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**LOCAL GOVERNMENT ACT 1995**

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**SHIRE OF DENMARK**

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**SIGNS LOCAL LAW 1999**



**LOCAL GOVERNMENT ACT 1995****SHIRE OF DENMARK****SIGNS LOCAL LAW 1999****1. Title**

This local law may be referred to as the *Shire of Denmark Signs Local Law 1999*.

**2. Repeal**

The Shire of Denmark Signs, Hoardings and Billposting Bylaws published in the *Gazette* on 19th April 1991 are repealed.

**3. Commencement**

By virtue of section 3.14 of the Act, this local law comes into operation on the 14th day after the day on which it is published in the *Gazette*.

**4. Interpretation**

In this local law, unless the contrary intention appears—

“Act” means the Local Government Act 1995;

“advertising device” means any object on which words or numbers or figures are written placed, affixed or painted for the purpose of advertising any business, function, operation or other activity and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking;

“authorised person” means a person authorised by the Council for the purpose of performing any function or exercising any power conferred upon an authorised person by these local laws;

“bill posting” means the sticking of any bill or painting, stencilling or affixing any advertisement on any building, structure, fence, wall, signpost, pole, blind or awning, so as to be visible to any person in a street, public place, reserve or other land;

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

“direction 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 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.

“electoral sign” means a sign containing an electoral advertisement relating to an election or a prospective or forthcoming election of the Parliament of the Commonwealth or the State, a municipal election and to a referendum;

“fly posting” means advertising by means of posters placed on fences, walls, trees or any other structure;

“hoarding” means a detached or detachable structure other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and includes a poster panel, a wall panel and or illuminated panel;

“horizontal sign” means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimensions horizontal;

“illuminated sign” means a sign that is so arranged as to be capable of being lighted either from within or without the sign by artificial light provided, or mainly, provided for that purpose and which does not emit a flashing, intermittent or sequential light;

“institutional sign” means a sign erected or placed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;

“offices” means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature;

“premises” means any building, structure and land;

“projection sign” means a sign that is made by the projection of light on a wall or similar structure;

“pylon sign” means a sign supported by one or more supports and not attached to a building and includes a detached sign framework supported by one or more supports to which sign infills may be added;

“residential area” means land within a residential zone referred to in a town planning scheme of the Shire;

"Shire" means the Shire of Denmark;

"shop" means any building wherein goods are kept, exposed or offered for sale by retail and includes a receiving depot, but does not include a bank, fuel depot, a market, service station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and other vehicles or for any industrial purpose;

"sign" includes a signboard, a portable sign or a bunting sign and a clock other than a clock which is built into a wall and does not project beyond the face of the wall, or flags and bunting which carry no written message;

"sign infill" means a panel which can be fitted into a pylon sign framework;

"tower sign" means a sign affixed to or placed on a chimney stack or an open structural mast or tower;

"verandah" includes cantilever verandahs but excludes balconies whether over public streets and ways or over private land;

"verandah sign" includes a sign on a verandah fascia or below a verandah;

"wall panel" means a panel used for displaying a posted or painted advertisement, which is affixed to or adjoining the wall of business premises or erected on the forecourt of such business premises.

## **5. Application**

This local law shall apply to all land within the district of the Shire.

## **6. Crown Bound**

This local law binds the Crown.

## **7. Relationship to Town Planning Scheme**

Nothing in this local law derogates from a requirement under the Shire's town planning scheme for planning approval in respect of any sign or advertisement.

## **8. Licence Required**

(1) A person shall not erect or maintain a sign, and the owner or occupier of premises shall not suffer or permit a sign to remain on those premises, so as to be visible from a street, reserve, or other public place, except pursuant to a licence issued under this local law, unless the sign is exempt under clause 13.

(2) A licence issued under this local law remains valid until an alteration is made to the sign in respect of which it is issued and in that event the licensee shall apply for a new licence.

(3) A licence shall be in the form set out in the Schedule 1.

## **9. Applications for Licences**

(1) An application for a licence under this local law shall be made in the form of application set out in the Schedule 1.

