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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

SIGNS LOCAL LAW 2005

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 15 November 2005 to make the Signs Local Law 2005, as set out below.

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FIRST SCHEDULE

LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

SIGNS LOCAL LAW 2005**PART 1—PRELIMINARY****Title**

1.1 This local law may be cited as the *Signs Local Law 2005*.

Commencement

1.2 This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose and intent

1.3 (1) The purpose of this local law is to provide for the regulation, control and management of signs within the district, in support of the city planning scheme provisions.

(2) The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district, must comply and the means of enforcing those requirements.

Repeal

1.4 The following local laws are repealed on the day that this local law comes into operation—

- (a) City of Perth Local Law Relating to Signs By-Law No. 40 published in the *Government Gazette* on 25 February 1983; and
- (b) Part 3 of the City of Perth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law published in the *Government Gazette* on 1 November 2000.

Application

1.5 This local law applies throughout the district.

Definitions

1.6 In this local law, unless the context otherwise requires—

“**Act**” means the Local Government Act 1995;

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device, representation, painted representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of an advertisement, announcement or direction and includes any hoarding or similar structure used or adapted for use, for the display of advertisements and “advertising” has a correlative meaning;

“**applicant**” means a person who applies for a licence;

“**application fee**” means the application fee referred to in subclause 3.1(2)(f) and which relates to the lodgement, assessment and determination of an application for a licence, but does not include the licence fee;

“**appointed place**” means a place appointed by the City or the CEO, of the City to which signs, erected and maintained in breach of this local law, may be—

- (a) placed by the City; and
- (b) recovered by the owner of the sign;

“**authorised person**” means the CEO or any other person authorised by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**bill**” means any poster, placard, handbill, sticker, or other material or object manufactured, printed, drawn or produced for the purpose of advertising or promoting any thing, cause, function, event or occasion of any kind;

“**billposting**” means the sticking of any bill or painting, stencilling or affixing any advertisement on any building, structure, fence, wall, hoarding, signpost, pole, footpath, blind, awning, tree, rock, vehicle or other like places so as to be visible to any person in a street, public place, public reserve or other land;

“**Building Code**” means the latest edition of the Building Code of Australia published from time to time, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

“**bunting**” means a group of flags or flimsy material attached to a rope or line stretched between two or more points;

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the City of Perth;

“**city planning scheme**” means any current town planning scheme made by the City under the *Town Planning and Development Act 1928*;

“**community association**” means an institution, association, club, society or body, whether incorporated or not, the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions;

“**community information sign**” means a portable sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain;

“**commencement date**” means the day on which this local law comes into operation;

“**Commissioner of Main Roads**” means the person appointed under section 7 of the *Main Roads Act 1930* to be the Commissioner of Main Roads;

“**Council**” means the Council of the City of Perth;

“**direction sign**” means a sign erected in a street or public place by or with the approval of the City, to indicate the direction to another place but does not include a sign erected or affixed by the City or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the *Road Traffic Act 1974*;

Note: The requirement to obtain approval of the City for the installation of a direction sign does not mean the requirement to obtain a licence under this local law.

“**display**” in relation to—

(a) a sign, includes the erection, placement, use and maintenance of the sign;

(b) a bill, includes the posting, attachment, erection, placement, use and maintenance of the bill;

“**district**” means the district of the City;

“**election sign**” means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local government election;

“**existing sign**” means a sign which was erected before the commencement date of the *Signs Local Law 2005*;

“**hoarding**” means an advertising sign fixed to a free standing structure that has one or more supports but excludes hoardings referred to in Section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*;

“**illuminated sign**” means a sign capable of being lit from within or from without by artificial light provided solely or mainly for the purpose of lighting the sign;

“**kerb**” means the edge of a carriageway;

“**land**” includes buildings, parts of buildings and other structures and land covered with water;

“**licence**” means a licence issued under this local law;

“**licensee**” means the person to whom a licence is issued, transferred or deemed to be transferred under this local law;

“**licensed sign**” means a sign which is the subject of a valid licence;

“**local government property**” means any thing—

(a) which belongs to the City;

