



By-law made under the Local Government Act 1999

ROADS BY-LAW 2012

By-law No. 3 of 2012

For the management, control and regulation of activities on roads vested in or under the control of the Council.

1. Definitions

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

- 1.1 **animal** includes birds, insects and poultry but does not include a dog or cat;
- 1.2 **authorised person** has the same meaning as in the *Local Government Act 1999*;
- 1.3 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 1.4 **emergency vehicle** has the same meaning as in the *Australian Road Rules* and the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*;
- 1.5 **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;
- 1.6 **road** has the same meaning as in the *Local Government Act 1999*.

2. **Activities Requiring Permission**

A person must not without permission on any road:

2.1 **Amplification**

use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements;

2.2 Animals

- 2.2.1 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;
- 2.2.2 lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person;

2.3 Camping and Tents

- 2.3.1 erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation;
- 2.3.2 camp or remain overnight, provided that this clause does not apply to a person where the person camps:
 - 2.3.2.1 in a caravan or motorhome; and
 - 2.3.2.2 within 200m of a sign displayed by the Council indicating that camping in a caravan or motorhome is permitted on that road;

2.4 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;

2.5 Posting of Bills

post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road;

2.6 Public Exhibitions and Displays

- 2.6.1 sing, busk, play a recording or use a music instrument, or perform similar activities;
- 2.6.2 conduct or hold a concert, festival, show, circus, performance or a similar activity;
- 2.6.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;
- 2.6.4 cause any public exhibitions or displays;

2.7 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;

2.8 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.

3. Removal of Animals and Directions to Persons

- 3.1 If any animal is found on part of a road in breach of a by-law any person in charge of the animal shall forthwith remove it from that part on the request of any authorised person.
- 3.2 An authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.
- 3.3 An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road. Failure to comply with that direction forthwith is a breach of this by-law.
- 3.4 If a person fails to comply with an order of an authorised person made pursuant to section 262 of the *Local Government Act 1999* in respect of a breach of this by-law, the Council may recover its costs and expenses of any action taken under Section 262(3) of the *Local Government Act 1999* from the person to whom the order was directed.

4. Exemptions

- 4.1 The restrictions in this by-law do not apply to any Police Officer, 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 an emergency worker when driving an emergency vehicle while driving that vehicle in relation to an emergency situation as defined in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999* and the *Australian Road Rules*.
- 4.2 The restrictions in clauses 2.5 and 2.6 of this by-law do not apply to electoral matter authorised by a candidate and which is:
 - 4.2.1 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
 - 4.2.2 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
 - 4.2.3 related to, and occurs during the course of and for the purpose of a referendum.

5. Applications of Paragraphs

Paragraph 2.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

The foregoing by-law was duly made and passed at a meeting of the Wattle Range Council held on the 10th day of JULY 2012 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 F.N. (Frank) Brennan
Chief Executive Officer