

YORKE PENINSULA COUNCIL

PERMITS AND PENALTIES BY-LAW 2020 BY-LAW NO. 1 OF 2020

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

The Council's by-laws have been prepared taking into account the Council's current needs, community views and changes that have been made to the law.

This by-law assists in the interpretation of the Council's other by-laws. It sets up a permit system to avoid repetition of words in by-laws. The by-law makes provision for offences and penalties including continuing offences and penalties. This by-law revokes the Council's previous By-law No. 1 – Permits and Penalties. It is desirable and useful to have this by-law.

OBJECTIVES

To provide for a permit system, to fix maximum and minimum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

CLAUSES

Clause 1: Creates the short title for the by-law namely Permits and Penalties By-law 2020.

Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.

Clause 3: Defines the terms 'authorised person', 'Council', 'drive', 'driver', 'motor vehicle', 'owner', 'person', 'prescribed offence', 'road' and 'vehicle'.

Clause 4: States that every by-law of the Council shall be subject to any Act of Parliament and regulations made thereunder.

Clause 5: This clause provides that when a by-law of the Council states that a person needs a permit or permission, such application must be in writing, made by way of a website established by the Council, or by obtaining a permit from a permit vending-machine.

The Council may attach conditions, change or revoke a condition or add new conditions to the permit. There is a positive obligation on a person who holds a permit to comply with every condition and that failure to do so constitutes a breach of the by-law.

This clause allows the Council to revoke a permit in writing if the permit holder fails to comply with a condition or if the permit is of a continuing nature and the Council has reasonable grounds for revoking it.

The Council may, by resolution, fix, vary or revoke fees or charges for the

granting of a permit.

Clause 6: Provides for offences and penalties for contravention or failure to comply with any by-law of the Council.

Clause 7: Provides that if a vehicle involved in a prescribed offence, the owner of the vehicle is guilty of the offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence will apply.

The owner and driver of the vehicle are not liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances.

Provides that an expiation notice must be accompanied with a notice in writing to the owner to provide the Council with a statutory declaration.

Provides that before proceedings are commenced against the owner of a vehicle, the Council must send the owner a notice setting out the particulars of the offence and inviting the owner to complete the statutory declaration. This subparagraph does not apply where an owner has elected to be prosecuted or proceedings have been commenced against the owner who has been named in the statutory declaration as the driver.

Provides that it is a defence in proceedings against this paragraph to show that as a consequence of some unlawful act the vehicle was not in the possession or control of the owner.

Clause 8: Provides for nine evidentiary aids in proceedings against a prescribed offence.

Clause 9: Revokes Council’s previous By-law No. 1 – Permits and Penalties published in the Gazette on 19 December 2013.

IMPLEMENTATION

Not applicable to this by-law

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law on its own will not restrict competition.

CONSULTATION

The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. No public comments were received.

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Mr Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

ROADS BY-LAW 2020
BY-LAW NO. 3 OF 2020

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To provide for the management, control and regulation of activities on roads in the Council's area and to revoke Council's previous By-law No. 3 – Roads.

CLAUSES

- Clause 1: Creates the short title for the by-law namely Roads By-law 2020.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'adjacent land', 'animal', 'camp or camping', 'electoral matter' and 'emergency worker'.
- Clause 4: Contains a number of activities which are prohibited on a road in the absence of permission of the Council.

Advertising

Prevents the display of any sign on a road for commercial advertising other than a moveable sign displayed in accordance with the Council's Moveable Signs By-law.

Prevents the placement or maintenance of any goods or sign on the road or park or standing a vehicle on the road for the purposes of soliciting any business from any person or offering or exposing goods or services for sale, except for persons who are simply travelling along a road.

Amplification

Prevents the use of an amplifier or other device for the purpose of amplifying sound to the public.

Animals

Prevents causing or allowing 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 an animal under effective control of a person.

Prevents a person from leading, driving or exercising any animal in such a manner as to endanger the safety of any person.

Bridge Jumping

Prevents an individual from jumping or diving from bridge.

Donations

Prevents a person from asking for, receiving or indicating that he or she desires a donation of money or any other thing.

