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LOCAL GOVERNMENT ACT 1995

**SHIRE OF YORK
LOCAL LAWS RELATING TO SIGNS
AND ADVERTISEMENTS**

LOCAL GOVERNMENT ACT 1995**MUNICIPALITY OF THE SHIRE OF YORK****LOCAL LAWS RELATING TO SIGNS AND ADVERTISEMENTS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it the Council of the abovementioned municipality hereby records having resolved on the 7th day of April 1997 to make and adopt the following local law.

1. REPEAL

The Shire of York Bylaws Relating to Signs, Hoardings and Bill Posting published in the Government Gazette on 30 October 1963 and amended in the Government Gazette on 24 December 1980 and 1 August 1986 are hereby repealed.

2. CITATION

These local laws may be cited as the Shire of York Local Laws Relating to Signs and Advertisements and shall come into operation on the 14th day after the day that it is published in the Government Gazette.

3. INTERPRETATION

In this local law, unless the context otherwise requires—

“Act” means the Local Government Act 1995;

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

“advertising device” means any object or structure on which any word, letter, number, symbol, figure, drawing, image or other representation or message whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed or on which provision is made for the same, for the purpose of giving any message or direction or promoting or publicising any business, project, function, enterprise, or undertaking, or any function or event, or any person, body or group, or any product or

article, or other thing whatsoever, and includes an airborne device anchored to any land, building or other thing whatsoever, and also includes any vehicle or trailer or other similar object placed or located so as to serve the advertising purpose hereinbefore referred to;

“amenity” means the quality and the conditions and characteristics of a locality or a lot or building (as the context requires) which contribute to their pleasantness and harmony and better enjoyment;

“animation” means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping and any mechanical or electrical device;

“bill” means any written, printed or illustrated message or matter on paper, plastic or similar material;

“bill posting” means the attaching, sticking, painting, or stencilling of any bill, poster, placard or advertisement on any building, structure, fence, wall, hoarding, sign post, pole, blind or awning or on any tree, rock whether erect upon private property or upon a public place and to “post a bill” has a corresponding meaning;

“Building Surveyor” means the Building Surveyor of the Shire of York or any person acting in the capacity or under the instruction of that officer;

“business” includes the conduct of a profession, trade or occupation;

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

“Council” means the Council of the Shire of York;

“development sign” means a sign erected on an area of land which has been approved for subdivision into smaller lots, advertising the subdivided lots for sale;

“directional sign” means a sign erected in a street or public place to indicate the direction to another place but does not include any such sign erected or affixed by the Council or the commissioner of Main Roads or a road direction sign erected or affixed by the Council 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 and its amendments;