(b) of which the City is the management body under the *Land Administration Act 1997*;

(c) which is an otherwise unvested facility within section 3.53 of the Act,

and includes a thoroughfare;

“**name plate**” means a sign identifying the occupants of a property, such as medical practitioners, professionals or home-based businesses, affixed on the front fence or front façade or near the entrance to the building;

“**offensive**” in relation to a sign means the contents or design of which may cause offence to some or a majority of people and may involve the use of obscene or insulting language, the discriminatory or inappropriate portrayal of people including children, the portrayal of violence, the portrayal or suggestion of sex acts, nudity, and abuses of health and safety;

“**pedestrian mall**” means any road or portion of a road that is gazetted as a pedestrian mall;

“**person**” does not include the City;

“**planning approval**” means an approval given under a city planning scheme;

“**portable sign**” means a free standing sign which may or may not be permanently attached to a structure or fixed to the ground, and includes a ground based sign, a sandwich board sign and an “A” frame sign;

“**property disposal sign**” means a sign indicating that the premises whereon it is affixed or erected, are for sale, for letting or to be auctioned;

“**public place**” includes—

- (a) any thoroughfare, pedestrian mall or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
- (b) local government property;

“**real estate sign**” means a portable sign which is used to direct persons to and for the purposes of advertising a residential home open;

“**Regulations**” means the *Local Government (Functions and General) Regulations 1996*;

“**Scheme Area**” means the Scheme Area defined in a city planning scheme or the Scheme Area of any other relevant Scheme operating within the district;

“**sign**” has the same meaning as advertisement;

“**signs policy**” means a planning policy relating to signs adopted by the Council under the provisions of a city planning scheme;

“**thoroughfare**” means any road, street, pedestrian mall, way or place that is designed and used for the passage of vehicles and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

“**valid**” in relation to a licence issued under this local law means current and for which all the associated fees have been paid in full;

“**vehicle**” includes—

- (a) every conveyance, not being a train, boat, aircraft or wheelchair, and every object capable of being propelled or drawn on wheels or tracks by any means;
- (b) where the context permits, an animal being driven or ridden; and
- (c) in particular, a vehicle described in the First Schedule to the *Road Traffic Act 1974*,

but excludes—

- (d) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
- (e) a pram, stroller or similar device; and

“**Western Power Corporation**” means the body corporate established under section 4 of the *Electricity Corporation Act 1994*.

Transitional

1.7 An existing sign which—

- (a) was displayed prior to the commencement date; and
- (b) immediately prior to the commencement date was the subject of a valid licence issued under a local law repealed by clause 1.4,

is deemed to be subject of a valid licence issued under this local law on the same terms and conditions as the licence issued under a local law repealed by clause 1.4, for so long as the sign is not changed, but otherwise the provisions of this local law shall apply to the sign.

PART 2—SIGNS TO BE LICENSED AND EXEMPTIONS

Signs to be licensed

2.1 A person shall not display a sign on any land unless—

- (a) the sign is the subject of a valid licence; and
- (b) the sign is displayed in accordance with the licence and any terms and conditions set out in, or applying in respect of the licence.

Licence exemptions

2.2 (1) The following signs are exempt from the requirements of clause 2.1—

- (a) a sign erected or maintained in accordance with an Act;
- (b) a sign erected by the City, or with the approval of the City, on local government property other than signs erected for commercial gain;
- (c) a sign erected or maintained with the approval of the Commissioner of Main Roads;
- (d) newspaper or magazine posters, provided they are displayed and affixed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (e) an advertisement affixed to or painted on a shop window by the occupier and relating to the business carried on therein where the advertisement is less than 50% of the window area or 10m² in total area whichever is the lesser;
- (f) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the City and the company responsible for those signs;

