

CERTIFICATE OF VALIDITY

SECTION 249 (4) OF THE LOCAL GOVERNMENT ACT 1999

I, TIMOTHY DAVID GRIFFIN of Norman Waterhouse Lawyers, Level 15, 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the District Council of Ceduna intends to make, and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Section 226 and 239(1)(a);

Acts Interpretation Act, 1915, Section 39;

- (b) the by-law is not in conflict with the Local Government Act 1999 or any other Act.

DATED the 23rd day of October 2006

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Timothy David Griffin, Legal Practitioner

DISTRICT COUNCIL OF CEDUNA

By-law made under the Local Government Act 1999

By-Law No. 2 – Moveable Signs

To protect visual amenity and public safety on roads and footpaths by setting standards for moveable signs and regulating their placement in a manner which recognises the advertising needs of businesses to maximise economic viability.

1. Definitions

In this by-law:

- 1.1 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary;
- 1.2 'moveable sign' has the same meaning as in the Local Government Act 1999;
- 1.3 'authorised person' means a person appointed as an authorised pursuant to Section 260 of the Local Government Act 1999;
- 1.4 'business premises' means the premises from which a business, trade or calling is conducted;
- 1.5 'road' means a public street or a public road.

2. Construction and design

A moveable sign displayed on a road shall:

- 2.1 be of a kind known as an "A" Frame or Sandwich Board sign, an "inverted T" sign, or a flat sign;

- 2.2 be well constructed and maintained in good condition so as not to present a hazard to any member of the public using the footpath upon which the moveable sign has been placed;
- 2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 2.4 not contain sharp or jagged edges or corners;
- 2.5 not be unsightly or offensive in appearance or content;
- 2.6 not contain flashing parts;
- 2.7 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.8 not exceed 900mm in perpendicular height, 600mm in width or 600mm in depth;
- 2.9 be stable when in position;
- 2.10 in the case of an "A" Frame or Sandwich Board sign:
 - 2.10.1 be hinged or joined at the top;
 - 2.10.2 be of such construction that it's sides shall be securely fixed or locked in position when erected; and
- 2.11 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.

3. **Position**

A moveable sign shall only be positioned on a road subject to the following conditions. The moveable sign:

- 3.1 shall not obstruct or impede a vehicle door being opened that is parked lawfully on the carriageway;
- 3.2 shall be placed so as to leave a clear passageway of 1.9 metres in width for users of the footpath area;
- 3.3 shall not be positioned on a footpath area that is less than 2 metres in width;
- 3.4 shall be positioned so that it rests on the surface of the footpath area;
- 3.5 shall not be positioned on the footpath area attached to or within 1.4 metres of any other structure, fixed object, tree, bush or plant (excepting a building adjacent to the footpath area);
- 3.6 shall not be positioned within 1 metre of an entrance to premises adjacent thereto or the corner of a road;
- 3.7 shall not be positioned on the sealed part of any footpath area, if there is any unsealed part of that area on which a sign can be placed in accordance with this by-law;
- 3.8 shall not be positioned on or attached to a vehicle or other object, tree, bush or plant;
- 3.9 shall not be positioned on a carriageway or traffic island;
- 3.10 shall not unreasonably restrict the use of the road; or
- 3.11 shall not endanger the safety of members of the public.

4. Restrictions

A moveable sign shall not be placed on a road:

- 4.1 unless it only displays material which advertises a business being conducted on premises which are adjacent to the sign, or the products available from that business, but no brand names or products shall be displayed;
- 4.2 if another moveable sign which relates to the same business is already displayed on the road;
- 4.3 unless the business to which it relates is open to the public;
- 4.4 if it is likely to be blown over or swept away;
- 4.5 in such a position or in such circumstances that the safety of any user of the road is at risk;
- 4.6 during the hours of darkness unless it is clearly lit.

5. Exemptions

5.1 Paragraph 4.1 does not apply to a moveable sign which is used:

- 5.1.1 to advertise a garage sale taking place from residential premises;
- 5.1.2 as a directional sign to an event run by an incorporated association or a charitable body;
- 5.1.3 with permission of the Council.

5.2 Paragraphs 4.1, 4.2 and 4.3 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper and which must be displayed and located flat against a wall of the business premises at all times.

5.3 This by-law does not apply to:

- 5.3.1 a moveable sign that is placed on a public street or road pursuant to an authorisation under another Act; or
- 5.3.2 a moveable sign that is designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- 5.3.3 a moveable sign that is 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 days; or
- 5.3.4 a sign of a class prescribed in the Local Government (General) Regulations 1999.

The foregoing by-law was duly made and passed at a meeting of the District Council of Ceduna held on the 24th day of November 2006 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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Mr Anthony John Irvine
Chief Executive Officer