

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William Street, Adelaide, South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

By-law No 4 – Moveable Signs

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.


and do certify that in my opinion the Corporation of the City of Unley has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1934, sections 667(1) 3.LIV, 4.I and 667(1).9.XVI;

Local Government Act 1999, sections 144, 226(1), 226(2), 238(1), 239(1)(a), 246(1)(a), 246(3)(a), 246(3)(b), 246(3)(c), 246(3)(f) and 262,

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 23rd day of July 2015


.....
Carolyn Jane Hillman Vigar, Legal Practitioner

CORPORATION OF THE CITY OF UNLEY

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 4 - Moveable Signs

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Moveable Signs By-law 2015*.

2. Objectives

The objectives of this by-law are to set standards for moveable signs on roads for the:

- 2.1 protection, comfort and safety of road users and members of the public;
- 2.2 amenity of the roads and surrounding Council area;
- 2.3 prevention of nuisances occurring on roads;

2.4 prevention of unreasonable interferences with the use of a road; and

2.5 good rule and government of the Council area.

3. Commencement

This by-law comes into operation on 1 January 2016.

4. Application

4.1 This by-law operates subject to the Council's *Permits and Penalties By-law 2015*.

4.2 This by-law applies throughout the Council area.

5. Interpretation

In this by-law, unless the contrary intention appears:

5.1 **Act** means the *Local Government Act 1999*;

5.2 **banner** means a sign that is made from non-rigid and lightweight material which is mounted to a building or other structure by its ends or corners;

5.3 **business** means the business to which the moveable sign relates;

5.4 **business premises** means premises from which a business is being conducted;

5.5 **Council** means the Corporation of the City of Unley;

5.6 **footpath area** means:

5.6.1 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;

5.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

5.7 **moveable sign** includes a moveable sign attached to a vehicle;

5.8 **road related area** has the same meaning as the *Road Traffic Act 1961*;

5.9 **road banner site** means a specific site where a banner can be erected in accordance with Council's banner policy;

5.10 **street pole banner site** means a specific site where a banner can be erected in accordance with Council's banner policy; and

5.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2 – MOVEABLE SIGNS

6. Construction and design

Subject to clause 9, a moveable sign placed on a footpath area must:

- 6.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, a flat sign or tear drop sign unless otherwise permitted by the Council;
- 6.2 be designed, constructed and maintained in good quality and condition so as not to present a hazard to any member of the public;
- 6.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 6.4 have no sharp or jagged edges or corners;
- 6.5 not be unsightly or offensive in appearance or content;
- 6.6 be constructed of timber, metal, plastic or plastic coated cardboard or a mixture of such materials;
- 6.7 not rotate or contain moving parts;
- 6.8 not contain flashing lights or be illuminated internally;
- 6.9 other than a tear drop sign, not exceed 0.9 metres in height, 0.6 metres in width and 0.6 metres in depth;
- 6.10 in the case of a tear drop sign, not exceed 2.5 metres in height from the ground, 0.6 metres in width and 0.6 metres in depth;
- 6.11 in the case of an 'A' frame or sandwich board sign:
 - 6.11.1 be hinged or joined at the top;
 - 6.11.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 6.12 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.

7. Placement

Subject to clause 9, the moveable sign must not be:

- 7.1 placed on any part of a road other than the footpath area;
- 7.2 placed within 1 metre of an entrance to any premises;
- 7.3 placed on the sealed part of a footpath, unless the sealed part is wide enough to place the sign with a clear thoroughfare of at least 1.2 metres;
- 7.4 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road (other than a carriageway) in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
- 7.5 placed less than 0.6 metres from:
 - 7.5.1 where the road has a kerb, the kerb;
 - 7.5.2 where the road has no kerb but has a shoulder, the shoulder;

- 7.5.3 where the road has neither a kerb nor a shoulder, the edge of the carriageway;
- 7.6 placed on a landscaped area, other than landscaping that comprises only lawn;
- 7.7 placed on a designated parking area;
- 7.8 tied, fixed or attached to any other structure, object or thing (including another moveable sign);
- 7.9 displayed during the hours of darkness unless it is in a lit area and is clearly visible;
or
- 7.10 placed in an area that is not directly in front of the business premises to which it relates or outside the projections of the side boundaries of the business premises to which it relates.

8. Appearance

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

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be attractive, legible and simply worded to convey a precise message;
- 8.3 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 townscape and overall amenity of the locality in which it is situated and not detract from or conflict with traffic, safety or direction signs or signals;
- 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;
and
- 8.5 not have balloons, flags, streamers or other things attached to it.

9. Banners

A banner must:

- 9.1 only be displayed on a road, footpath or road related area;
- 9.2 be securely fixed to a pole, fence or other solid structure so that it does not hang loose or flap and so that a person or vehicle on the road or footpath cannot come into contact with it;
- 9.3 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, footpath or road related area or other improvement owned by the Council on a road, footpath or road related area;
- 9.4 only advertise an event to which the public are invited;
- 9.5 be displayed for a maximum of one month leading up to and two days after the event it advertises; and

9.6 must not exceed 3 metres² in size.

10. Restrictions

10.1 The owner or operator of a business must not 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.

10.2 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.

10.3 A person must not cause or allow a moveable sign to be placed on a footpath area unless:

10.3.1 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

10.3.2 the business premises to which it relates is open to the public.

10.4 Notwithstanding compliance with provisions of this by-law and if, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed either permanently or for a period of time, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. Exemptions

11.1 Subclauses 6.6, 7.8, 7.10, 8.1, 8.2, 8.3, 8.4, 10.1 and 10.3 of this by-law do not apply to a moveable sign which:

11.1.1 advertises a garage sale taking place from residential premises, provided that no more than four moveable signs per residential premises may be displayed at any one time in relation to a garage sale taking place at that residential premises;

11.1.2 displays directions to an event run by a community organisation or charitable body.

11.2 Subclauses 7.8, 7.10, 8.1, 8.2, 8.3, 8.4 and 10.1 of this by-law do 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 does not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

11.4 This by-law does not apply to a moveable sign which is placed on a road banner site or street pole banner site in accordance with the Council's banner policy.

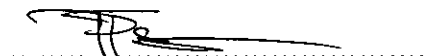
PART 3 – ENFORCEMENT

12. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council

may recover those expenses as a debt from the person who failed to comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

This by-law was duly made and passed at a meeting of the Corporation of the City of Unley held on 27 July 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Peter Tsokas
Chief Executive Officer