Driving on Formed Surfaces

Prevents the driving of a motor vehicle on a portion of the road other than that which has been formed or otherwise set aside by the Council for the driving of motor vehicles unless it is not reasonably practicable to do so.

Fires

Prevents the lighting of a fire except in a place provided for that purpose, in a portable barbeque where the barbeque is used in an area that is clear of flammable material for a distance of at least four metres, or in accordance with the *Fire and Emergency Services Act 2005*.

Fishing

Prevents a person from fishing from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply.

Preaching

Prevents a person from preaching, canvassing, haranguing or otherwise soliciting for religious purposes except on land which the Council has resolved the restriction shall not apply.

Public Exhibitions and Displays

Prevents a person from singing, busking or playing a musical instrument, conducting or holding any concert, festival, show, public gathering, street party, circus, performance or any other similar activity, or causing any public exhibitions or displays.

Tents and Camping

Prevents the erection of any tent or other structure as a place of habitation and prevents the camping or remaining overnight.

Use of Rubbish Bins

Prevents the removal, disposal or interference with any rubbish that has been discarded in a Council rubbish bin and the depositing of commercial waste in any Council rubbish bin.

Working on Vehicles

Prevents a person from repairing, washing, painting, panel beating or conducting any other work of any nature on a vehicle on a road except for running repairs in the case of a breakdown.

- Clause 5: States that a person must comply with any reasonable direction or request from an authorised person relating to that person’s use of the road, conduct and behaviour on the road, safety on the road and the safety and enjoyment of the road by other persons.
- Clause 6: Provides that the an authorised person may request any person in charge of an animal to remove it from that land or remove any animal from the road if the person fails to comply with the request or if no person is in charge of the animal. Empowers an authorised person to remove an object placed without authority obstructing a road.
- Clause 7: Exempts Police officers, Council officers and employees, contractors performing work for the Council under the supervision of a Council officer and emergency workers performing emergency duties from the provisions of this by-law and further provides certain exemptions with respect to electoral matters and the driving of vehicles in a certain manner.
- Clause 8: Provides that certain paragraphs of the by-law shall only apply in such portions of the Council’s area as it may by resolution direct from time to time.
- Clause 9: Revokes Council’s previous By-law No. 3 – Roads published in the Gazette on 19 December 2013.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of ‘permission’ being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

This by-law has not been submitted to any other person for comment. This by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. No public comments were received.

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Mr Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT LAND BY-LAW 2020 BY-LAW NO. 2 OF 2020

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To provide for the management and regulation of the use and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

CLAUSES

- Clause 1: Creates the short title for the by-law namely Local Government Land By-law 2020.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'animal', 'boat', 'camp', 'camping', 'children's playground', 'community garden', 'domestic animal', 'e-cigarette', 'electoral matter', 'emergency worker', 'foreshore', 'funeral ceremony', 'inflatable castle', 'liquor', 'local government land', 'open container', 'organised competition or sport', 'personal watercraft', 'sand dune', 'smoke', 'traffic control device', 'variable message signs' and 'waters'.
- Clause 4: Contains a number of activities which are prohibited on local government land in the absence of permission of the Council:

Access to Waters

Prevents the entry into any waters, or swim or use of a boat in or on waters in an area where a signage erected by the Council states that one or more of these activities is prohibited, or contrary to any condition or requirement stated on a nearby sign erected by the Council.

Advertising & Signage

Prevents the display of any sign for the purpose of commercial advertising with the exception of moveable signs displayed in accordance with the Moveable Signs By-Law 2020.

Prevents the erection, installation, placement or display of variable message signs.

Prevents the placement or maintenance of any goods or signs on the road or the parking or standing of a vehicle on land for the purpose of soliciting business or offering or exposing goods or services for sale with the exception of a person simply travelling along an area or road on local government land set aside by the Council.

Aircraft

Prevents the land or take off of any aircraft on or from the land subject to the *Civil Aviation Act 1988* (Cth).

Alteration to Local Government Land

Prevents alterations to the land including altering the construction or arrangement of the land to permit or facilitate access from an adjacent property, erecting a structure, changing or interfering with the construction, arrangement or materials of the land, changing or interfering with or removing a structure associated with the land, planting a tree or other vegetation on the land, interfering with the vegetation on the land and removing vegetation from the land.