- “district” means the municipal district of the Shire of York;
- “domestic quantity” means those quantities of goods, articles or things as would be utilised or kept in a single dwelling and excludes amounts of articles or things that would be sold by retail or wholesale distribution in the course of trade or commerce;
- “domestic usage” means the use of goods or items for activities associated with individual residential or rural dwellings and excludes goods, items or things purchased or used for manufacturing, business, trade or commerce;
- “dwelling” means a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but ancillary thereto, such building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—
- (a) a single person;
 - (b) a family;
 - (c) no more than six persons who do not comprise a single family, but share the accommodation.
- “exempt sign” is a sign which is classified as exempt pursuant to Parts 3, 4, 5, 6 and 7 of this local law, or which is exempt pursuant to the provisions of a town planning scheme;
- “fascia” means the cladding or panel erected to enclose or finish the edge of the roof of a building and which may be incorporated as an architectural feature;
- “fascia sign” means a sign erected or displayed on the fascia of a building;
- “freestanding sign” means a sign not attached to a structure or fixed to the ground or pavement and can be carried by one person but does not include signs on vehicles or trailers;
- “frontage” means that part of one elevation of a building that faces a street from which access and egress to the building is obtained;
- “hoarding” means a detached or detachable structure including a wall panel or an illuminated panel other than a pylon sign that is erected for the sole purpose of displaying one or more signs or advertising devices;
- “home occupation” means an occupation or profession which is carried on in a dwelling or within the curtilage of a dwelling by a person resident therein;
- “household goods” means items that are associated with dwellings as distinct from items associated with a business, institutional, commercial or industrial enterprise;
- “identification sign” means a sign displayed for the purpose of identifying a business, profession, trade or occupation and includes a home occupation;
- “illumination” means a method by which a sign is so arranged as to be capable of being lighted from within or from without the sign by artificial light provided or mainly provided for that purpose;
- “information panel” means a panel used for displaying government and local authority notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers and general commercial advertising;
- “Objectives” means the Objectives in the Shire of York Town Planning Scheme No. 2 as amended from time to time;
- “planning approval” means approval by Council of an Application for Planning Approval and an Application for Advertisement Approval made for the erection or display of a sign within the district;
- “pylon sign” means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which infills may be added;
- “reserve” includes land under the care, control and management of the Shire, land vested in the Shire, land reserved under the Land Act 1933 and land the subject of a reservation under a town planning scheme;
- “Shire” means the Shire of York;
- “sign” means an advertising device which includes any object or structure on which any word, number, figure, image, drawing, representation or message whatsoever is written, placed, affixed, attached, painted, projected, or otherwise displayed, or on which provision is made for the same, for the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever, and includes any airborne device anchored to any land or building or any vehicle or trailer or other similar object placed, or located so as to serve the purpose of advertising any business, function, operation, development, event, undertaking, person or any product of thing whatsoever;
- “site specific advertising” means any advertising of a message or thing which only identifies the name and/or principal business and/or a thing or service, produced, stored, displayed, sold or supplied in the principal business of an occupier of the land or building on which the advertising appears or is proposed to appear;
- “town planning scheme” means any town planning scheme in force in the district of the Shire published in the Government Gazette pursuant to the Town Planning and Development Act 1928 as amended from time to time, or any zoning scheme replacing it for the time being in force within the district;
- “wall sign” means a sign fixed or painted on the wall of a building and may include a panel on which a sign is painted or affixed;

“window sign” means a sign fixed to or painted on the glazed area of a window of a building;

“zone” means land classified in a Town Planning Scheme operating within the Shire of York pursuant to the Town Planning and Development Act 1928.

Where applicable, any word or expression in this local law and not defined in clause 3 has the same meaning as is given to it in the Act.

PART 1: STANDARDS—SIGNS GENERALLY

4. STANDARDS FOR ALL SIGNS

A sign erected or displayed within the district shall—

- (a) be securely fixed to and not affect the stability of any structure which supports it;
- (b) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected without collapsing, deforming or moving from the position in which it was erected or displayed;
- (c) not contain glass in its construction unless the glass is part of an illuminating globe or tube;
- (d) be constructed and erected in such a manner that will not cause injury or damage to property or persons;
- (e) not be erected or displayed so as to obstruct the free passage of vehicles or pedestrians;
- (f) not be placed in a position such that in the opinion of Council it affects the amenity of any building or lot;
- (g) not be erected or displayed in such a position that in the opinion of Council it constitutes a hazard to vehicular or pedestrian traffic or a nuisance to the public or may be confused with traffic signs; and
- (h) not be erected in any position where in the opinion of Council it obstructs or impedes all or part of the view which may be enjoyed from a street, way, footpath, public place or private property of a river or any other place or feature of natural beauty.

5. MAINTENANCE OF SIGNS

Every sign or advertising device (whether exempt or the subject of a planning approval) shall be kept clean and free from unsightly or immoral matter and all graphics, inscriptions and writings thereon shall be maintained in good order and condition.

6. SIGNS TO BE SITE SPECIFIC

All exempt signs, with the exception of Temporary Community Service Signs shall be site specific.

PART 2: PROHIBITED SIGNS

7. PROHIBITED SIGNS

No sign shall be erected or displayed unless it—

- (i) is the subject of a current planning approval; and
- (ii) complies with this local law; or
- (iii) is an exempt sign pursuant to this local law.

