



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2018

By-law No. 2 of 2018

To protect visual amenity and public safety on roads by setting standards for moveable signs and providing conditions for the design, construction and placement of such signs in a manner which recognises the advertising needs of businesses to maximise economic viability.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2018*.

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 **Authorised Person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **Boundary** means that line between private property and the Road or Road Related Area;
- 3.3 **Business** means the business or organisation to which a Moveable Sign relates;
- 3.4 **Business Premises** means the premises from which a business, trade or calling is conducted;
- 3.5 **Ceremonial Street** means any Road declared as such by the Council;
- 3.6 **Footpath Area** means:
 - 3.6.1 that part of the Road between the boundary of the Road and the edge of the carriageway of the Road on the same side as that boundary; or
 - 3.6.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of Vehicles;

- 3.7 **Local Government Land** means land owned by the Council or under the Council's care, control and management;
- 3.8 **Moveable Sign** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **Road** has the same meaning as in the *Local Government Act 1999* and includes a footpath;
- 3.10 **Road Related Area** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*;
- 3.11 **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*.

Part 2 – Provisions Applicable to Moveable Signs

4. Design and Construction

A Moveable Sign must:

- 4.1 be of a kind known as an 'A' frame sign, a Sandwich Board sign, an inverted 'T' 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 so as not to present a hazard to any member of the public;
- 4.3 be of strong construction so as to be stable when in position and be able to keep its position in adverse weather conditions;
- 4.4 not contain sharp or jagged edges or corners;
- 4.5 not be unsightly or offensive in appearance or content;
- 4.6 not rotate or contain moving parts;
- 4.7 not contain flashing lights or be illuminated internally;
- 4.8 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.9 not have balloons, flags, streamers or other material attached to it;
- 4.10 not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- 4.11 in the case of an 'A' Frame or Sandwich Board sign:
 - 4.11.1 be hinged or joined at the top; and
 - 4.11.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
- 4.12 in the case of an inverted 'T' sign, contain no struts or supports that run between the display area and the base of the sign.

5. Appearance

A Moveable Sign must, in the opinion of an Authorised Person:

- 5.1 be painted or otherwise detailed in a competent and professional manner;
- 5.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 5.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the moveable sign, and which relate well to the townscape and overall amenity of the locality in which it is situated;
- 5.4 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
- 5.5 not detract from or conflict with traffic, safety or direction signs or signals.

6. Placement

A Moveable Sign must:

- 6.1 only be placed on the Footpath Area of a Road;
- 6.2 be adjacent to the Business Premises to which it relates;
- 6.3 be placed no closer than 600 mm from the edge of the carriageway of a Road;
- 6.4 not be placed on a Footpath Area less than 1.8 m from any structure, object, tree, bush or plant (including another Moveable Sign);
- 6.5 not be fixed, tied, chained to or leaned against any other structure, object, tree, bush or plant (including another Moveable Sign);
- 6.6 not be placed on the sealed part of any Footpath Area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of a width of at least 1.8 m;
- 6.7 not be placed on a Footpath Area unless the Footpath Area is at least 3 m wide;
- 6.8 not be placed within 1.8 m of the corner of a Road;
- 6.9 not be placed on a landscaped area;
- 6.10 not be placed on a designated parking area or within 1.8 m of an entrance to or exit from premises;
- 6.11 not be placed within 1.8 m of an intersection;
- 6.12 not unreasonably restrict the use of the Footpath Area or endanger the safety of members of the public;

- 6.13 not be placed so as to interfere with the reasonable movement of persons using the Footpath Area in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
- 6.14 not be placed on any Footpath Area adjacent to a Road which contains a designated bus, taxi, disabled or loading zone;
- 6.15 not be placed within 1.8 m of a construction site;
- 6.16 not be placed on a Ceremonial Street; and
- 6.17 not be placed so as to obstruct or impede a Vehicle door when opened, provided that the Vehicle is parked lawfully on the carriageway.

