



**CORPORATION OF THE CITY OF ADELAIDE**

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

**PERMITS AND PENALTIES BY-LAW 2018**

**By-law No. 1 – of 2018**

To provide for a permit system, set penalties for breaches of by-laws, provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of Council's by-laws and for related purposes.

**Part 1 – Preliminary**

**1. Short Title**

This by-law may be cited as the *Permits and Penalties 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**

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

3.1.1 **person** includes a natural person, a body corporate, an incorporated association and an unincorporated association;

3.1.2 **the Council** means the Corporation of the City of Adelaide;

3.1.3 **permission** means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates.

3.2 In this by-law:

3.2.1 **Approved Form** means the form approved from time to time by the Chief Executive Officer of the Council;

3.2.2 **Authorised Person** has the same meaning as in the *Local Government Act 1999*;

3.2.3 **Drive** and **Driver** have the same meaning as in the *Road Traffic Act 1961*;

3.2.4 **Food Business** has the same meaning as in the *Food Act 2001*;

- 3.2.5 **Local Government Land** has the same meaning as in the Council's *By-law No. 3 – Local Government Land*;
- 3.2.6 **Owner** has the same meaning as in the *Road Traffic Act 1961*;
- 3.2.7 **Premises** has the same meaning as in the *Food Act 2001*;
- 3.2.8 **Prescribed Offence** means an offence against a by-law of the Council relating to the Driving, parking or standing of vehicles;
- 3.2.9 **Proprietor** has the same meaning as in the *Food Act 2001*;
- 3.2.10 **Road** has the same meaning as in the *Local Government Act 1999*;
- 3.2.11 **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999*.

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## Part 2 – Permits

### 4. Council May Grant Permits

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If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 4.1 The permit must be in writing.
- 4.2 The Council may,
  - 4.2.1 attach conditions to the permit;
  - 4.2.2 change or revoke a condition, by notice in writing; or
  - 4.2.3 add new conditions, by notice in writing.
- 4.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.
- 4.4 The Council may revoke a permit, by notice in writing, if:
  - 4.4.1 the holder of the permit fails to comply with a condition attached to it; or
  - 4.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 4.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.
- 4.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 4.2 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions (including time limits, renewal and transfer requirements) to a grant of permission as it thinks fit, and may vary or

~~revoke such conditions or impose new conditions by notice in writing to the permit holder.~~

~~4.3. Any permit holder shall comply with every such condition.~~

~~4.4. The Council, or such other person as the Council may by resolution authorise for that purpose, may suspend or revoke such grant of permission at any time by notice in writing to the permit holder.~~

### Part 3 – Enforcement

#### 5. Offences and Penalties

5.1 ~~Any person who contravenes, or fails to comply with~~ ~~commits a breach of any by-law of the Council shall be~~ ~~guilty of an offence and shall be~~ ~~liable to a maximum penalty being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed~~ ~~for offences against a by-law for any breach of a by-law.~~

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5.2 ~~A person who is found guilty of an offence against any by-law of the Council in respect of a continuing act or omission is liable~~ ~~Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other~~ ~~penalty that may be imposed~~ ~~otherwise applicable, shall be liable to a further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the *Local Government Act 1999* which may be prescribed~~ ~~fixed by by-law for offences of a continuing nature against a by-law.~~

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#### 6. Liability of Vehicles Owners and Expiation of Certain Offences

6.1 Without derogating from the liability of any other person, but subject to this clause, if a Vehicle is involved in a Prescribed Offence, the Owner of the Vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this clause.

6.2 The Owner and Driver of a Vehicle are not both liable through the operation of this clause to be convicted of an offence arising out of the same circumstances, and consequently conviction of the Owner exonerates the Driver and conversely conviction of the Driver exonerates the Owner.

6.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the Owner of a Vehicle for an alleged Prescribed Offence involving the Vehicle must be accompanied by a notice inviting the Owner, if he or she was not the Driver at the time of the alleged Prescribed Offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:

6.3.1 setting out the name and address of the Driver; or

6.3.2 if he or she had transferred Ownership of the Vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).

- 6.4 Before proceedings are commenced against the Owner of a Vehicle for an offence against this section involving the Vehicle, the complainant must send the Owner a notice:
- 6.4.1 setting out particulars of the alleged Prescribed Offence; and
  - 6.4.2 inviting the Owner, if he or she was not the Driver at the time of the alleged Prescribed Offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in clause 6.3.
- 6.5 Clause 6.4 does not apply to:
- 6.5.1 proceedings commenced where an Owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
  - 6.5.2 proceedings commenced against an Owner of a Vehicle who has been named in a statutory declaration under this section as the Driver of the Vehicle.
- 6.6 Subject to clause 6.7, in proceedings against the Owner of a Vehicle for an offence against this clause, it is a defence to prove:
- 6.6.1 that, in consequence of some unlawful act, the Vehicle was not in the possession or control of the Owner at the time of the alleged Prescribed Offence; or
  - 6.6.2 that the Owner provided the complainant with a statutory declaration in accordance with an invitation under this clause.
- 6.7 The defence in clause 6.6.2 does not apply if it is proved that the Owner made the declaration knowing it to be false in a material particular.
- 6.8 If:
- 6.8.1 an expiation notice is given to a person named as the alleged Driver in a statutory declaration under this clause; or
  - 6.8.2 proceedings are commenced against a person named as the alleged Driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged Driver.
- 6.9 The particulars of the statutory declaration provided to the person named as the alleged Driver must not include the address of the person who provided the statutory declaration.

#### **Part 4 – Food Business Notification**

##### **7. Food Business Notification Confirmation**

- 7.1 Upon receipt and processing of a written notice received from the Proprietor of a Food Business in accordance with Section 86 of the *Food Act 2001* the

Council will issue the Proprietor with a food business notification confirmation, in the Approved Form, evidencing that the Proprietor has complied with their obligations pursuant to Section 86 of the *Food Act 2001*.

- 7.2 The Proprietor of a Food Business must, at all times, keep a copy of the food business notification confirmation issued to them by the Council displayed in a prominent position on the Premises of the Food Business that is clearly visible from the outside of the Premises to potential customers, members of the public and passers-by.

## Part 5 – Miscellaneous

### 8. Evidence

In proceedings for a Prescribed Offence, an allegation in an ~~information/complaint~~ that:

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- 8.1 a specified place was a Road or Local Government Land; or
- 8.2 a specified Vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified Vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not set aside by the Council for the purposes of the Driving, parking or standing of vehicles; or
- 8.5 a specified person was an Authorised Person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 4 of this by-law; or
- 8.7 a specified person was the Owner or Driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 6 of this by-law for the Prescribed Offence to which the declaration relates was the Driver of the Vehicle at the time at which the alleged offence was committed; or
- 8.9 an Owner or Driver of a Vehicle for a Prescribed Offence was given notice under paragraph 6 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

### 9. Construction

Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

### 10. Revocation

Council's *By-law No. 1 – Permits and Penalties*, 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



**CORPORATION OF THE CITY OF ADELAIDE**

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

**MOVEABLE SIGNS BY-LAW 2018**

**By-law No. 2 of 2018**

To protect visual amenity and public safety on roads by setting standards for moveable signs and providing conditions for the design, construction and placement of such signs in a manner which recognises the advertising needs of businesses to maximise economic viability.

**Part 1 – Preliminary**

**1. Short Title**

This by-law may be cited as the *Moveable Signs 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 **Boundary** means that line between private property and the Road or Road Related Area;
- 3.3 **Business** means the business or organisation to which a Moveable Sign relates;
- 3.4 **Business Premises** means the premises from which a business, trade or calling is conducted;
- 3.5 **Ceremonial Street** means any Road declared as such by the Council;
- 3.6 **Footpath Area** means:
  - 3.6.1 that part of the Road between the boundary of the Road and the edge of the carriageway of the Road on the same side as that boundary; or
  - 3.6.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of Vehicles;

- 3.7 **Local Government Land** means land owned by the Council or under the Council's care, control and management;
- 3.8 **Moveable Sign** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **Road** has the same meaning as in the *Local Government Act 1999* and includes a footpath;
- 3.10 **Road Related Area** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999*;
- 3.11 **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999*.

