



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999

ROADS BY-LAW 2018

By-law No. 4 of 2018

For the management of roads vested in or under the control of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **Authorised Person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **Electoral Matter** has the same meaning as in the *Electoral Act 1985*;
- 3.3 **Emergency Vehicle** has the same meaning as in the *Australian Road Rules* and the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.4 **Livestock** has the same meaning as in the *Livestock Act 1997*;
- 3.5 **Model Aircraft** includes a drone;
- 3.6 **Road** has the same meaning as in the *Local Government Act 1999*;
- 3.7 **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*;
- 3.8 **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not without permission on any Road:

4.1 Advertising

4.1.1 display any sign other than a Moveable Sign which is displayed on a Road in accordance with the Council's *Moveable Signs By-law 2018*;

4.1.2 place or maintain any goods on the Road or park or stand a Vehicle on the Road for the purpose of:

4.1.2.1 soliciting any business from any person; or

4.1.2.2 offering or exposing goods or services for sale

provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a Road.

4.2 Amplification

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

4.3 Bicycles

chain, lock or affix a bicycle to any pole, fence or other structure on a Road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose;

4.4 Bridge Jumping

jump or dive from any bridge or other structure;

4.5 Distribute

give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person except any hand bill, book, notice, leaflet or other printed matter:

4.5.1 that is related to a Commonwealth or State election and is placed, given out or distributed during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

4.5.2 that is related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is placed, given out or distributed 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

4.5.3 that is related to and placed, given out or distributed during the course of and for the purpose of a Referendum;

4.6 Donations

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

4.7 Fires and Fireworks

4.7.1 subject to the *Fire and Emergency Services Act 2005*, light any fire except in a place provided by the Council for that purpose;

4.7.2 use, discharge or explode any fireworks;

4.8 Hatches

leave any hatch connected with adjacent premises unattended when open;

4.9 Livestock

lead or drive any Livestock on any Road except in those areas that the Council has by resolution designated for that purpose;

4.10 Model Aircraft and Cars

fly or operate a Model Aircraft or model/remote control car on any Road to which the Council has resolved this subparagraph applies;

4.11 Preaching and Canvassing

preach, canvass, harangue or otherwise solicit for religious purposes except on any Road or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.12 Public Exhibitions and Displays

4.12.1 sing, busk or play any recording or use any musical instrument;

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

4.12.3 cause any public exhibitions or displays, except on any Road or part thereof where the Council has, by resolution, determined this restriction shall not apply;

4.13 Repairs to Vehicles

perform the work of repairing, washing, painting, panelbeating 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;

4.14 Rubbish

remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging etc) that has been discarded in a Council bin;

4.15 Tents and Camping

4.15.1 camp or remain overnight whether in the open, a building, a vehicle or otherwise;

4.15.2 erect any tent or other structure;

4.16 Touting for Business

tout for business;

4.17 Use of Council Rubbish Bins

deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;

4.18 Venue Management

allow patrons or potential patrons of a venue under their management or control to queue outside the venue;

4.19 Wheeled Recreational Devices

use a Wheeled Recreational Device on a footpath.

5. Prohibited Activities

A person must not on a Road;

5.1 Birds

feed any bird;

5.2 Climbing

climb on or over any fixture, fitting, plant, object or building;

5.3 Damaging or Defacing Property

attach any object to any tree, gate, fence or other fixture;

5.4 Glass

wilfully break any glass, china or other brittle material;

5.5 Interference with Permitted Use

interrupt, disrupt or interfere with any other person's use of the Road which is permitted or for which Permission has been granted;

5.6 Toilets

in any public convenience:

- 5.6.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 5.6.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.6.3 use it for a purpose for which it was not designed or constructed;
- 5.6.4 obstruct any cubicle, walkway or public area;
- 5.6.5 enter any toilet that is set aside for use of the opposite gender except:
 - 5.6.5.1 if the person is under the age of eight years accompanying an adult; or
 - 5.6.5.2 to provide assistance to a disabled person; or
 - 5.6.5.3 in the case of a genuine emergency.

Part 3 – Miscellaneous

6. Directions

A person must comply with any reasonable direction or request from an Authorised Person relating to:

- 6.1 that person's use of the Road;
- 6.2 that person's conduct and behaviour on the Road;
- 6.3 that person's safety on the Road;
- 6.4 the safety and enjoyment of the Road by other persons.

7. Removal of Animals and Persons

- 7.1 If any animal is found on any part of a Road in breach of a by-law:
 - 7.1.1 any person in charge of the animal must immediately remove it from that part of the Road on the request of an Authorised Person; and
 - 7.1.2 an Authorised Person of the Council may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.
- 7.2 A person who 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.
- 7.3 Any Authorised Person may remove any person from a Road who is found committing a breach of a by-law, but must not use force in doing so.

8. Removal of Objects

If any goods, materials, object or substance has been left on a Road in breach of this by-law an authorised person or her or his agent may remove the item and dispose of it in a manner that authorised person thinks fit and may recover the costs of so doing from the person responsible as a debt.

9. 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 in an emergency situation.

10. Application of Paragraph

Subparagraph 4.10 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*.

11. Revocation

Council's *By-law No. 4 – Roads*, published in the *Gazette* on 9 June 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Corporation of the City of Adelaide held on *14 August* 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.


Beth Davidson-Park
Acting Chief Executive Officer