Amplification

Prevents the use of an amplifier or other mechanical or electrical device to amplify sound to the public.

Animals on Local Government Land

Prevents a person from:

- causing or allowing an animal to stray onto, move over, graze or be left unattended;
- riding, leading or driving any horse, cattle or sheep, except on any track or car park on local government land that the Council has set aside (through signage) for the use by, or in connection with, that animal;
- causing or allowing an animal under that person's control to swim or bathe in any waters to which the Council has resolved for this to apply;
- allowing an animal in that person's control, charge or ownership to damage Council property;
- releasing or leaving any domestic animal on local government land.

Attachments

Prevents a person from attaching anything to a tree, plant, structure or fixture on local government land.

Bees

Prevents a person from placing, or allowing to remain any hive of bees on local government land.

Boats and Boat Ramps

Prevents a person from launching or retrieving a boat from a boat ramp or foreshore which the Council determines other than in accordance with conditions specified on a sign in the vicinity and subject to the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*.

Prevents a person from tying or affixing a boat to a jetty or pontoon and from hiring, offering for hire or using a boat for commercial purposes.

Prevents a person from jumping, diving or swimming from any boat ramp or similar type of infrastructure.

Prevents a person from allowing a vehicle to remain stationary on a boat ramp longer than is reasonably necessary to launch or retrieve a boat.

Bridge and Jetty Jumping

Prevents a person from jumping from or diving from any bridge.

Prevents a person from jumping from or diving from any jetty or pontoon to which the Council has resolved this sub-paragraph shall apply.

Building and Structures

Prevents a person from erecting or installing a building and using a building or structure other than for its intended purpose.

Camping

Prevents a person from camping or staying overnight or the erection of any tent, booth, marquee or other structure for the purposes of habitation or camping except in a place designed by resolution.

Cemeteries

Prevents a person from burying or interring any human or animal remains, and erecting any memorial on local government land.

Closed Lands

Prevents a person from entering or remaining on any part of the local government land:

- at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or
- where the land is enclosed by fences, walls or gates and they have been closed or locked; or
- where admission charges are payable, without paying those charges.

Distribution

Prevents a person from distributing anything to any bystander, passerby or other person.

Donations

Prevents a person from asking or receiving, or indicating that he or she desires a donation of money or any other thing.

Fires

Prevents a person from lighting a fire unless it is in a place provided by the Council or a portable barbecue and in accordance with the *Fire and Emergency Services Act 2005*.

Fireworks

Prevents a person from discharging any fireworks.

Fishing

Prevents a person fishing in any waters on local government or fishing from any bridge or other structure on local government land to which the Council has resolved this to apply.

Flora, Fauna and Other Living Things

Prevents a person from interfering with any plant, fungi or lichen, or teasing, removing or causing harm to any animal or bird or the eggs or using, possessing or having control of any device to kill or capture any animal or bird subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*.

Foreshore

Prevents a person from hiring out a boat from any part of the foreshore or leading or driving any horse, cattle, sheep etc on a part of the foreshore the Council has resolved the restriction applies.

Funerals and Scattering Ashes

Prevents a person from conducting or participating in a funeral ceremony or scattering ashes on local government land where Council has resolved this to apply.

Games

Prevents a person from participating in, promoting or organising any organised competition sport, playing or practicing any game which involves kicking, hitting or throwing a ball or object which may cause or be likely to cause injury or discomfort to a person being in the vicinity of the land or detracting from another person's lawful use or enjoyment of the local government land.

Prevents a person from playing or practicing the game of golf on land which the Council has resolved.

Horses, Cattle etc

Prevents a person from leading or driving any horse, cattle, sheep and other like animal on local government land which the Council has resolved this provision applies.

Lighting

Prevents a person from using or operating any fixed floodlight, and using or operating any portable floodlight on land which this by-law applies.

Marine Life

Prevents a person from introducing any marine life to any waters.

Model Aircraft

Prevents a person from flying or operating a model or drone aircraft subject to the *Civil Aviation Act 1988*.