- (g) an election sign which is—
 - (i) erected on private property with the approval of the owner of that property, where such approval has been obtained prior to the erection of the election sign;
 - (ii) not in excess of 0.75m² in area per property, except a corner property which may display one sign facing each thoroughfare of the corner;
 - (iii) erected not more than 28 days prior to the date of the election to which it relates; and
 - (iv) removed within 7 days of the date of the election;
- (h) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are—
 - (i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;
 - (ii) each, no greater than 0.75m² in area;
 - (iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place;
 - (iv) not erected within a thoroughfare; and
 - (v) erected in accordance with the restrictive provisions of clause 5.1 excepting subclauses (i), (k) and (m) where the total sign area is no greater than 1.75m²;
- (i) real estate signs erected under clause 4.1(1);
- (j) community information signs erected under clause 4.1(2);
- (k) a direction sign;
- (l) a name plate not exceeding 0.5m²;
- (m) a property disposal sign not exceeding 4.5m² erected on private property;
- (n) a sign within a building unless—
 - (i) it is clearly visible from a public place outside the building;
 - (ii) it is exempted under any other paragraph of this sub clause; or
 - (iii) it is considered to be offensive or objectionable by the City.

(2) The signs exempt under subclause (1) must be installed and maintained in accordance with the restriction provisions detailed in clause 5.1.

Planning approval

2.3 (1) The requirement for a licence under this local law is additional to the requirement if any, for a planning approval.

(2) Where planning approval is required for a sign, the City shall not consider or determine an application for a licence under this local law unless and until planning approval has been granted.

PART 3—LICENCES

Application for licence

3.1 (1) Where a person is required to obtain a licence under this local law, that person shall apply for the licence in accordance with subclause (2).

(2) An application for a licence under this local law shall—

- (a) be in the form determined by the City;
- (b) be signed by the applicant and by the owner of the land where the sign is to be displayed;
- (c) provide two (2) copies of plans drawn to scale of not less than 1:100 showing the size, position, materials, design and inscription thereon, the method of construction and fixing of the sign for which the licence is sought;
- (d) where required by the City, a certificate from a structural engineer or other person approved by the City, certifying that the building or structure upon which it is proposed to erect the sign is in all respects, of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
- (e) provide the information required by the form; and
- (f) be forwarded to the City together with any application fee.

(3) The City may require an applicant to provide additional information reasonably related to an application before determining the application.

(4) The City may refuse to consider an application for a licence which is not in accordance with subclause (2), or where the applicant has not complied with subclause (3).

Determination of application

3.2 (1) The City may, in respect of an application for a licence—

- (a) refuse to approve the application; or
- (b) approve the application on such terms and conditions as it sees fit.

(2) In determining an application for a licence, the City is to have regard to—

- (a) any relevant signs policy of the City;
- (b) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;

- (c) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed;
 - (d) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;
 - (e) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed;
 - (f) how many signs are on the land where the sign will be displayed;
 - (g) whether the construction of the sign is sound;
 - (h) whether any insurance should be obtained in relation to the display of the sign; and
 - (i) the matters set out in subclause (3).
- (3) The City may refuse to approve an application for a licence, where:—
- (a) the application has not been made in accordance with clause 3.1(2) or any other clause of this local law, relating to the requirements to be complied with when making an application for a licence;
 - (b) the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the licence is sought;
 - (c) the sign may obstruct the sight lines of a pedestrian or a person driving or riding a vehicle;
 - (d) the sign may unreasonably distract persons driving or riding a vehicle;
 - (e) the sign may detract from the quality of the streetscape or area where it is to be displayed;
 - (f) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;
 - (g) the colour scheme and materials of the sign are not compatible with the architectural style and design of a building on which the sign is to be displayed;
 - (h) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed;
 - (i) the construction of the sign is not sound;
 - (j) the sign will be additional to other signs on the land where it will be displayed;
 - (k) the proposed content of the sign may be considered offensive; or
 - (l) there are other grounds on which the City considers the application should be refused.
- (4) If the City refuses to approve an application for a licence, it is, as soon as practicable after the decision is made—
- (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (5) Where a clause of this local law refers to conditions which may be imposed on a licence or which are to be taken to be imposed on a licence, the clause does not limit the power of the City to impose other conditions on the licence under subclause (1)(b).
- (6) Where a clause of this local law refers to the grounds on which an application for a licence may be or is to be refused, the clause does not limit the power of the City to refuse that application for a licence on other grounds under subclause (1)(a).

