



TATIARA DISTRICT COUNCIL
MOVEABLE SIGNS BY-LAW 2016
By-law No. 2 of 2016

A by-law to regulate the construction and placement of moveable signs on roads.

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Moveable Signs By-law 2016*.

2. Objectives

The object of this by-law is to set standards for moveable signs on roads:

- 2.1 to protect the comfort and safety of road users and members of the public;
- 2.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 2.3 to prevent nuisances occurring on roads;
- 2.4 to prevent unreasonable interference with the use of a road; and
- 2.5 for the good rule and government of the Council area.

3. Commencement

This by-law will come into operation four months after the day on which it is published in the *South Australian Government Gazette*.

4. Application

- 4.1 The Council's *Permits and Penalties By-law 2016* operates in respect of:
 - 4.1.1 permissions required by or given under this by-law; and
 - 4.1.2 penalties for breach of this by-law.
- 4.2 This by-law applies throughout the Council area.

5. Interpretation

- 5.1 In this by-law, unless the contrary intention appears:
 - 5.1.1 **Act** means the *Local Government Act 1999*;
 - 5.1.2 **authorised person** has the same meaning as in the Act;

- 5.1.3 **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;
- 5.1.4 **business premises** means premises from which a business is being conducted;
- 5.1.5 **Council** means the Tatiara District Council;
- 5.1.6 **footpath area** means:
- (a) 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
 - (b) a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 5.1.7 **road** has the same meaning as in the Act;
- 5.1.8 **tear drop sign** means a sign in the style of a tear drop or feather sign; and
- 5.1.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.
- 5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

PART 2 – MOVEABLE SIGNS

6. Construction and design

A moveable sign (other than a banner) placed on a footpath area must:

- 6.1 be of kind known as an 'A' frame or sandwich board sign, an 'inverted 'T' sign, a flat sign, a tear drop sign or, with the permission of the Council, a sign of some other kind;
- 6.2 be designed, constructed and maintained in good quality and condition;
- 6.3 be of strong construction and sufficiently stable or securely fixed when in position so as to keep its position in adverse weather conditions;
- 6.4 have no sharp or jagged edges or corners;
- 6.5 not be, in the opinion of an authorised person, unsightly or offensive in appearance or content;
- 6.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 6.7 other than a teardrop sign not exceed 0.9 metres in height, 0.6 metres in width and 0.6 metres in depth;
- 6.8 in the case of an 'A' frame or sandwich board sign:
 - 6.8.1 be hinged or joined at the top;

- 6.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 6.8.3 not have a base area in excess of 0.6 square metres;
- 6.9 in the case of teardrop sign, not exceed 2.5 metres in height from the ground, 0.6 metres in width and 0.6 metres in depth;
- 6.10 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; and
- 6.11 not rotate, contain flashing parts or lights or be illuminated internally.

7. Placement

- 7.1 Subject to this clause 7, a moveable sign (other than a banner) may be placed:
 - 7.1.1 on a footpath that is at least 2.5 metres wide;
 - 7.1.2 at least 1.5 metres from:
 - (a) where the road has a kerb, the kerb;
 - (b) where the road has no kerb but a shoulder, the shoulder;
 - (c) where the road has neither a kerb nor a shoulder, the edge of the carriageway.
- 7.2 A moveable sign must not be placed:
 - 7.2.1 closer than 2 metres from, or tied, fixed or attached to, another fixed object (including another moveable sign), tree, bush, plant or structure other than the entrance to premises;
 - 7.2.2 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;
 - 7.2.3 on a landscaped area, other than landscaping that comprises only lawn;
 - 7.2.4 on a median strip, traffic island, roundabout or other traffic control device on a road;
 - 7.2.5 within 10 metres of an intersection of two or more roads;
 - 7.2.6 on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
 - 7.2.7 on a designated parking area or within 1 metre of an entrance to premises;
 - 7.2.8 so as to obstruct a vehicle door when opened, provided that the vehicle is lawfully parked on the road;

- 7.2.9 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; or
- 7.2.10 in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

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 town scope and overall amenity of the locality in which it is situated;
- 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;
- 8.5 not have balloons, flags, streamers or other things attached to it; and
- 8.6 not rotate or contain flashing parts.

9. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

10. Restrictions

- 10.1 A moveable sign must:
 - 10.1.1 be limited to one moveable sign for each business premises;
 - 10.1.2 not, without the Council's permission, be displayed 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;
 - 10.1.3 only display material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business;
 - 10.1.4 only be displayed when the business premises to which it relates is open to the public; and
 - 10.1.5 not be displayed during the hours of darkness unless clearly lit.
- 10.2 Notwithstanding compliance with this by-law, 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 Clauses 10.1.1, 10.1.3 and 10.1.4 of this by-law do not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises;
 - 11.1.2 is a directional sign to an event run by a community organisation or charitable body; or
 - 11.1.3 is a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.2 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.
- 11.3 This by-law will not apply to a moveable sign which is:
- 11.3.1 placed on a road pursuant to an authorisation under the Act or another Act;
 - 11.3.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - 11.3.3 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; or
 - 11.3.4 related to an election held under the 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.

12. Removal of moveable signs

The owner or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

- 12.1 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
- 12.2 for the purpose of 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.

PART 3 – ENFORCEMENT

13. 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 Council held on 13 September 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Robert J Harkness
Chief Executive Officer