



**MUNICIPAL COUNCIL OF ROXBY DOWNS**

**ROADS BY-LAW 2016**

**By-law No. 6 of 2016**

A By-law to regulate certain activities on roads in the Council's area.

**CONTENTS**

|                                                |          |
|------------------------------------------------|----------|
| <b>PART 1 – PRELIMINARY .....</b>              | <b>2</b> |
| <b>1. Title.....</b>                           | <b>2</b> |
| <b>2. Authorising law .....</b>                | <b>2</b> |
| <b>3. Purpose.....</b>                         | <b>2</b> |
| <b>4. Expiry .....</b>                         | <b>2</b> |
| <b>5. Application .....</b>                    | <b>2</b> |
| <b>6. Interpretation .....</b>                 | <b>2</b> |
| <b>PART 2 – USE OF ROADS.....</b>              | <b>3</b> |
| <b>7. Activities requiring permission.....</b> | <b>3</b> |
| <b>PART 3 – ENFORCEMENT.....</b>               | <b>5</b> |
| <b>8. Directions.....</b>                      | <b>5</b> |
| <b>9. Orders.....</b>                          | <b>5</b> |
| <b>10. Removal of animals and objects.....</b> | <b>5</b> |
| <b>PART 4 – MISCELLANEOUS .....</b>            | <b>5</b> |
| <b>11. Exemptions .....</b>                    | <b>5</b> |
| <b>12. Liability of Vehicle Owners .....</b>   | <b>5</b> |

## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Roads By-law 2016* and is By-law No. 6 of the Municipal Council of Roxby Downs.

### 2. Authorising law

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

### 3. Purpose

The objectives of this By-law are to manage and regulate the prescribed uses of roads in the Council area:

- 3.1. to protect the convenience, comfort and safety of road users and members of the public;
- 3.2. to prevent damage to buildings and structures on roads;
- 3.3. to prevent certain nuisances occurring on roads; and
- 3.4. for the good rule and government of the Council area.

### 4. Expiry

- 4.1. This By-law will expire on 1 January 2024.

#### Note-

Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2016*.
- 5.2. Subject to clause 5.3, this By-law applies throughout the Council area.
- 5.3. Clauses 7.3.1 and 7.4.2 of this By-law only applies throughout the Council area except in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

### 6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal** includes birds, insects and poultry but does not include a dog or a cat;
- 6.3. **camp** includes:
  - 6.3.1 setting up a camp, tent or other structure of calico, canvas, plastic or other similar material on a road; or

- 6.3.2 subject to the *Road Traffic Act 1961*, causing a caravan or motor home to remain on a road overnight, whether or not any person is in attendance or sleeps on the road or intends to stay overnight;
- 6.4. **Council** means the Municipal Council of Roxby Downs;
- 6.5. **effective control** means a person exercising effective control of an animal either:
- 6.5.1 by means of a physical restraint; or
- 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.6. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.7. **Joint Venturers** has the same meaning as in the *Roxby Downs (Indenture Ratification) Act 1982*;
- 6.8. **road** has the same meaning as in the Act;
- 6.9. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

**PART 2 – USE OF ROADS****7. Activities requiring permission**

A person must not do any of the following activities on a road without the permission of the Council:

**7.1. Advertising**

Display or cause to be displayed any sign on a road or on a structure of fixture on a road for the purpose of advertising goods or services, other than a moveable sign which is displayed in accordance with the Council's Moveable Signs By-law.

**7.2. Amplification**

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting sound, or magnifying sound including the broadcasting of announcements or advertisements.

**7.3. Animals**

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a 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 provided the animal or animals are under effective control.

- 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4. *Camping and Tents*

- 7.4.1 Erect a tent or other structure of calico, canvas, plastic or other similar material.
- 7.4.2 Camp or sleep overnight except in an area the Council has, by resolution, designated for that purpose and in accordance with any conditions determined by the Council.

7.5. *Obstructions*

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.6. *Preaching*

Preach, harangue, solicit or canvass for religious or charitable purposes.

7.7. *Public Exhibitions and Displays*

- 7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.
- 7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.7.4 Cause any public exhibitions or displays.

7.8. *Soliciting*

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.9. *Vehicles*

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

**Note-**

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

## PART 3 – ENFORCEMENT

### 8. Directions

A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of an authorised person to leave that part of the road.

### 9. Orders

If a person does not 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, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

#### Note-

Section 262(1) of the Act states:

- (1) *If a person (**the offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
- (a) *if the conduct is still continuing – to stop the conduct; and*
  - (b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

### 10. Removal of animals and objects

An authorised person may remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

## PART 4 – MISCELLANEOUS

### 11. Exemptions

The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or 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 the operations of the Joint Venturers.

### 12. Liability of vehicle owners

12.1. For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed by resolution of the Acting Administrator of the Municipal Council of Roxby Downs on the 28 September 2016 in accordance with section 12 of the *Roxby Downs (Indenture Ratification) Act 1982* and section 246 of the Act.



Geoff Whitbread  
Acting Administrator