



MOVEABLE SIGNS BY-LAW 2024

By-law No. 2 of 2024

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.

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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 *Planning, Development and Infrastructure Act 2016*.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2024* 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 in a manner that does not adversely impact upon public safety or amenity;
- 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 2017*.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 2024*.

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 *Planning, Development and Infrastructure Act 2016*.

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 or attached to a pole, fence or other structure;
- 6.5. **business premises** means premises from which a business, trade or calling is being conducted;
- 6.1. **Council** means Kangaroo Island Council;
- 6.2. **edge of the carriageway** means, as the case may be, 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;
- 6.3. **footpath area** means:
 - 6.3.1 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;
 - 6.3.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.4. **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;
- 6.5. **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but excludes a banner;
- 6.6. **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:
 - 6.6.1 a bridge, viaduct or subway; or
 - 6.6.2 an alley, laneway or walkway;
- 6.7. **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.
- 6.8. **traffic control device** has the same meaning as in the *Road Traffic Act 1961*.
- 6.9. **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;
- 6.10. **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 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:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted T' sign,
 - 7.1.3 a flat sign;
 - 7.1.4 a feather sign or,
 - 7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2. in the reasonable opinion of an authorised person, be designed, constructed and maintained:
 - 7.2.1 in good quality and condition; and
 - 7.2.2 so as not to 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, in the reasonable opinion of an authorised person, 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. not exceed 900mm in perpendicular height or have a base with any side exceeding 600mm in length; either:
 - 7.9.1 on roads within a township; or
 - 7.9.2 on any roads outside of a township to which a speed limit of 60km/hr or less applies
- 7.10. in the case of an 'A' frame or sandwich board sign:
 - 7.10.1 be hinged or joined at the top; and
 - 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.11. 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 against the vegetation line if the location of the vegetation line on the road means the placement of the moveable sign in accordance with a requirement of this subclause 8 would result in the sign being obscured by vegetation;
- 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 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;

Note-

Placement of moveable signs on highways is subject to approval by Commissioner of Highways.

- 8.7. placed on a landscaped area;
- 8.8. placed on a designated parking area or within 1 metre of an entrance to or exit from any business or other premises;
- 8.9. placed within 10 metres of an intersection of roads;

- 8.10. placed on a median strip, traffic island, roundabout or any other traffic control device;
- 8.11. displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible;
- 8.12. placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:
 - 8.12.1 the safety of a user of the footpath area or road is at risk; or
 - 8.12.2 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.
- 8.13. 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 in any case, 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 of this By-law does not apply to a moveable sign which:
 - 11.1.1 advertises a garage sale taking place from residential premises or a farming property; or
 - 11.1.2 is a directional sign to or advertises an event run by an incorporated association, a community or government organisation or a charitable body.

- 11.2. 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.
- 11.3. 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.
- 11.4. 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.
- 11.5. This By-law does not apply to signage locations as designated by the Council (or its delegate) specifically for the display of Council permitted banners or signs for events.

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;
- 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 that is 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 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 the reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign (if any) before being entitled to recover the moveable sign.

- 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 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

- 12.3.2 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.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on **INSERT DATE** 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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DARYL BUCKINGHAM
Chief Executive Officer

PROPOSED