



By-law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2020

By-law No. 1 of 2020

To provide for a permit system, set penalties for breaches of by-laws, provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of Council's by-laws and for related purposes.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 3.1.2 **Council** means the Yorke Peninsula Council;
- 3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;
- 3.1.4 **driver** of a vehicle means the person driving the vehicle;
- 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
- 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999* and includes a motor vehicle.

3.2 In this by-law:

- 3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;

- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. **Construction**

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

Part 2 – Permits

5. **Council May Grant Permits**

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 5.1 The permit must be in writing.
- 5.2 A person may apply for permission by:
- 5.2.1 making a written application for permission to the Council or its duly authorised agent;
 - 5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;
 - 5.2.3 obtaining a permit from a permit vending-machine installed and maintained by the Council that has been designated by the Council for the purposes of issuing a permit of a particular kind.
- 5.3 The Council may:
- 5.3.1 provide that the permit applies for a particular term;
 - 5.3.2 attach conditions to the permit the Council considers appropriate;
 - 5.3.3 change or revoke a condition, by notice in writing; or
 - 5.3.4 add new conditions, by notice in writing.
- 5.4 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.
- 5.5 The Council may revoke a permit, by notice in writing, if:
- 5.5.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 5.6 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

- 5.7 A person who applies for permission by way of subparagraph 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:
- 5.7.1 the person pays the permit fee (if any) by (as the case may be):
 - 5.7.1.1 inserting sufficient coins or notes into the permit vending-machine;
 - 5.7.1.2 credit or debit card; or
 - 5.7.1.3 such other method of payment that may be approved by the Council by resolution;
 - 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

Part 3 – Enforcement

6. Penalties

- 6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an 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 applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or

- 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
- 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- 7.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.8 If:
- 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
- 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 8.1 a specified place was a road or local government land; or
- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

Part 4 – Miscellaneous**9. Revocation**

Council's *By-law No. 1 – Permits and Penalties*, published in the *Gazette* on 19 December 2013, 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 Yorke Peninsula Council held on the _____ day of _____ 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Andrew Cameron
Chief Executive Officer



By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2020

By-law No. 2 of 2020

For the management and regulation of the use of 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.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft, pontoon or any other similar device;
- 3.3 **camp or camping** includes the occupation or placement of a sleeping bag, tent, vehicle, caravan or other makeshift structure as or for the purpose of temporary accommodation, but does not include a situation where a person is resting in a vehicle during a journey;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.6 **domestic animal** includes any duck, reptile or fish;
- 3.7 **e-cigarette** means:

- 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.7.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.8 **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;
- 3.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.10 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
- 3.10.1 a road;
- 3.10.2 a section;
- 3.10.3 a public reserve;
- 3.10.4 land vested in fee simple in any person other than the Council or the Minister responsible for the administration of the *Harbors and Navigation Act 1993*;
- 3.11 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 3.12 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.13 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.14 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.15 **open container** means a container which:
- 3.15.1 after the contents thereof have been sealed at the time of manufacture and:
- 3.15.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.15.1.2 being a can, it has been opened or punctured;
- 3.15.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.15.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or

- 3.15.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.16 **organised competition or sport** does not include social play;
- 3.17 **personal watercraft** means a device that:
- 3.17.1 is propelled by a motor; and
- 3.17.2 has a fully enclosed hull; and
- 3.17.3 is designed not to retain water if capsized; and
- 3.17.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
- and includes the device commonly referred to as a jet ski;
- 3.18 **sand dune** means the sand dunes, coastal slopes, cliffs and other geomorphological coastal forms under the care, control, and management of the Council;
- 3.19 **smoke** means:
- 3.19.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.19.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.20 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.21 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.22 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

4.1 Access to Waters

subject to the provisions of the *Harbors and Navigation Act 1993*, enter any waters, or swim or use a boat in or on waters:

- 4.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is prohibited;
- 4.1.2 contrary to any condition or requirement stated on a nearby sign erected by the Council;

4.2 Advertising and Signage

4.2.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2020*;

4.2.2 erect, install, place or display a variable message sign;

4.2.3 place or maintain any goods or sign on the road or park or stand a vehicle on the land for the purpose of:

4.2.3.1 soliciting any business from any person; or

4.2.3.2 offering or exposing goods or services for sale.

provided that this subparagraph 4.2.3 shall not apply to a person who is simply travelling along an area or road on local government land set aside by the Council;

