



CITY OF CHARLES STURT

By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2021

By-law No. 2 of 2021

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 2021*.

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, unless the contrary intention is clearly indicated:

3.1 **approved construction** means a moveable sign which:

- 3.1.1 is not more than 1 metre high, 700 mm in length and 700 mm in width; and
- 3.1.2 when placed on a footpath in a display position is not more than 700 mm in length; and
- 3.1.3 is constructed so as not to be (or likely to be) a hazard to a member of the public using the footpath upon which the moveable sign has been placed; and
- 3.1.4 is constructed so as to be (or likely to be) stable when displayed upon a footpath including being stable during adverse weather conditions; and
- 3.1.5 does not rotate, contain flashing lights or is illuminated internally or externally; and
- 3.1.6 does not have balloons, flags, streamers or other things attached to it;

- 3.2 **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;
- 3.3 **business premises** means the premises from which a business, trade or calling is conducted that is open to the public;
- 3.4 **footpath** means:
- 3.4.1 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 3.4.2 that part of a road between the edge of the carriageway and the boundary between the road and the adjoining land on the same side of the carriageway as that edge;
- 3.5 **moveable sign** has the same meaning as in the *Local Government Act 1999*;
- 3.6 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.7 **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 be of an approved construction.

5. Placement

A moveable sign displayed on a public road must not:

- 5.1 be placed anywhere except on the footpath;
- 5.2 be placed on a footpath that is less than 2.5 metres wide;
- 5.3 be placed on the sealed part of a footpath unless the sealed part is wide enough to contain the moveable sign and still leave a clear thoroughfare of at least 1.2 metres wide;
- 5.4 be placed on a landscaped area;
- 5.5 be placed on a designated parking area or within one metre of an entrance to or exit from premises;
- 5.6 be placed within 10 metres of the far curb of an intersection;
- 5.7 be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);
- 5.8 be displayed to advertise a business while the business is providing outdoor dining facilities on a public road;
- 5.9 unreasonably restrict the use of the footpath or road or endanger the safety of members of the public.

6. Restrictions

A moveable sign displayed on a public road is subject to the following restrictions:

- 6.1 the moveable sign must only contain material which advertises a business being conducted on premises immediately adjacent to the sign;
- 6.2 only one moveable sign is to be displayed in relation to a business premises;
- 6.3 the moveable sign must not be displayed unless the business to which it relates is open to the public and the public are able to attend the premises at the time the sign is displayed;
- 6.4 the moveable sign must be clearly visible if displayed during the hours of darkness;
- 6.5 the moveable sign must be of an approved construction.

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 if it relates to an event, 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 12 month period;
- 7.6 not exceed 3m² in size.

Part 3 – Enforcement

8. Removal of Unauthorised Moveable Signs

- 8.1 If a moveable sign has been placed on any public 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.
- 8.2 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove the sign.
- 8.3 If a moveable sign is removed under subparagraph 8.2 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.

- 8.4 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 8.2 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

- 9.1 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 moveable sign, at the request of an authorised officer if, 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.
- 9.2 A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or public place or the owner of the sign, at the request of an authorised person, if 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 a current open inspection of any land or building that is available for purchase or lease;
- 10.3 directs people to a current garage sale that is being held on residential premises provided the sign does not restrict the use of the road or endanger the safety of members of the public;
- 10.4 is a flat sign containing only the banner or headlines of a newspaper or magazine provided:
- 10.4.1 the sign does not restrict the use of the road or endanger members of the public; and
 - 10.4.2 only three such signs are displayed in relation to a business premises;
- 10.5 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;
- 10.6 is related to a State election and is otherwise authorised to be exhibited under the Section 246 of *Local Government Act 1999* or the *Electoral Act 1985*;

- 10.7 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 246 of *Local Government Act 1999*;
- 10.8 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 the regulations.

11. Revocation

Council's *Moveable Signs By-law 2014*, published in the *Gazette* on 21 August 2014, 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 City of Charles Sturt held on the _____ day of _____ 20____ 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 Paul Sutton
Chief Executive Officer