

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

The District Council of Karoonda East Murray

By-law No 2 – Moveable Signs By-Law 2022

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;

and do certify that in my opinion:

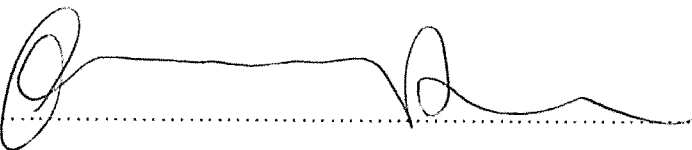
The District Council of Karoonda East Murray

has the power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 226, 238, 239(1)(a), 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 28th day of January 2022

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke.

Cimon Burke, Legal Practitioner

THE DISTRICT COUNCIL OF KAROONDA EAST MURRAY

MOVEABLE SIGNS BY-LAW 2022

By-law No. 2 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.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2022* and is By-law No. 2 of the District Council of Karoonda East Murray.

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's 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's area.

4. Commencement and Expiry

This By-law will commence in accordance with the Act¹ and will expire on 1 January 2030².

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. 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 11.

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 slip of cloth, plastic or other material hung up or carried on 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 Karoonda East Murray;
- 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*.

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

A moveable sign must:

- 7.1 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 (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good condition 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 not contain any sharp or jagged edges or corners;

- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not rotate or contain moving parts;
- 7.7 not contain flashing lights or be illuminated internally;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.10 subject to this clause 7, not have a display area exceeding one square metre in total or, if the sign is two-sided, one square metre on each side;
- 7.11 in the case of an 'A' frame or sandwich board sign but subject to subclause 7.11;
 - 7.11.1 be hinged or joined at the top;
 - 7.11.2 be of such construction that its sides shall be securely fixed or locked in position when erected;
 - 7.11.3 not be more than 900mm high and 600mm deep; and
- 7.12 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.

8. Appearance

A moveable sign 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;
- 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; and
 - 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.4 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 only be placed on the footpath area of a road;

- 9.2 not be placed on a footpath area that is less than 2.5 metres wide;
- 9.3 not be placed closer than 1.5 metres 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);
- 9.4 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 property boundary of the business premises to which it relates;
- 9.5 be placed no less than 1.2 metres from any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.6 not be fixed, tied or chained to or leaned against any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.7 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 of at least 1.2 metres;
- 9.8 not be placed on a landscaped area other than landscaping that comprises only lawn;
- 9.9 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises;
- 9.10 not be placed within 10 metres of an intersection;
- 9.11 be securely fixed in position such that it cannot be blown over or swept away;
- 9.12 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible;
- 9.13 not to be displayed on a median strip, traffic island or on a carriageway of a road; and
- 9.14 not unreasonably restrict the use of the footpath area or endanger the safety of members of the public.

10. Restrictions

- 10.1 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time.
- 10.2 A person must not, without the permission of the Council, cause or allow a moveable sign to be placed on a footpath area unless:
 - 10.2.1 it only displays material which advertises a business being conducted on business premises adjacent to the sign or the goods and services available from that business; and
 - 10.2.2 the business to which it relates is open to the public.

- 10.3 A person must not, without the permission of the Council, 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.
- 10.4 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.

11. Exemptions

- 11.1 Subclauses 9.4, 10.1 and 10.2 do not apply to a moveable sign which is used:

- 11.1.1 to advertise a garage sale taking place from residential premises; or
- 11.1.2 as a directional sign to an event run by an incorporated association or a charitable body.

- 11.2 Subparagraphs 9.4, 10.1 and 10.2 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.

- 11.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy for this purpose) for a moveable sign (or class of 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

12. Removal of Moveable Signs

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

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:

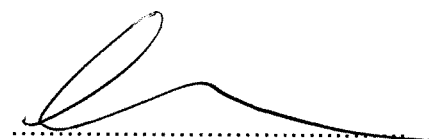
- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.

- 12.2 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.
- 12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.3.1 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
- 12.3.2 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.

13. Liability of Vehicle Owners

- 13.1 For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 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 District Council of Karoonda East Murray held on **8 February 2022** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



MARTIN BORGAS
Chief Executive Officer