

THE DISTRICT COUNCIL OF KAROONDA EAST MURRAY
By-law made under the Local Government Act 1999

By-law No. 5 – Moveable Signs

To protect visual amenity and public safety on Roads and footpaths by setting standards for moveable signs and regulating their placement in a manner which recognizes the advertising needs of businesses to maximise economic viability.

1. Definitions

In this By-law:

- 1.1 “Authorised Person” has the same meaning as in the Local Government Act 1999.
- 1.2 “Business” means the business to which a Moveable Sign relates.
- 1.3 “Business Premises” means the premises from which a business is conducted.
- 1.4 “Footpath” 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. Design and Construction

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 quality and 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 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 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials; and
- 2.7 not rotate or contain moving parts; and
- 2.8 not contain flashing lights or be illuminated internally; and
- 2.9 not be more than 900mm high and 600mm deep; and
- 2.10 in the case of an ‘A’ Frame or Sandwich Board sign:
 - 2.10.1 be hinged or joined at the top; and

- 2.10.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
- 2.11 in the case of an inverted "T" sign, not contain any struts or supports that run between the display area and the base of the sign; and
- 2.12 have a display area not exceeding one (1) square metre in total or, if the sign is two sided, one (1) square metre on each side.

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 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
- 3.4 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.

4. **Placement**

A Moveable Sign must:

- 4.1 only be placed on the Footpath of a Road; and
- 4.2 not be placed on a Footpath that is less than 2.3 metres wide; and
- 4.3 be placed at least 600 mm from the kerb (or, if there is no kerb, from the edge of the carriageway of a Road); and
- 4.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn; and
- 4.5 not be placed on a designated parking area or within one (1) metre of an entrance to Premises; and
- 4.6 not be placed so as to interfere with the reasonable movement of persons or vehicles using the Footpath or Road in the vicinity of or adjacent to where the Moveable Sign is positioned or endanger the safety of members of the public; and
- 4.7 not be fixed, tied or chained to, leaned against or placed closer than two (2) meters to any other structure, object or plant (including another Moveable Sign); and
- 4.8 in the case of a flat sign, the message of which only contains newspaper headlines and the name of the newspaper, be placed resting against the Premises of the business to which the Moveable Sign relates; and
- 4.9 be placed directly in front of the Business Premises to which it relates; and
- 4.10 be placed within the projections of the side boundaries of the Business Premises to which it relates; and
- 4.11 not be placed so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway; and
- 4.12 not be placed within six (6) metres of an intersection; and

- 4.13 not be placed so that it prevents a clear passage for pedestrians of at least two (2) metres.

5. Restrictions

- 5.1 A Moveable Sign must:
- 5.1.1 only contain material which advertises a Business being conducted on Business Premises adjacent to the Moveable Sign or the goods and services available from that Business; and
 - 5.1.2 be limited to two (2) Moveable Signs per Business Premises; and
 - 5.1.3 only be displayed when the Business to which it relates is open to the public; and
 - 5.1.4 not be tied, fixed or attached to anything; and
 - 5.1.5 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; and
 - 5.1.6 not be displayed on a median strip, traffic island or on the carriageway of a Road; and
 - 5.1.7 be securely anchored to minimise the likelihood of the Moveable Sign being blown away or knocked over in inclement weather.
- 5.2 If in the opinion of the Council a Footpath or other area forming the boundary of any Road is unsafe for any Moveable Sign to be displayed or placed the Council may by resolution prohibit or restrict the display or placement of a Moveable Sign or the times a Moveable Sign may be displayed or placed in that area.

6. Exemptions

- 6.1 Subparagraphs 5.1.1, 5.1.2 and 5.1.4 of this by-law do not apply to a Moveable Sign which is displayed and used:
- 6.1.1 to advertise a garage sale taking place from residential premises; or
 - 6.1.2 as a directional sign to a short term (less than three days) event run by a community/charitable body or an unincorporated association.
- 6.2 Subparagraphs 5.1.1, 5.1.2 and 5.1.3 of this by-law do not apply to a flat sign the message of which only contains a newspaper or magazine headlines and the name of the newspaper or magazine.
- 6.3 A requirement of this by-law will not apply where the Council has granted permission for the Moveable Sign to be displayed contrary to the requirement.
- 6.4 This by-law will not apply to a Moveable Sign which is:
- 6.4.1 placed on a Road pursuant to an authorisation under the Local Government Act 1999 or another Act; or
 - 6.4.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
 - 6.4.3 related to a State or Commonwealth election and is displayed during the period commencing on the issue of writ or writs for the election and ending at the close of polls on polling day; or

- 6.4.4 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.

7. Removal of Unauthorised Moveable Signs

7.1 If:

- 7.1.1 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
- 7.1.2 the positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- 7.1.3 any other relevant requirement of this by-law is not complied with; or
- 7.1.4 the Moveable Sign unreasonably:
- 7.1.4.1 restricts the use of the Road; or
 - 7.1.4.2 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.

- 7.2 A person must comply with an order of an Authorised Person made pursuant to subparagraph 7.1 of this by-law.
- 7.3 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.
- 7.4 The owner or other person entitled to recover a Moveable Sign removed pursuant to subparagraph 7.3 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.

8. Removal of Authorised Moveable Signs

- 8.1 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.
- 8.2 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 District Council of Karoonda East Murray held on the 9 December 2008, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Peter Smithson, Chief Executive Officer