



MOVEABLE SIGNS BY-LAW 2019

By-law No. 2 of 2019

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

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2019* and is By-law No. 2 of the Port Augusta City Council.

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, 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

4.1.1 By-Law No.2 - Moveable Signs 2012.²

- 4.2 This By-law will expire on 1 January 2027.³

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 2019*;
- 5.2 This By-law applies throughout the Council's area.

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 and includes a feather banner;
- 6.4 **business premises** means the *premises* from which a business, trade or calling is conducted.
- 6.5 **Council** means the Port Augusta City 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** means *land owned* by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the *Local Government Act 1999*;
- 6.9 **road** has the same meaning as in the *Local Government Act 1999*;
- 6.10 **road related area** has the same meaning as in the *Road Traffic Act 1961*; and
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

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 displayed on a Road must:

- 7.1 be of kind known as an 'A frame' or 'sandwich board' sign, an 'inverted T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;
- 7.4 not have sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not contain flashing parts or rotate;

- 7.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.8 not have balloons, flags, streamers or other material attached to it;
- 7.9 not exceed 900mm in perpendicular height, or have a base with any side exceeding 600mm in length and 600mm in depth;
- 7.10 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:
 - 7.11.1 be hinged or joined at the top; and
 - 7.11.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.12 in the case of an 'inverted T' sign, not contain struts or supports that run between the display area and the base of the sign.

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

A moveable sign must:

- 9.1 only be positioned on the footpath area of a road;
- 9.2 be adjacent to the business premises to which it relates;
- 9.3 be placed no closer than 400mm from the edge of the carriageway of a road;
- 9.4 in the case of a flat sign, must be in line with and against the property boundary of the road;
- 9.5 not be placed less than 1.8 metres from any structure, fixed object, tree, bush or plant (including another Moveable Sign);
- 9.6 not be fixed, tied, chained to or leant against any other structure, fixed object, tree, bush or plant (including another Moveable Sign);

- 9.7 not be placed on the sealed part of any Footpath Area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of a width of at least 1.8 meters;
- 9.8 not be placed on a landscaped area;
- 9.9 be placed on a designated parking area or within 1.8 meters of an entrance to or exit from premises;
- 9.10 not be placed on a footpath area that is less than 1.8 meters wide;
- 9.11 not be placed on a footpath area with a minimum height clearance, of a structure above it of less than 2 meters;
- 9.12 not be placed so as to interfere with the reasonable movement of persons or vehicles using the road;
- 9.13 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;
- 9.14 not be placed within 2 metres of an intersection of two or more roads;
- 9.15 not be placed in such a position or in such circumstances that:
 - 9.15.1 it compromises the safety of any person or places a person at risk of harm; or
 - 9.15.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

10. Restrictions

- 10.1 A Moveable Sign must:
 - 10.1.1 only display content advertising a business being conducted on premises that is immediately adjacent to the moveable sign or, the products available from that business;
 - 10.1.2 be limited in number to one moveable sign per business premises;
 - 10.1.3 only be displayed when the business to which the Moveable Sign relates is open; and
 - 10.1.4 not be displayed during the hours of darkness unless it is in a clearly lit area and clearly visible.
- 10.2 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 of a road at any time.
- 10.3 If in the opinion of the Council a road 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. Banners

A banner must:

- 11.1 only be displayed on a road in areas approved by the Council for that purpose; and
- 11.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap; and
- 11.3 not be displayed more than one month before and two days after the event it advertises; and
- 11.4 not be displayed for a continuous period of more than one month and two days in any twelve month period; and
- 11.5 not exceed 3 square meters in size.

12. Moveable Signs on Vehicles

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.

13. Exemptions

- 13.1 Subclauses 10.1 and 10.2 of this By-law do not apply to a moveable sign which:
 - 13.1.1 advertises a garage sale taking place from residential premises provided that no more than four Moveable Signs per residential premises may be displayed at any one time in relation to a garage sale taking place at that residential premises; or
 - 13.1.2 is a directional sign to a short term (less than three days) event run by a community organisation or charitable body;
- 13.2 Subclauses 10.1 and 10.2 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.
- 13.3 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 the Act or another Act; or
- designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- 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
- 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.

PART 3- ENFORCEMENT

14. Removal of moveable signs

14.1 If:

14.1.1 the design or construction or position of a movable sign that has been placed on a road does not comply with a requirement of this By-law; or

14.1.2 any other relevant requirement of this By-law is not complied with; or

14.1.3 a moveable sign unreasonably:

14.1.3.1 restricts the use of the road; or

14.1.3.2 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.

14.2 A person must comply with an order of an authorised person made pursuant to subclause 14.1 of this By-law.

14.3 If the authorised person cannot find the owner, or the owner fails to comply with the order, the authorised person may remove the moveable sign.

14.4 If a Moveable sign that is removed pursuant to clause 14.3 of this by-law, is not claimed within thirty days of such removal, the Authorised Person may sell, destroy or otherwise dispose of the moveable sign as the authorised Person thinks fit.

14.5 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.

14.6 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

14.6.1 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

14.6.2 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.

15. Liability of vehicle owners

15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

15.2 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 Port Augusta City Council held on **13 August 2019** 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 John Banks
Chief Executive Officer