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## Part 2 – Provisions Applicable to Moveable Signs

### 4. Design and Construction

A Moveable Sign must:

- 4.1 be of a kind known as an 'A' frame sign, a Sandwich Board sign, an inverted 'T' sign or, with the permission of the Council, a sign of some other kind;
- 4.2 be designed, constructed and maintained in good quality and condition so as not to present a hazard to any member of the public;
- 4.3 be of strong construction so as to be stable when in position and be able to keep its position in adverse weather conditions;
- 4.4 not contain sharp or jagged edges or corners;
- 4.5 not be unsightly or offensive in appearance or content;
- 4.6 not rotate or contain moving parts;
- 4.7 not contain flashing lights or be illuminated internally;
- 4.8 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.9 not have balloons, flags, streamers or other material attached to it;
- 4.10 not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- 4.11 in the case of an 'A' Frame or Sandwich Board sign:
- 4.11.1 be hinged or joined at the top; and
- 4.11.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
- 4.12 in the case of an inverted 'T' sign, contain no struts or supports that run between the display area and the base of the sign.



**5. Appearance**

A Moveable Sign must, in the opinion of an Authorised Person:

- 5.1 be painted or otherwise detailed in a competent and professional manner;
- 5.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 5.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the moveable sign, and which relate well to the townscape and overall amenity of the locality in which it is situated;
- 5.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated; and
- 5.5 not detract from or conflict with traffic, safety or direction signs or signals.

**6. Placement**

A Moveable Sign must:

- 6.1 only be placed on the Footpath Area of a Road;
- 6.2 be adjacent to the Business Premises to which it relates;
- 6.3 be placed no closer than 600 mm from the edge of the carriageway of a Road;
- 6.4 not be placed on a Footpath Area less than 1.8 m from any structure, object, tree, bush or plant (including another Moveable Sign);
- 6.5 not be fixed, tied, chained to or leaned against any other structure, object, tree, bush or plant (including another Moveable Sign);
- 6.6 not be placed on the sealed part of any Footpath Area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of a width of at least 1.8 m;
- 6.7 not be placed on a Footpath Area unless the Footpath Area is at least 3 m wide;
- 6.8 not be placed within 1.8 m of the corner of a Road;
- 6.9 not be placed on a landscaped area;
- 6.10 not be placed on a designated parking area or within 1.8 m of an entrance to or exit from premises;
- 6.11 not be placed within 1.8 m of an intersection;
- 6.12 not unreasonably restrict the use of the Footpath Area or endanger the safety of members of the public;

- 6.13 not be placed so as to interfere with the reasonable movement of persons using the Footpath Area in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
- 6.14 not be placed on any Footpath Area adjacent to a Road which contains a designated bus, taxi, disabled or loading zone;
- 6.15 not be placed within 1.8 m of a construction site;
- 6.16 not be placed on a Ceremonial Street; and
- 6.17 not be placed so as to obstruct or impede a Vehicle door when opened, provided that the Vehicle is parked lawfully on the carriageway.

## 7. Restrictions

### 7.1 A Moveable Sign must:

- 7.1.1 only display material which advertises a Business being conducted on premises which is immediately adjacent to the Moveable Sign, or the products available from that Business;
  - 7.1.2 be limited to one Moveable Sign per Business Premises;
  - 7.1.3 only be displayed when the Business to which the Moveable Sign relates is open to the public;
  - 7.1.4 be securely fixed in position such that it cannot be blown over or swept away in adverse weather conditions;
  - 7.1.5 not be in such a position or in such circumstances that the safety of any person or user of the Road is at risk;
  - 7.1.6 not be displayed during the hours of darkness unless it is in a clearly lit area and clearly visible; and
  - 7.1.7 not be displayed on a median strip, traffic island or on the carriageway of a Road.
- 7.2 If in the opinion of the Council a Footpath Area or other area forming the boundary of any Road is unsafe for any Moveable Sign to be displayed or placed the Council may by resolution prohibit or restrict the display or placement of a Moveable Sign or the times at which a Moveable Sign may be displayed or placed in that area.

## 8. Signs on Local Government Land

A person must not, without permission, display or cause to be displayed a Moveable Sign on any Local Government Land or rest on or attach to any Vehicle on any Local Government Land any Moveable Sign, except a Moveable Sign:

- 8.1 attached to a licensed taxi or bus;

- 8.2 on or attached to a Vehicle belonging to any council and which has been placed on or attached to the Vehicle with the consent of the council to which the Vehicle belongs;
- 8.3 on or attached to a Vehicle which only has a sign or signs painted on or glued to it, the main purpose of which is to identify it as belonging to a Business; or
- 8.4 comprising a sunscreen on a Vehicle, where any message or trade name or mark on the sunscreen does not advertise a Business being carried on in the vicinity of the place the Vehicle is parked, or the products available from that Business.

## 9. Exemptions

- 9.1 Subparagraphs 7.1 and 7.2 of this by-law do not apply to a Moveable Sign which is displayed and used to advertise a garage sale taking place from residential premises provided that no more than four Moveable Signs per residential premises may be displayed at any one time in relation to a garage sale taking place at that residential premises.
- 9.2 A requirement of this by-law will not apply where permission has been granted for the Moveable Sign to be displayed contrary to the requirement.
- 9.3 This by-law will not apply to a Moveable Sign which is:
  - 9.3.1 placed on a Road pursuant to an authorisation under the *Local Government Act 1999*, or another Act; or
  - 9.3.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
  - 9.3.3 related to a State or Commonwealth election and is displayed during the period commencing ~~at 5.00pm on the day before~~ on the issue of writ or writs for the election and ending at the close of polls on polling day; or
  - 9.3.4 related to an election held under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is displayed 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;
  - 9.3.5 ~~related to a referendum and is displayed during the course and for the purpose of that referendum.~~

Commented [SH3]: For consistency with Local Govt Act 1999 and By-Laws

Commented [SH4]: For consistency with Local Govt Act 1999 and By-Laws

## Part 3 – Enforcement

### 10. Removal of Non-complying Moveable Signs

- 10.1 If:
  - 10.1.1 the design or construction of a Moveable Sign that has been placed on a Road does not comply with a requirement of this by-law; or

- 10.1.2 the positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- 10.1.3 any other relevant requirement of this by-law is not complied with; or
- 10.1.4 the sign unreasonably:
  - 10.1.4.1 restricts the use of the Road; or
  - 10.1.4.2 endangers the safety of members of the public, an Authorised Person may order the owner of the Moveable Sign to remove it from the Road.

an Authorised Person may order the owner of the Moveable Sign to remove it from the Road.

- 10.2 A person must comply with an Order of an Authorised Person made pursuant to subparagraph 10.1 of this bylaw.
- 10.3 If the Authorised Person cannot find the owner, or the owner fails to comply immediately with the Order ~~made pursuant to subparagraph 10.1 of this by-law,~~ the Authorised Person may remove the Moveable Sign.
- 10.4 If a Moveable Sign that is removed pursuant to subparagraph 10.3 of this by-law, is not claimed within thirty days of such removal, the Authorised Person may sell, destroy or otherwise dispose of the Moveable Sign as the Authorised Person thinks fit.
- 10.5 The owner or other person entitled to recover a Moveable Sign removed pursuant to subparagraph 10.3 of this by-law must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the Moveable Sign before being entitled to recover the Moveable Sign.

