

Signs, Hoardings & Bill Posting (No. 13)

Gazetted 11.04.1980 Folio 1101 (adopts draft model local laws as gazetted 11.06.1963 F1701; Amended 10.12.1964 F3970; 21.06.1974 F2094; 25.09.98 F5316)

LOCAL GOVERNMENT ACT, 1960

Local Government Department
Perth, 27th May 1963

L.G.D.77/63.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Local Government Act, 1960, has been pleased to cause the draft model by-laws set out in the schedule hereto to be prepared and published.

2. Councils proposing to adopt the draft model by-laws are required, in addition to conforming with the Provisions of section 258 (4) of the Act, to frame the adopting resolution so as to complete by-law 38, where the Council has previously made by-laws relating to signs, hoardings and bill posting, or, where none such has been made by it, to delete by-law 38.

R. C. PAUST
Acting Secretary for Local Government

Schedule
Draft Model By-laws
Part I - Preliminary

Citation

1. These by-laws may be cited as the Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13.

Interpretation

2. In these by-laws, unless the context otherwise requires-

"Act" means the Local Government Act, 1960, as amended;

"direction sign" means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the Council 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 Transport;

“hoarding” means a detached structure, other than a Pylon sign that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the Act;

"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;

"pylon sign" means a sign supported by one or more piers and not attached to a building;

“residential area” means an area that has been so designated under a Town Planning Scheme or in Zoning By-laws or, where not so designated, a lot not exceeding 2,000 square metres in area;

"sale sign" means a sign indicating that the premises whereon it is affixed are for sale or for letting;

“semaphore sign” means a sign affixed and supported at, or by, one of its ends, only;

"sign" includes a signboard and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;

“surveyor” means the Council's building surveyor appointed pursuant to the Act;

“tower sign” means a sign affixed to, or placed on, a chimney stack or an open structural mast or tower; and

words and expressions used have the same respective meanings as are given them in, and for the purposes of the Act.

Part II - Signs
Division 1- Signs Generally
License Required for Certain Signs

3. (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, within thirty metres of a street or other public place, except pursuant to a license issued under these by-laws.
- (2) Nothing in this by-law relates to a sign erected or maintained pursuant to any Act having operation within the State or to a sign that is-
- (a) a sale sign;

- (b) a plate, not exceeding 1860 square centimetres in area, erected, or affixed, on the street alignment, or between that alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises;
- (c) of an area not exceeding 3700 square centimetres and is affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation.

Fixing of Signs

- 4. Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the surveyor, and shall be safely maintained.

Glass in Signs

- 5. Glass shall not be used in any sign, other than in an illuminated sign.

Readily Combustible Material

- 6. Except in the case of posters securely affixed to a sign board or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to, any sign.

Signs to be Kept Clean

- 7. Every sign shall be kept clean and free from unsightly matter.

Illuminated Signs

- 8. (1) 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 the State Electricity Commission or the appropriate electric supply authority and in accordance with the SAA Wiring Rules No. C.C.1 - Part 1, 1961;
 - (d) be maintained to operate as an illuminated sign;
 - (e) not have a light of such intensity as to cause annoyance to the public; and

- (f) display one or more of the following, namely-
 - (i) the name of one or more of the occupiers of the premises;
 - (ii) the business or businesses carried on in the premises; and
 - (iii) the goods sold in the premises, to which it is affixed, and nothing more;

(2) The provisions of paragraph (f) of sub-by-law (1) of these by-laws do not apply to a roof sign that is an illuminated sign.

Certain Signs Prohibited or Restricted

9. A sign shall not be erected or maintained-
- (a) so as to obstruct the view, from a street or public place, of traffic in any 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 Traffic Act, 1919 or the Traffic Regulations;
 - (c) except with the specific approval of the Council, on any ornamental tower, 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 any land that is classified in a Town Planning Scheme or Zoning By-laws as residential or for flats;
 - (e) on any building of which the stability is, in the opinion of the surveyor, likely to be affected by the sign;
 - (f) as a movable or portable sign, in a street or public place, unaffixed to a building; or
 - (g) in any position wherein it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty.

Division 2. - Particular Signs
Signs Above Verandah Fascias

10. Signs comprising free standing lettering only may be erected above the outer fascia of a verandah, parallel to the kerb, if the lettering does not exceed 380 millimetres in height and is mounted on a base of at least seventy five millimetres in width.

Signs on Verandah Fascias

11. A sign fixed to the outer or return fascia of a verandah-
- (a) shall not exceed 610 millimetres in depth;
 - (b) shall not project beyond the outer metal frame, or surround of the fascia; and
 - (c) if an illuminated sign, may be of changing colours, but shall not emit a flashing light.