8. ADVERTISING OF UNLAWFUL LAND USE PROHIBITED

No sign shall advertise or promote a use of land which is contrary to the provisions of any town planning scheme in force within the district.

9. HOARDINGS PROHIBITED

No person shall erect or display a hoarding within the district.

10. BILL POSTING PROHIBITED

No person shall post a bill within the district.

PART 3: EXEMPT SIGNS

11. EXEMPT SIGNS

No person shall erect, attach, affix, maintain or display a sign of whatsoever nature which is not an exempt sign unless prior written planning approval has been obtained from the Shire.

12. RESTRICTIONS ON EXEMPT SIGNS

An exempt sign shall not—

- (i) be illuminated;
- (ii) incorporate animation or movement in its design or structure;

- (iii) contain reflective, retro-reflective or fluorescent materials in any part of its design or structure;
- (iv) contain flags or bunting, whether they contain a written message or not;
- (v) be, in the opinion of Council, detrimental to the heritage character of the district and incompatible with the amenity and streetscape of the area.

13. NO EXEMPT SIGNS ON RESERVE

No sign, except a Temporary Community Service Sign, shall be erected on a reserve within the district.

14. INSCRIPTIONS PERMITTED ON EXEMPT SIGNS

An exempt sign may only include—

- (i) the name of the occupier;
- (ii) a description of the type of business carried on in the premises;
- (iii) the telephone number of the occupier;
- (iv) a description of the goods and/or services provided or offered for sale on the premises on which the sign is erected or displayed;
- (v) the trademark, insignia, symbol, illustration or logo of the business or products offered for sale on the premises;
- (vi) colours and lettering style complementary to the heritage character of the district, as approved by Council within a policy made under its town planning scheme.

15. IDENTIFICATION OF OWNER

In addition to the inscriptions permitted pursuant to the preceding clause an exempt sign shall contain on it clearly displayed in legible lettering and numbers not less than 5mm in height—

- (i) the name of the owner of the sign; and
- (ii) the name, address and telephone number (if any) of the person who displayed or erected the sign.

16. POSITION AND SUPPORT OF EXEMPT SIGNS

- (i) Any exempt sign may only contain site specific advertising.
- (ii) An exempt sign shall not be placed on, or fixed to a building if it requires a structure, cladding or other material or device to be incorporated in or added to the building solely for the purpose of placing or affixing the sign.
- (iii) An exempt sign shall not be placed on any object or structure which was not specifically designed for the support or display of the exempt sign.
- (iv) An exempt sign in a town centre or industrial zone under the district town planning scheme may only be erected or displayed on the frontage of a building.

PART 4: GENERAL—ALL AREAS

17. DIRECTIONAL SIGNS

- (i) A direction sign indicating the location of an amenity which in the opinion of the Council is beneficial to the public shall only be erected by authority of the Council and shall—
 - (a) have a minimum headway of 2.75m.
 - (b) be 200mm in depth, with a maximum length of 1200mm supported on 40mm diameter steel pipes, except where otherwise approved by Council.
 - (c) have lettering which is to be 160mm in depth and be white, with a brown background, except where otherwise approved by Council.
- (ii) The initial supply and erection costs of the sign shall be paid by the applicant.
- (iii) Unless otherwise approved by Council, all directional signs are to be erected and maintained at the expense of the applicant and only to be erected or maintained by Council employees.

18. IDENTIFICATION SIGNS

- (i) An identification sign shall—
 - (a) contain only the name, occupation, profession, trade or business of the occupier of the premises on which the sign is erected or displayed; and
 - (b) not exceed 0.2m² in area.
- (ii) There shall be only one identification sign for each occupation, profession, trade or business in a building.