(2) An application for a licence in respect of a sign shall be accompanied by a plan drawn to a scale of not less than 1:50 showing, the position, design, method of construction colours to be used in painting and the method of illumination, if any, of the sign for which the licence is sought.

(3) An applicant for a licence shall furnish, in writing, any further particulars required by the authorised person.

## **10. Licence Fees**

The fees payable for the issue of a licence shall be as determined by Council from time to time.

## **11. Direction Signs**

Where a business or amenity is decided by the Council to be of sufficient interest and importance to the travelling public then the Council will allow erection of business or amenity signs which indicate the nature of the business or amenity that may be located by following the direction indicated by the sign. Such signs shall be 200 millimetres wide, maximum length of one metre, with 160 millimetre letters, white on blue background. Individual business name tags may also be permitted and shall be 150 millimetres wide, maximum length of one metre, with 100 millimetre letters, white on blue background.

## **12. Revocation of Licence**

Where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with this local law or where the licensee is guilty of an offence under this local law, the Council may, without derogating from any penalty to which that person may be liable, by notice in writing, revoke the licence.

## **13. Exempt Signs**

(1) Nothing, in this local law applies to a sign erected or maintained pursuant to an Act or to a sign that is—

(a) a sale sign not exceeding 0.7 square metres in area;

(b) a direction sign erected or affixed by Council in a street or public place to indicate the direction to another place.

- (c) used solely for the direction and control of people, animals and vehicles or to indicate the name and street number of a premises, providing the area of any such sign does not exceed 2 square metres;
  - (d) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300 millimetres in height, fixed to the facade of the building;
  - (e) newspaper and magazine posters;
  - (f) a sign erected on land zoned rural with the property name, owner's name and telephone number, subject to—
    - (i) overall height, inclusive of supporting structure, not to exceed 2 metres;
    - (ii) overall length of sign, inclusive of supporting structure, not to exceed 3 metres;
    - (iii) the area of the sign not to exceed 1.2 square metres.
  - (g) In a residential zone a plate not exceeding 600mm<sup>2</sup> in area, erected, or fixed, on the street alignment or between the alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises.
- (2) Notwithstanding that a sign would otherwise comply with the provisions of this local law, and without limiting those provisions, the Council may refuse a license if the sign is in its opinion, injurious to the amenity of natural beauty of the area.

#### **14. Fixing of Signs**

Every sign shall be securely fixed to the structure by which it is supported to the satisfaction of the authorised person, and shall be maintained in a safe condition.

#### **15. Sign Designs**

- (1) All signs shall be designed, constructed, finished, installed and maintained to be compatible with their surroundings including buildings, landscaping and other signs.
- (2) Signs attached to buildings shall reflect the architectural features of the building in placement, style, proportions, materials and finish.

#### **16. Obstruction by signs**

A person shall not erect a sign so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

#### **17. Prohibited or Restricted Signs**

- (1) A person shall not erect, maintain or display a sign—
  - (a) so as to obstruct the view from a street or public place, of traffic in the same, or any other 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 Regulations made under that Act;
  - (c) on a tower, mast, chimneystack, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
  - (d) on a building where the stability of the building is, in the opinion of the authorised person, likely to be affected by the sign;
  - (e) in a position where it unduly obstructs or obscures a person's view from a dwelling, a river, the sea or any other natural feature;
  - (f) on land other than that on which is conducted a business or profession and to which the sign relates;
  - (g) on a light pole, power pole or verandah post;
  - (h) as a free standing sign above a roof;
  - (i) on any land that is used for residential purposes unless specifically permitted in this local law;
  - (j) attached to a vehicle parked in or on a street, way, footpath or public place but does not include a sign painted on that vehicle.
- (2) A person shall not erect maintain or display—
  - (a) a flag other than flags approved by authorised State and Federal Government bodies, as approved by the authorised officer;
  - (b) any bunting;
  - (c) any flashing, intermittent or sequential lights;
  - (d) any sign on a roof of a building or the roof of a verandah;
  - (e) any sandwich-board signs, except on private property;
  - (f) any sign which rotates or tumbles;
  - (g) any sign which incorporates reflective material;
  - (h) any sign sign written on a parked vehicle unless;
    - (i) the vehicle is owned by a tradesperson/business proprietor;
    - (ii) the sign advertises only the tradesperson/business proprietor and the tradesperson's/ business proprietor's services or products;
  - (i) any hoarding;
  - (j) any electoral sign.