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## 11. Removal of Complying Moveable Signs

- 11.1 The owner of, or other person responsible for, a Moveable Sign must remove or relocate the Moveable Sign at the request of an Authorised Person if, in the reasonable opinion of that Authorised Person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the Moveable Sign.
- 11.2 The owner of, or other person responsible for, a Moveable Sign must remove or relocate the Moveable Sign at the request of an Authorised Person for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the Authorised Person, requires relocation or removal of the Moveable Sign to protect public safety or to protect or enhance the amenity of a particular locality.

## Part 4 – Miscellaneous

### 12. Revocation

Council's *By-law No. 2 – Moveable Signs*, 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 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 Mark Goldstone  
Chief Executive Officer



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2018

By-law No. 3 of 2018

For the management of all land vested in or under the care, control and management of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land 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 **Boat** means any boat, craft, raft or other vessel designed or constructed for the purpose of carrying persons on water;

3.3 **Building** includes any structure and or fixture of any kind whether for human habitation or not;

3.4 **Central Market** means portion of allotment 11 in Filed Plan 26448, being portion of the land comprised in Certificate of Title Volume 6118 Folio 750, and being that portion that was previously comprised as Town Acres 333 and 380 in the Council's area, the Adelaide Central Market which comprises Town Acres Number 333 and 380 but excludes that area above ground level car park known as the UPark on Central Market Car Park;

Commented [SH1]: To bring into line with definition under new draft Health Act

3.5 **E-Cigarette** means:

Commented [SH2]: To bring into line with definition under new draft Health Act

3.5.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or

3.5.2 a device of a kind resolved by the Council and notified by notice in the Gazette to be an E-Cigarette;

~~3-53.6~~ **Electoral Matter** has the same meaning as in the *Electoral Act 1985*;

~~3-63.7~~ **Emergency Vehicle** has the same meaning as in the *Australian Road Rules 1999* and the *Road Traffic (Road Rules) Ancillary and Miscellaneous Provisions Regulations 1999/2014*;

**Commented [SH3]:** Wording edited/removed to bring in line with Legislation

~~3-73.8~~ **Horse Riding Track** means the area set aside primarily for the purpose of riding horses in Nanto Womma (Park 6) located in the North Park Lands between Robe Terrace, Medindie Road, LeFevre Terrace and Kingston Terrace or any other area that the Council may by resolution designate for that purpose;

~~3-83.9~~ **Liquor** has the same meaning as in the *Liquor Licensing Act 1997*;

~~3-93.10~~ **Livestock** has the same meaning as in the *Livestock Act 1997*, but does not include dogs and cats;

~~3-103.11~~ **Local Government Land** means all land vested in or under the care, control and management of the Council (except streets and roads);

~~3-113.12~~ **Model Aircraft** includes a ~~drone~~;

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~~3-13~~ **National Soldiers Memorial** means the land described in Section 2(1) of the *National Soldiers Memorial Act 1949*;

**Commented [SH5]:** Wording edited/removed to bring in line with Legislation

~~3-123.14~~ **Offensive** includes threatening, abusive, insulting or annoying behaviour and 'offend' has a complementary meaning;

~~3-133.15~~ **Playground** means:

~~3-13-13.15.1~~ any fenced area on or in which there is equipment or other installed devices for the purpose of children's play; or

~~3-13-23.15.2~~ any unfenced area within 15 m of equipment or other installed devices for the purposes of children's play;

~~3-143.16~~ **Public Place** has the same meaning as in the *Local Government Act 1999*;

~~3-153.17~~ **River Torrens** means any part of the River Torrens situated within the area of the Council, including, but not limited to:

~~3-15-13.17.1~~ the waters known as Torrens Lake;

~~3-15-23.17.2~~ the waters impounded by the dam referred to in Section 25 of the *Adelaide Park Lands Act 2005*; and

~~3-15-33.17.3~~ any watercourse or drain leading to the River Torrens;

~~3-18~~ **Road** has the same meaning as in the *Local Government Act 1999* and includes a footpath;

~~3-19~~ **Smoke** means:

**Commented [SH6]:** To bring into line with definition under new draft Health Act

~~3.19.1~~ in relation to a Tobacco Product, smoke, hold, or otherwise have control over, an ignited Tobacco Product; or

~~3.19.2~~ in relation to an E-Cigarette, to inhale from, hold or otherwise have control over, an E-Cigarette that is in use;

~~3.163.20~~ **Tobacco Product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;

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~~3.173.21~~ **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999*;

**Commented [SH8]:** Wording edited/removed to bring in line with Legislation

~~3.183.22~~ **Waters** includes any body of water, including a pond, lake, river, creek or wetland under the care, control and management of the Council;

~~3.193.23~~ **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999*.

**Commented [SH9]:** Wording edited/removed to bring in line with Legislation

## Part 2 – Management of Local Government Land

### 4. Activities Requiring Permission

~~A No~~ person ~~must not shall~~ without permission on any Local Government Land:

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#### 4.1 Alteration of Local Government Land

make an alteration to the land, including:

- 4.1.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- 4.1.2 erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the land; or
- 4.1.3 changing or interfering with the construction, arrangement or materials of the land; or
- 4.1.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- 4.1.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

#### 4.2 Amplification

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

#### 4.3 Athletic and Ball Sports and Games

- 4.3.1 promote, organise or take part in any organised athletic sport in any area to which this subparagraph applies;



4.3.2 play or practice the game of golf in any area to which this subparagraph applies;

4.3.3 play any organised competition sport, as distinct from organised social play, in any area to which this subparagraph applies;

**4.4 Boats**

subject to the provisions of the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law:

**Commented [SH11]:** Wording edited/removed to bring in line with Legislation

4.4.1 hire or offer for hire a boat, raft, pontoon or other watercraft or use same for commercial purposes;

**Commented [SH12]:** For consistency with other Council By-Laws

4.4.2 launch, propel, float or otherwise use any boat, raft, pontoon or other watercraft on any Waters;

**4.5 Boat Ramps**

4.5.1 launch or retrieve a boat other than from a boat ramp constructed for that purpose;

4.5.2 allow any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;

4.5.3 drive or propel any vehicle on a boat ramp at a speed greater than 25 kph;

**4.6 Bridge Jumping**

jump or dive into any Waters from any bridge or any other structure;

**4.7 Burials and Memorials**

4.7.1 bury, inter or spread the ashes of any human or animal remains;

4.7.2 erect any memorial;

**4.8 Business Use**

conduct, provide or offer to provide services for monetary consideration, including but not limited to personal training services;

**4.9 Camping and Tents**

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

4.9.2 erect any tent or other structure;

**4.10 Canvassing**

convey any advertising, religious or other message to any bystander, passer by or other person except for any message or material:

4.10.1 that is related to a Commonwealth or State election and is conveyed during the period commencing at 5.00pm on the day before on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

Commented [SH13]: For consistency with Local Govt Act 1999 and By-Law 4

4.10.2 that is related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and is conveyed 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

4.10.3 that is related to, and conveyed, during the course of and for the purpose of a Referendum;

**4.11 Closed Lands**

enter or remain on any part of Local Government Land including any Waters:

4.11.1 at any time during which the Council has declared that the part shall be closed to the public, and which is indicated by a sign adjacent to the entrance to that part of the land;

4.11.2 where the land is enclosed with fences and/or walls, and gates have been closed and locked; or

4.11.3 where admission charges are payable, without paying those charges;

**4.12 Collections and Donations**

collect anything from any passer-by or ask for or receive or indicate that he or she desires a donation of money or any other thing;

**4.13 Depositing Rubbish etc**

deposit any structure, goods, materials, earth, soil, clay, gravel, sand, timber, stones, pebbles or any other matter or substance (including any liquid substance);

**4.14 Distribution**

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:

4.14.1 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 on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

Commented [SH14]: For consistency with Local Govt Act 1999 and By-Law 4

4.14.2 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

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

**4.15 Entertainment and Busking**

4.15.1 sing, busk, perform, chant, recite, mime or play any recording or upon any musical instrument so as to appear to be for the purpose of entertaining other persons;

