

LOCAL GOVERNMENT ACT 1960-1982.

Municipality of the Shire of Gingin.

By-laws Relating to Signs and Bill Posting.

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 17 September 1981 to revoke the by-laws published in the *Government Gazette* No. 42, dated 22 April 1968 and *Government Gazette* No. 32, dated 30 May 197, and to make and submit for confirmation by the Governor the following by-laws.

Interpretation.

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

“Act” means the Local Government Act 1960, as amended;

“Clerk” means the Shire Clerk of the Shire of Gingin or the person acting for the time being in that capacity;

“commercial area” means an area classified as a commercial zone by the Town Planning Scheme;

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

“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 a sign erected or affixed by the Council or the Main Roads Department 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;

“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.

“light industrial area” means an area classified as a light industrial zone by the Town Planning Scheme;

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

“residential area” means an area classified as a residential zone by the Town Planning Scheme;

“rural producer sign” means a sign advertising for sale produce grown on a farm;

“sandwich board sign” means a sign consisting of two sign boards attached to each other end to end by hinges or other means;

“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 to wall and supported at, or by, one of its ends only;

“sign” includes a signboard and a clock, other than 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; and

Words and expressions used have the respective meanings as are given therein, and for the purposes of, the Act.

Licence Required.

2. (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 one hundred metres of a street or other public place, except pursuant to a licence issued under these by-laws, unless the sign is exempt under By-law 8.
- (2) A licence issued under these by-laws 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 First Schedule to the by-laws.

Applications for Licences.

3. (1) An application for a licence under these by-laws shall be made in the form of application set out in the First Schedule hereto.
- (2) An application for a licence in respect of a sign shall be accompanied by a plan drawn to 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 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 Surveyor.
- (4) The Council may impose any conditions it thinks fit upon the issue of a licence.

Licence Fees.

Deleted Govt Gazette No. 18 11 March 1983

Licence Numbers.

5. The person to whom a licence is issued in respect of an advertising sign shall cause to be painted or stencilled on the face of the sign in figures of at least 25 mm in height the licence number relating to it.

Licence to be Produced.

6. The owner or occupier of premises on which a sign is erected shall, on demand by an officer of the Council authorised in writing by the Council to require its production, produce the licence for inspection.

Revocation of Licence.

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

Exempt Signs.

8. Nothing in these by-laws relates to a sign erected or maintained pursuant to an Act or to a sign that is:-
 - (a) a land sale sign not exceeding 0.7 m² in area;
 - (b) a plate, not exceeding 0.2 m² in area, erected, or affixed on the street alignment, or between that alignment and the building line, indicating the name and occupation or profession of the occupier of the premises, subject to By-law 13 (f);
 - (c) a sign not exceeding 0.4 m² in area affixed to a building or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation, subject to By-law 13 (f);
 - (d) signs erected by the Council of the Shire of Gingin on land under the care, control and management of the Council.

Fixing of Signs.

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

Glass in Signs.

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

Sign Designs.

11. (1) All signs shall be designed to be compatible with their surroundings, including buildings, landscaping and other signs. Signs attached to buildings shall be

incorporated into the architectural features of the building in placement, style, proportions, materials and finish. All permanent signs shall be professionally designed, constructed, finished, installed and maintained.

- (2) Notwithstanding that a sign would otherwise comply with the provisions of these by-laws, the Council may refuse a licence therefore, if the sign in its opinion, would be injurious to the amenity or natural beauty of the area.

Obstruction by Signs.

12. 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.

Prohibited or Restricted Signs.

13. A person shall not erect or maintain a sign –
 - (a) so as to obstruct the view from a street or public place of traffic in the same way 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 thereunder;
 - (c) painted directly on awnings or banners;
 - (d) on a building where the stability of the building is, in the opinion of the surveyor, likely to be affected by the sign;
 - (e) in a position where it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty;
 - (f) a person shall not erect or maintain a sign on land other than that which is zoned commercial or industrial;
 - (g) using searchlights, balloons, pennants, flags used to call attention to a product, service or property;
 - (h) on a vehicle parked in or on a street, way, footpath or public place.

Readily Combustible Material.

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

Signs to be Maintained.

15. (1) The holder of a licence in respect of a sign shall keep the sign clean and free from unsightly matter.

- (2) Where any person fails to comply with the requirements of sub by-law (1) of this by-law, the Council may order the sign or any part of the sign, removed.

Bill Posting.