**18. Signs to be Maintained**

The holder of a licence in respect of a sign shall keep the sign clean and free from unsightly matter and in good condition and presentation.

**19. Bill Posting**

(1) Subject to subclause (2) a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, footpath, sign post, blind or awning.

(2) This clause does not apply to—

- (a) advertisements affixed to, or painted on, a shop window by the occupier and relating to the business carried on therein;
- (b) signs within a building;
- (c) the words stating the name and occupation of any occupier of business premises painted on a window or wall of those premises.

**20. Signs**

Subject to the provisions of division 1 of part 9 of the Act—

- (1) Where an approved sign fails to conform to the requirements of this local law, it shall be removed immediately upon receipt of a written direction from an authorised person.

**21. Headroom**

Unless otherwise provided in this local law every sign shall be so fixed as to provide a clear headway under the sign of not less than 2.4 metres.

**22. Special Permits for Signs in the Public Trust**

(1) Notwithstanding any other provision of this local law, the Council may, by permit under the hand of an officer of Council, allow the display of advertisements of meetings, charitable functions, art or cultural activities or other events of public interest or the display of advertisements at theatres and other places of public entertainment (other than those conducted by a person for the purpose of commercial gain unless in the interest of the community or tourists).

(2) A person shall not erect or maintain a sign more than 2 weeks before the meeting, function, event or activity to which it relates and the person by whom it was erected shall cause it to be removed not later than 24 hours after the conclusion of the meeting, function, event or activity.

(3) Notwithstanding any other provision of this local law, a person shall not nail or otherwise affix a sign to a tree.

(4) Upon the expiration or revocation of a permit issued under this local law the person to whom it was issued shall forthwith remove the advertisement to which it relates and failure so to remove the advertisement is an offence.

**23. Fly Posting**

(1) No person shall fly post at any place or location within the district of the Shire.

(2) Where a person is alleged to have committed an offence against this local law in respect of fly posting, the person authorising the advertisement shall be deemed to be the person who committed the offence.

**24. Illuminated Signs**

Every illuminated sign shall—

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage;
- (c) have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electrical supply authority and in accordance with the relevant Australian Standard;
- (d) be maintained to operate as an illuminated sign;
- (e) not have a light of such intensity as to cause annoyance to the public or be a traffic hazard; and
- (f) not emit a flashing, intermittent or sequential light.

**25. Information Panels**

The Council may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

**26. Institutional Signs**

Institutional signs shall not exceed 2 square metres in area.

**27. Pylon Signs**

(1) A pylon sign shall—

- (a) not have any part thereof less than 2.4 metres or more than 6 metres above the level of the ground immediately below it;
- (b) not exceed 4 square metres in area;
- (c) be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;

- (d) not be within 2 metres of the side boundaries of the lot on which it is erected. If the lot on which the pylon sign is erected abuts an intersecting street or right-of-way, Council may authorise the erection of the sign at a lesser distance than 2 metres;
  - (e) not be erected so that it projects over any pedestrian access way or street.
- (2) Pylon signs shall be restricted to 1 per lot.
- (3) Where a pylon sign is to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected, Council may require the pylon sign to be incorporated into one sign complying with the following—
- (a) initial approval is to be given to the pylon sign framework together with one or more sign infill;
  - (b) a license is not required for each additional infill;
  - (c) all infills are to be of an equal size and space is to be provided for one infill for each shop or unit on the lot.

