

LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

SIGNS LOCAL LAW 1999

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

ARRANGEMENT

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SCHEDULE 1	

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PART 1 - PRELIMINARY

Title

- 1 This local law may be referred to as the City of Joondalup Signs Local Law 1999.

Commencement

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

Purpose

- 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 town planning scheme sign 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

- 4 The following by law of the former City of Wanneroo:

By Law S3: Signs, Hoardings and Billposting, published in the Government Gazette - 24 August 1984, and amendments;

is repealed on the day this local law comes into operation.

Application of Local Law

- 5 This local law applies throughout the district.

Definitions

- 6 In this local law unless the context requires otherwise:

“Act” means the Local Government Act 1995;

“advertisement” means the publication, display, or presentation of any sign or advertising device and the terms “advertise” and “advertising sign” have corresponding meanings.

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

“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;

“application” means the completed form lodged for the purpose of obtaining a sign licence or permit in accordance with this local law;

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

- (a) placed by the local government; and
- (b) recovered by the sign owner;

“authorised person” means a person authorised by the local government under section 9.10 of the Act;

“bill posting” means the attaching, sticking or posting of a bill, poster or placard, or painting, stencilling or affixing an advertisement on a building, structure, fence, wall, hoarding, sign post, pole, blind, or awning, whether erected on private property or a public place so as to be visible to a person in a street, public place, private property or other land; and to post a bill has a corresponding meaning;

“community association” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of 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 temporary 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;

“direction sign” means a sign erected in a street or public place by or with the approval of the local government, to indicate the direction to another place but does not include a sign erected or affixed by the local government 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;

“district” means the district of the local government;

“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, but excludes bumper stickers;

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“fly posting” means advertising by means of posters placed on fences, walls, trees, rocks, vehicles or other like places and to “fly post” has a corresponding meaning;

“illuminated sign” means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;

“hoarding” means a detached or detachable structure including a wall panel or illuminated panel, other than a pylon sign, that is erected for the sole purpose of displaying one or more signs or advertising devices but excludes hoardings referred to in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960;

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

“licensee” means the holder of a licence;

“local government” means the City of Joondalup;

“owner” means the owner of the land or building on which the sign is to be or is erected and includes the owner of the business conducted on the land or building, to which the sign relates, or other person, who in the opinion of the local government is responsible for the sign;

“permit holder” means the person issued with a permit;

“planning approval” means an approval given under a relevant town planning scheme;

“portable sign” means a sign not permanently fixed to the ground, a building, wall, fence or structure and includes but is not limited to a sandwich board sign consisting of 2 sign boards attached to each other at the top by hinges or other means;

“private property” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“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 property” means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not and includes any building or structure thereon;

“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 sign infills can be added;

“roof sign” means a sign erected on or attached to a roof of a building;

“rural producer’s sign” means a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located;

“sign” means any message, direction or representation whatsoever displayed on a building, structure, board, or clock, other than a clock built into a wall which does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;

“special event permit” means a permit issued by the local government, detailing the terms and conditions under which community information signs or special event signs may be temporarily erected;

“special event sign” means any sign temporarily erected, in accordance with a sign permit or licence, to advertise and promote an event to be held within the district which is available for attendance by the general public and is conducted for the purpose of commercial gain;

“thoroughfare” means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayments at the side or centre of the carriageway used for the parking of vehicles;

“town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;

“vehicle” includes every conveyance, and every object capable of being propelled or drawn, on wheels or tracks, by any means, not being a train, vessel or aircraft while being used as such.

PART 2 - LICENCES AND EXEMPTIONS

Licence Requirements

- 7 Subject to clause 15, a person shall not erect, maintain or display, or permit to be erected maintained or displayed, any sign or hoarding in, on or above any land or building:
- (a) without a licence; or
 - (b) otherwise than in accordance with the conditions of the licence issued in respect of the sign or hoarding.

Planning Approval

- 8 The requirement for a licence under this local law, in respect of a sign or a hoarding, is additional to the requirement if any, for a planning approval for that sign or hoarding.

