



By-law made under the Local Government Act 1999

ROADS BY-LAW 2022

By-law No. 4 of 2022

For the management of public roads.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2022*.

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, unless the contrary intention appears:

- 3.1 **adjacent land** has the same meaning as in the *Australian Road Rules*;
- 3.2 **animal** includes birds and poultry but does not include a dog;
- 3.3 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 3.4 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.5 **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 any person within its immediate vicinity;
- 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not on any road, without the permission of the Council:

4.1 Advertising

display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2022*;

4.2 Amplification

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

4.3 Animals

4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road;

4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

4.4 Bridge Jumping

jump from or dive from a bridge;

4.5 Camping

4.5.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.5.2 camp or sleep overnight;

4.5.3 camp or sleep overnight in a motorhome, except where a sign or signs erected by the Council indicate that camping on the road in such a vehicle is permitted;

4.6 Donations

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

4.7 Driving on Formed Surface

drive a motor vehicle other than on a portion of the road that has been formed or otherwise set aside by the Council for the driving of motor vehicles, unless it is not reasonably practical to do so;

4.8 Fishing

fish from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply;

4.9 Preaching

preach or harangue;

4.10 Public Exhibitions and Displays

- 4.10.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.10.2 conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or any other similar activity;
- 4.10.3 cause any public exhibitions or displays;

4.11 Working on vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

5. Prohibited Activities

A person who owns or is in charge of any horse or cattle must, if the horse or cattle defecates on a road, immediately remove the faeces and dispose of them in a lawful and suitable manner.

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

If any animal is found on a road in breach of this by-law:

- 7.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
- 7.2 any authorised person may remove any animal from the road if the person fails to comply with the request, or if no person is in charge of the animal.

8. Exemptions

- 8.1 The restrictions in this by-law do not apply to any Police Officer, 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 and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.

- 8.2 The restrictions in paragraph 4.9 and 4.10 of this by-law do not apply to:
- 8.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs 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
 - 8.2.2 matters which relate to, and occur during the course of and for the purpose of a referendum.
- 8.3 Paragraph 4.7 of this by-law does not apply to a motor vehicle being driven to or from adjacent land by the shortest practical route.

9. **Revocation**

Council's *Roads By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Council of the City of Prospect held on the 23rd day of August 2022 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 Chris White
Chief Executive Officer