

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

THE DISTRICT COUNCIL OF ROBE

By-law No 4 – Moveable Signs By-law 2023

This By-law is 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 in the Council's area.

and do certify that in my opinion:

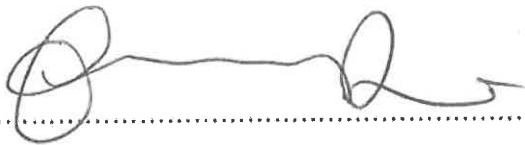
THE DISTRICT COUNCIL OF ROBE

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 226, 238, 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);

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

DATED the 3 day of July 2023



.....
Cimon Burke, Legal Practitioner



DISTRICT COUNCIL OF ROBE
MOVEABLE SIGNS BY-LAW 2023
By-law No. 4 of 2023

This By-law is 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 in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2023* and is By-law No. 4 of the District Council of Robe.

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 government 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:

*By-Law No.4 – Moveable Signs 2016.*²

4.2 This By-law will expire on 1 January 2031.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to 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

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2023*.
- 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** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;

- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the District Council of Robe;
- 6.6 **footpath area** means:
- 6.6.1 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; or
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **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;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.9 **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:
- 6.9.1 a bridge, viaduct or subway; or
 - 6.9.2 an alley, laneway or walkway; and

Note-

The definition of 'road' under the Act includes footpaths.

- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 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 12 of the *Legislation Interpretation Act 2021* 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 known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;

- 7.1.3 a flat sign; or
- 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.5 not have sharp or jagged edges or corners;
- 7.6 not (in the reasonable opinion of an authorised person), be unsightly or offensive in appearance or content;
- 7.7 not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.8 in the case of an 'A' frame or sandwich board sign:
 - 7.8.1 be hinged or joined at the top;
 - 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.8.3 not have a base area in excess of 0.6 square metres;
- 7.9 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;
- 7.10 not rotate, contain flashing or moving parts, lights or be illuminated internally.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath area that is less than 2.5 metres wide;
- 8.3 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.4 tied, fixed or attached to, or placed closer than 2 metres from another structure, fixed object (including another moveable sign), object, tree, bush or plant;
- 8.5 placed on the sealed part of a footpath area if there is an unsealed part on which the sign can be placed in accordance with this By-law:
- 8.6 placed so as to obstruct a vehicle door when opened, provided that the vehicle is parked lawfully on the road;
- 8.7 interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;

- 8.8 placed closer than 1.5 metres to the kerb or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater;
- 8.9 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.10 placed within 10 metres of an intersection of two or more roads;
- 8.11 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.12 placed on a median strip, traffic island, roundabout or on any other traffic control device on a road;
- 8.13 displayed during the hours of darkness unless it is in a lit area and is clearly visible; or
- 8.14 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised officer, 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 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 or a road 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 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, 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 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; or
 - 11.1.2 is a directional sign to an event run by a community organisation or charitable body.

- 11.2 A requirement of this By-law will not apply where the Council has 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.
- 11.3 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:
- 11.3.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
- 11.3.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
- 11.3.3 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
- 11.3.4 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 or writs for the election and ending at the close of polls on polling day; or
- of a prescribed class.

PART 3 – ENFORCEMENT**12. Removal of Moveable Signs**

- 12.1 A person must immediately comply with an 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;
- 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.

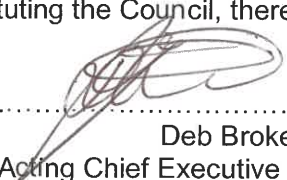
The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

- 12.2 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:
- 12.2.1 if, in the reasonable 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
- 12.2.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable 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 District Council of Robe held on **12 July 2023** 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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Deb Brokenshire
Acting Chief Executive Officer