Prevents a person from operating a model boat, model aircraft, drone aircraft or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.

Motor Bikes and Buggies

Prevents a person from driving, propelling, operating, being in possession of or bringing any motor bike, buggy or similar motor vehicle on land to which the Council has determined this subparagraph applies.

No Liquor

Prevents a person from consuming, carrying or being in possession or charge of any liquor:

- on any land government park or reserve to which the by-law applies; or
- in an open container on any local government park or reserve to which the by-law applies.

Overhanging Articles and Displaying Personal Items

Prevents a person from suspending or hanging an article or object from a building, verandah, pergola, post or other structure where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

Picking of Fruit, Nuts or Berries

Prevents a person from picking fruit, nuts, seeds or berries from any plant except in any community garden.

Pontoons

Prevents a person from installing or maintaining a pontoon or jetty in any waters.

Preaching and Canvassing

Prevents a person from preaching, canvassing, haranguing or otherwise soliciting except on any land where the Council has, by resolution, determined that this restriction does not apply.

Public Exhibitions and Displays

Prevents a person from singing, busking or playing a musical instrument, conducting or holding any concert, festival, show, public gathering, circus, performance or any other similar activity, erecting or inflating any inflatable castle or causing any public exhibitions or displays.

Removing

Prevents a person from carrying away or removing any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land.

Ropes

Prevents a person from placing a buoy, cable, chain, hawser, rope or net in or across any waters.

Selling

Prevents a person from selling anything or displaying anything for sale.

Skateboards and Small Wheeled Devices

Prevents a person from, subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, riding on a skateboard or using roller skates or blades on land to which the Council has resolved this to apply.

Trading

Prevents a person from selling, buying, offering or displaying anything for sale.

Vehicles

Prevents a person from driving or propelling a motor vehicle other than on land set aside by the Council for that purpose or on an area properly constructed for the purpose, promote, organise or take part in any race, test or trial of any kind in which motor vehicles, motor cycles, motor scooters or bicycles take part.

Weddings

Prevents a person from conducting or participating in any marriage ceremony on land to which the Council has resolved this will apply.

Wetlands

Prevents a person operating a model boat, fishing, taking or introducing any fish or aquatic creature or taking or drawing water.

Working on Vehicles

Prevents a person from performing any work of any nature to a vehicle with the exception of running repairs in the case of a breakdown.

Clause 5: Contains a number of activities which are prohibited on local government land:

Annoyances

Prohibits a person unreasonably annoying or interfering with another person's use of the land unless such activity has been authorised by the Council.

Children's Playgrounds

Prohibits the use of the apparatus if that person is of or over the age indicated by signage.

Fishing

Prohibits a person from depositing or leaving any dead fish or offal on local government land.

Glass

Prohibits a person from wilfully breaking any glass, china or other brittle material.

Interference with Permitted Use

Prohibits a person from interrupting, disrupting or interfering with any other person's use of local government land which is permitted or for which permission has been granted.

Use of Rubbish Bins

Prohibits a person from removing, disposing or interfering with any rubbish that has been discarded in a Council rubbish bin or depositing any commercial waste in a Council rubbish bin.

Playing Games

Prohibits the playing or practice of a game in an area where a sign indicates prohibition, promoting, organising or taking part in any organised athletic sport or playing any organised competition sport in any area to which this applies.

Sand Dunes

Prohibits a person from destabilising sand or using a sand board to slide down a sand dune, coastal slope or cliff.

Prohibits a person from destroying, removing or causing interference to live or dead vegetation, lighting or causing to be lit or permitting to remain alight any fire, or introducing non-indigenous flora and fauna or dump material within a sand dune.

Prohibits a person from carrying out any activity which may threaten the integrity of sand dunes, coastal slopes and cliffs in the Council area.

Smoking

Prohibits a person from smoking tobacco or any other substance in any building or on any local government land to which this restriction applies.

Solicitation

Prohibits a person from touting or soliciting customers for the parking of vehicles or any other purpose.