16. (1) Subject to sub-by-law (2) of this by-law, 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, sign, post, blind or awning.
- (2) This by-law does not apply to –
- (a) advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein;
 - (b) signs within a building.

Information on Signs.

17. A sign, other than a sign referred to in by-law 18 or by-law 25, may contain the following information –
- (a) the name of the occupier, or each of them if more than one;
 - (b) the business or businesses carried on in the premises;
 - (c) the occupier's telephone number;
 - (d) a description of the goods sold or offered for sale in the premises to which the sign is affixed or to which it relates.

Business Direction Signs.

18. The Council may erect Business Direction Signs, in or near the intersection of streets which indicate the nature of the business that may be located by following the direction indicated by the sign.

Special Permits for Signs in the Public Interest.

19. (1) Notwithstanding anything contained in these by-laws, the Council may, by permit under the hand of the Clerk, allow the display of advertisements of meetings, charitable functions, art or cultural activities, (other than those conducted by a person for the purpose of commercial gain) or other events of public interest or the display of advertisements at theatres and other places of public entertainment upon terms and conditions decided by the Council in each case.
- (2) A person shall not erect or maintain a sign more than four 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 two weeks after the conclusion of the meeting, function, event or activity.

- (3) Notwithstanding anything contained in this by-law a person shall not nail a sign to a street tree.

Clocks.

20. (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:-

Height of Bottom of clock above footway.	Maximum diameter of width Clock face and depth of Clock including lettering.
2.75 m and under 3.5 m	450 mm
3.5 m and over	750 mm;

- (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 300 mm; or
- (ii) if at right angles to the wall, more than 1.8 m;
- (e) afford a minimum headway of 2.75 m;
- (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.

Building Display Centre Signs.

21. A sign advertising a building display centre shall –

- (a) be constructed of a type of material approved by the Council and not otherwise;
- (b) be erected on a lot on which one of the display homes is erected and not elsewhere;
- (c) be erected at a distance from the boundary of the lot not less than the height of the sign from the natural ground level;

- (d) not exceed 2.7 m in depth;
- (e) not exceed 1.5 m² in area if it relates to one display home only or 3 m² if it relates to two or more display homes.

External Wall Signs.

22. (1) A sign painted on an external wall or fascia shall be either a horizontal or a vertical sign and shall conform to the following –

(a) Horizontal Sign –

(i) *Deleted Govt Gazette No. 17 20 February 1987*

(ii) Minimum height of sign above street.	Maximum height of sign.
Less than 7.5 metres	1.2 metres
7.5 metres to 9 metres	1.8 metres
9 metres or more	3.00 metres

(iii) not be within 600 mm of either end of the wall on which it is painted.

(iv) not be within 3.5 metres of another sign painted on a wall of the building.

(b) Vertical Sign –

(i) *Deleted Govt Gazette No. 17 20 February 1987*

(ii) not be within 600 mm of either end of the wall on which it is painted;

(iii) not be within 3.5 metres of another sign painted on the wall of the building;

(iv) not exceed 600 mm in width;

(v) be of a height at least twice its width but not exceeding 2.5 metres in height.

(2) Notwithstanding the provisions of paragraph (a) 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 mentioned in that paragraph in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

(3) The name of the building or the owner or occupier of the building may be placed on the wall or fascia of a building.

Horizontal Signs Fixed to a Wall.

23. (1) A horizontal sign shall –

- (a) *Deleted Govt Gazette No. 17 20 February 1987*
- (b) *Deleted Govt Gazette No. 17 20 February 1987*
- (c) conform as to the height to the following table –

Minimum height of sign above street.	Maximum height of sign.
Less than 7.5 metres	1.2 metres
7.5 metres to 9 metres	750 mm
9 metres or more	3.00 metres

- (d) not project more than 600 mm from the wall to which it is attached; and
 - (e) not be within 600 mm 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 250 mm wide and projects at least 25 mm in front of, and 75 mm above and below, the sign.
- (2) Notwithstanding the provisions of paragraph (c) of sub-bylaw (1) of this by-law, the Council may permit an increase of not more than 50 per cent of the depths mentioned in that paragraph in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.
- (3) *Deleted Govt Gazette No. 17 20 February 1987*
- (4) The name of the building, owner or occupier may be placed on the façade of a building, but –
- (a) *Deleted Govt Gazette No. 17 20 February 1987*
 - (b) *Deleted Govt Gazette No. 17 20 February 1987*
 - (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.

Illuminated Signs.

