

## CITY OF HOLDFAST BAY

*By-law made under the Local Government Act 1999*

### **By-Law No 2 - Moveable Signs**

*To set standards for moveable signs on roads and to provide conditions for the appearance and placement of such signs.*

#### **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, trade or calling is conducted;
- 1.4 'footpath area' means:
  - 1.4.1 that part of the 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, laneway or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 1.5 'local government land' means land owned by the Council or under the Council's care, control and management except roads;
- 1.6 'moveable sign' has the same meaning as in the Local Government Act 1999;
- 1.7 'road' has the same meaning as in the Local Government Act 1999.

#### **2. 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;
- 2.2 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 2.4 not contain any sharp or jagged edges or corners;

- 2.5 not be unsightly or offensive in appearance or content;
- 2.6 not rotate or contain moving parts;
- 2.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.8 not contain flashing lights or be illuminated internally;
- 2.9 not have balloons, flags, streamers or other things attached to it;
- 2.10 not be more than 1100mm high, 700mm wide and 700mm deep;
- 2.11 not have a display area exceeding 700mm square in total or, if the sign is two sided, 700mm square on each side;
- 2.12 be stable when in position;
- 2.13 in the case of an 'A' frame or sandwich board sign:
  - 2.13.1 be hinged or joined at the top;
  - 2.13.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
- 2.14 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.

### 3. **Appearance**

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

- 3.1 be painted or otherwise detailed in a competent and professional manner;
- 3.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 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 which do 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 area of a road;
- 4.2 where there is no kerb to define the footpath area, be set back from the edge of the carriageway by no less than 400mm;
- 4.3 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;
- 4.4 be placed no less than 2 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 4.5 be placed directly in front of the business premises to which it relates;
- 4.6 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 1.8 metres;
- 4.7 not be placed on a road where the width of the road (including the footpath area and the carriageway) is less than 4 metres;
- 4.8 not be placed within 10 metres of the corner of a road;
- 4.9 be adjacent to the premises of the business to which it relates;
- 4.10 not be placed on a landscaped area;
- 4.11 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises; and
- 4.12 not unreasonably restrict the use of the footpath area.

## 5. Restrictions

- 5.1 A moveable sign must:
  - 5.1.1 only display material which advertises a business being conducted on commercial premises adjacent to the sign or the products available from that business;
  - 5.1.2 be limited in number to one moveable sign per business premises;
  - 5.1.3 only be displayed when the business to which it relates is open to the public;
  - 5.1.4 be securely fixed in position such that it cannot be blown over or swept away;
  - 5.1.5 not be placed in such a position or in such circumstances that the safety of any user of the road is at risk;
  - 5.1.6 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; and
  - 5.1.7 not to be displayed on a median strip, traffic island or on a carriageway of a street or road.

- 5.2 A moveable sign must not be displayed on an area of local government land, footpath area or other area forming the boundary of a road in that part of the Council's area:
- 5.2.1 from the western boundary of Brighton Road, Glenelg to the low water mark on the seashore; and
  - 5.2.2 between the northern and southern boundary of Jetty Road, Glenelg and between imaginary lines being the western extensions of those boundaries to the low water mark on the seashore.
- 5.3 If in the opinion of the Council any other area of local government land, footpath area or other area forming the boundary of any road is unsafe or unsuitable for the display of moveable signs the Council may by resolution prohibit or restrict the display or placement of a moveable sign or the times at which a moveable sign may be displayed or placed in that area.

## 6. Signs on Local Government Land

A person must not, without the Council's permission, display or cause to be displayed a moveable sign on any local government land or resting on or attached to a vehicle on any local government land except a moveable sign:

- 6.1 attached to a licensed taxi;
- 6.2 on or attached to a vehicle belonging to any council and which has been placed on or attached to the vehicle with the consent of the council to which the vehicle belongs;
- 6.3 on or attached to a bus greater than 6 metres in length;
- 6.4 on or attached to a vehicle which only has a sign or signs painted on or glued to it the main purpose of which is to identify it as belonging to a business;
- 6.5 comprising a sunscreen on a vehicle, where any message or trade mark or mark on the sunscreen does not advertise a business being carried on in the vicinity of the place the vehicle is parked, or the products available from that business.

## 7. Exemptions

- 7.1 Subparagraphs 4.5 and 5.1.1 do not apply to a moveable sign which is used:
- 7.1.1 to advertise a garage sale taking place from residential premises;
  - 7.1.2 as a directional sign to an event run by an incorporated association or a charitable body; or
  - 7.1.3 with permission of the Council.
- 7.2 Subparagraphs 5.1.1, 5.1.2 and 5.1.3 do 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.
- 7.3 This by-law does not apply to a moveable sign which is:

- 7.3.1 placed on a road pursuant to an authorisation under the Local Government Act 1999 or another Act; or
- 7.3.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- 7.3.3 related to a Commonwealth or State 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
- 7.3.4 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 (by or under either Act) for polling day and ending at the close of voting on polling day; or
- 7.3.5 related to a Referendum and is displayed during the course of and for the purposes of the Referendum.

## 8. Removal of Non-complying Moveable Signs

### 8.1 If:

- 8.1.1 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
- 8.1.2 the positioning of a moveable sign does not comply with a requirement of this by-law; or
- 8.1.3 any other relevant requirement of this by-law is not complied with; or
- 8.1.4 the moveable sign unreasonably:
  - 8.1.4.1 restricts the use of the road; or
  - 8.1.4.2 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.

- 8.2 A person must comply with an order of an authorised person made pursuant to subparagraph 8.1 of this by-law.
- 8.3 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.
- 8.4 The owner or other person entitled to recover a moveable sign removed pursuant to subparagraph 8.3 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.

**9. Removal of Complying Moveable Signs**

- 9.1 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.
- 9.2 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, require 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 City of Holdfast Bay held on the 14<sup>th</sup> day of February 2012 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr Justin Lynch  
Chief Executive Officer