Toilet

Prohibits a person from, in any public convenience:

- urinating other than in a urinal or pan or defecating other than in a pan set apart for that purpose;
- smoking tobacco or any other substance;
- depositing anything in a pan, urinal or drain that is likely to cause blockage;
- using it for a purpose for which it was not designed or constructed; or
- entering a toilet that is set aside for use by the opposite sex except in the case of a child under five years who is accompanied by an adult person of the opposite sex, or to provide assistance to a disabled person.

Use of Equipment

Prohibits a person from using any item of equipment or property belonging to the Council other than for the purpose and in the manner for which it was designed or set aside.

Clause 6: Provides that a person must comply with any reasonable direction or request from an authorised person relating to the use of the land, conduct and behaviour on the land, safety on the land and the safety and enjoyment of the land by other persons.

Clause 7: Provides that if any animal or object placed without authority is found on local government land in breach of the by-law, an authorised officer may request to remove the animal or object from that land or remove any animal, or direct any

person in breach of the by-law to leave local government land for a period of 24 hours.

Clause 8: Exempts Police officers, Council officers and employees, contractors performing works for the Council under the supervision of a Council officer and emergency workers performing emergency duties and provides certain exemptions with respect to electoral matters.

Clause 9: Provides that certain paragraphs of the by-law shall only apply in such portions of the Council’s area as it may by resolution direct from time to time.

Clause 10: Revokes Council’s previous By-law No. 2 – Local Government Land published in the Gazette on 19 December 2013.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of ‘permission’ being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

This by-law has been submitted to the Minister for Transport in accordance with Section 18A of the *Harbors and Navigation Act 1993*. The Minister acknowledged receipt of the by-law and did not make any comments or recommendations. This by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. No public comments were received.

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Mr Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

MOVEABLE SIGNS BY-LAW 2020
BY-LAW NO. 4 OF 2020

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council. This by-law revokes Council's previous By-law No. 4 – Moveable Signs.

CLAUSES

- Clause 1: Creates the short title for the by-law namely Moveable Signs By-law 2020.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'banner', 'footpath', 'moveable sign', 'road' and 'road related area'.
- Clause 4: Sets out restrictions relating to the design and construction of any moveable sign displayed on a road.
- Clause 5: Sets out the requirements for the placement of moveable signs displayed on a road.
- Clause 6: Sets out further restrictions regarding moveable signs, including the nature of the material contained in the moveable sign, the number of moveable signs per business, the times during which moveable signs may be displayed and the positioning and display of moveable signs.
- Clause 7: Sets out restrictions relating to the appearance of any moveable sign on a road.
- Clause 8: Sets out restrictions regarding banners, including placement, duration and size of the banners.
- Clause 9: Sets out the circumstances in which an authorised person of the Council can direct the removal of a non-complying moveable sign and the circumstances under which the authorised person may remove the non-complying sign themselves.

Clause 10: Sets out the circumstances in which an authorised person of the Council can direct the relocation or removal of a complying moveable sign.

Clause 11: Sets out the exemptions for the display of moveable signs including moveable signs that are authorised, moveable signs that direct people to an open inspection, a garage sale or charitable functions, moveable signs that are related to a State, Commonwealth or Local Government election, or referendum displayed during prescribed periods and moveable signs displayed with permission of the Council or of a class prescribed in regulations. Creates further exemptions for newspaper flat signs and events run by charitable bodies.

Clause 12: Prohibits the display of moveable signs on a road which the Council has by resolution declared so long as the display on the road would endanger the safety of road users.

Clause 13: Revokes Council's previous By-law No. 4 – Moveable Signs published in the Gazette on 19 December 2013.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of 'permission' being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

This by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. No public comment was received. This by-law has not been submitted to any other person for comment.

.....
Mr Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

DOGS BY-LAW 2020 BY-LAW NO 5. OF 2020

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO THE LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To assist the Council in controlling and managing dogs in the Council's area and to limit the number of dogs that may be kept on premises. This by-law revokes the Council's previous By-law No. 4 – Dogs. It is desirable and useful to have this by-law.

REFERRAL

The by-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995*. The Board was satisfied that the by-law was broadly consistent with other council dog by-laws and had no further recommendations.