Signs Under Verandahs

12. A sign under a verandah shall-
- (a) afford a headway of at least 2.4 metres;
 - (b) not exceed 2.4 metres in length, 8700 square centimetres in area or 610 millimetres in width;
 - (c) not weigh more than fifty five kilograms;
 - (d) not, if it exceeds 305 millimetres in width, be within 1.37 metres, or, where it does not exceed 305 millimetres in width, be within 910 millimetres of the side wall of the building, measured along the front of the building, before which it is erected;
 - (e) not, if it exceeds 305 millimetres in width be within 2.75 metres, or, where it does not exceed 305 millimetres in width, be within 1.8 metres, of another sign under that verandah;
 - (f) 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;

- (g) bear, at its outer end, its license number in figures clearly legible from the footway; and
- (h) be so placed that the centre of its base, longitudinally, is equidistant from the outer edge of the verandah and the edge of the street nearest to the building to which such verandah is attached.

Horizontal Signs

13. (1) A horizontal sign shall-

- (a) afford a minimum headway of 2.4 metres;
- (b) be fixed parallel to the wall of the building to which it is attached and with the bottom of the sign contiguous to the wall;
- (c) conform, as to the depth, to the following table:-

<i>Minimum Distance of Sign Above Street</i>	<i>Maximum Depth of Sign</i>
Less than 7.6 metres	610 millimetres
7.6 metres to 9.1 metres	760 millimetres
9.1 metres to 12 metres	910 millimetres
More than 12 metres (if there is no roof sign on the building)	4.5 metres

- (d) not project more than 610 millimetres from the wall to which it is attached; and
- (e) not be within 610 millimetres of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 230 millimetres wide and projects at least twenty five millimetres in front of, and seventy five millimetres above and below, the sign.

(2) Notwithstanding the provisions of paragraph (c) of sub-by-law (1) of this by-law, the Council may permit an increase of not more than 50 per cent of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

(3) There shall be not more than one line of horizontal signs facing any one street on any storey of a building.

(4) The name of the building, owner or occupier may be placed on the facade of a building, but -

- (a) unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed 1.2 metres in depth;
- (c) the letters shall be of metal or other incombustible material; and
- (d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Council.

Vertical Signs

14. (1) A vertical sign shall-
- (a) afford a minimum headway of three metres;
 - (b) subject to sub-by-law (2) of this by-law, not project more than 910 millimetres from the face of the building to which it is attached;
 - (c) subject to sub-by-law (3) of this by-law, not be within 1.8 metres of either end of the wall to which it is attached;
 - (d) not project more than 2.4 metres above the top of the wall to which it is attached nor more than 1.5 metres back from the face of that wall;
 - (c) be of a height at least twice its width;
 - (f) not be within 3.7 metres of another vertical sign on the same building;
 - (g) 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; and
 - (h) not exceed 910 millimetres in width.

(2) Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within three metres of it, the sign may project 610 millimetres further than the distance prescribed by paragraph (b) of sub-by-law (1) of this by-law or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

(3) Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right-of-way, the Council may authorise the affixing of the sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of sub-by-law (1) of this by-law.

Semaphore Signs

15. (1) A semaphore sign shall-
- (a) afford a minimum headway of 2.75 metres;
 - (b) be fixed at right angles to the wall to which it is attached;
 - (c) not project more than 910 millimetres from the point of attachment, nor be of a greater height at any point than one metre:
 - (d) be fixed over, or adjacent to, the entrance to a building; and
 - (e) not be fixed over or under a verandah.
- (2) Not more than one semaphore sign shall be fixed over, or adjacent to, any one entrance to a building.

Direction Signs on Street Poles

16. A direction sign attached to a pole in a street shall not exceed 150 millimetres in depth or 760 millimetres in length.

Roof Signs

17. (1) Approval for the erection of a sign on a roof of a building shall be granted by resolution of the Council at an ordinary meeting only, and where approval has been so granted, a roof sign shall-
- (a) not at any part be within 3.7 metres of the ground;
 - (b) not extend laterally beyond the external walls of the building;
 - (c) comply, as regards height above ground and height of sign, with the following table:-

<i>Height of Main Building above Ground Level at Point where Sign is to be Erected</i>	<i>Maximum Height of Sign</i>
3.7 metres and under 4.5 metres	1.2 metres
4.5 metres and under 6 metres	1.8 metres
6 metres and under 12 metres	3 metres
12 metres and under 18 metres	4.5 metres
18 metres and upward	6 metres

- (d) not be at any part more than forty five metres above the ground.

(2) The Council shall not approve the erection of a roof sign unless the building surveyor certifies that, in his opinion, the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.