19. TEMPORARY COMMUNITY SERVICE SIGNS AND INFORMATION PANELS

19.1 Temporary Community Service Signs 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 and other than for commercial gain may be erected in a private or public place subject to the following—

- (i) no sign shall exceed 0.5m² in area. Notwithstanding this provision, not more than two such signs may be erected on or adjacent to the locality of premises where the function is to be held, provided neither sign exceeds 6.0m² in area.
- (ii) if a Temporary Community Service Sign is free standing it shall not—
 - (a) exceed 900mm in height;
 - (b) have more than two faces;
 - (c) exceed 1.0m in width.
- (iii) there shall be no more than 10 such signs relating to the same event or function displayed within the district.
- (iv) the sign or signs shall be removed within seven (7) days of the function being held.
- (v) no two Temporary Community Service Signs advertising the same event or activity shall be closer together than 100m unless exempted by the provision of clause (i) of this clause;
- (vi) no more than two Temporary Community Service Signs each advertising different events or activities shall be erected or displayed closer together than 2m.

19.2 Notwithstanding that a Temporary Community Service Sign may comply with this local law and any town planning scheme, Council may remove any sign or signs, if in the opinion of Council the sign contravenes any Objective of this local law.

19.3 The Council may provide information panels or bays of varying sizes at the cost of the advertiser for the inclusion of advertising in such panels or bays.

PART 5: TOWN CENTRE AND INDUSTRIAL ZONES

20. WINDOW SIGNS

20.1 A window sign shall—

- (a) only be fixed to or painted on a ground floor window of a building;
- (b) shall not exceed in area 25% of the area of all windows on the ground floor on the frontage of a building; and
- (c) shall not exceed 50% of the area of the window on which it is painted or fixed.

20.2 Notwithstanding the above, a window sign for a temporary sale of goods by retail may be painted or fixed over 50% of the area described in subclause (i) provided that—

- (a) the sign shall not be displayed for a period exceeding six weeks; and
- (b) the sign does not, in the opinion of Council, affect the amenity of the building on which it is fixed or painted.

21. WALL SIGNS: FASCIA SIGNS

- (i) One wall and/or one fascia sign may be fixed to or painted on the frontage of a building for each occupation, profession, trade or business carried on in that building provided that—
 - (a) the total area of the individual signs does not exceed—
 - (A) if both a wall sign and fascia sign are displayed

wall sign	—	2.0m ²
fascia sign	—	4.0m ²
 - (B) if only a fascia sign is displayed

fascia sign	—	8.0m ²
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 - (b) the signs are not placed within 500mm of the boundary of premises occupied by any profession, trade or business;
 - (c) the signs do not extend vertically or horizontally to cover more than 75% of the height or length of the wall or fascia;
 - (d) for the purposes of measurement of a sign, the measurements shall be the horizontal and vertical extremities of any text or inscription, or any coloured or textured background, that is part of the sign; and
 - (e) a wall sign or fascia sign shall not project more than 200mm from the face of the wall to which it is attached.
- (ii) A wall sign shall not exceed more than 2m² in area.

22. PYLON SIGNS

22.1 Only one pylon sign shall be permitted on a lot.

22.2 A pylon sign shall—

- (i) be supported on no more than two metal or timber columns of sufficient size and strength and erected in such a manner that will comply with Part 1 of this local law;
- (ii) not project over a reserve;
- (iii) be located a minimum of 1800mm from the side boundaries of the lot;

- (iv) not have any part thereof more than 3.0m above the level of the ground immediately below it;
- (v) not exceed 2.0m across the horizontal face of the sign;
- (vi) where the sign relates to a number of businesses on a lot, be limited to a maximum area of 4m²;
- (vii) have all sign panels on the pylon matching one another in width and alignment.

23. FREESTANDING SIGNS

23.1 A freestanding sign shall—

- (i) not exceed 900mm in height;
- (ii) not have more than two faces; and
- (iii) not exceed 1.0m in width.

23.2 There shall be no more than one freestanding sign on any one lot.

24. VERANDAH SIGNS

- (i) Verandah signs, where not situated on the verandah fascia and in compliance with clause 21, shall only be situated under a verandah and—
 - (a) afford a headway of at least 2.75m;
 - (b) not exceed 2.4m in length or 500mm in depth;
 - (c) not weigh more than 50kg;
 - (d) not be within 3m of another sign under that verandah or within 1.5m of the side wall of the shop/office;
 - (e) be fixed at right angles to the front wall of the building before which it is erected, or on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets;
 - (f) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign;
 - (g) not protrude past the outermost extremity of the verandah;
 - (h) notwithstanding (e) may be situated parallel to the outer edge of the verandah only where no fascia sign exists.

