage e.g. advertising school fairs, garage sales, sport clubs on fences, trees, sign posts, traffic islands	This type of signage is a breach of the bylaw; however given the community-based nature and the temporary nature of these signs we apply discretion – taking enforcement action when there are significant breaches or complaints about a particular sign or site. Also the period of notice that must be given prior to seizing any sign means that these community events are often over prior to the expiry of any notification period.	Discretionary enforcement action
Real Estate Signage	The sign advertising the sale must be placed within the bounds of the property concerned. Open home signs are allowed within reasonable proximity of the address for sale and must be removed after the open home has finished.	Where breaches are identified contact is made with the relevant Real Estate Agency requesting removal of signs.

*Table 1: Specific and General*

#### **Breaches in Spreydon/Heathcote Area**

8. There were 120 signage-related CSR's forwarded to the Enforcement team for investigation in the Spreydon/Heathcote area between 1 July 2004 and 30 June 2009 – see *Table 2*. Twenty CSR's related to complaints about signage on private land, with the remaining 100 CSR's involving signage in public places. It is common for an individual CSR to detail complaints about a multiple number of signs. The noticeable increase in signs in public place complaints is a result of improved processes introduced over the past two years by the Enforcement Team that better ensures capture of signage related complaints.

	<b>Private Place CSR's Received</b>	<b>Public Place CSR's Received</b>
2004 from 1 July	1	4
2005	2	7
2006	3	16
2007	7	32
2008	6	23
2009 to 30 June	1	18
<b>Total</b>	<b>20</b>	<b>100</b>

*Table 2: Signage-related CSR's for Spreydon/Heathcote 2004 to 2009.*

#### **FINANCIAL IMPLICATIONS**

9. Not applicable.

#### **Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

10. Not applicable.

**LEGAL CONSIDERATIONS**

11. Section 1 details the relevant Council bylaw, City Plan and legislation relating to signage.

**Have you considered the legal implications of the issue under consideration?**

12. Not applicable.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. Not applicable.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

14. Not applicable.

**ALIGNMENT WITH STRATEGIES**

15. Not applicable.

**Do the recommendations align with the Council's strategies?**

16. Not applicable.

**CONSULTATION FULFILMENT**

17. Not applicable.

**STAFF RECOMMENDATION**

That the Board receive this information.

**CHAIRPERSONS' RECOMMENDATION**

That the staff recommendation be supported.