



## CITY OF MARION

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

### MOVEABLE SIGNS BY-LAW 2014

#### By-law No. 2 of 2014

*To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2014*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this by-law:

3.1 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;

3.2 **footpath** means:

3.2.1 a footway, lane or other place made or constructed for the use of pedestrians; or

3.2.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;

3.3 **moveable sign** has the same meaning as the *Local Government Act 1999*;

3.4 **road** has the same meaning as in the *Local Government Act 1999*;

3.5 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

#### Part 2 – Provisions Applicable to Moveable Signs

##### 4. Design and Construction

A moveable sign displayed on a road must:

- 4.1 be constructed so as not to present a hazard to any member of the public;
- 4.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.3 not be unsightly or offensive in appearance;
- 4.4 not contain flashing or moving parts;
- 4.5 be not more than one metre high, 70cm in width or 70cm in depth.

## 5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide;
- 5.3 be placed at least 1.5 metres from the kerb (or if there is no kerb, from the edge of the roadway) unless this cannot be done without contravening subparagraph 5.2;
- 5.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.5 not be placed on a designated parking area or within 1.8 metres of an entrance to any premises or corner of a road; and
- 5.6 not be fixed, tied or chained to, leaned against or placed closer than 1.2 metres to any other structure, object or plant (including another moveable sign);
- 5.7 not be placed in a position that puts the safety of any person at risk;
- 5.8 not be placed on a median strip, traffic island or on a carriageway.

## 6. Restrictions

A moveable sign displayed on a road must:

- 6.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 6.2 be limited to one per business premises;
- 6.3 not be displayed unless the business to which it relates is open to the public;
- 6.4 be securely fixed in position such that it cannot be blown over or swept away;
- 6.5 not be displayed during the hours of darkness unless it is clearly visible.

## 7. Banners

A banner must:

- 7.1 only be displayed on a road, footpath or road related area;
- 7.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 7.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 7.4 not be displayed more than one month before and two days after the event it advertises;
- 7.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- 7.6 not exceed 3 m<sup>2</sup> in size.

## Part 3 – Enforcement

### 8. Removal of Unauthorised Moveable Signs

- 8.1 If:
  - 8.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
  - 8.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
  - 8.1.3 a moveable sign is removed under subparagraph 8.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 8.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 8.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

### 9. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the request of an authorised person if:

- 9.1 in the opinion of the 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
- 9.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

#### **Part 4 – Miscellaneous**

##### **10. Specified Exemptions**

This by-law does not apply to a moveable sign which:

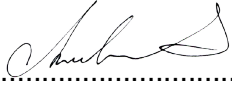
- 10.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
- 10.2 directs people to the open inspection of any land or building that is available for purchase or lease;
- 10.3 directs people to a garage sale that is being held on residential premises;
- 10.4 directs people to a charitable function;
- 10.5 is a flat sign containing only the banner or headlines of a newspaper or magazine;
- 10.6 is related to a State or Commonwealth election and is displayed during the period commencing on the issue of writ or writs for the election and ending at the close of polls on polling day;
- 10.7 is 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 weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;
- 10.8 is related to a referendum and is displayed during the course and for the purpose of that referendum;
- 10.9 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
- 10.10 is a sign of a class prescribed in regulations.

##### **11. Revocation**

Council's *By-law No. 2 – Moveable Signs*, published in the *Gazette* on 31 July 2008, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the 26 day of August 2014 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 Mark Searle  
Chief Executive Officer