Application for Licence

- 9 A person seeking the issue of a sign licence shall make application on the form provided and must forward the application to the local government together with:
- (a) 3 copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and inscription to appear thereon, the method of construction and fixing of the sign for which the licence is sought;
 - (b) the application fee and licence fee;
 - (c) where required by the local government, a certificate from a structural engineer or other person approved by the local government, 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;

- (d) where the application is for a licence for an illuminated sign and if required by the local government, a written consent to the erection of the sign by or on behalf of the person or body having for the time being the management of traffic control lights within the district;
- (e) such other information as may be required by the local government to assist in determining the application.

Determination of Application

- 10 (1) The local government may refuse an application for a licence that does not comply with the requirements of clause 9, and in any event shall refuse an application for a licence where the required planning approval has not first been obtained, or is inconsistent with the planning approval.
- (2) The local government may, in respect of an application for a licence:
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence Issue

- 11 (1) A licence shall be issued to the person whose name appears on the application for same and is the owner or acting on behalf of the owner.
- (2) On approval of an application for a licence, a licence shall be issued in the form used by the local government for that purpose.

Term and Validity of Licence

- 12 Subject to clause 14 and except where otherwise stated in this local law, a licence remains valid until:
 - (a) the sign or hoarding is removed;
 - (b) in the case of a hoarding, for a maximum period of 12 months unless otherwise approved by the local government;
 - (c) 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 the business conducted in the building to which it is attached; or
 - (f) the public liability insurance policy required in accordance with clause 38 lapses, is cancelled or is no longer in operation;

in any of these events an application shall first be made and a new licence issued before the sign or hoarding can be re-erected, changed or altered as the case may be, or a new sign or hoarding erected.

Inspection of Licence

- 13 (1) An owner or licensee shall produce the licence when requested to do so by an authorised person.
- (2) A licensee shall display on the face (bottom left hand corner when viewed) of every licenced sign or hoarding, in clearly legible figures:
- (a) the number of the licence applicable to the sign or hoarding;
 - (b) the date on which the sign licence expires, if the licence is for a hoarding.

Cancellation of Licence

- 14 The local government may, without derogation of any penalty to which a person may be liable, cancel a licence if:
- (a) anything purporting to be done in accordance with a licence, is not done in conformity with the conditions of the licence;
 - (b) the sign or hoarding or the message displayed thereon is so altered that, in the opinion of the local government, it is objectionable or in its altered form would have been refused a licence; or
 - (c) where the licensee or owner is convicted of an offence against this local law.

Licence Exemptions

- 15 (1) The following signs are exempt from the requirements of clause 7:
- (a) a sign erected or maintained in accordance with an Act;
 - (b) a property disposal sign not exceeding 1.2m² erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
 - (c) a plate not exceeding 0.2m² 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;
 - (d) a direction sign;

- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m^2 ;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.2m^2 in area and a height of 600mm;
- (h) 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 objectionable by the local government;
- (i) a sign not larger than $0.6\text{m} \times 0.9\text{m}$ on an advertising pillar or panel approved by or with the consent of the local government for the purpose of displaying public notices for information;
- (j) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (k) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (l) a rural producer's sign which is the only sign on the lot on which it is erected;
- (m) a sign erected by the local government, or with the approval of the local government, on land under the care, control and management of the local government;
- (n) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
- (o) a maximum of 4 garage sale signs, each not greater than 0.25m^2 , advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;

- (p) a sign or signs erected in accordance with a permit issued under this local law;
- (q) a sign painted on a kerb, adjacent to a property depicting the house number and in accordance with specifications approved by the local government.
- (r) a sign erected by the local government for the purpose of:
- (i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election; or
 - (ii) indicating the name and location of a polling place for an election.
- (s) 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;
 - (iv) erected in accordance with the restriction provisions of clause 16;
 - (v) removed within 7 days of the date of the election.
- (t) a sign either temporarily or permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company.
- (u) 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 0.55 m² 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;

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- (iv) not erected within a thoroughfare;
 - (v) erected in accordance with the restrictive provisions of clause 16 excepting sub clauses (f) and (k), and (i) where the total sign area is no greater than 1.75 m².
- (2) A person shall not erect or maintain a sign which would otherwise be an exempt sign under sub clause (1), if it contains:
- (a) any illumination or radio;
 - (b) animation or movement in its design or structure; or
 - (c) retro-reflective or fluorescent materials in its design or structure.

