



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

## **MOVEABLE SIGNS BY-LAW 2022**

### **By-law No. 2 of 2022**

*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 2022*.

##### **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 of a kind known as an 'A' frame or sandwich board sign, an 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 4.2 be designed, constructed and maintained in good quality and condition;
- 4.3 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.4 have no sharp or jagged edges or corners;
- 4.5 not be unsightly or offensive in appearance or content;
- 4.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.7 not contain flashing or moving parts;
- 4.8 not have balloons, flags, streamers or other things attached to it;
- 4.9 be no more than 900mm in height, 600mm in width or 600mm in depth;
- 4.10 in the case of an 'A' frame or sandwich board sign:
  - 4.10.1 be hinged or joined at the top;
  - 4.10.2 be of such construction that its sides can be and are securely fixed or locked in position when erected; and
  - 4.10.3 not have a base area in excess of 0.6 square metres;
- 4.11 in the case of a 'T' sign, not contain struts or members than run between the display area of the sign and the base of the sign.

## 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 500mm from the kerb (or if there is no kerb, from the edge of the carriageway of a road or the shoulder of a road, whichever is the greater);
- 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 metre of an entrance to any premises; and
- 5.6 not be fixed, tied or chained to, leaned against or placed closer than 1 metre 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, roundabout, traffic island or on a carriageway;
- 5.9 not be within 10 metres of an intersection of a road.

## 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. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 7.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated.

## 8. Banners

A banner must:

- 8.1 only be displayed on a road, footpath or road related area;
- 8.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 8.3 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;
- 8.4 not be displayed more than one month before and two days after the event it advertises;

- 8.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- 8.6 not exceed 3m<sup>2</sup> in size.

### **Part 3 – Enforcement**

#### **9. Removal of Unauthorised Moveable Signs**

- 9.1 If:
- 9.1.1 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;
  - 9.1.2 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;
  - 9.1.3 a moveable sign is removed under subparagraph 9.1.2 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.
- 9.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 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.

#### **10. 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:

- 10.1 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
- 10.2 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**

#### **11. Specified Exemptions**

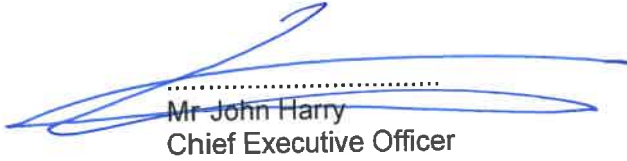
- 11.1 This by-law does not apply to a moveable sign which:
- 11.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;

- 11.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
- 11.1.3 directs people to a garage sale that is being held on residential premises provided that:
  - 11.1.3.1 no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that premises;
  - 11.1.3.2 the moveable sign displays the address of the premises; and
  - 11.1.3.3 the moveable sign is displayed on the day the garage sale is taking place;
  - 11.1.3.4 the sign is removed on the same day as the garage sale;
- 11.1.4 directs people to a charitable function;
- 11.1.5 is related to a Commonwealth election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.1.6 is related to a State election and is otherwise authorised to be exhibited under the Section 226 of *Local Government Act 1999* or the *Electoral Act 1985*;
- 11.1.7 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of *Local Government Act 1999*;
- 11.1.8 is related to a referendum and is displayed during the course and for the purpose of that referendum;
- 11.1.9 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
- 11.1.10 is a sign of a class prescribed in regulations.
- 11.2 Clauses 6.2 and 6.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
- 11.3 Clauses 4, 6.2, 6.3 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

## 12. Revocation

Council's *Moveable Signs By-law 2015*, published in the *Gazette* on 3 September 2015, 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 City of Salisbury on the 27<sup>th</sup> day of June 2022 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 John Harry  
Chief Executive Officer

**SECTION 249 LOCAL GOVERNMENT ACT 1999**

**CERTIFICATE OF VALIDITY**

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Salisbury intends to make, being *Moveable Signs By-law 2022* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999*, Sections 239(1), 246(1), 246(2) and 246(3);

*Local Government (General) Regulations 2013*, Regulation 28;

*Legislation Interpretation Act 2021*, Section 40;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 24<sup>th</sup> day of May 2022.



**Paul St Leger Kelly, Legal Practitioner**