

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 45 Pirie 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 City of Tea Tree Gully intends to make, being *Roads By-law 2015* 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 1934, Section 667(1), paragraphs 3.LIV, 4.I and 9.XVI, and Section 791;

Local Government Act 1999, Section 239(1)(b), 239(1)(c), 239(1)(d), 239(1)(e), 239(1)(f), 239(1)(g), 240, 246(1) 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 24th day of July 2015


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Paul St Leger Kelly, Legal Practitioner



By-law made under the Local Government Act 1999

ROADS BY-LAW 2015

By-law No. 2 of 2015

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2015*.

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 **animal** includes birds and poultry but does not include a dog;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 3.3 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 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*;
- 3.6 **road** has the same meaning as in the *Local Government Act 1999*.

Part 2 – Management of Roads

4. Activities Requiring Permission

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

4.1 Advertising

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 2015*;

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 Camping

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

4.4.2 camp or sleep overnight;

4.4.3 camp or sleep overnight in a motorhome, except where a sign or signs erected by the Council indicate that camping on the road in such a vehicle is permitted;

4.5 Donations

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

4.6 Handbills on Vehicles

place on any vehicle, or cause to be placed on any vehicle (without the consent of the owner of the vehicle), any handbill, book, notice, leaflet, or other printed matter;

4.7 Posting of bills etc

post any bills, advertisements or other papers or items on a building or structure on a road;

4.8 Preaching

preach or harangue;

4.9 Public Exhibitions and Displays

- 4.9.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.9.2 conduct or hold any concert, festival, show, public gathering, street party, circus, performance or any other similar activity;
- 4.9.3 cause any public exhibitions or displays;

4.10 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

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

- 6.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
- 6.2 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.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 7.2 The restrictions in paragraph 4.6, 4.7, 4.8 and 4.9 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 on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

- 7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 7.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

8. Revocation

Council's *By-law No. 2 – Roads*, published in the *Gazette* on 21 August 2008, 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 Council of the City of Tea Tree Gully held on the 11th day of August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Mr John Moyle
Chief Executive Officer