Naracoorte Lucindale Council
Better by Nature

NARACOORTE LUCINDALE COUNCIL

MOVEABLE SIGNS BY-LAW 2017

By-law No. 4 of 2017

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

PROPOSED BY-LAW

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2017* and is By-law No. 4 of the Naracoorte Lucindale Council.

2. Authorising law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. Purpose

The objects of this By-law is to set standards for moveable signs on roads:

3.1. to protect the comfort and safety of road users and members of the public;

3.2. to enhance the amenity of roads and surrounding parts of the Council area;

3.3. to prevent nuisances occurring on roads;

3.4. to prevent unreasonable interference with the use of a road; and

3.5. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1. The following By-law previously made by the Council is revoked from the day on which this By-law comes into operation[1]:

4.1.1 *By-law No.4 - Moveable Signs 2*010.[2]

4.2. This By-law will expire on 1 January 2025.[3]

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.

2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.

5.2. This By-law applies throughout the Council area and is subject to the *Development Act 1993*.

6. Interpretation

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

6.1. ***Act*** means the *Local Government Act 1999*;

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6.2. ***authorised person*** means a person appointed as an authorised person pursuant to section 260 of the Act;

6.3. ***banner*** means a strip of cloth, plastic or other material that is designed to be slung between two brackets, tied up at either end or hung from a pole, fence or other structure;

6.4. ***business premises*** means premises from which a business is being conducted;

6.5. ***Council*** means Naracoorte Lucindale Council;

6.6. ***footpath area*** means:

6.6.1 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;

6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7. ***Local Government land*** has the same meaning as in the Act;

6.8. ***moveable sign*** has the same meaning as in the Act;

6.9. ***road*** has the same meaning as in the Act; and

6.10. ***vehicle*** has the same meaning as in the *Road Traffic Act 1961.*

6.11. for the purposes of this By-law, reference to a '***sealed part of a footpath***' means that part of the footpath that is bituminized, paved or otherwise sealed by cement and/or pavers.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and design

A moveable sign must:

7.1. be of 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 (which permission may be given generally by way of a policy adopted by the Council), a sign of some other kind;

7.2. be designed, constructed and maintained in good quality and condition so as not to, in the opinion of an authorised person, present a hazard to any member of the public;

7.3. be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;

7.4. have no sharp or jagged edges or corners;

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7.5. not be unsightly or offensive in appearance or content;

7.6. be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

7.7. not exceed 1 metre in height, 600mm in width and 600mm in depth;

7.8. in the case of an ‘A’ frame or sandwich board sign:

7.8.1 be hinged or joined at the top;

7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.8.3 not have a base area in excess of 0.6 square metres;

7.9. in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. **Placement**

A moveable sign must not be:

8.1. placed on any part of a road other than the footpath area;

8.2. placed on a footpath that is less than 2.5 metres wide;

8.3. tied, fixed or attached to or placed closer than 1 metre from another structure, fixed object, tree, bush or plant (including another moveable sign);

8.4. placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;

8.5. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;

8.6. placed closer than 1 metre to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, which ever is the greater);

8.7. placed on a landscaped area, other than landscaping that comprises only lawn;

8.8. placed within 10 metres of an intersection of two or more roads;

8.9. placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;

8.10. placed on a designated parking area, a median strip, traffic island, roundabout or, within 1 metre of an entrance to premises

8.11. displayed during the hours of darkness unless it is clearly lit; or

8.12. be placed in such a position or in such circumstances so that, in the opinion of an authorised person, the safety of a user of the footpath area or road is at risk.

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9. **Appearance**

A moveable sign placed on the footpath area must, in the opinion of an authorised person:

9.1. be painted or otherwise detailed at a competent and professional manner;

9.2. be attractive, legible and simply worded to convey a precise message;

9.3. be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the townscape and overall amenity of the locality in which it is situated;

9.4. contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated;

9.5. not have balloons, flags, streamers or other things attached to it; and

9.6. not rotate or contain flashing parts.

10. **Banners**

A person must not erect or display a banner on a road or a building or structure on a road without the Council's permission.

Note-

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

11. **Restrictions**

11.1. The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time.

11.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

11.3. A person must not cause or allow a moveable sign to be placed on a footpath area unless:

11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and

11.3.2 the business premises to which it relates is open to the public;

11.4. If in the opinion of an authorised person, a footpath area is unsafe for a moveable sign to be displayed, the authorised person may prohibit or restrict the display of a moveable sign thereon.

12. **Exemptions**

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12.1. Subclauses 11.1 and 11.3 of this By-law do not apply to a moveable sign which:

12.1.1 advertises a garage sale taking place from residential premises; or

12.1.2 is a directional sign to an event run by a community organisation or charitable body.

12.2. Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

12.3. A requirement of this By-law will not apply where the Council has granted permission (including under any Council Policy adopted for that purpose) for the moveable sign to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- 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;
- related to an election held under this Act 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
- the sign is of a prescribed class.

PART 3 – ENFORCEMENT

13. Removal of moveable signs

13.1. A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act. This includes:

13.1.1 if, in the opinion of the authorised person, and not withstanding 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; or

13.1.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

Note-

pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

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13.2. The owner of, or other person entitled to recover, a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

14. **Liability of vehicle owners**

14.1. For the purposes of this clause 14, ***owner*** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

14.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the City of West Torrens held on the **[INSERT DATE]** 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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HELEN MACDONALD
Chief Executive Officer

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