4.3 Aircraft

subject to the *Civil Aviation Act 1988*, land or take off any aircraft on or from the land;

4.4 Alteration to Local Government Land

make an alteration to the land, including:

4.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or

4.4.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or

4.4.3 changing or interfering with the construction, arrangement or materials of the land; or

4.4.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or

4.4.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

4.5 Amplification

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

4.6 Animals on Local Government Land

4.6.1 cause or allow any animal to stray onto, move over, graze or be left unattended;

- 4.6.2 ride, lead or drive any horse, cattle or sheep, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal;
- 4.6.3 cause or allow any animal under his or her control to swim or bathe in any waters to which Council has resolved this subparagraph will apply;
- 4.6.4 allow an animal in that persons control, charge or ownership to damage Council property;
- 4.6.5 release or leave any domestic animal;

4.7 **Attachments**

attach anything to a tree, plant, structure or fixture on local government land;

4.8 **Bees**

place, or allow to remain, any bee hive;

4.9 **Boats and Boat Ramps**

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 4.9.1 launch or retrieve a boat to or from a boat ramp to which the Council has determined this subparagraph applies;
- 4.9.2 launch or retrieve a boat to or from the foreshore where the Council has determined that this subparagraph applies;
- 4.9.3 launch or retrieve a boat from any boat ramp to which the Council has determined this subparagraph applies other than in accordance with any conditions specified on a sign or signs erected in the vicinity of the boat ramp, including (but not limited to) conditions which may restrict the type of boat that may be launched from that boat ramp;
- 4.9.4 tie or affix a boat to any jetty or pontoon;
- 4.9.5 hire, offer for hire or use for commercial purposes a boat;
- 4.9.6 jump, dive or swim from any boat ramp or similar type of infrastructure;
or
- 4.9.7 allow a vehicle to remain stationary on a boat ramp longer than is reasonably necessary to launch or retrieve a boat;

4.10 **Bridge and Jetty Jumping**

- 4.10.1 jump from or dive from any bridge;
- 4.10.2 jump or dive from any jetty or pontoon to which the Council has resolved this subparagraph applies;

4.11 Buildings and Structures

4.11.1 erect or install a building;

4.11.2 use a building or structure other than for its intended purpose;

4.12 Camping

4.12.1 camp or stay overnight; or

4.12.2 erect any tent, booth, marquee or other structure as a place of habitation;

except in a place designated by resolution of the Council for that purpose and in accordance with any such resolution;

4.13 Cemeteries

comprising a cemetery:

4.13.1 bury or inter any human or animal remains;

4.13.2 erect any memorial;

4.14 Closed Lands

enter or remain on any part of the land:

4.14.1 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

4.14.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

4.14.3 where admission charges are payable, without paying those charges;

4.15 Distribution

distribute anything to any bystander, passerby or other person;

4.16 Donations

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

4.17 Fires

light any fire except:

4.17.1 in a place provided by the Council for that purpose; or

4.17.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and

4.17.3 in accordance with the *Fire and Emergency Services Act 2005*;

4.18 Fireworks

discharge any fireworks;

4.19 Fishing

4.19.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or

4.19.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;

4.20 Flora, Fauna and Other Living Things

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.20.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or

4.20.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;

4.20.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

4.21 Foreshore

4.21.1 hire out a boat on or from any part of the foreshore;

4.21.2 lead or drive any horse, cattle, sheep and other like animal on the foreshore where the Council has resolved this subparagraph applies;

4.22 Funerals and Scattering Ashes

conduct or participate in a funeral ceremony, or scatter ashes on land to which the Council has resolved this subparagraph will apply;

4.23 Games

4.23.1 participate in, promote or organise any organised competition or sport, as distinct from organised social play;

4.23.2 play or practice any game which involves kicking, hitting or throwing a ball or other object, which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or, detract from or be likely to detract from another person's lawful use and enjoyment of that land;

4.23.3 play or practice the game of golf on land to which the Council has resolved this subparagraph applies;

4.24 Horses, Cattle etc

lead or drive any horse, cattle, sheep and other like animal on land to which the Council has resolved this subparagraph applies;

4.25 Lighting

4.25.1 use or operate any fixed floodlight;

4.25.2 use or operate any portable floodlight on land to which this subparagraph applies;

4.26 Marine Life

introduce any marine life to any waters;