7. Restrictions

- 7.1 A Moveable Sign must:
 - 7.1.1 only display material which advertises a Business being conducted on premises which is immediately adjacent to the Moveable Sign, or the products available from that Business;
 - 7.1.2 be limited to one Moveable Sign per Business Premises;
 - 7.1.3 only be displayed when the Business to which the Moveable Sign relates is open to the public;
 - 7.1.4 be securely fixed in position such that it cannot be blown over or swept away in adverse weather conditions;
 - 7.1.5 not be in such a position or in such circumstances that the safety of any person or user of the Road is at risk;
 - 7.1.6 not be displayed during the hours of darkness unless it is in a clearly lit area and clearly visible; and
 - 7.1.7 not be displayed on a median strip, traffic island or on the carriageway of a Road.
- 7.2 If in the opinion of the Council a Footpath Area or other area forming the boundary of any Road is unsafe for any Moveable Sign to be displayed or placed the Council may by resolution prohibit or restrict the display or placement of a Moveable Sign or the times at which a Moveable Sign may be displayed or placed in that area.

8. Signs on Local Government Land

A person must not, without permission, display or cause to be displayed a Moveable Sign on any Local Government Land or rest on or attach to any Vehicle on any Local Government Land any Moveable Sign, except a Moveable Sign:

- 8.1 attached to a licensed taxi or bus;

- 8.2 on or attached to a Vehicle belonging to any council and which has been placed on or attached to the Vehicle with the consent of the council to which the Vehicle belongs;
- 8.3 on or attached to a Vehicle which only has a sign or signs painted on or glued to it, the main purpose of which is to identify it as belonging to a Business; or
- 8.4 comprising a sunscreen on a Vehicle, where any message or trade name or mark on the sunscreen does not advertise a Business being carried on in the vicinity of the place the Vehicle is parked, or the products available from that Business.

9. Exemptions

- 9.1 Subparagraphs 7.1 and 7.2 of this by-law do not apply to a Moveable Sign which is displayed and used to advertise 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.
- 9.2 A requirement of this by-law will not apply where permission has been granted for the Moveable Sign to be displayed contrary to the requirement.
- 9.3 This by-law will not apply to a Moveable Sign which is:
 - 9.3.1 placed on a Road pursuant to an authorisation under the *Local Government Act 1999*, or another Act; or
 - 9.3.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
 - 9.3.3 related to a State or Commonwealth election and is displayed during the period commencing at 5.00pm on the day before the issue of writ or writs for the election and ending at the close of polls on polling day; or
 - 9.3.4 related to an election held under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four 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;
 - 9.3.5 related to a referendum and is displayed during the course and for the purpose of that referendum.

Part 3 – Enforcement

10. Removal of Non-complying Moveable Signs

- 10.1 If:
 - 10.1.1 the design or construction of a Moveable Sign that has been placed on a Road does not comply with a requirement of this by-law; or

- 10.1.2 the positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- 10.1.3 any other relevant requirement of this by-law is not complied with; or
- 10.1.4 the sign unreasonably:
 - 10.1.4.1 restricts the use of the Road; or
 - 10.1.4.2 endangers the safety of members of the public, an Authorised Person may order the owner of the Moveable Sign to remove it from the Road.

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- 10.2 A person must comply with an Order of an Authorised Person made pursuant to subparagraph 10.1 of this bylaw.
- 10.3 If the Authorised Person cannot find the owner, or the owner fails to comply immediately with the Order made pursuant to subparagraph 10.1 of this by-law, the Authorised Person may remove the Moveable Sign.
- 10.4 If a Moveable Sign that is removed pursuant to subparagraph 10.3 of this by-law, is not claimed within thirty days of such removal, the Authorised Person may sell, destroy or otherwise dispose of the Moveable Sign as the Authorised Person thinks fit.
- 10.5 The owner or other person entitled to recover a Moveable Sign removed pursuant to subparagraph 10.3 of this by-law must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the Moveable Sign before being entitled to recover the Moveable Sign.

11. Removal of Complying Moveable Signs

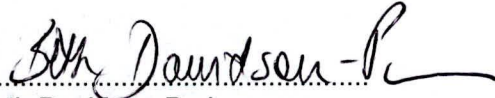
- 11.1 The owner of, or other person responsible for, a Moveable Sign must remove or relocate the Moveable Sign at the request of an Authorised Person if, in the reasonable opinion of that Authorised Person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the Moveable Sign.
- 11.2 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 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the Authorised Person, requires relocation or removal of the Moveable Sign to protect public safety or to protect or enhance the amenity of a particular locality.

Part 4 – Miscellaneous

12. Revocation

Council's *By-law No. 2 – Moveable Signs*, published in the *Gazette* on 9 June 2011, 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 Corporation of the City of Adelaide held on 14 AUGUST 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

A handwritten signature in black ink, appearing to read "Beth Davidson-Park", written over a dotted line.

Beth Davidson-Park
Acting Chief Executive Officer