

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William 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:

By-law No 2 – Moveable Signs 2016

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

and do certify that in my opinion the Corporation of the City of Campbelltown has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, sections 226(1), 226(2), 239(1)(a), 246(1)(a), 246(2), 246(3)(a), 246(3)(b), 246(3)(c) and 246(3)(f),

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

DATED the 30th day of May 2016


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Carolyn Jane Hillman Vigar, Legal Practitioner

THE CORPORATION OF THE CITY OF CAMPBELLTOWN
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



By-law No. 2 – Moveable Signs

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 objective of this by-law is to set standards for moveable signs on roads for the:

- 2.1 protection, comfort and safety of road users and members of the public;
- 2.2 enhanced accessibility to facilities within the Council area;
- 2.3 amenity of roads and surrounding Council area;
- 2.4 prevention of nuisances occurring on roads;
- 2.5 prevention of unreasonable interference with the use of a road; and
- 2.6 good rule and government of the Council area.

3. Commencement

This by-law comes into operation on 1 January 2017.

4. Application

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

5. Definitions

In this by-law, unless the contrary intention appears:

- 5.1 **Act** means the *Local Government Act 1999*;

- 5.2 **authorised person** has the same meaning as in the Act;
- 5.3 **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;
- 5.4 **business** means the business to which a moveable sign relates;
- 5.5 **business premises** means the premises from which a business is conducted;
- 5.6 **Council** means the Corporation of the City of Campbelltown;
- 5.7 **footpath area** means:
 - 5.7.1 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
 - 5.7.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 5.8 **moveable sign** has the same meaning as in the Act and includes a moveable sign (other than a magnetic sign) attached to a vehicle;
- 5.9 **road** has the same meaning as in the Act;
- 5.10 **road related area** has the same meaning as in the *Road Traffic Act 1961*; and
- 5.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2 – MOVEABLE SIGNS

6. Construction

A moveable sign (other than a banner) displayed on a road must:

- 6.1 be of a 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 well constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 6.3 be of strong construction so as to be stable when in position and be able to keep its position in adverse weather conditions;
- 6.4 not have sharp or jagged edges or corners;
- 6.5 not be unsightly or offensive in appearance or content;
- 6.6 not contain flashing lights or be illuminated internally;
- 6.7 not rotate or contain moving parts;
- 6.8 be constructed of timber, metal, fabric, plastic or plastic coated cardboard, or a mixture of such materials;

- 6.9 other than a tear drop sign, not be more than 1.2 metres in height, 0.8 metres in width and 0.8 metres in depth;
- 6.10 in the case of a tear drop sign, not exceed 2.5 metres in height from the ground, 0.6 metres in width and 0.6 metres in depth;
- 6.11 other than a tear drop sign, not have a display area exceeding 1 metre² in total or, if the sign is two-sided, 1 metre² on each side of the sign;
- 6.12 in the case of an 'A' frame or sandwich board sign:
 - 6.12.1 be hinged or joined at the top; and
 - 6.12.2 be of such construction that the sign shall be securely fixed or locked in position when erected;
- 6.13 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.

7. Placement

A moveable sign (other than a banner) must only be placed on the footpath area or verge of a road and must be placed so that:

- 7.1 it is at least 0.5 metres from:
 - 7.1.1 where the road has a kerb, the kerb;
 - 7.1.2 where the road has no kerb but has a shoulder, the shoulder;
 - 7.1.3 where the road has neither a kerb nor a shoulder, the edge of the carriageway;
- 7.2 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper or magazine, the sign is resting against the business;
- 7.3 there is a distance of not less than 1.2 metres wide between the sign and any outdoor dining area, structure, fixed object, tree, bush or plant, including another moveable sign;
- 7.4 the sign is not placed on a sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least 1.2 metres;
- 7.5 the sign is:
 - 7.5.1 on the same side of a road as; and
 - 7.5.2 directly in front of or within the projections of the side boundaries of, the business premises to which it relates;
- 7.6 the sign is not:
 - 7.6.1 within 6 metres of the corner of a road;

- 7.6.2 tied, fixed or attached to any other structure, fixed object, tree, bush or plant, including another moveable sign;
- 7.6.3 placed so as to interfere with the reasonable movement or endanger the safety of persons or vehicles using the footpath or road in the vicinity of or adjacent to where the moveable sign is placed;
- 7.6.4 placed on a landscaped area, other than landscaping that comprises only lawn;
- 7.6.5 placed on a footpath area where the minimum height clearance from a structure above it is less than 2 metres;
- 7.6.6 placed on a designated parking area or within 1 metre of an entrance to premises.

8. Banners

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

9. Restrictions

- 9.1 The owner or operator of a business must not cause or allow more than two moveable signs for each business premises to be displayed on the footpath area of a road at any time.
- 9.2 A moveable sign must:
 - 9.2.1 only display material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
 - 9.2.2 only be displayed when the business is open; and
 - 9.2.3 not be displayed during the hours of darkness unless it is clearly visible.
- 9.3 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.
- 9.4 Notwithstanding compliance with the provisions of this by-law and if, in the opinion of the Council, a footpath or road 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.

10. Exceptions

- 10.1 Clauses 6.8, 7.5 and 7.6.2 do not apply to a moveable sign which is used:
 - 10.1.1 to advertise a garage sale taking place from residential premises; or

- 10.1.2 display directions to an event run by an incorporated association, community organisation or a charitable body.
- 10.2 Clauses 7.6.2 and 9.1 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.
- 10.3 A requirement of this by-law does not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement, whether under the Act or otherwise.

PART 3 – ENFORCEMENT

11. Recovery of expenses

Where a person breaches this by-law and does not comply with an order made against them by Council pursuant to section 262(1) of the Act, the Council is able to recover from the person the expenses incurred in carrying out the order pursuant to section 262(3) of the Act as a debt by an action in a court of competent jurisdiction.

This by-law was duly made and passed at a meeting of the Corporation of the City of Campbelltown on 7 June 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.



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Paul Di Iulio
Chief Executive Officer