4.27 Model Aircraft, Boats and Cars

4.27.1 subject to the *Civil Aviation Act 1988*, fly or operate a model aircraft or drone aircraft;

4.27.2 operate 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;

4.28 Motor Bikes and Buggies

4.28.1 drive, propel, operate or be in possession of a motor bike, buggy or similar motor vehicle on land to which the Council has determined subparagraph applies;

4.28.2 bring any motor bike, buggy or similar motor vehicle on land to which the Council has resolved this subparagraph applies;

4.29 No Liquor

4.29.1 consume, carry or be in possession or charge of any liquor on any local government land constituting a park or reserve to which this subparagraph applies;

4.29.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land constituting a park or reserve to which this subparagraph applies;

4.30 Overhanging Articles and Displaying Personal Items

suspend or hang 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;

4.31 Picking of Fruit, Nuts or Berries

except in any community garden, pick fruit, nuts, seeds or berries from any plant;

4.32 Pontoons

install or maintain a pontoon or jetty in any waters;

4.33 Preaching and Canvassing

preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.34 Public Exhibitions and Displays

4.34.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

4.34.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;

4.34.3 erect or inflate any inflatable castle;

4.34.4 cause any public exhibitions or displays;

4.35 Removing

carry away or remove any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;

4.36 Ropes

place a buoy, cable, chain, hawser, rope or net in or across any waters;

4.37 Selling

sell anything or display anything for sale;

4.38 Skateboards and Small Wheeled Devices

subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, ride on a skateboard or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;

4.39 Trading

sell, buy, offer or display anything for sale;

4.40 **Vehicles**

- 4.40.1 drive or propel a motor vehicle thereon, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
- 4.40.2 drive or propel a motor vehicle on any part of the land to which the Council has resolved this subparagraph applies;
- 4.40.3 except 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;

4.41 **Weddings**

conduct or participate in a marriage ceremony or other special event ;

4.42 **Wetlands**

subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:

- 4.42.1 operate a model boat;
- 4.42.2 fish, or take any aquatic creature;
- 4.42.3 introduce any fish or aquatic creature;
- 4.42.4 take or draw water;

4.43 **Working on 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.

5. **Prohibited Activities**

A person must not, on any local government land:

5.1 **Annoyances**

unreasonably annoy or interfere with any other person:

- 5.1.1 using the land;
- 5.1.2 occupying nearby premises,

by making a noise or creating a disturbance that has not been authorised by the Council;

5.2 **Children's Playgrounds**

use any device, equipment or apparatus installed in a children's playground if that person is over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;

5.3 **Fishing**

deposit or leave any dead fish (in part or whole) or offal;

5.4 **Glass**

wilfully break any glass, china or other brittle material;

5.5 **Interference with Permitted Use**

interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;

5.6 **Use of Rubbish Bins**

5.6.1 remove, dispose or interfere with any rubbish (including bottles, newspaper, cans, containers or packaging) that has been discarded in a Council rubbish bin;

5.6.2 deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

5.7 **Playing Games**

5.7.1 play or practice a game in any area where a sign indicates that the game is prohibited;

5.7.2 promote, organise or take part in any organised competition or sport in any area to which this subparagraph applies;

5.8 **Sand Dunes**

5.8.1 use a sand board or other item to slide down a sand dune, coastal slope or cliff;

5.8.2 destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope;

5.8.3 destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff;

5.8.4 light or cause to be lit or permit to remain alight any fire within a sand dune or on a coastal slope or cliff;

5.8.5 introduce non-indigenous flora and fauna or dump any material in the sand dunes or down coastal slopes or coastal cliffs;

5.8.6 carry out any activity which may threaten the integrity of sand dunes, coastal slopes and cliffs in the area;

5.9 **Smoking**

smoke tobacco, e-cigarette or any other substance:

5.9.1 in any building or part of any building; or

5.9.2 on any land to which this subparagraph applies;

5.10 **Solicitation**

tout or solicit customers for the parking of vehicles or for any other purpose whatsoever;

5.11 **Toilets**

in any public convenience:

5.11.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;

5.11.2 smoke tobacco or any other substance;

5.11.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

5.11.4 use it for a purpose for which it was not designed or constructed;

5.11.5 enter any toilet that is set aside for use by the opposite sex except where:

5.11.5.1 a child under the age of five years accompanied by an adult person of that other sex; and/or

5.11.5.2 to provide assistance to a disabled person;

5.12 **Use of Equipment**

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

Part 3 – Miscellaneous

6. Directions

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

6.1 that person's use of the land;

- 6.2 that person's conduct and behaviour on the land;
- 6.3 that person's safety on the land;
- 6.4 the safety and enjoyment of the land by other persons.