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

**4.16 Erection of Structures**

4.16.1 erect a fence or hoarding, if:

4.16.1.1 the fence or hoarding is made of or contains barbed or razor wire; or

4.16.1.2 the fence is not easily visible at night and thereby creates a danger to users of the land;

4.16.2 erect, place, use or allow to remain:

4.16.2.1 a ladder or trestle;

4.16.2.2 any other equipment, appliance, object or material likely to cause an obstruction or danger to any person;

4.16.3 park, place, use or allow to remain a mobile crane, scissor lift, elevated platform vehicle or cherry picker;

**4.17 Fires**

subject to the *Fire and Emergency Services Act 2005*, light any fire except:

4.17.1 in a place provided by the Council for that purpose; or

4.17.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 m;

**4.18 Fireworks**

use, discharge or explode any fireworks;

**4.19 Flora and Fauna**

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.19.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;

4.19.2 lead or drive any animal or stand or walk on any flower bed or garden plot;

- 4.19.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 4.19.4 take, interfere with, tease, harm or disturb any animal, bird, marine creature or insect or the eggs or young of any animal, bird, marine creature or insect;
- 4.19.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 4.19.6 disturb, interfere with or damage any burrow, nest or habitat of any animal bird;
- 4.19.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature;
- 4.19.8 burn any timber or dead wood;

~~4.21 Handbills on Vehicles~~

~~place on any Vehicle, or cause to be placed on any Vehicle (without the consent of the owner of the Vehicle), any handbill, book, notice, leaflet, or other printed matter except any handbill, book, notice, leaflet or other printed matter:~~

- ~~4.21.1 that is related to a Commonwealth or State election and is placed, given out or distributed 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~~
- ~~4.21.2 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~~
- ~~4.21.3 that is related to and placed, given out or distributed during the course of and for the purpose of a Referendum;~~

**Commented [SH15]:** Wording edited/removed to bring in line with Legislation Changes (Local Nuisance and Litter Control Act 2016)

4.224.20 **Liquor**

consume, carry or be in possession or in charge of any Liquor on any Local Government Land comprising Parks or Reserves to which the Council has resolved this subparagraph shall apply;

4.234.21 **Livestock**

~~4.23.14.21.1~~ cause or allow any Livestock to stray onto, move over, graze or be left unattended;

~~4.23.24.21.2~~ cause or allow any Livestock to enter, swim, bathe or remain in any Waters located on Local Government Land to which the Council has resolved this subparagraph shall apply;

~~4.23.34.21.3~~ lead or drive any Livestock, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind;

~~4.23.44.21.4~~ allow any Livestock to damage and flower bed, garden plot, tree, lawn or other item or place;

~~4.23.54.21.5~~ train any Livestock;

#### 4.244.22 **Model Aircraft, Boats and Cars**

~~4.22.1~~ fly or operate a ~~m~~Model ~~a~~Aircraft, boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of Local Government Land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;

~~4.22.2~~ fly or operate a Model Aircraft, boat or model/remote control car on ~~land to which the Council has resolved this subparagraph shall apply;~~

**Commented [SH16]:** To allow Council to by resolution to identify and limit usage of these devices on LG land

#### 4.254.23 **Obstructions**

~~4.25.14.23.1~~ obstruct any path, footpath, track, gateway or other area;

~~4.25.24.23.2~~ erect, place, use or allow to remain over any path, footpath, track, gateway or other area any object including, but not limited to, any planter box, hoarding, crane, cherry picker, elevated platform vehicle, scaffolding, stage, ladder, trestle, appliance, or other equipment.

#### 4.264.24 **Organised Ceremonies and Events etc**

hold, conduct or participate in a funeral, marriage ceremony, game, picnic, other event or entertainment on any Local Government Land except where the number of persons attending the event or entertainment does not exceed 20;

#### 4.274.25 **Overhanging Articles**

suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using Local Government Land;

#### 4.284.26 **Playing Area**

use or occupy any playing area:

~~4.28.14.26.1~~ in such a manner as to damage or be likely to damage the surface of the playing area and/or infrastructure (above and under ground level);

~~4.28.24.26.2~~ in any manner contrary to the purpose for which the playing area was intended to be used or occupied;

~~4.28.34.26.3~~ contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area;

~~4.29~~ **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 Local Government Land or Public Place except for:~~

~~4.29.1 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~~

~~4.29.2 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 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~~

~~4.29.3 any matter posted during the course of and for the purpose of a Referendum;~~

**Commented [SH17]:** Wording edited/removed to bring in line with Legislation Changes (Local Nuisance and Litter Control Act 2016)

~~4.30~~**4.27 Preaching and Canvassing**

~~preach, canvass, harangue, tout for business or conduct any survey or opinion poll except:~~

~~4.30.14.27.1 in any area where the Council has, by resolution, determined this restriction shall not apply; or~~

~~4.30.24.27.2 any opinion poll that is related to a Commonwealth or State election and is conducted during the period commencing at 5.00pm on the day before on the issue of the writ or writs for the election and ending at the close of polls on polling day; or~~

**Commented [SH18]:** For consistency with Local Govt Act 1999 and By-Law 4

~~4.30.34.27.3 any opinion poll that is related to an election under the Local Government Act 1999, or the Local Government (Elections) Act 1999 and is conducted 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~~

~~4.30.44.27.4 any opinion poll that is related to and is conducted during the course of and for the purpose of a Referendum;~~

~~4.31~~**4.28 Public Exhibitions and Displays**

~~4.31.14.28.1 allow or cause any public exhibition or display;~~

~~4.31.24.28.2 allow or cause to be displayed any bills, advertisements or other papers or items or mark with any substance or apply any stickers or stencils to a building or structure on Local Government Land or~~

other public place except any bills, advertisements or other papers or items:

4.31.2.14.28.2.1 that are related to a Commonwealth or State election and are displayed during the period commencing at ~~5.00pm on the day before~~ on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

Commented [SH19]: For consistency with Local Govt Act 1999 and By-Law 4

4.31.2.24.28.2.2 that are related to an election under the *Local Government Act 1999*, or the *Local Government (Elections) Act 1999* and are displayed 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

4.31.2.34.28.2.3 that are related to and displayed during the course of and for the purpose of a Referendum;

#### 4.324.29 Riverbank

drive or propel a Vehicle onto or from a riverbank other than by a ramp or thoroughfare constructed on the riverbank or provided by the Council for that purpose;

#### 4.334.30 Rubbish and Rubbish Dumps

4.33.14.30.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land;

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

#### 4.344.31 Swimming

swim, bathe or wash in any Waters to which this subparagraph applies;

#### 4.354.32 Trading

4.35.14.32.1 carry on the business of buying or selling, or offering or exposing for sale, or hiring or leasing any goods or services including, but not limited to any Vehicle, watercraft or aircraft; or

4.35.24.32.2 set up a Vehicle, stall, stand, table, tray, carpet or other structure for the apparent purpose of buying or selling, or offering or exposing for sale, or hiring or leasing any goods or services including, but not limited to any Vehicle, watercraft or aircraft;

#### 4.364.33 Vehicles

drive or propel any vehicle on local government land unless on an area or road that is constructed or set aside by the Council for that purpose.

