



RURAL CITY OF MURRAY BRIDGE

ROADS BY-LAW 2016

By-law No. 3 of 2016

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

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Roads By-law 2016*.

2. Objectives

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

- 2.1 to protect the convenience, comfort and safety of road users and members of the public;
- 2.2 to prevent damage to buildings and structures on roads;
- 2.3 to prevent certain nuisances occurring on roads; and
- 2.4 for the good rule and government of the Council area.

3. Commencement

- 3.1 The Council's *Roads By-law 2010* is revoked from the day on which this by-law comes into operation.
- 3.2 This by-law comes into operation on 1 July 2017.

4. Application

- 4.1 The Council's *Permits and Penalties By-law 2016* operates in respect of:
 - 4.1.1 permissions required by or given under this by-law; and
 - 4.1.2 penalties for breach of this by-law.
- 4.2 Subject to clause 4.3 and 4.4, this by-law applies throughout the Council area.
- 4.3 This by-law does 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.

4.4 Clause 6.6 of this by-law does not apply to electoral matter authorised by a candidate and which is related to:

4.4.1 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

4.4.2 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

4.4.3 occurs during the course of and for the purpose of a referendum or poll.

5. Interpretation

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

5.1.1 **Act** means the *Local Government Act 1999*;

5.1.2 **animal** includes birds, insects and poultry but does not include a dog;

5.1.3 **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;

5.1.4 **Council** means the Rural City of Murray Bridge;

5.1.5 **effective control** means a person exercising effective control of an animal either:

(a) by means of a physical restraint; or

(b) by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

5.1.6 **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;

5.1.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*; and

5.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

PART 2 – USE OF ROADS

6. Activities requiring permission

No person shall without the permission of the Council on any road:

6.1 Amplification

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

6.2 Animals

6.2.1 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.

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

6.3 Camping and tents

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

6.3.2 Camp or sleep overnight.

6.4 Donations

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.

6.5 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.

6.6 Posting of bills

Subject to the *Local Nuisance and Litter Control Act 2016*, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

6.7 Preaching

Preach, harangue or solicit for religious purposes.

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 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

If a person breaches this by-law and does not comply with an order made against them by an authorised person pursuant to section 262(1) of the Act, the Council may recover expenses incurred in carrying out the order under section 262(3) of the Act from the person who failed to comply with the order as a debt 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 charge, or apparently in charge, of the animal or object.

This by-law was duly made and passed at a meeting of the Council held on 12 December 2016 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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Michael Sedgman
Chief Executive Officer