(3) When ascertaining the height of the main building above ground level for the purposes of this by-law, any part of the roof, at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

Pylon Signs

18. (1) pylon sign shall -

- (a) not have any part thereof less than 2.75 metres or more than six metres above the level of the ground immediately below it;
- (b) not exceed 2.6 metres measured in any direction across the face of the sign or have a greater superficial area than four square metres;
- (c) not project more than 910 millimetres over any street;
- (d) be supported on one or more piers or columns of brick, stone concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) not, as to any part thereof, project over any street at a height of less than 2.75 metres;
- (f) subject to sub-by-law (2) of this by-law, not be within 1.8 metres of the side boundaries of the lot on which it is erected;
- (g) not have any part thereof less than six metres from any part of another sign erected on the same lot.

(2) Where a lot on which a pylon sign is to be erected abuts on an intersecting street or right-of-way the council may authorise the erection of the sign at a lesser distance from the side boundaries than that prescribed by paragraph (f) of sub-by-law (1) of this by-law.

(3) Where a pylon sign is supported on two or more piers or columns, the space between the Piers or columns shall not be wholly or partly filled in with any material.

Clocks

19. (1) A clock shall-

- (a) if suspended under a verandah, have its centre coinciding with the centre line of the footway thereunder;
- (b) comply, as regards size, with the following table:-

<i>Height of Bottom of Clock above Footway</i>	<i>Maximum Diameter of Width of Clock Face and Depth of clock including Lettering</i>
2.75 metres and under 3.7 metres	460 millimetres
3.7 metres and under 6 metres	760 millimetres
6 metres and under 12 metres	1.07 metres
12 metres and over	1.52 metres

- (c) be fixed either parallel with, or at right angles to, the wall to which it is attached;
- (d) not project from the wall to which it is attached-
- (i) if parallel to the wall, more than 305 millimetres; or
- (ii) if at right angles to the wall, more than 1.8 metres;
- (e) afford a minimum headway of 2.75 metres;
- (f) be maintained so as to show the correct time;
- (g) be illuminated from sunset to midnight; and
- (h) not be permitted to strike between midnight and seven o'clock in the morning.

(2) Notwithstanding the provisions of sub-by-law (1) of this by-law, a clock suspended in an arcade may be suspended over the centre of the arcade.

Tower Signs

20. A tower sign shall not-

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (b) if illuminated, be a flashing sign;
- (c) exceed, in height, one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- (d) exceed, in width, the width or diameter of the mast, tower or chimney stack on which it is placed; or

- (e) extend, laterally, beyond any part of the mast, tower, or chimney stack on which it is placed.

Sale Signs

- 21. Where erected in a residential area, a sale sign shall not exceed 3700 square centimetres in area.

Institutional Signs

- 22. Signs erected or placed on any land, building, fence or other structure used for, or in connection with, a surgery, clinic, hospital rest home for the aged or other institution or place of a similar nature, shall not exceed 5600 square centimetres in area.

Signs on Fences or Vacant Lots

- 23. Signs may, with the approval of the Council, be painted or erected on the side or rear fence of lots on which there are no buildings, and which are used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground, or exceed one metre in depth.

Part III -Hoardings Prohibition or Restriction of Hoardings

- 24. (1) A person shall not erect or maintain a hoarding except pursuant to a license issued by the Council for that purpose.
- (2) Subject to the Act, the Council may in its absolute discretion grant or refuse a license for the erection or maintenance of a hoarding.
- (3) Except with specific approval of the Council, a hoarding shall not be erected within fifteen metres of any street or other public place.
- (4) A hoarding shall not be of a greater area than twenty two square metres.

Part IV - Bill Posting, etc.

- 25. (1) Subject to sub-by-law (2) of this by-law, a person shall not post any bill, or paint, stencil, place or affix any advertisement on any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning in, or within fifteen metres of any street.
- (2) This by-law does not apply to-
 - (a) signs or hoardings for which a license is in force under these by-laws;

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

Part V - Licenses
Objectionable Signs and Hoardings

26. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws and without limiting the provisions of sub-by-law (2) of by-law 24 of these by-laws, the Council may refuse a license therefor, if the sign or hoarding would, in its opinion, be injurious to the amenity or natural beauty of the area.

License to be Subject to By-laws

27. Every license shall be granted, and shall subsist, subject only to the provisions of these by-laws.

Revocation of Licenses

28. Where anything purporting to be done pursuant to a license issued under these by-laws is not done in conformity with the license or with these by-laws or where the licensee is guilty of an offence against these by-laws the Council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the license.