### 5. Prohibited Activities

~~A No person must not shall~~ on any Local Government Land:

Commented [SH20]: Grammar

**5.1 Birds**

feed any bird;

**5.2 Climbing**

climb on or over any fixture, fitting, plant, object or building other than in a Playground or other similar area that the Council has indicated by signage set aside for that purpose;

**5.3 Damaging or Defacing Property**

attach any object, including an animal on a leash or a bike to any tree, gate, fence or other fixture other than a designated bicycle rack;

**5.4 Fishing**

5.4.1 fish in any Waters on Local Government Land to which the Council has resolved this subparagraph shall apply;

5.4.2 fish from any bridge or other structure on Local Government Land to which the Council has resolved this subparagraph shall apply;

**5.5 Interference with Permitted Use**

interrupt, disrupt or interfere with any other person's use of Local Government Land which is permitted or for which permission has been granted;

**5.6 Playing Games**

play or practice a game:

5.6.1 which is likely to cause damage to the land or anything in or on it;

5.6.2 which endangers the safety or interferes with the comfort of any person;

5.6.3 in any area where a sign indicates that the game is prohibited;

**5.7 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 subparagraph shall not extend to running repairs in the case of breakdown;

**5.8 Smoking**

5.8.1 ~~is smoke tobacco or any other substance~~ in any building on Local Government Land;

Commented [SH21]: To bring into line with definition under new draft Health Act

5.8.2 ~~is smoke tobacco or any other substance~~ on any Local Government Land or part thereof to which the Council has resolved this subparagraph shall apply;

Commented [SH22]: To bring into line with definition under new draft Health Act



**5.9 Solicitation**

tout or solicit customers for the parking of Vehicles or for any other commercial purpose whatsoever;

**Commented [SH23]:** For consistency with other Council By-Laws

**5.10 Toilets**

in any public convenience on Local Government Land;

**Commented [SH24]:** For consistency with other Council By-Laws

5.10.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

5.10.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

5.10.3 use it for a purpose for which it was not designed or constructed;

5.10.35.10.4 obstruct any cubicle, walkway or public area;

**Commented [SH25]:** To provide powers to Council Officers to require persons who cause obstructions in Public Conveniences to move on

5.10.45.10.5 enter any toilet that is set aside for use of the opposite sex except:

5.10.4.45.10.5.1 where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or

5.10.4.25.10.5.2 to provide assistance to a disabled person; or

5.10.4.35.10.5.3 in the case of a genuine emergency;

**5.11 Use of Council Rubbish Bins**

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

**5.12 Use of Equipment**

use any form of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed;

**5.13 Waste**

5.13.1 deposit or leave thereon:

5.13.1.4 anything obnoxious or offensive;

5.13.1.2 any offal, dead animal, dung or filth;

5.13.1.3 any mineral, mineral waste, industrial waste or by products;

5.13.2 foul or pollute any Waters situated thereon;

5.13.3 deposit any rubbish other than in receptacles provided by the Council for that purpose;

**Commented [SH26]:** Wording edited/removed to bring in line with Legislation Changes (Local Nuisance and Litter Control Act 2016)

deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs;

#### 5.14 Waters

wash clothes in, and/or add any substance to any Waters;

#### 5.15 Wheeled Recreational Devices

use a Wheeled Recreational Device on any part of Local Government Land to which this subparagraph applies.

### Part 3 – Restrictions Applying in Specific Areas

#### 6. Central Market

In addition to the prohibitions generally applying to Local Government Land, a person must not do any of the following in the Adelaide Central Market without the permission of the Council:

##### 6.1 Animals

bring into or allow any animal to remain (except an Assistance Dog as defined in the *Dog and Cat Management Act 1995*);

Commented [SH27]: Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

##### 6.2 Forklifts

6.2.1 drive or use a forklift;

6.2.2 fail to carry proof of being qualified to drive a forklift;

6.2.3 fail to equip any forklift with an amber flashing warning device and an audible reversing warning device.

#### 7. Horse Riding Track

In addition to the prohibitions generally applying to Local Government Land, a person must not do any of the following on a Horse Riding Track:

7.1 ride a horse at a gallop;

7.2 train a racehorse, trotting horse or quarter horse; or

7.3 ride or drive a horse with or attached to any cart or Vehicle.

#### 8. National Soldiers Memorial

In addition to the prohibitions generally applying to Local Government Land, a person must not do any of the following in or on the National Soldiers Memorial or in or on the forecourt and gardens surrounding the National Soldiers Memorial:

Commented [SH28]: Grammar

8.1 affix any object or erect any fixture;

8.2 sit or lie upon any part of the building;

- 8.3 lie or stand on any seat; or
- 8.4 drive any vehicle, bicycle, small wheeled recreational vehicle including roller blades.

**Part 4 – Miscellaneous**

**9. Directions**

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

- 9.1 that person's use of the land;
- 9.2 that person's conduct and behaviour on the land;
- 9.3 that person's safety on the land;
- 9.4 the safety and enjoyment of the land by other persons.

**10. Removal of Animals and Exclusion of Persons**

- 10.1 If any animal is found on Local Government Land in breach of a by-law:
  - 10.1.1 any person in charge of the animal shall forthwith remove it from that land on the request of an Authorised Person; and
  - 10.1.2 any Authorised Person may remove any animal from the land if the person fails to comply with the request, or if no person is in charge of the animal.
- 10.2 An Authorised Person may direct any person who is considered to be committing, or has committed, a breach of a by-law to leave Local Government Land.

**11. Removal of Obstructions**

If an object is obstructing any part of Local Government Land then the Council may remove the object provided that this paragraph shall not apply to any object that has been placed on Local Government Land with the permission of the Council or the object has been placed on the Local Government Land by some other lawful authority.

**12. 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.

**13. Application of Paragraphs**

Any of subparagraphs 4.3, 4.20, 4.21.2, 4.22.2, 4.31, 5.4, 5.8.2 and 5.15 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*.

**14. Revocation**

Council's *By-law No. 3 – Local Government Land*, 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



**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 1999* and the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999/2014*;

3.4 **Livestock** has the same meaning as in the *Livestock Act 1997*;

3.5 **Model Aircraft** includes a drone;

3.5.3.6 **Road** has the same meaning as in the *Local Government Act 1999*;

3.6.3.7 **Vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999*;

3.7.3.8 **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961*.

Commented [SH1]: Wording edited/removed to bring in line with Legislation

Commented [SH2]: Wording edited/removed to bring in line with Legislation

Commented [SH3]: Wording edited/removed to bring in line with Legislation

**Part 2 – Management of Roads**

**4. Activities Requiring Permission**

~~Any~~ person ~~must not~~ ~~shall~~ without permission on any Road:

Commented [SH4]: Grammar

**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 ~~or sign~~ on the Road or park or stand a Vehicle on the Road for the purpose of:

Commented [SH5]: Grammar

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:~~

Commented [SH6]: For consistency with Local Govt Act 1999 and By-Law 3

~~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; give out or distribute to any bystander or passer-by any handbill, book, notice or other printed matter, provided that this restriction shall not apply to any handbill or~~

~~leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purposes 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 Handbills on Vehicles~~

~~place on any Vehicle, or cause to be placed on any Vehicle (without the consent of the owner of the Vehicle), any handbill, book, notice, leaflet, or other printed matter except any handbill, book, notice, leaflet or other printed matter:~~

~~4.8.1 that is related to a Commonwealth or State election and is placed, given out or distributed 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~~

~~4.8.2 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~~

~~4.8.3 that is related to and placed, given out or distributed during the course of and for the purpose of a Referendum;~~

**Commented [SH7]:** Wording edited/removed to bring in line with Legislation Changes (Local Nuisance and Litter Control Act 2016)

#### 4.94.8 Hatches

leave any hatch connected with adjacent premises unattended when open;

#### ~~4.104.9~~ Livestock

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

#### ~~4.114.10~~ Model Aircraft and Cars

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

**Commented [SH8]:** Grammar

~~4.12 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 a Road except for:~~

~~4.12.1 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~~

~~4.12.2 any Electoral Matter that 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 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~~

~~4.12.3 any matter that is posted during the course of and for the purpose of a Referendum;~~

**Commented [SH9]:** Wording edited/removed to bring in line with Legislation Changes (Local Nuisance and Litter Control Act 2016)

~~4.134.11 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;~~

~~4.144.12 Public Exhibitions and Displays~~

~~4.14.14.12.1 sing, busk or play any recording or use any musical instrument;~~

~~4.14.24.12.2 conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or any other similar activity;~~

~~4.14.34.12.3 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;~~

~~4.154.13 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;~~

~~4.164.14 Rubbish~~

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

~~4.174.15 Tents and Camping~~

~~4.17.14.15.1 camp or remain overnight whether in the open, a building, a vehicle or otherwise;~~

~~4.17.24.15.2 erect any tent or other structure;~~



**4.184.16 Touting for Business**

tout for business;

**4.194.17 Use of Council Rubbish Bins**

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

**4.204.18 Venue Management**

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

**4.214.19 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;

~~5.6.35.6.4 obstruct any cubicle, walkway or public area;~~

~~5.6.45.6.5~~ enter any toilet that is set aside for use of the opposite gender except:

~~5.6.4.15.6.5.1~~ if the person is under the age of eight years accompanying an adult; or

~~5.6.4.25.6.5.2~~ to provide assistance to a disabled person; or

~~5.6.4.35.6.5.3~~ in the case of a genuine emergency.