Licence issue

3.3 (1) If the City approves an application for a licence, it is to issue to the applicant a licence in the form determined by the City and may include plans or other documents other than the form of the licence.

(2) A licence shall not be valid until such time as any public liability insurance policy, if required as a condition of the licence, has been put into effect and a certificate of currency covering the period of the licence has been lodged with the City.

Compliance with conditions

3.4 (1) Where an application for a licence has been approved subject to conditions, or where a licence is to be taken to be subject to conditions under this local law, the licensee shall comply with each of those conditions.

(2) The City may vary the conditions of a licence, and the licensee shall comply with those conditions as varied.

Amendment to licence conditions

3.5 (1) A licensee may apply in writing to the City to amend any of the terms or conditions of the licence.

(2) The City may, in respect of an application under subclause (1)—

- (a) amend the licence, either in accordance with the application or otherwise as it sees fit; or
- (b) decline to amend the licence.

(3) The City may, at any time, amend any of the terms and conditions of the licence.

(4) If the City amends a licence under this clause, it is to notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the licence apply from the date of the notification.

(5) If the City amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made—

- (a) to give to the licensee written notice of, and written reasons for, its decision to amend; and
- (b) inform the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

Duration of licence

3.6 (1) Except where otherwise stated in this local law, a licence remains valid until—

- (a) a public liability insurance policy, where required as a condition of the licence, lapses, is cancelled or is no longer in operation;
- (b) the sign is removed;
- (c) a change is made in the message of the sign or its illumination which is so significant as to amount to a different sign than that in respect of which the licence was issued;
- (d) an alteration is made to the structure or area of the sign for which the licence was issued;
- (e) the sign no longer relates to a business conducted in the building to which it relates;
- (f) the licence is cancelled by the City,

and the licensee, owner or occupier of the land where the sign is displayed, or any person displaying the sign, must immediately cease to display the sign and remove the sign from display.

(2) A licence is void if the work covered by the licence is not completed within 24 months from the date of issue of the licence.

Transfer of valid licence

3.7 (1) An application for the transfer of a valid licence is to—

- (a) be in the form determined by the City;
- (b) provide the information required by the form or by any other clause of this local law;
- (c) be signed by the licensee and the proposed transferee of the licence; and
- (d) be forwarded to the City together with any transfer fee imposed and determined by the City.

(2) The City may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).

(3) The City may approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval.

(4) Where a sign licensed under this local law is attached to a building or land, and the licensee is—

- (a) the registered proprietor or agent of the registered proprietor of that building or land; or
- (b) a lessee of that building or land under a lease,

then respectively on the transfer of the building or land to a new registered proprietor or the transfer or assignment of the lease, the new registered proprietor or the new lessee becomes the licensee and the address for service of any notices shall be the address of the building or land, without any need for an application to be made to the City.

Production of valid licence

3.8 A licensee or owner shall produce to an authorised person his or her valid licence immediately upon being required to do so by an authorised person.

Cancellation of licence

3.9 (1) A valid licence may be cancelled by the City on any one or more of the following grounds-

- (a) the licensee has not complied with a condition of the licence or planning approval issued in respect to the sign;
- (b) the licensee has not complied with a provision of this local law;
- (c) variations are made to the sign or to its content which have the effect that the sign is not that approved by the licence;
- (d) the licensee is convicted of an offence against this local law; or
- (e) a licensed sign is so altered that it is determined by the City to be detrimental to the interests of the public, any adjacent property owner or occupier.

(2) If the City cancels a licence under this clause, it is, as soon as practicable after the decision is made—

- (a) to give the licensee written notice of, and reasons for, the decision;
- (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision;

and the cancellation takes effect from the date on which the permit holder is served with the cancellation notice.

PART 4—SPECIFIC SIGNS**Portable signs**

4.1 (1) A person may place or erect real estate signs on a thoroughfare on an infrequent or occasional basis only to direct attention to a residence that is for sale during the hours of a home open.