CLAUSES

- Clause 1: Creates the short title for the by-law namely Dogs By-law 2020.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'approved kennel establishment', 'assistant dog', 'Board', 'children's playground', 'control', 'dog', 'effective control', 'keep', 'leash', 'local government land', 'park', 'premises', 'public place', 'small premises', 'township', 'wetland area' and 'working livestock dog'.
- Clause 4: Prohibits a person from allowing any dog to be or remain on any local government land identified by the Council as a dog free area.
- Clause 5: Prohibits a person from allowing any dog to be or remain on any local government land identified by the Council, on any park when organised sport is being played, within five metres of a children's playground or in any wetland area unless the dog is secured by a strong leash not exceeding two metres in length and securely tethered to an object or held by a person capable of controlling the dog.
- Clause 6: Provides for the establishment of dog exercise areas. Dogs in exercise areas must remain under effective control.

- Clause 7: Limits the number of dogs that may be kept without the Council's permission in other than specified premises or those with an exemption from the Council.
- Clause 8: Prohibits a person from allowing a dog under that person's control to be in a public place or on local government land unless the person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit.
- Clause 9: Provides that certain paragraphs of the by-law shall only apply in such portions of the Council's area as it may by resolution direct from time to time. Requires the Chief Executive Officer to provide public notification of the designated areas.
- Clause 10: Revokes Council's previous By-law No. 5 – Dogs published in the Gazette on 19 December 2013.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law will not restrict competition.

SUBMISSIONS

This by-law has been submitted to the Dog and Cat Management Board for comment. The Board did not recommend any changes be made. The by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. Three comments were received. No changes are proposed arising from those comments.

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Mr Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

CATS BY-LAW 2020
BY-LAW NO. 6 OF 2020

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS, OBJECTIVES AND IMPLEMENTATION

REASONS

This by-law is being made as part of the overall review and introduction of the Council's by-laws.

OBJECTIVES

To assist the Council in controlling and managing cats within the Council's area and limit the number of cats that may be kept on premises. It is desirable and useful to have this by-law.

REFERRAL

This by-law has been referred to the Dog and Cat Management Board pursuant to Section 90(5) of the *Dog and Cat Management Act 1995*. The Board was satisfied that the by-law was broadly consistent with other council cat by-laws and had no further recommendations.

CLAUSES

- Clause 1: Creates the short title for the by-law namely Cats By-law 2020.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines certain terms for the purposes of the by-law, namely 'authorised person', 'cattery', 'cat', 'keep', 'premises', 'prescribed limit', 'prescribed manner', 'prescribed premises', 'public notice' and 'responsible for the control'.
- Clause 4: Provides cats must be registered and creates an offence where cats are unregistered with exceptions where the cat has been in a person's ownership or responsibility for less than 14 days, the cat is travelling with a person and is not usually kept within the Council area or a person is responsible for the control of the cat only by reason of the cat being kept for business purposes at prescribed premises.
- Clause 5: Creates a registration process for cats and sets out requirements for registration.
- Clause 6: Creates the regime for the duration and renewal of registration.

Clause 7: Creates notification requirements for the owner of cats to ensure the accuracy of records.

Clause 8: Requires every cat to be identified and creates an offence where cats are not identified in the prescribed manner with exceptions where the cat is travelling with a person and is not usually kept within the Council area, the person responsible for the control of the cat is keeping the cat for business purposes and at prescribed premises, or the Council has granted an exemption.

Clause 9: Limits the number of cats that may be kept without the Council's permission on any premises and provides for exemptions and conditions.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices and by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that this by-law will not restrict competition.

SUBMISSIONS

This by-law has been submitted to the Dog and Cat Management Board for comment. The Board did not recommend any changes be made. This by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. Three comments were received. No changes to the by-law are proposed.

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Mr Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

PORT VINCENT MARINA BY-LAW 2020
BY-LAW NO. 7 OF 2020

REASONS, OBJECTIVES AND IMPLEMENTATION

REPORT TO LEGISLATIVE REVIEW COMMITTEE

REASONS

This by-law is being made as part of the overall review of the Council's by-laws.

OBJECTIVES

To provide for the management and regulation of the use and access to the Port Vincent Marina, including the prohibition and regulation of particular activities within the Port Vincent Marina.