**Commented [SH10]:** To provide powers to Council Officers to require persons who cause obstructions in Public Conveniences to move on

### 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



**CORPORATION OF THE CITY OF ADELAIDE**

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

**WASTE MANAGEMENT BY-LAW 2018**

**By-law No. 5 of 2018**

For the prevention and suppression of nuisances, obstructions and risks to public health by regulating and controlling the management of public places, kerbside removal of domestic, recyclable and green organic waste from premises, for regulating the management of Council property and otherwise for the good rule and government of the area and for the comfort, convenience and safety of its inhabitants.

**Part 1 – Preliminary**

**1. Short Title**

This by-law may be cited as the *Waste Management 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 Act.

**3. Definitions**

In this by-law:

**3.1 Commercial and Industrial Waste (General)** has the same meaning as in the Environment Protection Authority Waste Guidelines;

**3.2 Commercial Cardboard** means non-contaminated cardboard generated by commercial premises but excludes Recyclables, contaminants such as wax boxes, milk cartons, boxes soiled by food, paints or oils, plastic or polystyrene;

**3.3 Container** includes without limitation any Domestic Waste Container, Green Organics Container or Recyclables Container provided by the Council or some other Container provided for the purposes of a private or commercial waste collection;

Commented [SH1]: For consistency with other Council By-Laws

**3.33.4 Domestic Waste** means any kind of domestic waste including putrescibles generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries, any dangerous or toxic waste, Commercial and industrial Waste (General), Listed Waste, Hazardous Waste or Radioactive Waste;

**3.43.5 Domestic Waste Container** means a container provided or designated by the Council for the reception of Domestic Waste (maximum weight 60 kg);

Commented [SH2]: Repeated Grammar

**3-63.6 Footpath Area** means:

**3-5-13.6.1** that part of the Road between the boundary of the Road and the edge of the carriageway of the Road on the same side as that boundary; or

**3-5-23.6.2a** a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of Vehicles;

**3-63.7 Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, horse manure or other materials for which permission has been given by the Council but excludes any item larger than 15 cm in diameter, Domestic Waste, Commercial and Industrial Waste (General), Listed Waste, Hazardous Waste or Radioactive Waste;

**3-73.8 Green Organics Container** means a eContainer provided or designated by the Council for the reception of Green Organics (maximum weight 70 kg);

**3-83.9 Hard Waste** means solid waste arising from domestic premises which is not suitable for collection using a kerbside bin system and includes any internal and external household items, but excludes any Domestic Waste, Commercial and Industrial Waste (General), Listed Waste, Hazardous Waste, Radioactive Waste or waste that is not deemed suitable for collection by the Council;

**3-93.10 Hazardous Waste** has the same meaning as in the Environment Protection Authority Waste Guidelines;

**3-103.11 Listed Waste** has the same meaning as in the Environment Protection Authority Waste Guidelines;

**3-113.12 Private Thoroughfare** means a private street, road, lane, footway, alley, court or thoroughfare that the public is allowed to use and have access to;

**3-123.13 Radioactive Waste** has the same meaning as in the Environment Protection Authority Waste Guidelines;

**3-133.14 Recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;

**3-143.15 Recyclables Container** means a eContainer provided or designated by the Council for the reception of Recyclables (maximum weight 60 kg);

**3-153.16 Road** has the same meaning as in the *Local Government Act 1999*.

**Part 2 – Management of Waste System****4. Provide Containers**

4.1 Every occupier of domestic premises, and every occupier of any other premises designated by the Council for that purpose, must keep on his or her premises the Domestic Waste Container, the Recyclables Container and the Green Waste Container provided to that premises by the Council.

- 4.2 No occupier of domestic premises, and every occupier of any other premises designated by the Council for that purpose, shall remove any or all of those eContainers from his or her premises other than for the purpose of facilitating the relevant kerbside collection service.

**5. Management of Kerbside Collection Services**

**5.1 Domestic Waste**

5.1.1 The Council's Domestic Waste kerbside collection service will be provided only to premises outside of which a Domestic Waste Container is placed in accordance with this by-law.

5.1.2 An occupier of premises must ensure that the Domestic Waste Container only contains Domestic Waste.

**5.2 Recyclables**

5.2.1 The Council's Recyclables kerbside collection service will be provided only to premises outside of which a Recyclables Container is placed in accordance with this by-law.

5.2.2 An occupier of premises must ensure that the Recyclables Container only contains Recyclables.

**5.3 Green Organics**

5.3.1 The Council's Green Organics kerbside collection service will be provided only to premises outside of which a Green Organics Container is placed in accordance with this by-law.

5.3.2 An occupier of premises must ensure that the Green Organics Container only contains Green Organics.

**5.4 Keep Container Clean**

5.4.1 An occupier of premises must ensure that each eContainer is kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times.

5.4.2 If a eContainer provided by the Council presented for collection is, in the opinion of the Council or the operator of the relevant kerbside collection service, in poor condition so as to make removal of the contents impracticable, the kerbside collection service will not be provided unless and until that condition is rectified.

Commented [SH3]: Wording edited/removed to make it easier to interpret

**5.5 Keep Container Closed**

5.5.1 An occupier of premises must ensure that the lid of each eContainer is at all times able to be closed and kept closed except when waste is being deposited in or removed from the eContainer.

5.5.2 If a eContainer provided by the Council presented for collection is not closed, the kerbside collection service will not be provided unless and until that eContainer is presented for collection with the lid closed.

Commented [SH4]: Wording edited/removed to make it easier to interpret

## 5.6 Damage

- 5.6.1 An occupier of premises must ensure that each eContainer is maintained so that it is not damaged or worn to the extent that:
- 5.6.1.1 it is not robust or watertight;
  - 5.6.1.2 it is unable to be moved on its wheels (if any) efficiently;
  - 5.6.1.3 the lid does not seal on the container when closed; or
  - 5.6.1.4 its efficiency or use is otherwise impaired.
- 5.6.2 If a eContainer provided by the Council presented for collection is, in the opinion of the Council or the operator of the relevant kerbside collection service, damaged or worn so as to make removal of the contents impracticable, the kerbside collection service will not be provided unless and until the damage or wear is rectified.

**Commented [SH5]:** Wording edited/removed to make it easier to interpret

## 5.7 Collection Services

- 5.7.1 An occupier of premises must facilitate the collection and removal of household waste, commercial waste, Recyclables and Green Organics from his or her premises by placing the relevant eContainer in accordance with subparagraph 5.7.2 of this by-law on the day of or the night before (and not before these times) the scheduled collection day.
- 5.7.2 An occupier of premises must ensure that the ~~container~~ Container containing the relevant kind of material is placed out for collection:
- 5.7.2.1 on the Footpath Area in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the eContainer on which the hinges of the lid are situated faces the premises; or
  - 5.7.2.2 in another position as approved or directed by the Council; and
  - 5.7.2.3 not under the overhanging branches of street trees; and
  - 5.7.2.4 not so as to impede the passage of pedestrian or other traffic.

