

POLICY REGISTER

POLICY TITLE: SHOP FRONT DISPLAYS AND MOVEABLE SIGNS

FILE REFERENCE NO. : H11/35
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EXPIRY DATE : March, 2008

OBJECTIVES

MOVEABLE SIGNS / SHOPFRONT DISPLAYS

1. To ensure consistency and fairness in the manner in which the Council determines street advertising and shop front displays.
2. To establish criteria and controls for the management of street advertising and shop front displays.
3. To promote the Broken Hill Business Centres.
4. To promote pedestrian friendly shopping environments.

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POLICY STATEMENT

INTRODUCTION

These guidelines have been prepared and adopted by Council as a general policy to foster, promote and control the establishment, approval and operation of shop front displays and moveable signs.

The requirements of this policy will apply generally however, each application will be determined on its merits. For this purpose Council reserves the right to depart from the requirements of the policy whenever it deems that such departure is in the interest of the City or is necessary to protect the amenity of the neighbourhood.

The provisions of the Roads Act 1993, the Environmental Planning and Assessment Act, 1979, and the Local Government Act, 1993, and Regulations shall apply in all respects where not specifically provided for in this policy and no approval shall be granted unless the proposal complies with the provisions of the Acts and approval.

1.0 DEFINITIONS

“Authorized officer” an employee of a council generally or specially authorized by the council to be an authorized officer under the provisions of the Local government Act 1993.

“Business frontage” means the ground level property alignment of the business premises to the footpath.

“Business premises” means the premises from which a business, trade or calling is conducted.

“Carriageway” means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

“Display” means shop front display.

“Footpath” means an area open to the public that is designated for, or has as one of its main uses, use by pedestrians and includes but not limited to a road reserve and nature strip.

“Intersection or junction” means the area where 2 or more roads (except any road-related area) meet, and includes:

- (a) any area of the roads where vehicles travelling on different roads might collide, and
- (b) the area of any slip lane where the roads meet.

“Kerb” means the area at the junction of the carriageway and the footpath whether it is a formed kerb or not.

“Pole” means any pole, post, bollard, garden planter, building column or other structure lawfully placed on a street.

“Moveable sign” means an advertising sign known as an ‘A’ frame or sandwich board sign, an inverted ‘T’ sign or a flat sign or a Banner.

“Shop front display” means, but is not limited to, any table, rack, stand or any other thing, used to display items for sale.

“Sign” means moveable sign.

2.0 HOURS OF OPERATION

The hours of operation of an approved area shall be restricted to the hours of operation of the host premises.

Council reserves the right to review the hours of operation, if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood due to the creation of a nuisance.

3.0 GENERAL CONDITIONS

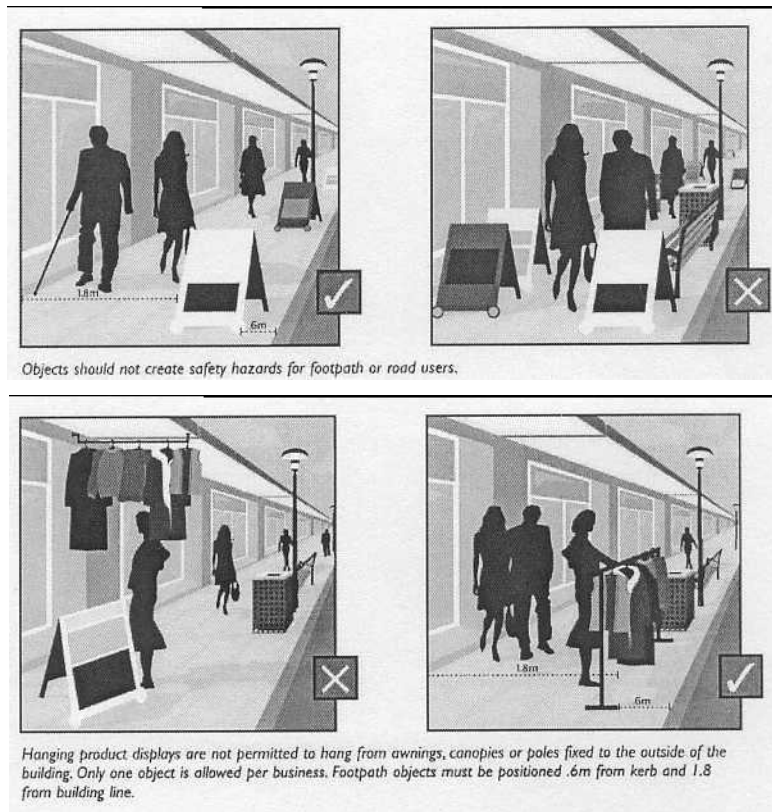
All approvals will be subject to the following general conditions:

