



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

## **MOVEABLE SIGNS BY-LAW 2018**

### **By-Law No 2 of 2018**

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

#### **Part 1 – Preliminary**

##### **1. Short Title**

This by-law may be cited as the *Moveable Signs By-law 2018*.

##### **2. Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.

##### **3. Definitions**

In this by-law:

3.1 **business** means the business to which a moveable sign relates;

3.2 **business premises** means the premises from which a business, trade or calling is conducted;

3.3 **footpath area** means:

3.3.1 that part of the road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or

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

3.4 **moveable sign** has the same meaning as in the *Local Government Act 1999*.

#### **Part 2 – Provisions Applicable to Moveable Signs**

##### **4. Construction**

A moveable sign must:

4.1 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;

- 4.2 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 4.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.4 not contain any sharp or jagged edges or corners;
- 4.5 not be unsightly or offensive in appearance or content;
- 4.6 not rotate or contain moving parts;
- 4.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.8 not contain flashing lights or be illuminated internally;
- 4.9 not be more than 1 metre high, 600mm wide and 600mm deep;
- 4.10 not have a display area exceeding 700mm square in total or, if the sign is two sided, 700mm square on each side;
- 4.11 be stable when in position;
- 4.12 in the case of an 'A' frame or sandwich board sign:
  - 4.12.1 be hinged or joined at the top;
  - 4.12.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
- 4.13 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.

**5. Appearance**

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

- 5.1 be painted or otherwise detailed in a competent and professional manner;
- 5.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 5.3 be of such design and contain such colours as 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 and not detract from or conflict with traffic, safety or direction signs or signals; and
- 5.4 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.

**6. Placement**

A moveable sign must:

- 6.1 only be placed on the footpath area of a road;
- 6.2 where there is no kerb to define the footpath area, be set back from the edge of the carriageway by no less than 400mm;
- 6.3 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, be in line with and against the business to which it relates;
- 6.4 be no less than 2 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 6.5 be placed directly in front of the business premises to which it relates;
- 6.6 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 of at least 1.8 metres;
- 6.7 not be placed within 10 metres of the corner of a road;
- 6.8 be adjacent to the premises of the business to which it relates;
- 6.9 not be placed on a landscaped area;
- 6.10 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises; and
- 6.11 not unreasonably restrict the use of the footpath area.

**7. Restrictions**

A moveable sign must:

- 7.1 only display material which advertises a business being conducted on commercial premises adjacent to the sign or the products available from that business;
- 7.2 be limited in number to one moveable sign per business premises;
- 7.3 only be displayed when the business to which it relates is open to the public;
- 7.4 be securely fixed in position such that it cannot be blown over or swept away;
- 7.5 not be placed in such a position or in such circumstances that the safety of any user of the road is at risk;
- 7.6 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; and
- 7.7 not to be displayed on a median strip, traffic island or on a carriageway of a street or road.



### Part 3 – Enforcement

#### 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 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.

**Part 4 – Miscellaneous**

**10. Specified Exemptions**

- 10.1 This by-law does not apply to a moveable sign which:
  - 10.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
  - 10.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
  - 10.1.3 directs people to a garage sale that is being held on residential premises;
  - 10.1.4 directs people to a charitable function;
  - 10.1.5 is related to a State or Commonwealth election and is displayed during the period commencing at 5.00pm on the day before the day of the issue of writ or writs for the election and ending at the close of polls on polling day;
  - 10.1.6 is 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 weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;
  - 10.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;
  - 10.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
  - 10.1.9 is a sign of a class prescribed in regulations.
- 10.2 Clauses 7.1, 7.2 and 7.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.

**11. Prohibition**

- 11.1 The Council may, by resolution, prohibit the display of moveable signs on a road or part of road subject to this clause.
- 11.2 A resolution made by the Council under sub-clause 11.1 may prohibit the display of moveable signs absolutely, or at particular times or on particular days.
- 11.3 The Council may only make a resolution under sub-clause 11.1 if, in the opinion of the Council, the display of movable signs on the road would endanger the safety of road users or otherwise be unsuitable.
- 11.4 Notwithstanding any other clause of this by-law, a person must not display a moveable sign on a road or part of a road contrary to a prohibition made by the Council under this clause.

12. **Revocation**

Council's *By-law No 2 – Moveable Signs*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 28<sup>th</sup> day of August 2018 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 Paul Deb  
Chief Executive Officer