7. Removal of Animals and Objects and Exclusion of Persons

- 7.1 If any animal is found on local government land in breach of this by-law:
 - 7.1.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
 - 7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if no person is in charge of the animal.
- 7.2 If an object is obstructing any part of local government land an authorised person of the Council may remove the object, provided that this paragraph shall not apply to any object that has been placed on the land with the permission of the Council or some other lawful authority.
- 7.3 An authorised person may direct any person who is considered to be committing, or has committed, a breach of this by-law to leave local government land and not return for a period of no longer than 24 hours.

8. Exemptions

- 8.1 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.
- 8.2 The restrictions in paragraphs 4.2.2, 4.5, 4.7, 4.15, 4.33, 4.34.2 and 4.34.4 of this by-law do not apply to:
 - 8.2.1 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
 - 8.2.2 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
 - 8.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

9. Application

Any of paragraphs 4.6.3, 4.9.1, 4.9.2, 4.9.3, 4.10.2, 4.19, 4.22, 4.23.3, 4.25.2, 4.28, 4.29, 4.38, 4.40.2, 4.41, 5.7.2 and 5.9.2 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

10. Revocation

Council's *By-law No. 2 – Local Government Land*, published in the *Gazette* on 19 December 2013, 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 Yorke Peninsula Council on the _____ day of _____ 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Andrew Cameron
Chief Executive Officer



By-law made under the Local Government Act 1999

ROADS BY-LAW 2020

By-law No. 3 of 2020

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

In this by-law, unless the contrary intention appears:

- 3.1 **adjacent land** has the same meaning as in the *Australian Road Rules*;
- 3.2 **animal** includes birds and poultry but does not include a dog;
- 3.3 **camp or camping** includes the occupation or placement of a sleeping bag, tent, vehicle, caravan or other makeshift structure as or for the purpose of temporary accommodation, but does not include a situation where a person is resting in a vehicle during a journey;
- 3.4 **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;
- 3.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*.

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not on any road, without the permission of 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 2020*;

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 purposes 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 Bridge Jumping

jump from or dive from a bridge;

4.5 Donations

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

4.6 Driving on Formed Surface

drive a motor vehicle other than on a portion of the road that has been formed or otherwise set aside by the Council for the driving of motor vehicles, unless it is not reasonably practical to do so;

4.7 Fires

light any fire except:

4.7.1 in a place provided by the Council for that purpose; or

4.7.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and

4.7.3 in accordance with the *Fire and Emergency Services Act 2005*;

4.8 **Fishing**

fish from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply;

4.9 **Preaching and Canvassing**

preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.10 **Public Exhibitions and Displays**

4.10.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

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

4.10.3 cause any public exhibitions or displays;

4.11 **Tents and Camping**

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

4.11.2 camp or sleep overnight;

4.12 **Use of Rubbish Bins**

4.12.1 remove, dispose or interfere with any rubbish (including bottles, newspaper, cans, containers or packaging) that has been discarded in a Council rubbish bin;

4.12.2 deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

4.13 **Working on 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 the road by other persons.

6. Removal of Animals

6.1 If any animal is found on a road in breach of this by-law:

- 6.1.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
- 6.1.2 any authorised person may 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.

6.2 If an object is obstructing any part of a road an authorised person of the Council may remove the object, provided that this paragraph shall not apply to any object that has been placed on the road with the permission of the Council or some other lawful authority.

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 paragraphs 4.2, 4.9 and 4.10 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.

7.3 Paragraph 4.6 of this by-law does not apply to a motor vehicle being driven to or from adjacent land by the shortest practical route.

