



YOUNG SHIRE COUNCIL

# **FOOTPATH DISPLAY POLICY**

**NO 61**

**DATE ADOPTED: 21/8/13**

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## **1 INTRODUCTION/BACKGROUND**

For the placement of Advertising Structures or Goods upon the Footpath

A Council may grant an approval that allows the placement of advertising signs, goods or tables and chairs on the footpath.

## **2 PURPOSE/OBJECTIVES**

This policy has been developed to regulate trade displays and commercial seating arrangements on footpaths within the Shire of Young with a view to ensuring the unobstructed flow of pedestrian traffic

## **3 POLICY**

### **3.1 How to apply for a permit**

To apply for a permit you must

- 3.1.1 Complete the approved Application Form
- 3.1.2 Provide a Certificate of Currency regarding Public Liability Insurance. The Public Liability Insurance shall be for \$20,000,000 and shall identify Young Shire Council as an interested party. The Certificate of Currency shall be issued by the insurer not the applicant's insurance broker.
- 3.1.3 Pay the appropriate fee as set by Council annually
- 3.1.4 Forward your application with the appropriate fees to:  
General Manager  
Young Shire Council  
Locked Bag 5  
YOUNG NSW 2594

### **3.2 Duration of Permit**

All permits are renewable annually and expire on 1<sup>st</sup> August each year.

Application to renew agreement must be lodged two (2) weeks prior to lapse of existing consent to allow time to process.

Reminder notice sent out by Council one (1) month prior to expiry of permit.

### **3.3 Variation to Policy**

Council may consider minor variations to this Policy on written application to Council stating reasons why this policy should be varied. Council's Director – Planning & Environment in consultation with Council's Enforcement Officer will determine approval of variations up to 10% of any numeric standard (excepting street dining). All other variations shall be determined by full Council.

### **3.4 Public Liability Insurance –**

As retailers will be using public property to place their signs or goods on, they will need to hold a current Public Liability Insurance Policy with a minimum of \$20,000,000 protection which covers the placing of articles on the footpath. A certificate of currency from the retailers insurance company must be included with the application. The certificate of currency must identify Young Shire Council as an interested party.

### **3.5 Indemnity / Guarantee**

Young Shire Council accepts no responsibility for claims of damages, which may arise out of the placing of articles on the footpath. Accordingly, to obtain a permit applicants must indemnify the Council against any claim, action suit or demand arising out of or in any way connected to the placing of articles on the footpath.

NOTE: (If the applicant is a Company the indemnity must be guaranteed by an individual.)

### **3.6 General Conditions applicable to all permits -**

- 3.6.1 Council will not accept responsibility for damage to any item placed upon the footpath pursuant to this policy.
- 3.6.2 The full cost of maintenance and/or repairs to the paved footpath and the unpaved or nature strip area of the footpath, damaged as a result of placement or display of goods, shall be that of the operator of the business.
- 3.6.3 It shall at all times be the responsibility of the applicant, to an application to trade or dine the Council's footpath, to maintain and keep clear the footpath, kerb and gutter an adjacent roadway, of all litter, waste, spillage of foodstuffs which may be attributed to diners who have used the footpath pursuant to this permit.

### **3.7 No Smoking in outdoor dining areas**

- 3.7.1 Smoking is not permitted in any alfresco dining areas on the public land.

### **3.8 Signs –**

- 3.8.1 Advertising signs may only be displayed along the building line.
- 3.8.2 Advertising signs shall be of stable construction and placed so as to prevent them being moved by the wind.
- 3.8.3 Advertising signs may only be displayed outside the premises to which they relate and only at times during those premises are open to the public.
- 3.8.4 Persons wishing to place advertising signs relating to premises that do not have a street frontage may be granted a permit to place an advertising sign on a nearby footpath only on the presentation of the written permission of the proprietor of the business outside which the sign is to be placed.
- 3.8.5 The maximum dimensions of an advertising sign shall be 1000mm wide and 1100mm high, no part of the sign shall protrude beyond the main

body of the sign and shall not be any more than 1000mm from the building line.

- 3.8.6 Portable electric signs, illuminated, revolving, spinning or flashing signs are prohibited.
- 3.8.7 Permits will not be granted for advertising signs to be placed on stationary vehicles, attached to street poles, parking control signs, street furniture and/or trees.