(2) A person may place or erect community information signs on a thoroughfare on an infrequent or occasional basis, only to direct attention to a place, activity or event during the hours of that activity or event, if the activity or event has been approved by the City, inclusive of the said community information signs.

(3) Any sign erected under subclause (1) and (2) of this clause shall comply with the restriction provisions of clause 5.1.

Billposting

4.2 (1) Subject to subclause (2), a person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any thoroughfare, hoarding, wall, building, fence or structure whether erected on private property or on a public place.

(2) This clause shall not apply to—

- (a) any sign for which a current licence is in force under this local law; or
- (b) advertisements affixed to or painted on a shop window by the occupier and relating to the business carried on in those premises where the advertisement is less than 50% of the window area or 10m² in total area whichever is the lesser.

Bunting

4.3 A person shall not erect bunting on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place.

Illuminated signs

4.4 (1) The electrical installations of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of the Western Power Corporation or such other authority as may be responsible for the control of electrical installations.

(2) An illuminated sign and any boxing or casing enclosing it shall be constructed entirely of non-flammable material with the exception of the insulation of electric wires.

PART 5—SAFETY, STRATEGIC AND GENERAL**Restrictions**

5.1 A person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain—

- (a) so as to obstruct the view from a street or public place of traffic in a street or public place;
- (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the *Road Traffic Act 1974* or any regulations made under that Act;
- (c) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
- (d) so as to obstruct the movement of any pedestrian or vehicle in any street or thoroughfare;
- (e) except with the approval of the City on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
- (f) on any building where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
- (g) on any light or power pole;
- (h) on any tree, shrub, plant, rock or any other natural feature;
- (i) on any vehicle unless it advertises the business of the vehicle owner or occupier and is not parked so as to be general advertising;
- (j) which contains glass other than an electric light globe or tube or toughened glass or safety glass;
- (k) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard or hoarding, flags, banners or canvas awnings;
- (l) the light from which is so intense as to cause a nuisance to the public;
- (m) as a moveable or portable sign on local government property or public place, not affixed to a building, unless approved by the City under this local law;
- (n) subject to subclauses 2.2(1)(g) and (h) on any street, thoroughfare or other public place, if the sign is an election sign; or
- (o) subject to subclauses 2.2(1)(i) and (j) on any street, thoroughfare or other public place, if the sign is a real estate sign or community information sign.

Fixing of signs

5.2 The owner or licensee of a sign must cause it to be securely fixed to the structure by which it is supported, to the satisfaction of an authorised person.

Headroom

5.3 The owner or licensee of a sign erected over walkways, accessways or other public place, shall cause it to be fixed to provide a clear headway under the sign of not less than 2.75 metres, or other height as required by an authorised person.

Distance from kerb

5.4 Where a sign projects over a footpath at a height of less than 4.5 metres, the sign is to be a minimum distance of 600mm from the outer edge of a street kerb.

Signs to be kept clean

5.5 The owner or licensee of a sign shall keep it clean and free from unsightly matter and shall maintain the sign in good order and safe condition.

Materials

5.6 (1) No flammable material shall be part of or be attached to any sign but this clause shall not apply to posters securely fixed to a signboard.

(2) Every sign containing glass shall be so protected that if any glass, other than the glass of fluorescent tubing, breaks none of the glass can fall on any street, way, footpath or other public place.

Building Code

5.7 (1) Subject to subclause (2), a sign shall be erected in accordance with the relevant provisions of the Building Code.

(2) Where there is inconsistency between the standards or requirements of this local law and those specified in the Building Code, the standards or requirements of the Building Code shall prevail.

PART 6—NOTICES AND REMEDY FOR BREACH**Notice to repair, modify or remove sign**

6.1 (1) Where a sign is not maintained in a good condition or is or becomes dilapidated, or the content of the sign is offensive, the City may issue a notice to the—

- (a) owner of the land where the sign is displayed;
- (b) the grantee of any development approval issued for the sign; or
- (c) the licensee of the sign,

requiring that person to, as the City considers appropriate—

- (i) repair or maintain the sign in the manner specified in the notice, or if not so specified, so that it is put into a good condition or so it is not dilapidated;
- (ii) modify the content of the sign as specified in the notice; or
- (iii) remove the sign from display,

within such time as may be specified in the notice or if no time is specified within 14 days from the date of the City giving the notice.