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PART 3 - RESTRICTIONS

Restrictions

- 16 A person shall not erect, maintain or display a sign or hoarding, or suffer or permit a sign or hoarding to be erected, maintained or displayed or to remain on any land or building:
- (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 the 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) except with the approval of the local government 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;
 - (e) where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
 - (f) as a movable or portable sign in a street or public place, not affixed to a building;
 - (g) on any light or power pole;
 - (h) on any tree, shrub or plant;

- (i) which is temporarily or permanently fixed to any vehicle that remains parked on private or public property or in a public place, primarily so as to advertise a message to the public, unless with the prior approval of the local government;
- (j) which contains glass other than an electric light globe or tube or toughened glass; or
- (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) subject to sub clauses 15(r) and (u), on any street, thoroughfare or other public place, if the sign is an election sign.

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Fixing of Signs

17 The owner or licensee of a sign must:

- (a) cause it to be securely fixed to the structure by which it is supported, to the satisfaction of an authorised person; and
- (b) maintain the sign in a safe condition.

Headroom

18 The owner or licensee of a sign erected over walkways, accessways or other public land, shall cause it to be fixed to provide a clear headway under the sign of not less than 2.75m, unless otherwise permitted by an authorised person.

Signs to be Kept Clean

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

Existing Signs and Hoardings

20 Subject to clauses 12 and 14, a licence issued under any previous local law operating in the district, is deemed to have been issued in accordance with this local law.

Bill Posting

21 Subject to clause 15, 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, hoarding, sign post, blind or awning so as to be visible to a person in a street, public place, reserve or other land, except for a hoarding approved for the purpose by the local government.

Fly Posting

- 22 A person shall not fly post at any place or location within the district.

PART 4 - SPECIAL EVENT PERMITS

Part 4 deleted

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PART 5 - REMEDY FOR BREACH**Removal of Signs from Public Property**

- 34 (1) The local government may remove to an appointed place any sign, advertisement, or other advertising device, placed or erected on any thoroughfare, footpath or other public place under the care control and management of the local government, unless placed or erected in accordance with the provisions of this local law.
- (2) Where a sign, hoarding, advertisement, or other advertising device is removed to an appointed place in accordance with sub clause (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.

Illegal Signs on Private Property

- 35 Where a breach of any provision of this local law has occurred in relation to a sign or hoarding on private property, the local government may give notice in writing to the owner of that property:
- (a) advising details of the breach of the local law;
 - (b) requiring the owner to remedy the breach within the time specified in the notice.

Limit on Liability

- 36 A person, owner, or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government:

- (a) to carry out all or part of the works and do all things necessary that the owner, or licensee was required to do to comply with this local law; or
- (b) in respect of a sign removed and dealt with under the provisions of these clauses or against any person who purchases a sign sold by the local government.

PART 6 - MISCELLANEOUS

Bonds, Licence and Permit Fees and Charges

- 37 All bonds, licence and permit fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.

Public Liability Insurance and Indemnity

- 38 (1) Where, as a condition of a sign licence or permit, the owner, licensee or permit holder is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the owner or licensee shall:
- (a) enter into an agreement with the local government to provide the required public liability insurance protection;
 - (b) take out a public liability insurance policy in the name of the owner or licensee and the local government, for a minimum value of \$5m or such other amount as considered appropriate to the risk involved;
 - (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
 - (d) include a clause in the public liability insurance policy which requires the owner or licensee and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation;
 - (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.
- (2) An owner or licensee who refuses or cannot provide a current certificate of insurance within 2 working days as requested in accordance with sub clause (1) commits an offence.