**Commented [SH6]:** To ensure Council Officers can apply these provisions to commercial waste Containers to ensure consistency and that the Containers do not cause an obstruction in the Public Realm especially during peak pedestrian traffic times

### 5.7.3 An occupier of:

- 5.7.3.1 ~~commercial premises must remove the Container from the Footpath Area and Road:~~
- (a) ~~within one hour of the collection, if the collection has occurred during business hours; or~~
  - (b) ~~by 8:00am on the day of collection, if the collection has occurred outside of business hours;~~

**Commented [SH7]:** To ensure Council Officers can apply these provisions to commercial waste Containers to ensure consistency and that the Containers do not cause an obstruction in the Public Realm especially during peak pedestrian traffic times

~~5.7.2-5.7.3.2~~ ~~5.7.3.2~~ premises ~~other than commercial premises~~ must remove the eContainer from ~~that position~~ the Footpath Area and Road on the same day that the collection has taken place.

Commented [SH8]: Wording edited/removed to make it easier to interpret

~~5.7.3-5.7.4~~ ~~5.7.4~~ An occupier of premises must facilitate the collection and removal of Hard Waste from his or her premises by placing the Hard Waste out for collection:

~~5.7.3-15.7.4.1~~ ~~5.7.4.1~~ on the day of or the night before (and not before these times) the scheduled collection day;

~~5.7.3-25.7.4.2~~ ~~5.7.4.2~~ on the Footpath Area in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway, or in another position as approved or permitted by the Council; and

~~5.7.3-35.7.4.3~~ ~~5.7.4.3~~ not so as to impede the passage of pedestrian traffic.

## 5.8 Commercial Cardboard

Where the Council makes available a Commercial Cardboard kerbside collection service an occupier of commercial premises:

- 5.8.1 must ensure that any Commercial Cardboard presented for collection is flattened, bundled and stacked;
- 5.8.2 who presents Commercial Cardboard for collection must ensure that:
  - 5.8.2.1 any Commercial Cardboard which is bundled is tied with string or nylon and not with wire, cable or similar materials; or
  - 5.8.2.2 any Commercial Cardboard which is not bundled is placed in another cardboard box; and
  - 5.8.2.3 is placed on the Footpath Area or the Road at the collection point designated by the Council no earlier than 3 p.m. and no later than 6 p.m. on the collection day; and
- 5.8.3 must ensure that any Commercial Cardboard presented for collection is not placed on a Footpath Area or the Road so as to impede the passage of pedestrian or other traffic.

## Part 3 – Enforcement

### 6. Interference with Waste Containers

A person must not remove, disburse or interfere with any Domestic Waste, Recyclables, Green Organics, Commercial Cardboard or Hard Waste contained within a eContainer (including bottles, newspapers, cans, containers or packaging) that has been placed on a Footpath Area, a Road or any other place for collection by the Council, its agents or contractors.



**7. Private Thoroughfare**

The owner or occupier of a Private Thoroughfare shall keep the thoroughfare clean and free of refuse, rubbish and waste material.

~~8. Posting of Bills on Buildings~~

~~A person shall not, without the permission of the owner or occupier of a building or structure visible from or adjacent to a Road, post, allow or cause to be posted on the building or structure any bills, advertisements or other papers or items.~~

**Commented [SH9]:** Wording edited/removed to bring in line with Legislation Changes (Local Nuisance and Litter Control Act 2016)

**Part 4 - Miscellaneous**

**9.8. Revocation**

Council's *By-law No. 5 – Waste Management*, published in the *Gazette* on 20 March 2014, 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



**CORPORATION OF THE CITY OF ADELAIDE**

*By-law made under the Local Government Act 1999 and the City of Adelaide Act 1998*

**RUNDLE MALL BY-LAW 2018**

**By-law No. 6 of 2018**

For the management of Rundle Mall.

**Part 1 – Preliminary**

**1. Short Title**

This by-law may be cited as the *Rundle Mall 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 Building** includes any structure and/or fixture of any kind whether for human habitation or not;

**3.3 E-Cigarette** means:

**3.3.1** a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or

**3.3.2** a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an E-Cigarette;

**3.3 Electoral Matter** has the same meaning as in the *Electoral Act 1985*;

**3.4 Emergency Worker** has the same meaning as in the *Australian Road Rules* and the *Road Traffic (Road Rules) Ancillary and Miscellaneous Provisions Regulations 2014*;

**3.4.3.5 Model Aircraft** includes a drone;

**Commented [SH1]:** To bring into line with definition under new draft Health Act

**Commented [SH2]:** Wording edited/removed to bring in line with Legislation

3.6 **Permission** means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates;

3.7 **Smoke means:**

3.7.1 in relation to a Tobacco Product, smoke, hold, or otherwise have control over, an ignited Tobacco Product; or

3.4-13.7.2 in relation to an E-Cigarette, to inhale from, hold or otherwise have control over, an E-Cigarette that is in use;

3.8 **Tobacco Product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;

3.53.9 **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961*.

**Commented [SH3]:** To bring into line with definition under new draft Health Act

## Part 2 – Management of Rundle Mall

### 4. Activities Requiring Permission

A person must not without Permission in Rundle Mall or in the vicinity of Rundle Mall:

#### 4.1 Amplification

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

#### 4.2 Athletic and Ball Sports and Games

4.2.1 promote, organise or take part in any athletic sport, ball sport or game;

4.2.2 play or practice any game which is likely to cause damage to Rundle Mall or any fixtures or fittings thereon;

#### 4.3 Burials and Memorials

4.3.1 spread the ashes of any human or animal remains;

4.3.2 erect any memorial;

#### 4.4 Erection of Structures

4.4.1 erect a fence or hoarding;

4.4.2 erect, place, use or allow to remain:

4.4.2.1 a ladder, step-ladder, trestle, stage, scaffolding, planter box, crate or any item used as a platform; or

4.4.2.2 any other equipment, appliance, object or material likely to cause an obstruction or danger to any person;

4.4.3 park, place, use or allow to remain a mobile crane, scissor lift, elevated platform vehicle or cherry picker;

**4.5 Firearms and Fireworks**

use, discharge or explode any firearms or fireworks;

**4.6 Model Aircraft and Cars**

fly or operate a Model Aircraft or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being in Rundle Mall or detract from or be likely to detract from another person's lawful use of and enjoyment of Rundle Mall;

**4.7 Organised Ceremonies and Events etc**

hold, conduct or participate in a funeral, marriage ceremony, picnic, or other like event or entertainment;

**4.8 Overhanging Articles**

suspend or hang any article or thing from any Building, verandah, pergola, post or other structure;

**4.9 Rubbish and Rubbish Dumps**

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

**4.10 Touting for Business**

tout for business.

**5. Prohibited Activities**

A person must not in Rundle Mall or in the vicinity of Rundle Mall:

**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**

5.3.1 deface, damage, paint, write, cut names or make marks on any tree, rock gate, fence, building, sign or other property of the Council;

5.3.2 attach any object, including an animal on a leash or a bike to any tree, gate, fence or other fixture other than a designated bicycle rack;

**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 Rundle Mall which is permitted or for which Permission has been granted;

**5.6 Missiles**

throw, roll or discharge any stone, substance or missile to the danger of any person, property or animal;

**5.7 Playing Games**

play or practice any game:

5.7.1 which is likely to cause damage to Rundle Mall or anything in it or in the vicinity of Rundle Mall; or

5.7.2 which endangers the safety or interferes with the comfort of any person; or

5.7.3 in any area where a sign indicates that the game is prohibited;

**5.8 Public Conveniences**

in any public convenience:

5.8.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

5.8.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

5.8.3 use it for a purpose for which it was not designed or constructed;

5.8.4 ~~obstruct any cubicle, walkway or public area.~~

5.8.5 enter any toilet that is set aside for use of the opposite gender except:

5.8.5.1 if the person is under the age of eight years accompanying an adult; or

5.8.5.2 to provide assistance to a disabled person; or

5.8.5.3 in the case of a genuine emergency;

**5.9 Smoking**

~~Smoke tobacco or any other substance~~ in any area to which the Council has resolved this subparagraph shall apply;

**Commented [SH4]:** To provide powers to Council Officers to require persons who cause obstructions in Public Conveniences to move on

**Commented [SH5]:** Wording edited/removed to make it easier to interpret

### 5.10 Wheeled Recreational Devices

use a Wheeled Recreational Device.

