



MOVEABLE SIGNS BY-LAW 2017

By-law No. 2 of 2017

A By-law 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, whilst also recognising the advertising needs of businesses to maximise their economic viability.

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Note: This By-law applies to moveable signs as defined. It does not capture fixed advertisements and/or other displays. The display of such signage is subject to the *Development Act 1993*.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2016* and is By-law No. 2 of the Kangaroo Island Council.

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 provide businesses with a fair and equitable opportunity to advertise their goods and services by way of moveable signs;
- 3.4. to prevent nuisances occurring on roads and the unreasonable interference with the use of a road; and
- 3.5. for the good rule and government of the Council's 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:

4.1.1 *By-law No.2 – Moveable Signs 2010*.²

4.2. This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: 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 2016*.

5.2. Subject to subclause 5.3, this By-law applies throughout the Council area subject to:

5.2.1 the exemptions set out in clause 11; and

5.2.2 the *Development Act 1993*.

5.3. Subclause 7.9 of this By-law applies to such parts of the Council's area that comprise a township as defined under subclause 6.12.

6. Definitions

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **amenity** means any quality, condition or factor that contributes to making an area harmonious, pleasant or enjoyable;
- 6.3. **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.4. **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.5. **business premises** means premises from which a business, trade or calling is being conducted;
- 6.6. **edge of the carriageway** means either the edge of the kerb or gutter, the edge of the sealed surface of the road, or the graded edge embankment of an unsealed road;
- 6.7. **Council** means Kangaroo Island Council;
- 6.8. **footpath area** means:
- 6.8.1 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;
- 6.8.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.9. **moveable sign** has the same meaning as in the Act;
- 6.10. **road** has the same meaning as in the Act; and
- 6.11. **township** has the same meaning as in the Act or as may otherwise be resolved by the Council exclusively for the purposes of this By-law.

Note-

At the time this By-law was made, the following townships exist in the Council's area:

- Kingscote
- American River
- Penneshaw
- Parndana

- 6.12. **traffic control device** has the same meaning as in the *Road Traffic Act 1961*.
- 6.13. **vegetation line** means the threshold where clear open or semi open road gives way to substantial vegetation such that it would not be feasible to place a moveable sign within or behind that vegetation;
- 6.14. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 14 of the *Interpretation Act 1915* 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 kind known as an 'A' frame or sandwich board sign, an 'inverted T' sign, a flat sign or, with the permission of the Council (including as set out under any policy adopted by the Council from time to time), a sign of some other kind;
- 7.2. be designed, constructed and maintained in good quality and condition so as not to, in the opinion of an authorised person, present a hazard to any member of the public;
- 7.3. be of strong construction and sufficiently stable when in position so as to keep its position in any weather conditions;
- 7.4. not contain sharp or jagged edges or corners;
- 7.5. not be unsightly or offensive in appearance or content;
- 7.6. not contain flashing or rotating parts;
- 7.7. not be connected to a vehicle that is located on a road;
- 7.8. be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.9. within a township or on any roads outside of a township to which a speed limit of 60km/hr or less applies, not exceed 900mm in perpendicular height or have a base with any side exceeding 600mm in length;
- 7.10. outside a township or on any roads to which a speed limit of 61km/hr or more applies, not exceed 1800mm in perpendicular height or have a base with any side exceeding 900mm in length;
- 7.11. in the case of an 'A' frame or sandwich board sign:
 - 7.11.1 be hinged or joined at the top; and
 - 7.11.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.12. 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.

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 other than set-back upon a vegetation line if the location of the vegetation line on the road means it is not feasible to place a moveable sign in accordance with a requirement of this subclause 8;
- 8.3. placed closer than:
 - 8.3.1 1.5 metres from the edge of the carriageway where there is a kerb; or
 - 8.3.2 in any other case, 3.5 metres from the edge of the carriageway;
- 8.4. placed on a sealed part of any footpath area:
 - 8.4.1 if there is an unsealed part on which the sign can be placed in accordance with this By-law; or
 - 8.4.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.2 metres;
- 8.5. placed less than 2 metres from any driveway, access way, clear way or no-standing zone;
- 8.6. placed on or adjacent to a primary arterial or secondary arterial road under the authority of the Commissioner of Highways or the Department of Transport without the prior consent of Commissioner of Highways or the Department of Transport;
- 8.7. placed on or adjacent to the Playford Highway, Birchmore Highway, South Coast Road or West End Highway (or any part(s) thereof) that are under the control of the Council;
- 8.8. tied, fixed or attached to or leaned against any other structure, object, tree, bush or thing (including another moveable sign);
- 8.9. placed on a landscaped area;
- 8.10. placed on a designated parking area or within 1 metre of an entrance to or exit from any business or other premises;
- 8.11. placed within 6 metres of an intersection of roads;
- 8.12. placed on a median strip, traffic island, roundabout or any other traffic control device;
- 8.13. placed so as to result in more than 3 moveable signs being displayed within 100 metres of an intersection of roads.
- 8.14. placed in such a position or in such circumstances that, in the opinion of an authorised person:
 - 8.14.1 the safety of a user of the footpath area or road is at risk; or
 - 8.14.2 the moveable sign unreasonably interferes with the lawful movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed.

- 8.15. in the case of a flat sign and notwithstanding anything in this clause 8 to the contrary, placed other than in line with and against the property boundary of the road and not less than one metre from the corner of the road.

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 two moveable signs for each business premises to be displayed at any time.
- 10.2. A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 10.2.1 in the case of a moveable sign displayed within a township, it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and/or services available from that business; and
- 10.2.2 it is only displayed during the hours that the business premises to which it relates is open to the public.
- 10.3. If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council (or its delegate) may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. Exemptions

- 11.1. Subclause 10.2.1 does not apply where subclause 8.13 is applicable.
- 11.2. Subclause 10.2 of this By-law does not apply to a moveable sign which:
- 11.2.1 advertises a garage sale taking place from residential premises or a farming property; or
- 11.2.2 is a directional sign to or advertises an event run by an incorporated association, a community or government organisation or charitable body.
- 11.3. Subclauses 10.1 and 10.2 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.4. The requirements of this By-law, with the exception of subclauses 7.1, 7.3 and 8.14, do not apply to a moveable sign that is displayed for the purposes of warning road users of the presence of livestock on a road.
- 11.5. A requirement of this By-law will not apply where the Council has granted permission for a moveable sign (or class of moveable signs) to be displayed contrary to that requirement.

- 11.6. This By-law does not apply to signage locations designated by the Council specifically for the display of banners or signs for events (including local cultural or social events) that are used with the Council's permission.

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;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (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; or
- the sign is 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; or
 - 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.
- 12.2. The owner of, or any other person seeking possession of a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay the reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign (if any) before the movable sign is returned to him/her.
- 12.3. The owner of, or any other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.3.1 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
 - 12.3.2 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.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 June 2017 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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Andrew Boardman
Chief Executive Officer