

**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 in the State of 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 3 – Roads 2016**

*A by-law to regulate or prohibit certain activities on roads in the council area of the Corporation of the City of Campbelltown*

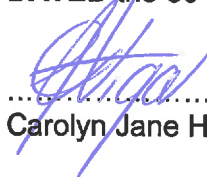
and do certify that in my opinion the Corporation of the City of Campbelltown has power to make the by-law by virtue of the following statutory provisions:

*Local Government Act 1999, Sections 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(2), 246(3)(c), 246(3)(e) and 246(3)(f)*

*Local Government (General) Regulations 2013, Regulation 28,*

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

**DATED** the 30<sup>th</sup> day of May 2016



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Carolyn Jane Hillman Vigar, Legal Practitioner

**THE CORPORATION OF THE CITY OF CAMPBELLTOWN**  
**BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999**



**By-law No. 3 – 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 2016*.

**2. Objectives**

The objectives of this by-law are to manage 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 good rule and government of the Council area.

**3. Commencement**

This by-law comes into operation on 1 January 2017.

**4. Application**

- 4.1 Subject to clauses 4.2 and 4.3, this by-law applies throughout the Council area.
- 4.2 Clauses 6.1 and 6.8 do not apply to electoral matter authorised by a candidate and which is related to:
  - 4.2.1 a Commonwealth or State election and 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;
  - 4.2.2 an election held under the Act or the *Local Government (Elections) Act 1999* and posted 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 occurs during the course of and for the purpose of a referendum or poll.
- 4.3 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.
- 4.4 The *Permits and Penalties By-law 2016* operates in respect of:
  - 4.4.1 permissions required by or given under this by-law; and
  - 4.4.2 penalties for breach of this by-law.

## 5. Definitions

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

- 5.1 **Act** means the *Local Government Act 1999*;
- 5.2 **animal** refers to all animals (including birds and insects), except dogs;
- 5.3 **authorised person** has the same meaning as in the Act;
- 5.4 **camp** includes setting up a camp, erecting any tent or other structure of calico, canvas, plastic or similar material, 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;
- 5.5 **Council** means the Corporation of the City of Campbelltown;
- 5.6 **effective control** means a person exercising control of an animal either by:
  - 5.6.1 means of a physical restraint; or
  - 5.6.2 command where the animal is in close proximity to, and is able to be seen by, the person;
- 5.7 **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 any person within its immediate vicinity;
- 5.8 **emergency worker** is a person identified in regulation 54 of the *Road Traffic (Road Rules — Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 5.9 **poll** means a poll undertaken by the Council under the *Local Government (Elections) Act 1999*;
- 5.10 **road** has the same meaning as in the Act.

## PART 2 – USE OF ROADS

### 6. Activities requiring permission

No person shall, without Council permission, on any road:

**6.1 Advertising**

Display any sign other than a moveable sign which is displayed in accordance with the Council's *Moveable Signs By-law 2016*.

**6.2 Amplification**

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

**6.3 Animals on roads**

6.3.1 Cause or allow any animal to stray onto, move over, graze or be left unattended on the road.

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

**6.4 Bins**

Allow a bin provided by the Council for the collection and disposal of putrescible or organic waste or recyclables from a property to remain on a footpath or road for more than 48 hours after the designated collection day for the bin.

**6.5 Camping**

Camp or remain overnight.

**6.6 Donations**

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

**6.7 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 the road, a water-channel, or watercourse in, on or under the road.

**6.8 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 the road.

**6.9 Preaching and canvassing**

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

**6.10 Public exhibitions and displays**

Cause any public exhibition or display to occur, including:

- 6.10.1 sing, busk, play a recording or use a musical instrument or perform similar activities;
- 6.10.2 conduct or hold a concert, festival, show, circus, performance or a similar activity; and
- 6.10.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

**6.11 Vehicles**

Perform the work of repairing, washing, painting, panel-beating or other work of a similar nature on or to any vehicle, except for repairs in the case of breakdown.

**7. Prohibited activity**

No person shall on any road place or put on any vehicle any handbill, advertisement, notice or printed matter, unless authorised to do so by law.

**PART 3 – ENFORCEMENT**

**8. Removal of animals and persons**

- 8.1 If any animal is found on any part of a road in breach of a by-law:
  - 8.1.1 any person having control, charge, possession or authority over the animal must immediately remove it from that part of the road on the request of an authorised person; and
  - 8.1.2 an authorised person of the Council may remove the animal if a person fails to comply with the request or if no person appears to have control, charge, possession or authority over the animal.
- 8.2 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.
- 8.3 An 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.

**9. Recovery of expenses**

Where a person breaches this by-law and does not comply with an order made against them by Council pursuant to section 262(1) of the Act, the Council is able to recover from the person the expenses incurred in carrying out the order pursuant to section 262(3) of the Act as a debt by an action in a court of competent jurisdiction.

This by-law was duly made and passed at a meeting of the Corporation of the City of Campbelltown on 7 June 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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Paul Di Iulio  
Chief Executive Officer