- 3.1. That the sign or display and/or any other facilities shall be placed on the footway in accordance with any directions and to the satisfaction of an authorised officer.
- 3.2 That the sign or display and/or any other facilities shall be kept strictly within the area designated as described in this policy, and shall not be permitted to encroach upon the adjoining footway at any time.
- 3.3 That the sign or display and/or any other facilities shall at all times be maintained in a physically sound and visually pleasing condition to the satisfaction of an authorised officer.
- 3.4 That the Traders shall be responsible for any damage caused to Council’s footway by the installation and/or removal, and maintenance of any sign or display and/or any other facilities on the footway. Such damage shall be repaired by Council at full cost to the approval holder.
- 3.5 That no additional advertising materials shall be placed in the area or upon any other facility without the prior consent of Council.
- 3.6 That the Traders shall release Council from any liability for damage which may be caused to any sign or display and/or facility by any public utility authority.

4.0 SPECIFIC CONDITIONS

4.1. Conditions for Shop Front Displays and Moveable Signs

- 4.1.1 A shop front display or moveable sign, shall not be placed on a footpath:-
- unless the business to which it relates is open (unless authorised by Council).
 - in such a position or in such circumstances that the safety of any user of the road or footpath is at risk.
 - during the hours of darkness unless it is clearly visible.
 - unless approval has been obtained.
 - fixed or attached to any pole, tree or other structure legally placed on the street.

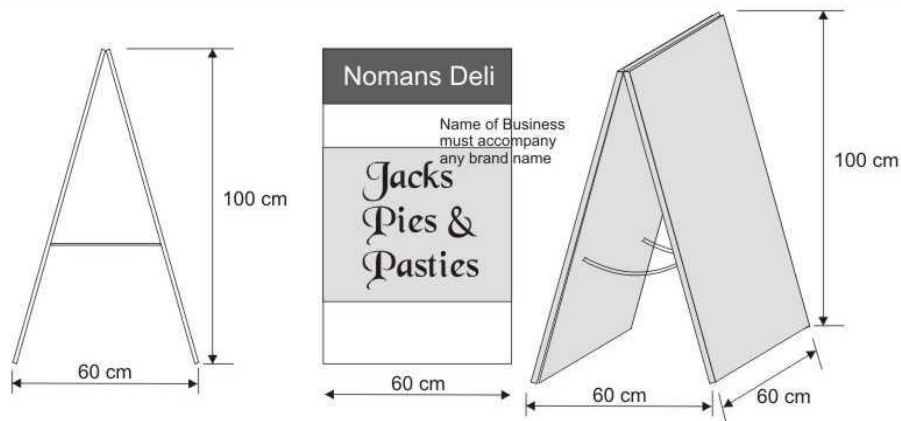


4.2 Moveable Signs

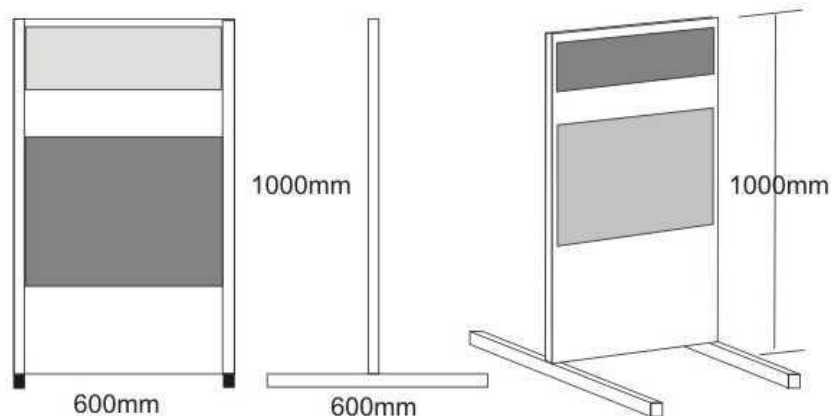
- 4.2.1 A moveable sign placed on a footpath:-

- shall be constructed of timber and/or metal and/or plastic;

- b) shall not exceed 1000mm in height, 600mm in width or 600 mm in length;
- c) in the case of an 'A' Frame or Sandwich Board sign-
 - i) shall be hinged or joined at the top;
 - ii) shall be of such construction that its sides shall be securely fixed or locked into position when erected;



- d) in the case of an inverted 'T' sign, shall contain no struts or members that run between the display area and the base of the sign;



- e) shall not rotate, contain flashing lights or be illuminated;
- f) shall be constructed so as not to be (or likely to be)

- i) a hazard to a member of the public using the footpath;
- ii) unstable when displayed on a footpath during adverse weather conditions.

4.2.2 A moveable sign shall not be placed on a footpath:-

- a) unless it only displays material which advertises a business being conducted on premises adjacent to the moveable sign, or the products available from that business, but no brand names of products shall be displayed unless the name of the business is also displayed on the moveable sign.
- b) if another moveable sign which relates to the same business is already displayed on the footpath.
- c) if a shop front display from the same business is already displayed on the footpath
- d) in a wind unless it is securely fixed such that it cannot be blown over.
- e) in such a position or in such circumstances that the safety of any user of the road or footpath is at risk;
- f) during the hours of darkness unless it is clearly visible.
- g) fixed or attached to any pole, tree or other structure legally placed on the street.
- h) where the relevant business is an authorized outdoor café, unless the moveable sign is placed within the approved area of the outdoor café.