8. **Application**

Paragraph 4.8 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

9. **Revocation**

Council's *By-law No. 3 – Roads*, published in the *Gazette* on 19 December 2013, 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 Yorke Peninsula Council held on the day of 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Andrew Cameron
Chief Executive Officer



By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2020

By-law No. 4 of 2020

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.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 3.2 **footpath** means:
 - 3.2.1 a footway, lane or other place made or constructed for the use of pedestrians; or
 - 3.2.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.3 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.4 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.5 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Provisions Applicable to Moveable Signs

4. Design and Construction

A moveable sign displayed on a road must:

- 4.1 be constructed so as not to present a hazard to any member of the public;
- 4.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.3 not be unsightly or offensive in appearance;
- 4.4 not contain flashing or moving parts;
- 4.5 be not more than 90cm high, 60cm in width or 60cm in depth;
- 4.6 not have a display area exceeding 1m² in total or, if the sign is two-sided 1m² on each side;
- 4.7 in the case of an 'A' frame or sandwich board sign:
 - 4.7.1 be hinged or joined at the top;
 - 4.7.2 be of such construction that its sides can be and are securely fixed or locked in position when erected;
- 4.8 in the case of an inverted 'T' sign, contain no struts or members than run between the display area of the sign and the base of the sign.

5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide;
- 5.3 be placed at least 50cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 5.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.5 not be placed on a designated parking area or within 1 metre of an entrance to any premises; and
- 5.6 not be fixed, tied or chained to, leaned against or placed closer than 1.5 metres to any other structure, object or plant (including another moveable sign);
- 5.7 not be placed in a position that puts the safety of any person at risk;
- 5.8 not be placed on a median strip, roundabout, traffic island or on a carriageway;

5.9 not be within 6 metres of an intersection of a road.

6. Restrictions

A moveable sign displayed on a road must:

- 6.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 6.2 be limited to two per business premises;
- 6.3 not be displayed unless the business to which it relates is open to the public;
- 6.4 be securely fixed in position such that it cannot be blown over or swept away;
- 6.5 not be displayed during the hours of darkness unless it is clearly visible.

7. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 7.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
- 7.5 not have any balloons, flags, streamers or other things attached to it.

8. Banners

Notwithstanding the other provisions of this by-law, a banner must:

- 8.1 only be displayed on a road, footpath or road related area;
- 8.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 8.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 8.4 relate to an event and not be displayed more than one month before and two days after the event it advertises;

- 8.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- 8.6 not exceed 3m² in size.

Part 3 – Enforcement

9. Removal of Unauthorised Moveable Signs

- 9.1 If:
 - 9.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
 - 9.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
 - 9.1.3 a moveable sign is removed under subparagraph 9.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 9.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

10. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the request of an authorised person if:

- 10.1 in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 10.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

Part 4 – Miscellaneous

11. Specified Exemptions

- 11.1 This by-law does not apply to a moveable sign which:
 - 11.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;

- 11.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
 - 11.1.3 directs people to a garage sale that is being held on residential premises;
 - 11.1.4 directs people to a charitable function;
 - 11.1.5 is related 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;
 - 11.1.6 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;
 - 11.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;
 - 11.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
 - 11.1.9 is a sign of a class prescribed in regulations.
- 11.2 Paragraphs 6.2 and 6.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
- 11.3 Paragraphs 4, 6.2, 6.3 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

12. Prohibition

- 12.1 The Council may, by resolution, prohibit the display of moveable signs on a road or part of road subject to this paragraph.
- 12.2 A resolution made by the Council under subparagraph 12.1 may prohibit the display of moveable signs absolutely, or at particular times or on particular days.
- 12.3 The Council may only make a resolution under subparagraph 12.1 if, in the opinion of the Council, the display of movable signs on the road would endanger the safety of road users.
- 12.4 Notwithstanding any other paragraph of this by-law, a person must not display a moveable sign on a road or part of a road contrary to a prohibition made by the Council under this paragraph.

13. Revocation

Council's *By-law No. 4 – Moveable Signs*, published in the *Gazette* on 19 December 2013, 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 Yorke Peninsula Council on the day of 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Andrew Cameron
Chief Executive Officer



*By-law made under the Dog and Cat Management Act 1995
and the Local Government Act 1999*

DOGS BY-LAW 2020

By-Law No. 5 of 2020

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:

- 3.7.1 by means of a physical restraint;
- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **leash** includes any chain, cord or leash;
- 3.10 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.12 **premises** includes:
 - 3.12.1 land;
 - 3.12.2 a part of any premises or land;
- 3.13 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.14 **small premises** means a premises comprising any self-contained dwelling where the premises associated with the dwelling contains a secured unobstructed yard area of less than 100 square metres;
- 3.15 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.16 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland;
- 3.17 **working livestock dog** means a dog:
 - 3.17.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - 3.17.1.1 a primary producer; or
 - 3.17.1.2 engaged or employed by a primary producer; and
 - 3.17.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Part 2 – Dog Management and Control

4. Dog Free Areas

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog free area.
- 4.2 For the purposes of this paragraph, a **dog free area** is any:
 - 4.2.1 local government land; or

4.2.2 public place,

to which the Council has resolved this paragraph applies.

