



*By-law made under the Local Government Act 1999*

## **ROADS BY-LAW 2018**

### **By-Law No 4 of 2018**

*For the management, control and regulation of activities on roads in the Council's area.*

#### **Part 1 – Preliminary**

##### **1. Short Title**

This by-law may be cited as the *Roads By-law 2018*.

##### **2. Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.

##### **3. Interpretation**

In this by-law:

- 3.1 **animal** includes birds and poultry but does not include a dog;
- 3.2 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.3 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*; and
- 3.4 **moveable sign** has the same meaning as in the *Local Government Act 1999*.

#### **Part 2 – Management of Roads**

##### **4. Activities Requiring Permission**

A person must not on any road, without the permission of the Council:

###### **4.1 Advertising**

- 4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2018*;
- 4.1.2 place or maintain any goods or sign on the road or park or stand a vehicle on the road for the purpose of:

4.1.2.1 soliciting any business from any person; or

4.1.2.2 offering or exposing goods or services for sale.

provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a road;

#### 4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

#### 4.3 Animals

4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and, then only if under the effective control of a person;

4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

#### 4.4 Camping

4.4.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.4.2 camp or remain overnight;

#### 4.5 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing or otherwise solicit for charitable purposes;

#### 4.6 Exhibition or Display

4.6.1 sing, busk or play any recording or musical instrument for the apparent purpose of either entertaining others or receiving money;

4.6.2 conduct or hold any concert, festival, show, public gathering, street party, circus, meeting, performance or other similar activity;

4.6.3 cause any public exhibitions or displays;

#### 4.7 Preaching

preach, harangue or otherwise solicit for religious purposes;

#### 4.8 Repairs to Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

**Part 3 - Miscellaneous**

**5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 5.1 that person's use of the road;
- 5.2 that person's conduct and behaviour on the road;
- 5.3 that person's safety on the road;
- 5.4 the safety and enjoyment of other persons on the road; and
- 5.5 the possible damage to lawn, grass, trees, shrubs, buildings, structures or objects on the road.

**6. Removal of Animals and Directions to Persons**

- 6.1 If any animal is found on a road in breach of a by-law any person in charge of the animal shall remove it on the request of an authorised person.
- 6.2 An authorised person may:
  - 6.2.1 remove the animal if a person fails to comply with the request, or if no person is in charge of the animal;
  - 6.2.2 direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road, and failure to comply with that direction forthwith is a breach of this by-law; and
  - 6.2.3 direct any person who is considered to be committing or has committed a breach of this by-law to cease that action and to take specified action to remedy the breach.

**7. Exemptions**

- 7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 7.2 The restrictions in paragraph 4.2, 4.6 and 4.7 of this by-law do not apply to:
  - 7.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  - 7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period


commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

7.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

**8. Revocation**

Council's *By-law No 4 – Roads*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28<sup>th</sup> day of August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



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Mr Paul Deb  
Chief Executive Officer