### **3.9 Tables and Chairs -**

- 3.9.1 Tables and chairs may only be placed outside the premises to which they relate and only at time during which those premises are open to the public.
- 3.9.2 Tables and chairs may only be placed so that:
  - a) That at all times a minimum 2 metre clearance be maintained throughout any approved configuration, free from any obstruction;
  - b) No barrier or table/chair be placed closer than 900mm to kerb edge;
  - c) Where possible, barriers be ensconced or incorporated to enclose existing obstacles such as light posts or electricity poles;
  - d) Street bins where provided not be obscured in any way;
  - e) Vigilance and actions by the shopkeeper in a timely manner to ensure that no litter remains on tables or is able to be caused by loose articles;
  - f) All Structures (tables, chairs and barriers) shall be temporary and portable, removed at the close of trade each day.
- 3.9.3 Table service may only be provided to patrons occupying tables and chairs on footpaths where the patron pays for goods and services within the curtilage of the premises to which such chairs and tables relate.
- 3.9.4 Condiments, food, cutlery and dishes when not in immediate use, be sealed from contamination by dust, insects and other contaminants while left at/on the tables and chairs.
- 3.9.5 An umbrella used in conjunction with a table and chairs shall have a minimum clearance of 600mm and shall not protrude beyond the edge of the table at any time.

### **3.10 Goods**

- 3.10.1 Goods for display or sale may only be placed along the building line of the premises to which they relate and shall not extend more than 1000mm out from the building line, and shall not exceed 1100mm in height, and shall not exceed 1100mm in height for general goods and 1500mm for clothes racks.
- 3.10.2 Display stands for goods shall be of stable construction with no part protruding beyond the main body of the stand and placed so as to prevent them being moved by wind or other forces. Clothes racks shall be prevented from movement (either by locked wheels or a solid frame).
- 3.10.3 Where the goods displayed are foodstuffs they shall be placed at a minimum height of 750mm above the footpath.
- 3.10.4 Permits will not be granted for display of foodstuffs unless such food stuffs are packed in durable dustproof, weatherproof and tamper proof containers.
- 3.10.5 Goods for display or sale shall not be affixed to any premises, footpath, parking control sign, street furniture or pole.
- 3.10.6 Goods for display or sale may only be placed outside the premises to which they relate and only at times during which those premises are open to the public.
- 3.10.7 Charity bin provision, and placement thereof, shall not exceed one (1) per establishment seeking to provide such an item. Charity bins shall not encroach onto the footpath by more than one (1 metre) and shall not be such that the clear flow of pedestrian traffic shall have less than 2 metres.

### **3.11 Town area outside CBD**

Business houses outside the Central Business Area may apply to have display signs and goods on the footpath subject to complying with the Policy and following conditions:

- 3.11.1 There is a paved footpath, minimum width 1.2 metres in front of the premises;
- 3.11.2 The paved footpath is not obstructed by any goods or signs;
- 3.11.3 Where street parking is restricted to parallel parking, signs and/or goods may be displayed on the footpath at a distance not less than 1 metre from the rear of the kerb;
- 3.11.4 Works shall be carried out by Council or its agent following written notification to the operator of the business.

## **4 RELATED POLICY**

- 4.1 Smoke Free Environment Act 2000
- 4.2 Young Shire Council Smoke Free Outdoor Policy

## **5 ENFORCEMENT**

### **5.1 Revocation of Permit**

- 5.1.1 Any permit issued under the provisions of this policy may be revoked by the General Manager, should the conditions contained therein not be adhered to.
- 5.1.2 Such revocation shall be immediate upon receipt of written advice from the General Manager and shall not be subject to appeal.

### **5.2 Penalties**

- 5.2.1 Council reserves the right to remove/impound any article placed upon its footpath contrary to the terms and conditions of a permit.
- 5.2.2 Such articles may be subject to a release fee.

### **5.3 General**

- 5.3.1 Young Shire Council's Policy on advertising signs, goods displays and tables and chairs, placement on footpaths will become effective as from 1st January 1997.
- 5.3.2 This policy is enforced under the Roads Act 1993, Section 125/126.

## **6 RESPONSIBILITY**

Enquiries should be directed to Council's Planning and Environment Department in person or by telephone on 6380 1200 during normal business hours.

|                       |                 |                       |               |
|-----------------------|-----------------|-----------------------|---------------|
| <b>Date Adopted:</b>  | <b>18/12/96</b> | <b>Resolution No.</b> | <b>642/96</b> |
| <b>Date Reviewed:</b> | <b>17.6.98</b>  | <b>Resolution No.</b> | <b>241/98</b> |
| <b>Date Reviewed:</b> | <b>21/09/05</b> | <b>Resolution No.</b> | <b>422/05</b> |
| <b>Date Reviewed:</b> | <b>17/05/06</b> | <b>Resolution No.</b> | <b>143/06</b> |
| <b>Date Reviewed:</b> | <b>18/2/09</b>  | <b>Resolution No.</b> | <b>39/09</b>  |
| <b>Date Adopted:</b>  | <b>16/9/09</b>  | <b>Resolution No.</b> | <b>283/09</b> |
| <b>Date Adopted:</b>  | <b>20/6/12</b>  | <b>Resolution No</b>  | <b>200/12</b> |
| <b>Date Adopted:</b>  | <b>21/8/13</b>  | <b>Resolution No</b>  | <b>320/13</b> |