4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

5. Dog on Leash Areas

5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:

5.1.1 tethered securely to a fixed object capable of securing the dog; or

5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

5.2 For the purposes of this paragraph, a **dog on leash area** is any:

5.2.1 local government land or public place to which the Council has resolved that this paragraph applies;

5.2.2 park when organised sport is being played;

5.2.3 enclosed children's playground or if a children's playground is not enclosed land within five metres of children's playground equipment;
or

5.2.4 wetland area.

6. Dog Exercise Areas

6.1 Subject to paragraphs 4 and 5, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.

6.2 For the purposes of this paragraph, a **dog exercise area** is any:

6.2.1 park; or

6.2.2 local government land that the Council has resolved is a dog exercise area.

6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

7. Limit on Dog Numbers

7.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.

7.2 Subject to subparagraph 7.3, the prescribed limit on the number of dogs to be kept on premises:

7.2.1 constituting a small premises in a township is one dog;

- 7.2.2 within a township on premises other than a small premises is two dogs;
- 7.2.3 outside a township on premises other than a small premises is three dogs.
- 7.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
 - 7.3.1 any dog that is under three months of age; and
 - 7.3.2 up to five working livestock dogs kept on premises outside a township.
- 7.4 The prescribed limit does not apply to:
 - 7.4.1 an approved kennel establishment;
 - 7.4.2 a veterinary practice;
 - 7.4.3 a pet shop;
 - 7.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
 - 7.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* provided the business complies with all other relevant legislative obligations.

8. Dog Faeces

A person must not allow 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.

Part 3 – Miscellaneous

9. Application

- 9.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 6.2.2 of this bylaw.
- 9.2 Any of subparagraphs 4 and 5.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 9.3 Where the Council makes a resolution under either of subparagraphs 9.1 or 9.2, the Council's Chief Executive Officer must ensure that:
 - 9.3.1 the area is denoted by signs erected by the Council; and
 - 9.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

10. Revocation

Council's *By-law No 5 – Dogs and Cats*, published in the Gazette on 19 December 2013, 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 Yorke Peninsula Council held on the day of 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Andrew Cameron
Chief Executive Officer



*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

CATS BY-LAW 2020

By-law No. 6 of 2020

For the management and control of cats within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Cats By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

3.1 In this by-law:

3.1.1 **authorised person** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.1.2 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;

3.1.3 **cat** means an animal of the species *Felis catus* over three months of age;

3.1.4 **keep** includes the provision of food or shelter;

3.1.5 **premises** includes:

3.1.5.1 land;

3.1.5.2 a part of any premises or land;

3.1.6 **prescribed premises** means:

3.1.6.1 a cattery;

- 3.1.6.2 a veterinary practice;
- 3.1.6.3 a pet shop; or
- 3.1.6.4 any premises for which the Council has granted an exemption;
- 3.1.7 **public notice** has the same meaning as in Section 4(1aa) of the *Local Government Act 1999*;
- 3.1.8 **responsible for the control** means a person who has possession or control of the cat;
- 3.2 For the purposes of this by-law:
 - 3.2.1 the **prescribed limit**, in respect of the number of cats to be kept on premises, is two cats;
 - 3.2.2 the **prescribed manner** in which a cat is to be identified at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier is by means of a collar around its neck to which a tag is attached legibly setting out:
 - 3.2.2.1 the name of the owner of the cat, or of a person entitled to possession of the cat; and
 - 3.2.2.2 either:
 - (a) the address of the owner or other person; or
 - (b) the telephone number of the owner or other person.

