



**ADELAIDE HILLS COUNCIL**

**ROADS BY-LAW 2011**

**By-law No. 4 of 2011**

This By-law is to regulate certain activities on roads in the Council area.

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**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2011* and is By-law No. 4 of the Adelaide Hills Council.

**2. Authorising law**

This By-law is made under sections 239 and 246 of the Act, regulation 13(1)(c) of the *Local Government (Implementation) Regulations 1999*, section 18A of the *Local Government (General) Regulations 1999* and sections 667(1), 4.1 and 9.XVI of the *Local Government Act 1934*.

**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. Commencement, revocation and expiry**

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:

4.1.1 By-Law No 4 - Roads

4.2. This By-law will expire on 1<sup>st</sup> January 2019.

**5. Application**

5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2011*.

5.2. This By-law applies throughout the Council area.

**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 setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.4. **Council** means Adelaide Hills Council;

- 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. **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*;
- 6.8. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

## 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. *Amplification*

Subject to clause 11, use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements.

#### 7.2. *Animals*

7.2.1 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.

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

#### 7.3. *Camping and Tents*

7.3.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.3.2 Camp or sleep overnight.

#### 7.4. *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 or footway, water-channel, or watercourse in a road.

#### 7.5. *Posting of Bills*

Subject to clause 11, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

7.6. *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.

7.7. *Soliciting for Religious or Charitable Purposes*

Ask for or receive or indicate a desire for a donation of money or any other thing, or otherwise solicit for religious or charitable purposes.

7.8. *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.

### **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 recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

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**

- 11.1. 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.
- 11.2. The restrictions in Clause 7.5 of this By-law does not apply to electoral matter authorised by a candidate and which is:
  - 11.2.1 related to a Commonwealth or State election and 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

- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and 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
  - 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 11.3. The restrictions in clauses 7.1 and 7.5 of this By-law do not apply to any form of lawful communication on government and political matters, and are not intended to restrict communication in relation to such matters.

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on the 23<sup>rd</sup> day of August 2011 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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PETER PEPPIN  
Chief Executive Officer