## **28. Verandah Signs**

- (1) Signs on Verandah Fascias: A sign fixed to the outer or return fascia of a verandah—
- (a) shall not exceed 300 millimetres in depth;
  - (b) shall not project beyond the outer metal frame or surround of the fascia.
- (2) Signs Under Verandahs: A sign under a verandah shall—
- (a) afford a headway of not less than 2.4 metres;
  - (b) not exceed 2.5 metres in length or 400 millimetres in depth or 1 square metre in area;
  - (c) not weigh more than 55 kilograms;
  - (d) not be within 3 metres of another sign under that verandah or within .5 of a metre of the side wall of the shop or office;
  - (e) be fixed at right angles to the front wall of the building before which it is erected except 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 the sign.

## **29. Requirements—Signs**

- (1) A sign shall—
- (a) afford a minimum headway of not less than 2.4 metres;
  - (b) not be within 300 millimetres of either end of the wall to which it is attached; and
  - (c) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets.
- (2) A sign or signs shall not exceed, in total area, 25% of the area of the external elevation of the premises on which the sign or signs are displayed and shall only be permitted on the ground floor storey of a building.

## **30. Savings**

- (1) Subject to subclause (1), no provision of this local law other than clause 18, shall prevent the continued erection and maintenance of a sign for which, immediately prior to this local law coming into operation, all licences and approvals required to authorise the erection of the sign, were duly obtained and current.
- (2) This clause shall cease to apply to a sign which is removed, dismantled, altered, added to or amended after this local law comes into operation.

## **31. Offences**

- (1) Any person who erects a sign which does not comply with or erects a sign in a manner contrary to a provision of this local law commits an offence.
- (2) Where under this local law a person is required to obtain a licence to erect or maintain a sign, every person who maintains a sign without a licence or in respect of which the licence has expired or been cancelled commits an offence.
- (3) No owner or occupier of any land or premises shall permit a sign to remain on the land or premises unless such sign complies with this local law.
- (4) Without derogating from the other provisions of this local law the Council may serve notice on the owner or occupier of any premises on which a sign is erected, affixed or maintained, contrary to this local law, to remove the sign within such time as may be specified in the notice. A person neglecting, or failing to comply with the terms of a notice served on the person pursuant to this local law commits an offence.
- (5) An authorised person may remove to a place appointed by the Council any sign, advertisement or advertising device, placed on or erected on any street, way, or place vested in, or under the care or control of the Council unless so placed or erected pursuant to this local law. The Council may without being liable in damages or otherwise dispose of any of the things mentioned above and reinstate the street, way or place at the expense of the person responsible for the deposit thereon or the injury thereto and recover the amount of the expense from that person in a Court of competent jurisdiction.



**32. Penalties**

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

- (a) a penalty not exceeding \$500;
- (b) and a further penalty of \$50 a day for every day the offence continues after conviction for the same.

**Schedule 1****Form 1****SHIRE OF DENMARK SIGNS LOCAL LAW 1998****APPLICATION FOR LICENCE**

Full Name of Applicant: Owner:.....

Occupier:.....

Address:

Phone:

Type of Sign

Premises on which Sign is to be erected:

Exact position of sign:

Dimensions of sign:  
(Plans to be Submitted)

Materials and Construction of sign:

Inscription or Device on sign:

The applicant named above hereby applies for the issue of a licence in respect of the above mentioned sign:

Dated this                                      day of                                      19

Applicant.....

\*Owner/Occupier

\* Owner to either sign application or provide written authority for occupier to apply.

**Form 2****SHIRE OF DENMARK SIGNS LOCAL LAW 1998**

of

is hereby licensed to erect and maintain a sign on the premises specified hereunder subject to the provisions of the Shire of Denmark Signs Local Law 1998.

Type of Sign

Premises on which erected:

Exact position of sign:

Dimensions of sign:

Conditions of Licence:

License No:

Dated this                                      day of                                      19

Chief Executive Officer

The licence remains valid until any alteration is made to the sign, in which case the licensee must apply for a new licence.

The Common Seal of the Shire of Denmark was hereto affixed by authority of a resolution of the Council in the presence of—

Dated: 25th January 1999.

HENDRIK J. VERSLUIS, President.  
PASCOE DURTANOVICH, Chief Executive Officer.