Part 2 – Registration and Identification of Cats

4. Cats Must be Registered

- 4.1 Every cat must be registered under this by-law.
- 4.2 If a cat is unregistered, any person who owns or is responsible for the control of the cat is guilty of an offence.
- 4.3 If a person is guilty of an offence by reason of a cat being unregistered, the person is guilty of a continuing offence for each day that the cat remains unregistered.
- 4.4 A person is not guilty of an offence by reason of the fact that the cat is unregistered if:
 - 4.4.1 less than 14 days has elapsed since the person first owned or became responsible for the control of the cat; or
 - 4.4.2 the cat:
 - 4.4.2.1 is travelling with the person; and

4.4.2.2 is not usually kept within the area of the Council; or

4.4.3 the person is responsible for the control of the cat only by reason of the cat being kept for business purposes at prescribed premises.

5. Registration Procedure for Cats

5.1 An application for registration of a cat must:

5.1.1 be made to the Council in the manner and form approved by the Council; and

5.1.2 nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and

5.1.3 nominate, with reference to an address of premises, the place at which the cat will usually be kept; and

5.1.4 include the unique identification number assigned to the microchip implanted in the cat; and

5.1.5 be accompanied by the registration fee and, if applicable, any late payment fee set by resolution of the Council for the cat.

5.2 Subject to subparagraph 5.3, on application and payment of the registration fee and any fee for late payment of the registration fee, the Council must register the cat in the name of the person nominated and issue to that person a certificate of registration in the form approved by Council.

5.3 The Council may refuse to register a cat under this by-law if:

5.3.1 the number of cats kept or proposed to be kept at premises exceeds the prescribed limit;

5.3.2 keeping a cat at the proposed premises would be contrary to any Act, Regulation or By-law.

5.4 A cat registered in the name of a particular person must, on application to the Council, be registered in the name of some other person who is of or over 16 years of age and consents to the cat being registered in his or her name.

6. Duration and Renewal of Registration

6.1 Registration under this by-law remains in force until 30 June next ensuing after registration was granted and may be renewed from time to time for further periods of 12 months.

6.2 If an application for renewal of registration is made before 31 August of the year in which the registration expired, the renewal operates retrospectively from the date of expiry.

7. Accuracy of Records

- 7.1 The person in whose name a cat is individually registered must inform the Council as soon as practicable after any of the following occurs:
- 7.1.1 the cat is removed from the place recorded in the register as the place at which the cat is usually kept with the intention that it will be usually kept at some other place (whether in the area of the Council, in a different Council area or outside the State);
 - 7.1.2 the cat dies;
 - 7.1.3 the cat has been missing for more than 72 hours;
 - 7.1.4 the residential address or telephone number of the owner of the cat change;
 - 7.1.5 the ownership of the cat is transferred to another person.
- 7.2 Information given to the Council under this paragraph must include such details as may be reasonably required for the purposes of ensuring the accuracy of records kept under the *Dog and Cat Management Act 1995* and this by-law.
- 7.3 If ownership of a cat is transferred from the person in whose name the cat is individually registered, the person must give to the new owner the certificate of registration last issued in respect of the cat.

8. Identification of Cats

- 8.1 Every cat must be identified in the prescribed manner at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier.
- 8.2 If a cat is not identified in the prescribed manner required by paragraph 8.1, any person who owns or is responsible for the control of the cat is guilty of an offence.
- 8.3 A person is not guilty of an offence by reason of the fact that the cat is not identified in the prescribed manner if:
- 8.3.1 the cat:
 - 8.3.1.1 is travelling with the person; and
 - 8.3.1.2 is not usually kept within the area of the Council; or
 - 8.3.2 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises; or
 - 8.3.3 the Council has granted the owner of the cat an exemption from the requirements of this paragraph or an extension of time within which to comply with the requirements.

Part 3 – Cat Management and Control

9. Limit on Cat Numbers

- 9.1 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the prescribed limit.
- 9.2 Permission under this paragraph may be given if the Council is satisfied that:
- 9.2.1 no insanitary condition exists on the premises as a result of the keeping of cats;
 - 9.2.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises; and
 - 9.2.3 all cats kept on the premises are desexed in accordance with any requirements of the *Dog and Cat Management Act 1995*.
- 9.3 The prescribed limit does not apply to prescribed premises.

The foregoing by-law was duly made and passed at a meeting of the Yorke Peninsula Council held on the _____ day of _____ 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
 Mr Andrew Cameron
 Chief Executive Officer



By-law made under the Local Government Act 1999

PORT VINCENT MARINA BY-LAW 2020

By-law No. 7 of 2020

For the regulation of certain activities undertaken in the Port Vincent Marina to ensure the safety and convenience of persons in the Marina.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Port Vincent Marina By-law 2020*.