Licenses to be Produced

29. A licensee shall, on demand by an officer of the Council, produce his license for inspection.

Applications for Licenses

30. (1) An application for a license under these by-laws shall be made in the form of application set out in the First Schedule thereto.
- (2) An application for the first issue of a license, in respect of-
- (a) an illuminated sign;
 - (b) a pylon sign;
 - (c) a clock; or

(d) a hoarding

shall be accompanied by a plan drawn to a scale of not less than 1:50, showing the position, design and method of construction of the thing for which the license is sought.

(3) An application for the first issue of a license, in respect of a roof sign, shall be accompanied by a certificate from an architect or structural engineer certifying that the building 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.

(4) Every applicant for a license shall furnish, in writing, such further particulars as may be required by the surveyor.

Licenses

31. (1) Subject to sub-bylaw (2) of this by-law a license issued pursuant to these by-laws remains valid until any alteration is made to the sign in respect of which it issued, and in that event the licensee shall apply for a new license.
- (2) A license issued in respect of a hoarding is valid for the period of one year only.
- (3) A license shall be in the form set out in the First Schedule to these by-laws.

License Fees

32. (1) A license shall be issued upon payment of the appropriate fee, set out in the Second Schedule to these by-laws, only, but the payment of a license fee pursuant to any by-laws that were in operation prior to the coming into operation of these by-laws is deemed to be a payment for the purposes of this by-law.
- (2) The license fee for a hoarding is an annual license fee and is payable annually, so long as the hoarding is maintained.

Special Permits

33. (1) Notwithstanding anything contained in these by-laws, the Council may by permit under the hand of the surveyor, allow the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings or other matters of public interest, upon such terms, and for such period, as the Council may, in each case, decide.
- (2) The Council may revoke any such permit at any time without assigning any reason therefor.

(3) Upon the expiration or revocation of a permit issued under this by-law, the person to whom it was issued shall forthwith remove the advertisement to which it relates.

Part VI - General
No Obstruction to Doors, etc.

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

License Number

35. Every advertising device shall bear on its face, in figures legible from the nearest street, the number of the license under which it is erected or displayed.

Offences

36. (1) Every person who erects a sign that does not comply with, or erects a sign in a manner contrary to, the provisions of these by-laws commits an offence.

(2) Every person who maintains a sign without a license or in respect of which the license has expired or been cancelled commits an offence.

(3) Without prejudice to the provisions of sub-bylaws (1) and (2) of this by-law, the Council may serve on the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to these bylaws, notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this sub-bylaw commits an offence.

Removal and Disposal of Signs Unlawfully Displayed

36A. (1) The Council may remove any sign placed or erected, contrary to the provisions of these by-laws, on any street or land vested in, or under the care or control of, the Council and may, without incurring any liability therefor, dispose of any sign so removed, in such manner as it thinks fit.

(2) Where, in exercise of the power conferred by sub by-law (1) of this by-law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal, in any court of competent jurisdiction, from the person responsible for the placing or erecting of the sign.

Penalty

37. Any person who is guilty of an offence against these by-laws is liable to a penalty not exceeding \$2,000.00.

Revocation

38. The by-laws of the municipality relating to signs and hoardings, published in the Government Gazette of the twenty-fourth day of December 1931 and as amended in the Government Gazette on 16th December, 1932, 19th May, 1939, 9th February, 1951 and 6th August, 1954, are hereby revoked.

First Schedule
APPLICATIONS FOR LICENSES
Signs and Hoardings

Municipality of _____

Date _____ 19

I hereby apply for a license for a sign/illuminated sign/roof sign/pylon sign/semaphore sign/direction sign/clock/hoarding* (to be) # erected on the premises known as No. _____ subject to the by-laws of the Municipality.

Full name and address of applicant _____

Exact position of sign _____ Dimensions of sign _____ Materials and construction of sign and supports _____

Inscription or device on sign _____

Plan attached.

Signature of Applicant

* Strike out whichever does not apply.

Strike out, if sign is already erected.

LICENCE

Municipality of _____

Date _____ 19

No. _____

This license is granted to _____

of _____ in respect of a _____

_____ on premises known as No.

_____ in accordance with Application No. _____ and subject to

the by-laws of the Municipality. This license shall remain valid unless any alteration is

made to the sign, then in such event the licensee must apply for a new license. If this

license is issued in respect of a hoarding, the license expires on the

_____ 19 __

 Building Surveyor

Second Schedule
 FEES

	\$
1. A pylon sign or tower sign	8.00
2. An illuminated sign -	
(a) On a roof 10 cents per 0.1 square metre with a minimum of \$16.00	
(b) Under a Verandah	4.00
(c) Any Other	8.00
3. A sign other than a pylon sign or an illuminated sign	4.00
4. A hoarding - per annum	20.00