



*By-Law made under the Local Government Act 1999*

## MOVEABLE SIGNS BY-LAW 2012

### By-law No. 2 of 2012

*To set standards for moveable signs on streets and roads and to provide conditions for and the placement of such signs*

#### 1. Definitions

In this by-law, unless the contrary intention appears:

- 1.1 **authorised person** has the same meaning as in the *Local Government Act 1999*;
- 1.2 **banner** means a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 1.3 **business premises** means the premises from which a business, trade or calling is conducted;
- 1.4 **footpath area** means:
  - 1.4.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
  - 1.4.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 1.5 **moveable sign** has the same meaning as in the *Local Government Act 1999*;
- 1.6 **road** has the same meaning as in the *Local Government Act 1999*;
- 1.7 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

#### 2. Construction and Design

A moveable sign must:

- 2.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, or a flat sign, or, with the permission of the Council, a sign of some other kind; and
- 2.2 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public; and
- 2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions; and
- 2.4 not contain sharp or jagged edges or corners; and
- 2.5 not be unsightly or offensive in appearance or content; and
- 2.6 not rotate or contain moving parts; and
- 2.7 not contain flashing lights or be illuminated internally; and
- 2.8 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials; and
- 2.9 not exceed 900mm in perpendicular height, or have a base with any side exceeding 600mm in length; and
- 2.10 not have a display area exceeding 1 metre square in total or, if the sign is two-sided, 1 metre square on each side; and
- 2.11 be stable when in position; and
- 2.12 in the case of an 'A' frame or sandwich board sign:
  - 2.12.1 be hinged or joined at the top; and
  - 2.12.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
- 2.13 in the case of an inverted 'T' sign, contain no struts or supports that run between the display area and the base of the sign.

### 3. **Appearance**

A moveable sign on a road must, in the opinion of an authorised person:

- 3.1 be painted or otherwise detailed in a competent and professional manner; and
- 3.2 be aesthetically appealing, legible and simply worded to convey a precise message; and
- 3.3 be of such design and contain such colours:
  - 3.3.1 as are compatible with the architectural design of the premises adjacent to the sign; and

- 3.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated; and
- 3.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 3.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

#### 4. Placement

A moveable sign must:

- 4.1 only be placed on the footpath area of a road; and
- 4.2 be adjacent to the business premises to which it relates; and
- 4.3 where there is no kerb to define the footpath area, must allow a set back of 500mm from the edge of the carriageway; and
- 4.4 in the case of a flat sign, be in line with and against the property boundary of the road; and
- 4.5 be placed no less than 1.2 metres away from any structure, fixed object, tree, bush or plant (including another moveable sign); and
- 4.6 not be fixed, tied or chained to or leaned against any other structure, fixed object, tree, bush or plant (including another moveable sign); and
- 4.7 not be placed on a sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide; and
- 4.8 not be placed within six metres of the corner or intersection of a road; and
- 4.9 not be placed on a landscaped area other than landscaping that comprises only lawn; and
- 4.10 not be placed on a designated parking area or within 1 metre of an entrance to or exit from business premises; and
- 4.11 not unreasonably:
  - 4.11.1 restrict the use of the footpath area or road; or
  - 4.11.2 endanger the safety of members of the public.

#### 5. Restrictions

A moveable sign displayed on a road must:

- 5.1 only display material which advertises a business being conducted on business premises adjacent to the sign, or the products available from that business; and

- 5.2 be limited to one per business premises; and
- 5.3 only be displayed when the business is open to the public; and
- 5.4 be securely fixed in position such that it cannot be blown over or swept away; and
- 5.5 not be placed in such a position or in such circumstances that the safety of any user of the road is at risk; and
- 5.6 not be displayed during the hours of darkness unless it is clearly visible; and
- 5.7 not to be displayed on a median strip, traffic island or on a carriageway of a road.

## 6. **Banners**

A banner must:

- 6.1 only be displayed on a road, footpath area or road related area;
- 6.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 6.3 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 6.4 not be displayed more than one month before and two days after the event it advertises;
- 6.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- 6.6 not exceed 3 m<sup>2</sup> in size.

## 7. **Exemptions**

- 7.1 Paragraphs 4.2, 5.1, 5.2 and 5.3 do not apply to a moveable sign which is used:
  - 7.1.1 to advertise a garage sale taking place from residential premises; or
  - 7.1.2 as a directional sign to an event run by an incorporated association or a charitable body; or
  - 7.1.3 with permission of the Council.
- 7.2 Paragraphs 5.1, 5.2 and 5.3 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.
- 7.3 This by-law does not apply to a moveable sign that is:

- 7.3.1 placed on a road pursuant to an authorisation under the *Local Government Act 1999* or another Act; or
- 7.3.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- 7.3.3 related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 7.3.4 related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 7.3.5 related to a referendum and is displayed during the course and for the purpose of that referendum.

## 8. Removal of Non-complying Moveable Signs

- 8.1 If:
  - 8.1.1 the design or construction of a moveable sign that has been placed on a road does not comply with a requirement of this by-law; or
  - 8.1.2 the positioning of a moveable sign does not comply with a requirement of this by-law; or
  - 8.1.3 any other relevant requirement of this by-law is not complied with; or
  - 8.1.4 the moveable sign unreasonably:
    - 8.1.4.1 restricts the use of the footpath area or road; or
    - 8.1.4.2 endangers the safety of members of the public,

an authorised person may order the owner of the sign to remove the sign from the road.
- 8.2 A person must comply with an order of an authorised person made pursuant to subparagraph 8.1 of this by-law.
- 8.3 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order of an authorised person, the authorised person may remove and dispose of the moveable sign.
- 8.4 The owner or other person entitled to recover a moveable sign removed pursuant to subparagraph 8.3 of this by-law must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

**9. Removal of Complying Moveable Signs**

- 9.1 The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person if, in the reasonable opinion of that authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign.
- 9.2 The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person for the purpose of special events, parades, road works or in any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

The foregoing by-law was duly made and passed at a meeting of the Wattle Range Council held on the 10<sup>th</sup> day of JULY 2012 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

  
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Mr F.N. (Frank) Brennan  
Chief Executive Officer