

**NORTHERN MIDLANDS COUNCIL
FREESTANDING SIGN BY-LAW
BY-LAW NO. 3 OF 2009**

A BY-LAW made under section 145 of the *Local Government Act 1993* for the purpose of regulating and licensing a freestanding sign on a highway in the Northern Midlands area.

**PART 1
PRELIMINARY**

Short Title

1. This By-law may be cited as Freestanding Sign By-Law No. 3 of 2009.

Application

2. This By-law applies to the whole of the Northern Midlands municipal area.

Interpretation

3. In this By-law, unless the contrary intention appears:-

"authorised officer"	means an employee or contractor authorised by the General Manager for the purposes of this By-law;
"Council"	means the Northern Midlands Council;
"highway"	means a local highway within the meaning of the <i>Local Government (Highways) Act 1982</i> ;
"general manager"	Means the General Manager appointed by Council to that position.
"authorised officer"	means the authorised officer appointed by the Council to that position;
"licence"	means a licence issued by the Council in accordance with this By-law;
"freestanding sign"	means a portable sign that is not permanently fixed to the ground and is not attached to a building.
"sign"	means any advertisement, notice, representation, slogan, symbol, statement of supergraphic whether illuminated or not, but does not include any sign: <ul style="list-style-type: none"> (i) erected or to be erected wholly inside any building (but not including any arcade); (ii) erected or to be erected in or upon any premises in a place or in a manner whereby it is not visible from any public place; (iii) lawfully erected for the control and regulation of traffic by or on behalf of the Department of Police and Emergency Services and the Department of Transport of the State of Tasmania or the Council; (iv) which gives only the name of any road street or public way.

PART 2 LICENCE

Licence

4. (1) A person may apply to the Council for a licence authorizing a freestanding sign on the highway.
- (2) An authorised officer may grant a licence upon an application pursuant to clause 4(1) unconditionally, or subject to reasonable conditions.

A freestanding sign on a highway without a licence

5. (1) A person must not cause or permit a freestanding sign to be placed or left on a highway except in accordance with the conditions of a current licence.

PART 3 INFRINGEMENT NOTICES

6. Infringement Notices

- (1) An authorised officer may:
 - (a) issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
 - (b) issue one infringement notice in respect of more than one specified offence;
 - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (2) Infringement notices may be issued in respect of the offences specified in Column 1 of the Schedule to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (3) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action the person issued with an infringement notice must comply with section 17 of the Monetary Penalties Enforcement Act 2005
- (4) An infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (5) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this By-law.

7 Infringement Notice Offences

All monies payable to the council or general manager under this By-law are a debt due to the Council and recoverable at law.

Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty Units)
5	Provision of free standing sign without a licence	2
5	On-going daily offence for a free standing sign without a licence	1

In witness whereof the Common Seal of the Northern Midlands Council was hereunto affixed this 26 day of January 2010, pursuant to a resolution of Council passed on the 25 day of January 2010 in the presence of us:-

(CS)

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KIM POLLEY, Mayor

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ADAM WILSON, Acting General Manager

This By-law is certified as being in accordance with the law.

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SHAUN McELWAINE, Legal Practitioner

Certified as being made in accordance with the *Local Government Act 1993*

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ADAM WILSON, Acting General Manager

Confirmed by me this day of 2010

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HON JIM COX MHA
Minister for Local Government