24. An illuminated sign shall –

- (a) have any boxing or casing in which it is enclosed, constructed of incombustible material;

- (b) where it is comprised of glass (other than fluorescent tubing) be so protected as to prevent its falling into a public place in the event of breakage;
- (c) be maintained to operate as an illuminated sign;
- (d) not have a light of such intensity as to cause annoyance to the public or be a traffic hazard.

Roof Signs.

24A (1) No person shall erect or maintain a sign on the roof of a building unless with the approval of the Council. A sign shall:

- (a) Not at any part be within 3.70 m 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:

Height of Main Building Above Ground Level at point where Sign is to be erected.	Maximum height of Sign.
3.70 m and under 4.50 m	1.20 m
4.50 m and under 6.00 m	1.80 m
6.00 m and under 12.00 m	3.00 m
12.00 m and under 18.00 m	4.50 m
18.00 m and upwards	6.00 m; and

- (d) not be at any part more than 45.00 m above 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 purpose 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.

Land Sale Signs.

25. (1) A land sale sign shall –

- (a) be erected on the land to which it relates and not elsewhere;
- (b) if it relates to an auction not exceed 1.5 m² in area;

- (c) if it advertises for sale lots created by a subdivision not exceed 9 m² in area;
 - (d) in any other case not exceed 0.7 m² in area;
- (2) A land sale sign advertising an auction shall –
- (a) not be erected more than four weeks before the proposed date of the auction;
 - (b) be removed not later than two days after the auction has been held;
 - (c) where it is erected on land having a frontage to a road that is a main road within the meaning of the Main Roads Act 1930, consist of letters not less than 150 mm in size.
- (3) A land sale sign advertising for sale lots created by a subdivision shall 0
- (a) not be erected or maintained for a period exceeding six months without the approval of the Council;
 - (b) not be erected until 0
 - (i) the plan of subdivision has been approved by the Town Planning Board of Western Australia; and
 - (ii) the land has been zoned for the appropriate purpose.

Pylon Signs.

26. (1) A person shall not erect more than one pylon sign on a lot.
- (1A) A person shall only erect a pylon sign on a lot zoned as Commercial or Industrial.
- (2) A pylon sign shall –
- (a) *Deleted Govt Gazette No. 17 20 February 1987*
 - (b) not exceed 2.5 m measured in any direction across the face of the sign or have a greater superficial area than 4 m²;
 - (c) not project over a street;
 - (d) be supported on one or more piers or columns of brick, stone, cement, concrete, steel or timber of sufficient size and strength to support the sign under all conditions;
 - (e) *Deleted Govt Gazette No. 17 20 February 1987*
- (3) *Deleted Govt Gazette No. 17 20 February 1987*

27. The Council may issue a licence in respect of a pylon sign notwithstanding it does not comply with by-law 26 (2) if –
- (a) *Deleted Govt Gazette No. 17 20 February 1987*
 - (b) *Deleted Govt Gazette No. 17 20 February 1987*
 - (c) will be of a width not exceeding 1.8 m;
 - (d) will have two vertical supports with horizontal flat boards of a maximum height of 200 mm with a minimum space between each board of 50 mm;
 - (e) *Deleted Govt Gazette No. 17 20 February 1987*

Rural Producer Signs.

28. A rural producer sign shall –
- (a) not indicate or display any matter otherwise than for the purpose of advertising the sale of produce grown on the land on which the sign is erected;
 - (b) be erected within the boundaries of the land on which the produce offered for sale was grown, and
 - (c) not exceed 0.7 m² in area;
 - (d) not be of a height of more than 2 m from the natural ground level.
29. (1) A sandwich board sign shall –
- (a) not exceed 900 mm in height;
 - (b) not exceed 0.8 m² in area on each side;
 - (c) *Deleted Govt Gazette No. 17 20 February 1987*
 - (d) *Deleted Govt Gazette No. 17 20 February 1987*
 - (e) *Deleted Govt Gazette No. 17 20 February 1987*
- (2) A person shall not erect a sandwich board sign in any position other than adjacent to the building to which the sign relates.
- (3) A person shall not erect more than one sandwich board sign in relation to the one building.
- (4) A person who erects a sandwich board sign shall remove it at the close of business each day and shall not erect it again until the commencement of business on the following or a subsequent day.

Semaphore Signs.

30. (1) A semaphore sign shall –
- (a) afford a minimum headway of 2.7 m;
 - (b) be fixed at right angles to the wall to which it is attached;
 - (c) not project more than 900 mm from any point of attachment nor be of a greater height at any point than 1 m;
 - (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.

