

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:

City of Norwood Payneham & St Peters

By-law No 2 – Moveable Signs By-Law 2018

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:

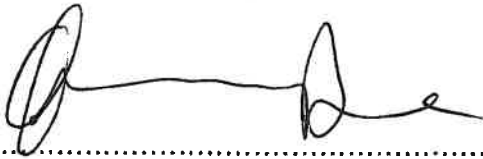
City of Norwood Payneham & St Peters

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 30 day of June 2018



.....
Cimon Burke, Legal Practitioner



City of
Norwood
Payneham
& St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

MOVEABLE SIGNS BY-LAW 2018

By-law No. 2 of 2018

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.

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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 Norwood Payneham & St Peters.

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 and Expiry

This By-law will commence in accordance with section 249(5) of the Act and will expire on 1 January 2026.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
- 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 **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 excluding any place where a home activity (as defined in the *Development Regulations 2008*) is being conducted;
- 6.5 **Council** means the City of Norwood Payneham & St Peters;
- 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; or
 - 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 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 must:

- 7.1 be of kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an inverted 'T' sign;
 - 7.1.3 a 'tear drop' sign;
 - 7.1.4 a flat sign; or
 - 7.1.5 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 in position so as to keep its position, including in any weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not, in the opinion of an authorised officer, be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 1 metre in height or 0.6 metres in depth and width;
- 7.8 in the case of a 'tear drop' sign, not exceed 2.4 metres in height or 0.6 metres in depth and width;
- 7.9 in the case of an 'A' frame or sandwich board sign:
 - 7.9.1 be hinged or joined at the top;
 - 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.9.3 not have a base area in excess of 0.6 square metres; and
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;

- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 placed on the sealed part of a footpath unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare (of sealed footpath area) of:
 - 8.3.1 in the case of moveable signs placed on The Parade, Norwood, at least 2 metres between the sign and the building line or, where there is no building, the adjoining property boundary; and
 - 8.3.2 in all other cases, at least 1.5 metres between the sign and the building line or, where there is no building, the adjoining property boundary;
- 8.4 placed other than on the kerb side of the footpath area (or, if there is no kerb, on the side closest to the carriageway) but must not be placed closer than 0.5 metres to the kerb;
- 8.5 tied, fixed, leaned against or attached to, or placed closer than 1 metre from another structure, object (including another moveable sign, bus shelter, or business merchandise display), tree, bush or plant;
- 8.6 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.7 placed on a footpath adjacent a loading zone, bus stop or taxi rank;
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a designated parking area;
- 8.11 displayed during the hours of darkness unless it is clearly lit;
- 8.12 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.13 be placed in such a position or in such circumstances that:
 - 8.13.1 it compromises the safety of any person or places a person at risk of harm; or
 - 8.13.2 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; or
 - 8.13.3 otherwise interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed.

9. Appearance

A moveable sign placed on the footpath area of a road must, in the opinion of an authorised person:

- 9.1 be painted or otherwise detailed at a competent and professional manner;
- 9.2 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated;
- 9.3 not have balloons, flags, streamers or other things attached to it; and
- 9.4 not rotate or contain flashing parts.

10. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note-

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the Local Government Act 1999.

11. Restrictions

11.1 A person must not, without the Council's permission:

- 11.1.1 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;
- 11.1.2 display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates; or
- 11.1.3 cause or allow a moveable sign to be placed on a footpath area unless:
 - (a) it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - (b) the business premises to which it relates is open to the public.

11.2 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 on that footpath area on such conditions as the Council thinks fit.

12. Exemptions

12.1 Subclauses 7.6, 8.4, 9.1, 9.2, 9.3 and 11.1 of this By-law do not apply to a moveable sign which:

- 12.1.1 advertises a garage sale taking place from residential premises, provided that no more than six (6) moveable signs are displayed at any one time in relation to the garage sale taking place at that residential premises; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.

12.2 Subclause 11.1 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

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 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

13. Removal of moveable signs

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

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.

- 13.2 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.

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

13.3.1 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

13.3.2 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.

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 Council of the City of Norwood Payneham & St Peters held on **6 August 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mario Barone
Chief Executive Officer