



CITY OF HOLDFAST BAY

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 placement of such signs for the purpose of protecting visual amenity and public safety.

CONTENTS

PART 1 – PRELIMINARY2

1. Title.....2

2. Authorising law2

3. Purpose.....2

4. Commencement, revocation and expiry2

5. Application2

6. Interpretation.....2

PART 2 – MOVEABLE SIGNS3

7. Construction3

8. Appearance4

9. Placement4

10. Restrictions5

11. Moveable Signs on Vehicles.....5

12. Exemptions.....6

13. Removal of Moveable Signs6

14. Liability of vehicle owners7

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2018* and is By-law No. 2 of the City of Holdfast Bay.

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.2 - Moveable Signs 2012.²

4.2 This By-law will expire on 1 January 2026.³

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 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 **business premises** means premises from which a business is being conducted.
- 6.4 **Council** means the City of Holdfast Bay;
- 6.5 **footpath area** means:
- 6.5.1 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;
- 6.5.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.6 **Local Government land** has the same meaning as in the Act;
- 6.7 **moveable sign** has the same meaning as in the Act;
- 6.8 **road** has the same meaning as in the Act; and
- 6.9 **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

A moveable sign must:

- 7.1 be of a 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 condition so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable or securely fixed in position so as to keep its position in any 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 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

- 7.8 not contain flashing lights or be illuminated internally;
- 7.9 not have balloons, flags, streamers or other things attached to it;
- 7.10 not be more than 1100mm high, 700mm wide and 700mm deep;
- 7.11 not have a display area exceeding 700mm square in total or, if the sign is two sided, 700mm square on each side;
- 7.12 in the case of an 'A' frame or 'sandwich board' sign:
 - 7.12.1 be hinged or joined at the top;
 - 7.12.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.13 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.

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 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 which do not detract from or conflict with traffic, safety or direction signs or signals; 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 placed on the footpath area of a road;
- 9.2 where there is no kerb to define the footpath area, be set back from the edge of the carriageway by no less than 400mm;
- 9.3 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;
- 9.4 be placed no less than 2 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.5 be placed directly in front of the business premises to which it relates;

- 9.6 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
- 9.7 1.8 metres;
- 9.8 not be placed on a road where the width of the road (including the footpath area and the carriageway) is less than 4 metres;
- 9.9 not be placed within 10 metres of the corner of a road;
- 9.10 not be placed on a landscaped area;
- 9.11 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises;
- 9.12 not unreasonably restrict the use of the footpath area; and
- 9.13 not be placed in such a position or in such circumstances that:
 - 9.13.1 it compromises the safety of any person or places a person at risk of harm; or
 - 9.13.2 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 material which advertises a business being conducted on business premises adjacent to the 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 it relates is open to the public;
 - 10.1.4 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; and
- 10.2 A moveable sign must not, without the Council's permission, be displayed on any road, footpath or local government land within Moseley Square.
- 10.3 A moveable sign must not be displayed on any road, footpath or local government land along Jetty Road, Glenelg.
- 10.4 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. Moveable Signs on Vehicles

A person must not, without the Council's permission, 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.

12. Exemptions

- 12.1 Subclauses 9.5 and 10.1 do not apply to a moveable sign which is used:
- 12.1.1 to advertise a garage sale taking place from residential premises;
 - 12.1.2 as a directional sign to an event run by an incorporated association or a charitable body; or
- 12.2 Subclause 10.1 does not apply to a flat sign the message of which only contains newspaper headlines and the name of a newspaper and which must be displayed and located flat against a wall of the business premises at all times.
- 12.3 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.

13. Removal of Moveable Signs

- 13.1 If:
- 13.1.1 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
 - 13.1.2 the positioning of a moveable sign does not comply with a requirement of this By-law; or
 - 13.1.3 any other relevant requirement of this By-law is not complied with; or
 - 13.1.4 the moveable sign unreasonably:
 - 13.1.4.1 restricts the use of the road; or
 - 13.1.4.2 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.
- 13.2 A person must comply with an order of an authorised person made pursuant to subparagraph 13.1 of this By-law.

- 13.3 If the authorised person cannot find the owner, or the owner fails to comply with the order of an authorised person, the authorised person may remove and dispose of the moveable sign.
- 13.4 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.
- 13.5 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
 - 13.5.1 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
 - 13.5.2 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.

14. Liability of vehicle owners

- 14.1 For the purposes 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 the City of Holdfast Bay held on **9th JULY 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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ROBERTO BRIA
Chief Executive Officer