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 *Local Government Act 1999*.

3. Definitions

3.1 In this by-law:

3.1.1 **Act** means the *Local Government Act 1999*;

3.1.2 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

3.1.3 **jetty** means a wharf or landing and includes recreation launching facilities, walkways, boardwalks, piles and pontoons constructed as part of a jetty, a pier or the piles or wooden structure protecting a pier;

3.1.4 **pontoon** means a pontoon or jetty;

3.1.5 **Port Vincent Marina** means the land and waterways constituting the Port Vincent Marina as delineated in red on the map specified in Schedule 1;

3.1.6 **vessel** has the same meaning as in the *Harbors and Navigation Act 1993*;

3.1.7 **waterways** includes the navigable waters within Port Vincent Marina.

Part 2 – Use of the Port Vincent Marina

4. Prohibited Activities

A person must not do any of the following within the Port Vincent Marina:

4.1 Boat Repair and Maintenance Generally

- 4.1.1 cause, suffer or permit in the waterways any major repairs to a vessel;
- 4.1.2 undertake, or cause to be undertaken, any of the following:
 - 4.1.2.1 any spray painting on any vessel;
 - 4.1.2.2 chipping of paint and/or rust on any vessel;
 - 4.1.2.3 the use of any noisy equipment including any angle grinder, sand blaster or other electrical power tool and/or welding equipment on any vessel except for:
 - (a) the purposes of carrying out minor maintenance work to a vessel; and
 - (b) in a manner that does not adversely affect the amenity of the locality or otherwise cause a nuisance to any other person;
 - 4.1.2.4 any 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;
- 4.1.3 allow any repair or maintenance equipment and/or materials and/or waste materials to be left on a pontoon;

4.2 Conduct of Persons in Waterways

- 4.2.1 allow any dog that the person is responsible for to enter or swim in the waterways;
- 4.2.2 release any duck or goose or any other bird, animal or fish into the waterways;
- 4.2.3 engage in water skiing on any other water sports in the waterways;
- 4.2.4 destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice or any other property of the Council;

4.3 Moorings

cause, suffer or permit any vessel to be moored in the waterways unless it is secured to a pontoon or otherwise secured within a marina berth;

4.4 **Notification of Ownership**

cause, suffer or permit a vessel to remain in the waterways for a period exceeding seven days without the owner of the vessel having first provided details of such vessel to the Council including the name, length, description, use and location of such vessel;

4.5 **Nuisances in Waterways**

4.5.1 cause, suffer or permit any nuisance or conduct likely to cause injury to health or risk to safety in the waterways;

4.5.2 cause, suffer or permit any of the following:

4.5.2.1 the creation of noise including, but not limited to, playing music and/or musical instruments, between 11.00pm and 7.00am on any day or;

4.5.2.2 the use of generators and/or compressors between 9.00pm and 6.00am on any day in any daylight saving period and between 8.00pm and 7.00am on any other day;

4.6 **Obstructions by Vessels**

cause, suffer or permit any vessel, or any part of any vessel, that is secured to a pontoon to obstruct the passage of vessels through the waterways;

4.7 **Safe Mooring**

cause, suffer or permit 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;

4.8 **Sunken Vessels**

cause, suffer, or permit any sunken vessel to remain in the waterways for a period exceeding three days;

4.9 **Vessel Control Generally**

tow any object or person in the waterways except for:

4.9.1 a disabled vessel; or

4.9.2 floating plant where such towing is necessary for marina maintenance and/or construction purposes;

4.10 **Vessel as Place of Residence**

reside or cause, suffer or permit any person to reside, on a vessel in the waterways for a period greater than seven days without the permission of the Council first being obtained.

Part 3 – Enforcement

5. Orders

- 5.1 If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this By-law, an authorised person may take action reasonably required to have the order carried out.
- 5.2 The Council may recover the costs associated with taking any action under Section 262(3) of the Act from the person who failed to comply with the Order as a debt.

Part 4 - Miscellaneous

6. Exemptions

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. Revocation

Council's *By-law No 7 – Port Vincent Marina*, published in the *Gazette* on 19 December 2013, 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 Yorke Peninsula Council held on the _____ day of _____ 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
 Mr Andrew Cameron
 Chief Executive Officer

Schedule 1 – Port Vincent Marina