(2) Without limiting any other provision of this local law, this clause applies to the signs referred to in clause 2.2(1).

Notice to rectify breach

6.2 Where a person breaches a term or condition of a licence or a provision of this local law, the City may give a notice to the person specifying the breach and requiring it to be rectified, and the person shall comply with the notice within the period indicated in the notice, or if no period is indicated, within 14 days of the City giving the notice to the person.

Removal of signs from public property

6.3 (1) The City may remove to an appointed place any sign or other advertising device, placed or erected on any public place under the care control and management of City, unless placed or erected in accordance with the provisions of this local law.

(2) Where a sign, hoarding or other advertising device is removed to an appointed place in accordance with subclause (1) and where it is possible to identify the name of the owner of the sign or advertising device, a notice shall be served on the owner advising—

- (a) the location of the appointed place to where the sign has been removed;
- (b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice.

PART 7—OBJECTIONS AND APPEALS**Application of Part 9 Division 1 of the Act**

7.1 (1) Where the City makes a decision as to whether it will—

- (a) grant an application for a licence;
- (b) vary, or cancel a licence; or
- (c) impose or amend a condition to which a licence is subject,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

(2) under these provisions, an affected person may have the right to object to, or appeal against a decision of the City.

PART 8—ENFORCEMENT**Offences**

8.1 (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who fails to comply with a notice given under this local law commits an offence.

(3) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(4) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Offence description and modified penalty

8.2 The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Infringement and infringement withdrawal notices

8.3 For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.16(1) of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice referred to under section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the infringement withdrawal notice referred to under section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Authorised persons

8.4 Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is taken to have also been appointed by the City to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

PART 9—MISCELLANEOUS**Fees**

9.1 All fees referred to in this local law shall be imposed and determined by the City under section 6.16 to 6.19 of the Act.

Public liability insurance

9.2 (1) Where, as a condition of a licence, the licensee or landowner is required to provide a public liability insurance policy, indemnifying the City against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected under the licence, the licensee shall—

- (a) take out a public liability insurance policy in the name of the licensee and the City, for a minimum value of \$5,000,000 or such other amount as the City considers appropriate to the risk involved;
- (b) keep that insurance policy current for the duration of the licence;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the City;
- (d) include a clause in the policy which requires both the licensee and the insurance company to advise the City if the policy lapses, is cancelled or is no longer in operation; and
- (e) on the request of an authorised person, provide for inspection of the policy and a certificate of currency for the required insurance policy.

(2) A licensee who refuses or cannot provide a current certificate of insurance within two working days of a request under subclause (1)(e) commits an offence.

FIRST SCHEDULE
CITY OF PERTH
SIGNS LOCAL LAW 2005
OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1(a)	Displaying a sign without a licence	100
2	3.4(1)	Failure to comply with conditions of licence	100
3	3.4(2)	Failure to comply with varied conditions of licence	100
4	3.8	Failure to produce valid licence to authorised person upon being required to do so	100

Item No	Clause No	Nature of Offence	Modified Penalty \$
5	4.2(1)	Billposting	200
6	4.3	Erect bunting on private property or on a public place	100
7	5.1	Failure to comply with restricted activity	100
8	5.3	Failure to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m	100
9	5.5	Failure to keep sign clean and maintained in good order and safe condition	100
10	5.6(1)	Using flammable material in the construction of or attached to a sign	100
11	6.1(1)	Failure to comply with a notice to repair, modify or remove a sign	100
12	6.2	Failure to comply with notice to rectify breach	100
13		All other offences not specified	100

Dated this 25th day of November 2005.

The Common Seal of the City of Perth was affixed by the authority of a resolution of the Council in the presence of—

DR. PETER NATTRASS, The Rt Hon the Lord Mayor.

FRANK EDWARDS, Chief Executive Officer.



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