

# CITY OF HOLDFAST BAY

*By-law made under the Local Government Act 1999*

## **By-Law No 4 - Roads**

*For the management, control and regulation of activities on roads in the Council's area.*

### **1. Definitions**

In this by-law:

- 1.1 'authorised person' has the same meaning as in the Local Government Act 1999;
- 1.2 'electoral matter' has the same meaning as in the Electoral Act 1995;
- 1.3 'moveable sign' has the same meaning as in the Local Government Act 1999; and
- 1.4 'road' has the same meaning as in the Local Government Act 1999.

### **2. Activities Requiring Permission**

No person shall without permission on any road:

#### **2.1 Advertising**

display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a road in accordance with the Council's moveable signs by-law;

#### **2.2 Amplification**

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

#### **2.3 Animals**

allow any horse, cattle, sheep or other livestock to stray onto, graze, wander or be left unattended on any road to which the Council has, by resolution, determined this subparagraph shall apply;

#### **2.4 Camping**

- 2.4.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 2.4.2 camp or remain overnight;

## 2.5 Donations

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

## 2.6 Exhibition or Display

2.6.1 sing, busk or play any recording or musical instrument;

2.6.2 conduct or hold any concert, festival, show, public gathering, circus, meeting performance or any other similar activity;

2.6.3 cause any public exhibitions or displays;

## 2.7 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 any road except for:

2.7.1 any electoral matter posted on a building or structure by or with the authority of a candidate which is related to a Commonwealth or State election and is posted 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

2.7.2 any electoral matter posted on a building or structure by or with the authority of a candidate which is related to an election held under the Local Government Act 1999 or the Local Government (Elections) Act 1999 and is posted during the period commencing four (4) 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

2.7.3 any matter posted during the course of and for the purposes of a Referendum;

## 2.8 Repairs to Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown.

## 3. Directions

Any person on a road must comply with any reasonable direction or request from an authorised person relating to:

3.1 that person's use of the road;

3.2 that person's conduct and behaviour on the road;

3.3 that person's safety on the road;

3.4 the safety of other persons on the road;

3.5 the enjoyment of the road by other persons; and

3.6 the possible damage to lawn, grass, trees, shrubs, buildings, structures or objects on the road.

**4. Removal of Animals and Directions to Persons**

4.1 If any animal is found on a road in breach of a by-law any person in charge of the animal shall remove it on the request of an authorised person.

4.2 An authorised person may:

4.2.1 remove the animal if a person fails to comply with the request, or if no person is in charge of the animal;

4.2.2 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, and failure to comply with that direction forthwith is a breach of this by-law; and

4.2.3 direct any person who is considered to be committing or has committed a breach of this by-law to cease that action and to take specified action to remedy the breach.

**5. Exemptions**

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 1999.

**6. Application of Paragraphs**

Sub-paragraph 2.3 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 City of Holdfast Bay held on the 14<sup>th</sup> day of February 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.

Mr Justin Lynch  
Chief Executive Officer