4.3 Exemptions

4.3.1 This policy does not apply to a moveable sign which:

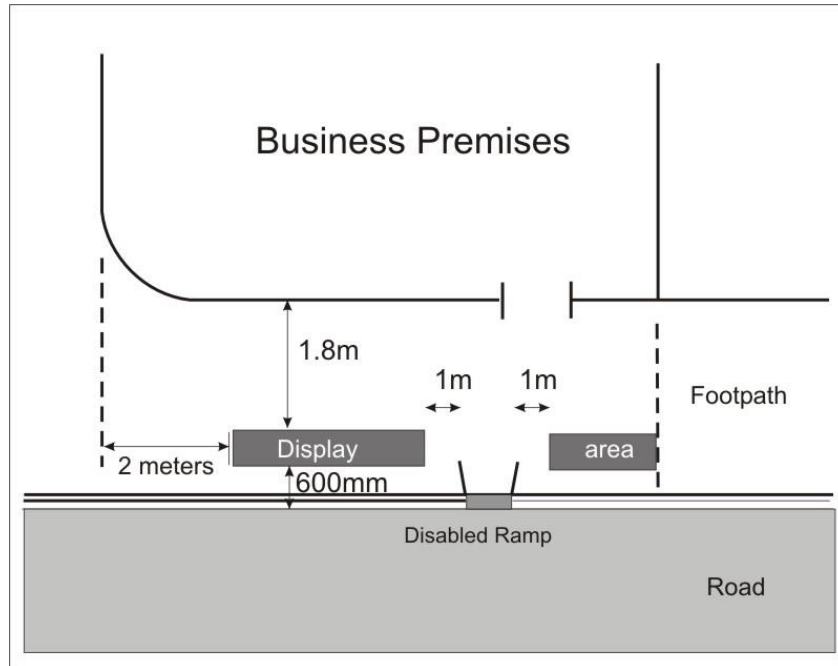
- a) is a sign consisting of one fixed element having a single plane which contains on the banner or headline of a newspaper or magazine; or

- b) is a sign consisting of one fixed element having a single plane which is fixed flush to a shop front; or
- c) is a sign in a location for which the written permission of the Council has first been obtained; or
- d) is a sign used by a land agent to indicate only that a residential premises is open for inspection; or
- e) is used as a directional sign to an event run by an incorporated association or charitable body; or
- f) is located adjacent to a residential premises to advertise a garage sale being conducted from that residential premises.

5 LOCATION

5.1 Moveable Sign, and Shop Front Display Location

- 5.1.1 A moveable sign, or shop front display shall not to be placed on a median strip, traffic island or carriageway.
- 5.1.2 A moveable sign, or shop front display shall not be placed on a footpath:-
 - a) other than within the boundaries of the business frontage;
 - b) where the width of the footpath is less than 3 metres;
 - c) within 1.8 metres of the business frontage;
 - d) within 600mm of the kerb of the road;
 - e) within one metre of a ramp or disabled crossing;
 - f) where the business is located in a corner property, within two (2) metres of the corner of the building.



6 REMOVAL OR RELOCATION

6.1 Removal or Relocation of Shop Front Displays or Moveable Signs at the request of an Authorised Officer

6.1.1 A shop front display or moveable sign must be removed or relocated at the request of an authorised officer if, in the opinion of that authorised officer and notwithstanding compliance with this policy, there is any hazard or obstruction or is likely to be a hazard or obstruction arising out of the location of the moveable sign or shop front display.

6.1.2 A shop front display or moveable sign must be removed or relocated at the request of an authorised officer if so required by the authorised officer for the purpose of special events, parades, road or footpath works or any other exigency which, in the opinion of the authorised officer, requires relocation or removal of the same.

6.2 Removal or Impounding of Unauthorised Shop Front Displays or Moveable Signs by Authorised Officers

6.2.1 Under the provisions of the Impounding Act an authorized officer may remove or impound from any public streets, road or footpath, any display, sign or any other thing that has been placed in contravention of this policy.

- 6.2.2 If a moveable sign, or shop front display is removed and impounded under subparagraph 1) and is not claimed within thirty days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign, or shop front display as the authorised officer thinks fit.

7 PENALTIES

- 7.1 A person who places a shop front display, sign or any other thing on a public street, road or footpath otherwise than in accordance with this policy is guilty of an offence.
- 7.2 Under the provisions of the Local Government Act 1993 an authorised officer may issue an infringement notice to the owner of a display, sign or any other thing that is placed on a footpath, road or street in contravention of this policy.