CLAUSES

- Clause 1: Creates the short title for the by-law namely Port Vincent Marina By-law 2020.
- Clause 2: Creates a commencement date for the by-law, namely four months after the day on which it is published in the Gazette.
- Clause 3: Defines the terms 'Act', 'emergency worker', 'jetty', 'pontoon', 'Port Vincent Marina', 'vessel' and 'waterways'.
- Clause 4: Contains a number of activities which are, prohibited within the Port Vincent Marina except where permission is provided for below:

Boat Repair and Maintenance Generally

Prohibits a person from causing, suffering or permitting any major repairs to a vessel in the waterways or undertaking spray painting, chipping of paint and/or rust, use of noisy equipment including angle grinders, sand blasters or other electrical power tools and/or welding equipment on any vessel except for the purposes of carrying out minor maintenance work to a vessel and in a manner that does not adversely affect the amenity of the locality or cause a nuisance.

Prohibits a person from welding, burning, cutting or heating of plant, equipment or materials on or associated with any vessel (whether undertaken on the vessel or not) without permission from the Council.

Prohibits a person from allowing any repair or maintenance equipment and/or materials and/or waste materials to be left on a pontoon.

Conduct of Persons in Waterways

Prohibits a person from allowing their dog to enter or swim in, release any duck, goose or other bird, animal or fish in, or engaging in water skiing or other water sports in waterways.

Prohibits a person from destroying, damaging, disturbing, defacing or interfering with any buoy, float, life preserver, sign, notice or any other property of the Council.

Moorings

Prohibits a person from causing, suffering or permitting any vessel to be moored in the waterways unless secured to a pontoon or otherwise secured within a marina berth.

Notification of Ownership

Prohibits a person from causing, suffering or permitting a vessel to remain in waterways for a period exceeding seven days without the owner of the vessel having first providing details of such vessel to the Council.

Nuisance in Waterways

Prohibits a person from causing, suffering or permitting certain nuisances in waterways.

Obstructions by Vessels

Prohibits a person from causing, suffering or permitting any vessel, or part thereof, that is secured to a pontoon to obstruct the passage of vessels through waterways.

Safe Mooring

Prohibits a person from causing, suffering or permitting any vessel to be moored in the waterways in such a place or manner so as to cause, or be likely to cause, any risk or danger to any person or property.

Sunken Vessels

Prohibits a person from causing, suffering or permitting any sunken vessel to remain in the waterways for a period exceeding three days.

Vessel Control Generally

Prohibits a person from towing any object or person in the waterways except for a disabled vessel or floating plant where such towing is necessary for marina maintenance and/or construction purposes.

Vessel as Place of Residence

Prohibits a person residing or causing, suffering or permitting any person to reside on a vessel in the waterways for a period greater than seven days without the permission of the Council.

Clause 5: Provides that if a person fails to comply with an order of an authorised person made pursuant to Section 262 of the *Local Government Act 1999* in respect of a breach of the by-law, an authorised person may take action reasonably required to have the order carried out and provides the Council may recover costs associated with taking action.

Clause 6: Exempts Police officers, Council officers and employees, contractors performing works for the Council under the supervision of a Council officer and emergency workers performing emergency duties from the provisions of the by-law.

Clause 7: Revokes Council’s previous By-law No. 7 – Port Vincent Marina published in the Gazette on 19 December 2013.

IMPLEMENTATION

The by-law will be policed by inspection, the issue of warnings, expiation notices or by prosecution if necessary.

NATIONAL COMPETITION POLICY

The Council has considered and assessed the aims and objectives of this by-law and is satisfied that where competition may be restricted as a result of ‘permission’ being required from the Council for certain activities, the benefit to the community outweighs the cost and there is no alternative means open to the Council to control those activities.

SUBMISSIONS

This by-law has been submitted to the Minister for Transport in accordance with Section 18A of the *Harbors and Navigation Act 1993*. The Minister acknowledged receipt of the by-law and did not make any comments or recommendations. This by-law was advertised for public comment in accordance with Section 249 of the *Local Government Act 1999*. Two comments were received. No changes are proposed.

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Mr Andrew Cameron
Chief Executive Officer