PART 6: RESIDENTIAL ZONES, SPECIAL RURAL, RURAL RESIDENTIAL AND RURAL TOWNSITE ZONES

25. TEMPORARY SIGNS: PRIVATE DWELLINGS

A temporary sign (private dwellings) advertising the sale of items of domestic goods or property may be displayed on a residential lot on which there is a dwelling—

- (i) the goods or property advertised for sale are second hand;
- (ii) the sale is not part of the activity of any business, trade, occupation or profession;
- (iii) the quantity of goods or property advertised to be sold are in domestic quantities;
- (iv) there are not more than two temporary signs displayed on a lot;
- (v) the total area of the two signs shall not exceed 1.5m²;
- (vi) the sign is displayed for no more than seven days; and
- (vii) the sign is not displayed on the same lot for more than two periods each six months.

PART 7: FARMING

26. RURAL PRODUCE SIGNS

A rural produce sign may be erected or displayed on land in the farming zones of the Shire's town planning scheme provided that—

- (i) the sign shall only advertise produce which has been grown on the land on which the sign is erected and which produce has not been subjected to any processing or treatment elsewhere than on the land;
- (ii) the sign is withdrawn where the produce is not available for sale;
- (iii) there be no more than two such signs displayed at any one time on lots which abut each other in one ownership;
- (iv) the area of the sign shall not exceed 1.5m².

PART 8: OTHER SIGNS

27. If a sign is not an exempt sign then an Application for Planning Approval must be made, accompanied by an Application for Advertisement Approval and planning approval obtained before the sign is erected or displayed.

28. OFFENCES

28.1 No person shall erect or display a sign which is not an exempt sign without first having applied for and obtained the planning approval of the Shire under its town planning scheme.

28.2 A person who erects or maintains, authorises or permits to be erected or maintained a sign or advertising device contrary to the provisions of this local law commits an offence.

29. NOTICE

Notwithstanding the provisions of this local law, Council or its Building Surveyor may serve on the owner or occupier of any lot or building upon which a sign or advertising device is erected or displayed contrary to this local law, notice to remove the sign within such time as may be specified in the notice. A person failing to comply with the terms of such a notice pursuant to this clause commits an offence.

PART 9: POWERS OF COUNCIL**30. PUBLIC PLACES**

Council or a person acting under the authority of Council may remove any sign, advertisement, advertising device, hoarding or signboard placed on or erected on any street, way, footpath or other public place under the care and control of Council without incurring any liability therefor and may dispose of any sign, advertisement, advertising device, hoarding or signboard so removed, and reinstate the street, way, footpath or public place under the care and control of Council at the expense of the person or persons responsible for the placing or erecting of the same thereon or the injury thereto and may recover the costs and expenses of the removal from them in a Court of competent jurisdiction.

31. PRIVATE PROPERTY

Where a sign is displayed or erected on private property and the sign in the opinion of Council is dangerous or objectionable, Council or a person acting under the authority of Council may—

- (i) enter the private property and remove any dangerous or objectionable sign without incurring any liability therefore;
- (ii) store the sign on land under the care, control and management of Council;
- (iii) may dispose of the sign in any manner it thinks fit; and
- (iv) recover the costs of removal, storage or disposal from the owner of the private property in a Court of competent jurisdiction.

32. PENALTIES

Any person convicted of an offence against this local law is liable to—

- (i) a penalty not less than two hundred dollars (\$200) and not exceeding five thousand dollars (\$5,000); and
- (ii) a further penalty of one hundred dollars (\$100) for every day during which the offence continues after conviction for the same.

The Common Seal of the Shire of York was hereunto affixed by authority of the Council in the presence of—

G. W. MARWICK, President.
E. R. FISHER, Chief Executive Officer.



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