



MOVEABLE SIGNS BY-LAW 2017

By-law No. 4 of 2017

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 2017* and is By-law No. 4 of the Wakefield Regional 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 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 governance 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:

4.1.1 By-law No. 4 – Moveable Signs 2010.²

- 4.2. This By-law will expire on 1 January 2025.³

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

This By-law operates subject to:

- 5.1. the Council's *Permits and Penalties By-law 2017* and the *Development Act 1993*.
- 5.2. This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

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 or flag** 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;
- 6.5. **community event** means a local event of a religious, educational, cultural, social or recreational character that may be held within the Council's area from time to time;
- 6.6. **Council** means Wakefield Regional Council;
- 6.7. **'feather' or 'teardrop' sign** means a moveable sign constituting a slip of cloth, plastic or other material attached to a vertical pole generally stabilised by a heavy base;
- 6.8. **footpath area** means:
- 6.8.1 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;
- 6.8.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.9. **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.10. **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.11. **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
- 6.11.1 a bridge, viaduct or subway; or
- 6.11.2 an alley, laneway or walkway;
- 6.12. **township roads** means roads to which a 50km/hr speed limit (or less) applies;
- 6.13. **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.13.1 a motor vehicle trailer and a tram;
- 6.13.2 a bicycle;
- 6.13.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.13.4 a combination; and

- 6.13.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note:

Section 14 of the *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 a kind:
 - 7.1.1 known as an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;
 - 7.1.3 a flat sign;
 - 7.1.4 a 'feather' or teardrop' sign;
 - 7.1.5 a banner or flag; or
 - 7.1.6 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 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 so as to keep its position in adverse weather conditions;
- 7.4. have no sharp or jagged edges or corners;
- 7.5. not be unsightly or offensive in appearance or content;
- 7.6. not rotate or contain flashing parts;
- 7.7. not have balloons, flags, streamers or other things attached to it;
- 7.8. in the case of a 'feather'/'teardrop sign or banner, not exceed 2.5m in height, 600mm in width and 600mm in depth;
- 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;
 - 7.9.3 not have a base area in excess of 0.6 square metres;
 - 7.9.4 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials; and
 - 7.9.5 not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.10. in the case of an inverted 'T' sign;

- 7.10.1 not contain struts or members that run between the display area and the base of the sign;
- 7.10.2 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials; and
- 7.10.3 not exceed 900mm in height, 600mm in width and 600mm in depth.

8. Placement

A moveable sign must not be:

- 8.1. placed on any part of a road apart from the footpath area;
- 8.2. placed on a footpath that is less than two (2) metres wide;
- 8.3. placed on a designated parking area or within one (1) metre of an entrance to premises;
- 8.4. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.5. subject to subclause 8.8, placed closer than 400mm to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, which ever is the greater);
- 8.6. placed closer than six (6) metres to an intersection unless the moveable sign is:
 - 8.6.1 placed so that it does not restrict the line of sight necessary for the safe negotiation of the intersection by road users; and
 - 8.6.2 not greater than 900mm in height;
- 8.7. placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.8. placed less than four (4) metres from the edge of a carriageway of a road to which a speed limit greater than 50km/hr applies;
- 8.9. be placed in such a position or in such circumstances so that:
 - 8.9.1 it compromises the safety of any person or places a person at risk of harm; or
 - 8.9.2 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.
- 8.10. 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;
- 8.11. placed on a landscaped area other than:
 - 8.11.1 landscaping that comprises only lawn;

8.11.2 established landscaping where no footpath alternative is available and provided that the moveable sign is not placed in a location that will cause damage to any plantings within the landscaped area;

8.12. placed closer than two (2) metres from another moveable sign;

8.13. displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or

8.14. placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

9. 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*.

10. Restrictions

10.1. The owner or operator of a business must not cause or allow;

10.1.1 more than four (4) moveable signs relating to that business to be displayed in the Council's area at any one time; or

10.1.2 a moveable sign relating to that business to be displayed unless the business premises to which it relates is open for trade to the public; or

10.1.3 any movable sign relating to that business to be fixed into position on a road.

Note:

Sub-clause 10.1.2 is intended to operate to require business owners to retrieve moveable signs relating to their business from the footpath area daily at the close of business.

10.2. The coordinator/s of a community event, must not cause or allow;

10.2.1 more than four (4) moveable signs relating to that community event to be displayed in the Council's area at any one time; and

10.2.2 any moveable signs for the community event to be displayed:

(a) on roads other than township roads for a continuous period greater than 28 days prior to the event and seven days following the event; and

(b) on township roads outside the hours of 9-6pm.

10.3. 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 (including roads) primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

- 10.4. 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 such conditions as the Council thinks fit.

11. Exemptions

- 11.1. Subclauses 10.1 and 10.2 of this By-law do not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises; or
 - 11.1.2 is a directional sign to a community event ;
- 11.2. Subclause 10.1 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.
- 11.3. A requirement of this By-law will not apply where:
- 11.3.1 a moveable sign is displayed in accordance with the Council's *Moveable Signs Policy*; or
 - 11.3.2 the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
- 11.4. An application seeking permission from the Council to display a moveable sign contrary to a requirement of this By-law must be in writing and include:
- 11.4.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
 - 11.4.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
 - 11.4.3 details of the design and content of the proposed moveable sign and, where relevant the business premises or community event that it relates to; and
 - 11.4.4 any other information that may be required by the Council.

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 of 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 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

12. Removal of moveable signs

- 12.1. 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

- 12.2. 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.

- 12.3. 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:

12.3.1 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

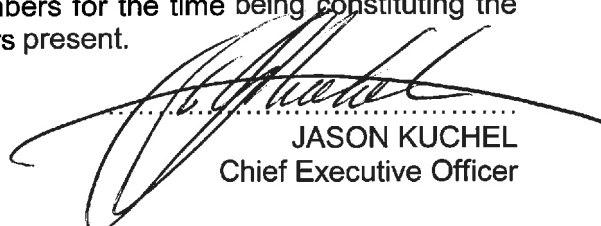
12.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

13. Liability of vehicle owners

- 13.1. For the purpose of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act

- 13.2. 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 Wakefield Regional Council held on 24 May 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



JASON KUCHEL
Chief Executive Officer