

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William Street, Adelaide, South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

By-law No 2 – Roads

A by-law to regulate or prohibit certain activities on roads in the Council area

and do certify that in my opinion the Corporation of the City of Unley has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1934, sections 667(1).3.LIV, 667(1).4.I, 667(1).5.VII, 667(1).7.II and 667(1).9.XVI;

Local Government Act 1999, sections 144, 239(1)(a), 239(1)(b), 239(1)(c), 239(1)(d), 239(1)(e), 239(1)(f), 239(1)(g), 240, 246(1)(a), 246(1)(b), 246(3)(c), 246(3)(e), 246(3)(f) and 262;

Local Government (General) Regulations 2013, regulation 28;

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 23rd day of July 2015



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Carolyn Jane Hillman Vigar, Legal Practitioner

CORPORATION OF THE CITY OF UNLEY

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 2 - Roads

A by-law to regulate or prohibit certain activities on roads in the Council area.

PART 1 – PRELIMINARY

1. Title

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

2. Objectives

The objectives of this by-law are to regulate the use of roads in the Council area for the:

- 2.1 protection, convenience, comfort and safety of road users and members of the public;
- 2.2 prevention of damage to buildings and structures on roads;

- 2.3 prevention of specified nuisances occurring on roads; and
- 2.4 for the good rule and government of the Council area.

3. Commencement

This by-law comes into operation on 1 January 2016.

4. Application

- 4.1 This by-law operates subject to the Council's *Permits and Penalties By-law 2015*.
- 4.2 This by-law applies throughout the Council area.
- 4.3 Clauses 6.1, 6.5 and 6.7 of this by-law do not apply to electoral matters authorised by a candidate and which is:
 - 4.3.1 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
 - 4.3.2 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
 - 4.3.3 related to and occurs during the course of and for the purpose of a referendum.
- 4.4 This by-law does not apply to a police officer, emergency worker, 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.

5. Interpretation

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

- 5.1 **Act** means the *Local Government Act 1999*;
- 5.2 **animal** includes birds and insects but does not include a dog;
- 5.3 **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 road;
- 5.4 **Council** means the Corporation of the City of Unley;
- 5.5 **effective control** means a person exercising effective control of an animal either:
 - 5.5.1 by means of a physical restraint; or
 - 5.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

- 5.6 **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 a person within its immediate vicinity;
- 5.7 **emergency worker** is a person identified in regulation 54 of the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*; and
- 5.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2 – USE OF ROADS

6. Activities requiring permission

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

6.1 Advertising

Display any sign other than a moveable sign which is displayed in accordance with the Council's *Moveable Signs By-Law 2015*.

6.2 Amplification

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

6.3 Animals

6.3.1 Cause or allow an animal to stray onto, move over, graze or be unattended on a road.

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

6.4 Camping and tents

6.4.1 Erect a tent or other structure for the purposes of camping.

6.4.2 Camp or sleep overnight.

6.5 Canvassing and preaching

Preach to, harangue, solicit or canvass any advertising of a religious or other message to any bystander, passer-by or other person.

6.6 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.

6.7 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.

6.8 Public exhibitions and displays

- 6.8.1 Sing, busk, play a recording or use a musical instrument or perform similar activities.
- 6.8.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.
- 6.8.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 6.8.4 Cause any public exhibitions or displays.

6.9 Soliciting

Ask for or otherwise indicate a desire for a donation of money or any other thing.

6.10 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


7. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council may recover those expenses as a debt from the person who failed to comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

8. 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 possession or control, or apparently in possession or control, of the animal or object.

This by-law was duly made and passed at a meeting of the Corporation of the City of Unley held on 27 July 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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Peter Tsokas
Chief Executive Officer