Date of Birth to be Given on Demand

- 39 Clause deleted

PART 7 - PENALTIES

Offences

- 40 (1) Any 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) 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.
- (3) 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 \$100 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

- 41 For the purposes of this local law:
- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

Offence Description and Modified Penalty

- 42 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.

Prosecution for Offences

- 43 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

- 44 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnotes:**Right of appeal**

- 1 When the local government makes a decision as to whether it will -
 - (a) grant a person a licence under this local law; or
 - (b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

Litter enforcement

- 2 The enforcement of matters relating to bill posting and fly posting will be in accordance with the provisions of the Litter Act 1979.

Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons

- 3 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Local Government Act 1995.

Impounding of Goods and Recovery of Expenses

- 4 A local government may:
 - (a) impound goods in certain circumstances – see Regulation 29 of the Local Government (Functions and General) Regulations 1996; and
 - (b) withhold impounded or confiscated goods until costs are paid; dispose of impounded, confiscated or uncollected goods and recover impounding fees, in accordance with Sections 3.46, 3.47 and 3.48 of the Local Government Act 1995.

FIRST SCHEDULE**CITY OF JOONDALUP - SIGNS LOCAL LAW 1999**

Item No	Clause No	Offences and Modified Penalties Nature of Offence	Modified Penalty \$
Part 2 – Licences and Exemptions			
1	7(a)	Erect or maintain or permit to be erected or maintained, a sign or hoarding without a licence.	100
2	7(b)	Erect, maintain or display or permit to be erected, maintained or displayed a sign or hoarding otherwise than in accordance with licence conditions.	100
3	13(1)	Fail to produce a sign licence for inspection when required.	100
4	13(2)(a)	Fail to display the sign or hoarding licence number in clear legible figures as required.	100
5	13(2)(b)	Fail to display the sign or hoarding licence expiry date in clear legible figures as required.	100
6	15(2)(a)	Erect a sign otherwise exempt under clause 15(1) containing illumination or radio.	100
7	15(2)(b)	Erect a sign otherwise exempt under clause 15(1) with animation or movement in its design or structure.	100
8	15(2)(c)	Erect a sign otherwise exempt under clause 15(1) with retro-reflective or fluorescent materials in design or construction.	100
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Part 3 – Restrictions			
	16	Erect or maintain, suffer or permit a sign or hoarding:	
9	16(a)	To obstruct the view of traffic in a street or public place.	100
10	16(b)	To be confused or mistaken for official traffic lights or signs.	100
11	16(c)	To obstruct access to or from a door, fire escape or window not designed for display of goods.	100
12	16(d)	On an ornamental tower, spire, dome or other super structure over the main roof of a building.	100
13	16(e)	On a building which the stability is likely to be affected by the sign.	100
14	16(f)	As a moveable or portable sign in a street or public place not affixed to a building.	100
15	16(g)	On any light or power pole.	100
16	16(h)	On any tree, shrub or plant	100
17	16(i)	Temporarily or permanently fixed to any vehicle on private or public property primarily to advertise/display message without approval	100
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Restrictions (continued)

18	16(j)	Contains glass, other than an electric light globe or tube, in a sign.	100	
19	16(k)	Form part of or attach, paper, cardboard, cloth or other readily combustible material to any sign.	100	
20	16(l)	Subject to sub clauses (r) and (u), on any street, thoroughfare or public place, if an election sign.	100	Amd GG No 136 10.07.00
21	17(a)	Fail to securely fix a sign to a supporting structure	100	
22	17(b)	Fail to maintain a sign in a safe condition.	100	
23	18	Fail to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m.	100	
24	19	Fail to keep a sign clean and maintained in good order.	100	
25	21	Post a bill, fix advertisement visible form street, public place, reserve except a hoarding approved for purpose	100	
26	22	Fly post at any place or location in district	100	

Part 4 – Special Event Permits

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44		Other offences not specified.	100	Amd GG No 136 10.07.00
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