



DISTRICT COUNCIL OF ELLISTON

MOVEABLE SIGNS BY-LAW 2022

By-law No. 4 of 2022

This By-law is 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 in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2022* and is By-law No. 4 of the District Council of Elliston.

2. Authorising Law

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

3. Purpose

The objectives of this By-law are 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-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-Law No. 4 – Moveable Signs 2015.*²

- 4.2 This By-law will expire on 1 January 2030.³

Note-

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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 2022*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 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 hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the District Council of Elliston;
- 6.6 **‘feather’ or ‘teardrop’ sign** means a moveable sign constituting a slip of cloth, plastic or other material attached to a vertical pole generally stabilised by a heavy base;
- 6.7 **footpath area** means:
 - 6.7.1 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
 - 6.7.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.8 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.9 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.10 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
 - 6.10.1 a bridge, viaduct or subway; or
 - 6.10.2 an alley, laneway or walkway; and
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.11.1 a motor vehicle trailer and a tram;
 - 6.11.2 a bicycle;
 - 6.11.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.11.4 a combination; and

- 6.11.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* 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 be:

- 7.1 of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;
 - 7.1.3 a flat sign;
 - 7.1.4 a 'feather' or teardrop' sign; or
 - 7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 designed, constructed and maintained in good quality and condition (in the opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.5 not contain any sharp or jagged edges or corners;
- 7.6 not be unsightly or offensive in appearance or content;
- 7.7 not rotate, be illumined internally, or contain moving or flashing parts;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 in the case of a 'feather'/'teardrop' sign, not exceed 2.5m in height, 600mm in width and 600mm in depth;
- 7.10 in the case of an 'A' frame or sandwich board sign:
 - 7.10.1 be hinged or joined at the top;
 - 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.10.3 not exceed 1200mm in height, 800mm in width or 800mm in depth;

7.11 in the case of an inverted 'T' sign:

7.11.1 not contain struts or members that run between the display area and the base of the sign; and

7.11.2 not exceed 1200mm in height, 800mm in width or 800mm.

8. Appearance

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

8.1 be painted or otherwise detailed in a competent and professional manner;

8.2 be aesthetically appealing, legible and simply worded to convey a precise message; and

8.3 be of such design and contain such colours:

8.3.1 as are compatible with the architectural design of the premises adjacent to the sign;

8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;

8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and

8.3.4 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.

9. Placement

A moveable sign must:

9.1 not be placed on any part of a road apart from the footpath area;

9.2 be adjacent to the premises of the business to which it relates;

9.3 not be placed on a footpath that is less than 2.5 metres wide;

9.4 not be placed on a designated parking area or within one (1) metre of an entrance to or exit from premises;

9.5 subject to this clause 9, not be placed closer than 400mm to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);

9.6 not be placed less than 1.2 metres away from or fixed, tied, chained or leaned against any structure, fixed object, tree, bush or plant (including another moveable sign);

- 9.7 not be placed within 10 metres of an intersection;
- 9.8 not be placed on a landscaped area other than landscaping that comprises only lawn;
- 9.9 not be placed on a median strip, traffic island, roundabout or on any other traffic control device;
- 9.10 not unreasonably:
 - 9.10.1 restrict the use of the footpath area or road or obstruct or impede a vehicle on the road; or
 - 9.10.2 endanger the safety of any person or places a person at risk;
- 9.11 not be 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; and
- 9.12 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible.

10. Banners

A banner must:

- 10.1 only be displayed on a road, footpath area or road related area;
- 10.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 10.3 only advertise an event to which the public are invited;
- 10.4 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;
- 10.5 not be displayed more than one month before and one week after the event it advertises;
- 10.6 not be displayed for a continuous period of more than five (5) weeks in any twelve-month period; and
- 10.7 not exceed 3m² in size.

11. Restrictions

- 11.1 The owner or operator of a business must not cause or allow;
 - 11.1.1 more than one (1) moveable sign relating to that business to be displayed in the Council's area at any one time;
 - 11.1.2 a moveable sign relating to that business to be displayed unless the business premises to which it relates is open for trade to the public; or

- 11.1.3 any movable sign relating to that business to be installed on a road such that it is permanently fixed into position.

Note-

Sub-clause 11.1.2 is intended to operate to require business owners to retrieve moveable signs relating to their business from the footpath area daily at the close of business.

- 11.2 A person must not display or cause to be displayed 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 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

12. Exemptions

- 12.1 Subclauses 11.1 and 11.2 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 a community event.
- 12.2 Subclause 11.1 of this By-law does 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 by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
- 12.4 An application seeking permission from the Council to display a moveable sign contrary to a requirement of this By-law must be in writing and include:
- 12.4.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
- 12.4.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
- 12.4.3 details of the design and content of the proposed moveable sign and, where relevant the business premises or community event that it relates to; and
- 12.4.4 any other information that may be required by the Council.

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; or
- 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.

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;
- 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.

- 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.

- 13.3 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:

13.3.1 if, in the opinion of an 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; or

13.3.2 for the purpose of community events, 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.

14. Liability of Vehicle Owners

- 14.1 For the purpose 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 District Council of Elliston held on **18 October 2022** 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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GEOFF SHERIDAN
Chief Executive Officer

