



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 29th day of JULY 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

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which Yorke Peninsula Council intends to make, being *Roads By-law 2020* and do certify that in my opinion:

- (a) the said Council has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999, Section 239(1)(b),
239(1)(c), 239(1)(d), 239(1)(e), 239(1)(f), 239(1)(g),
246(1), 246(2) and 246(3);

Local Government (General) Regulations 2013,
Regulation 28;

Acts Interpretation Act 1915, Section 39;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 26th day of June 2020.



Paul St Leger Kelly, Legal Practitioner