Signs or Fences on Vacant Land.

31. A sign may be painted or erected on the inside of a side or rear fence of a lot zoned as Light Industrial or Commercial land on which there is no building if the lot is used for business purposes and shall conform to the following:

- | (a) Distance of Sign
from Street Boundary | Maximum Height and
Area of Sign |
|--|------------------------------------|
| (i) 3 m to 40 m | 1.20 m and 2.40 m ² |
| 40 m to 80 m | 1.80 m and 3.60 m ² |
| more than 80 m | 3.00 m and 6.00 m ² |
- (b) (i) No such sign shall be erected within 3 m of any street boundary;
- (ii) only one such sign may be erected on any one lot.

Verandah Fascia Signs.

32. A sign 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 400 mm in height and is mounted on a base of at least 100 mm in width.
33. A sign fixed to the outer or return fascia of a verandah 0
- (a) shall not exceed 600 mm in height;
 - (b) shall not project beyond the outer meal frame, or surround of the fascia; and
 - (c) if an illuminated sign, may be of changing colours but shall not emit a flashing light.

Verandahs with Signs Underneath.

34. A sign under a verandah shall –
- (a) afford a headway of at least 2.5 m;
 - (b) not exceed 2.5 m in length, 1.5 m² in area or 600 mm in height;
 - (c) not weigh more than 55 kilograms;
 - (d) not, if it exceeds 300 mm in height, be within 1.2 m or, where it does not exceed 300 mm in height, be within 900 mm of the side wall of the building, measured along the front of the building, before which it is erected;
 - (e) not, if it exceeds 300 mm in width, be within 2.7 m or where it does not exceed 300 mm in height, be within 1.8 m 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.

Vertical Signs.

35. (1) A vertical sign shall -
- (a) afford a minimum headway of 3 m;
 - (b) subject to sub-by-law (2) of this by-law, not project more than 900 mm from the point of attachment to the building to which it is attached;
 - (c) not project above the top of the wall;
 - (d) be of a height of not more than its width, but not exceeding 2.5 m;
 - (e) not be within 3.5 metres of another vertical sign on the same building;
 - (f) not be placed on a corner of a building;
 - (g) not exceed 600 mm in width;
 - (h) be 1.8 m clear of State Energy Commission aerial wires.
- (2) Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 3 m of it the sign may project 600 mm 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.

Offences.

36. (1) A 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) A person who maintains a sign without a licence or in respect of which the licence 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 by-laws, notice to remove the sign within a time 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.

Signs not Covered by the by-laws.

- 36A. Any application for a sign not covered in the by-law shall be submitted to Council for consideration.

Penalty.

37. Any person who is guilty of an offence against these by-laws is liable to a penalty not exceeding \$200.00 and where the offence is one of a continuing nature, a daily penalty not exceeding \$20.00.

Removal and Disposal of Signs Unlawfully Displayed.

38. (1) The Council may remove a sign placed or erected, contrary to the provisions of these by-laws, on a street or land vested in, or under the care or control of the Council and may, without incurring any liability therefore, dispose of a sign so removed, in any manner it thinks fit.
- (2) Where, in exercise of the power conferred by sub-bylaw (1) of this by-law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal in a court of competent jurisdiction from the person responsible for the placing or erecting of the sign.

First Schedule.

Form 1.

Shire of Gingin.

By-laws Relating to Signs and Pill Posting.

APPLICATION FOR LICENCE.

FULL NAME OF APPLICANT:

.....

ADDRESS:

.....

TYPE OF SIGN:

PREMISES ON WHICH SIGN TO BE ERECTED:

EXACT POSITION OF SIGN: (Plans to be submitted)

.....

DIMENSIONS OF SIGNS:

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 abovementioned sign.

Dated this day of 20

.....

(Applicant)

Licence No.:

Form 2.

Shire of Gingin.

By-laws Relating to Signs and Bill Posting.

LICENCE.

..... of

is hereby licensed to erect and maintain a sign on the premises specified hereunder subject to the abovementioned by-laws from time to time in force.

TYPE OF SIGN:

PREMISES ON WHICH ERECTED:

.....

EXACT POSITION OF SIGN:

DIMENSIONS OF SIGN:

CONDITIONS OF LICENCE:

Dated this day of 20

.....

SHIRE CLERK

This 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 Gingin was hereunto affixed by authority of a resolution of the Council in the presence of –

B. W. ROE,
President.

N. H. V. WALLACE,
Shire Clerk.