## 6. Removal of Obstructions

If an object is obstructing any part of a Rundle Mall then the Council may remove the object provided that this paragraph does not apply to any object that has been placed in the Rundle Mall with the Permission of the Council or by some other lawful authority.

## Part 3 – Miscellaneous

## 7. Permits

Despite the Council's *Permits and Penalties By-law 2018*, where this by-law states that a person needs a 'permit' or 'Permission' to do a specified thing, then the following provisions apply:

7.1 The permit must be in writing.

7.2 The Council may:

7.2.1 attach conditions to the permit;

7.2.2 change or revoke a condition, by notice in writing; or

7.2.3 add new conditions, by notice in writing.

7.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.

7.4 The Council may revoke a permit, by notice in writing, if:

7.4.1 the holder of the permit fails to comply with a condition attached to it; or

7.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.

7.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

7.6 For the avoidance of doubt, where Permission is required under this by-law, that Permission is granted under this paragraph 7 and the Council's *Permits and Penalties By-law 2018* shall not apply for the purposes of that Permission.

## 8. Offences and Penalties

8.1 Despite the Council's *Permits and Penalties By-law 2018*:

8.1.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty being the maximum penalty referred to in the *City of Adelaide Act 1998*, which may be fixed for offences against a by-law;

8.1.2 A person who is found guilty of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty being the maximum amount referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

8.2 For the avoidance of doubt, where a penalty is imposed for an offence against this by-law, that penalty is imposed under this paragraph 8 and the Council's *Permits and Penalties By-law 2018* shall not apply for the purposes of that penalty.

#### 9. Application of Paragraphs

Paragraph 5.9 of this by-law shall apply only in such part or parts of the area of the Council as the Council may by resolution determine in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

#### 10. Exemptions

The restrictions in this by-law do not apply to any police officer, emergency worker, Council Officer or employee of the Council acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council.

#### 11. Revocation

Council's adoption of the *Model by-law for the management of pedestrian malls* published in the *Gazette* on 1 December 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999 and the Dog and Cat Management Act 1995

DOGS BY-LAW 2018

By-law No. 7 of 2018

To limit the number of dogs that can be kept on premises and to provide for the control and management of dogs in the Councils area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs 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 **Approved Kennel Establishment** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or otherwise lawfully established for the keeping of ~~ed~~Dogs on a temporary or permanent basis;

Commented [SH1]: Grammar

3.2 **Assistance ~~et~~ Dog** ~~has the same meaning as in means an accredited hearing dog, guide dog or disability dog as defined in Section 4 of the Dog and Cat Management Act 1995;~~

Commented [SH2]: Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

3.3 **Children's Playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play, or within 5 metres of such devices if there is no enclosed area;

Commented [SH3]: For consistency with other Council By-Laws

3.4 **Control**, in relation to a Dog, includes the person having ownership, possession or charge of, or authority over, the Dog;

Commented [SH4]: Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

3.4.3.5 **Dangerous Dog** has the same meaning as defined in Section 4 of the *Dog and Cat Management Act 1995*;

Commented [SH5]: Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

3.5.3.6 **Dog** means an animal of the species *canis familiaris* that is over three months of age or has lost its juvenile canines, but does not include a dingo or cross of a dingo;

Commented [SH6]: Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

3.7 **Effective Control** means a person exercising effective control of a Dog either:



3.7.1 ~~by means of a physical restraint;~~

3.7.2 ~~by command, the Dog being in close proximity to the person, and the person being able to see the Dog at all times;~~

~~3.63.8~~ **Local Government Land** has the same meaning as in the *Local Government Act 1999*;

~~3.73.9~~ **Park** has the same meaning as in the *Dog and Cat Management Act 1995*;

~~3.93.10~~ **Premises** includes land and a part of any premises or land whether used or occupied for domestic or nondomestic purposes except an Approved Kennel Establishment;

~~3.93.11~~ **Prescribed Breed** has the same meaning as ~~in defined in Section 4 of the Dog and Cat Management Act 1995;~~

~~3.12~~ **Public Place** ~~has the same meaning as in the Dog and Cat Management Act 1995;~~

~~3.103.13~~ **Small Dwelling** means a self-contained dwelling commonly known as an ~~apartment,~~ flat, service flat, home unit or the like.

**Commented [SH7]:** Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

**Commented [SH8]:** Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

**Commented [SH9]:** Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

**Commented [SH10]:** Wording edited/removed to make it easier to interpret

## Part 2 – Dog Management and Control

### 4. Limit on Dog Numbers

A person must not, without the Council's permission, keep:

- 4.1 more than one Dog in a Small Dwelling;
- 4.2 more than two Dogs on any Premises other than a Small Dwelling.

### 5. Exemptions

The limits set out in paragraph 4 of this by-law do not apply:

- 5.1 to an Approved Kennel Establishment operating in accordance with all required approvals and consents; or
- 5.2 to any business involving ~~Dogs~~ which is registered in accordance with the *Dog and Cat Management Act 1995*; or
- 5.3 if the Council has exempted any Premises from compliance with paragraph 4 of this by-law by the granting of an exemption.

**Commented [SH11]:** Grammar

### 6. Dog Free Areas

~~6.1 A person must not allow a Dog in that person's Control to be in, or remain in a Dog Free Area.~~

~~6.2 For the purposes of this paragraph, a Dog Free Area is any:~~

**Commented [SH12]:** Wording edited/removed to make it easier to interpret

6.2.1 Local Government Land; or

6.2.2 Public Place,

to which the Council has resolved this paragraph applies.

6.4 The restrictions in subparagraph 6.1 do not apply to any Assistance Dog

6.26.3 A person must not on Local Government Land to which this paragraph applies cause, suffer or permit any dog under that persons control, charge or authority (except an Assistant Dog), to be under that persons control, charge or authority or remain in that place.

## 7. Dogs on Leashes

A person must not on Local Government Land to which this paragraph applies, cause, suffer or permit any dog under that persons control, charge or authority, to be or remain in that place unless such dog is restrained by a strong chain, cord or leash not exceeding two metres in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or danger to other persons

7.1 A person must not allow a Dog under that person's Control to be in, or remain in, a Dog on Leash Area unless the Dog is secured by a strong leash not exceeding two metres in length which is either:

**Commented [SH13]:** Wording edited/removed to make it easier to interpret

7.1.1 tethered securely to a fixed object capable of securing the Dog; or

7.1.2 held by a person capable of controlling the Dog and preventing it from being a nuisance or a danger to other persons.

7.2 For the purposes of this paragraph, a Dog on Leash Area is any:

7.2.1 Local Government Land or Public Place to which the Council has resolved that this paragraph applies;

7.2.2 Park when organised sport is being played; or

7.2.3 enclosed Children's Playground or if a Children's playground is not enclosed land within five metres of children's playground equipment.

## 8. Dog Exercise Areas

6.4 Subject to subparagraph 6.3 and paragraphs 4 and 5 of this by-law, any person may enter any part of Local Government Land to exercise a dog under that persons control.

**Commented [SH14]:** Wording edited/removed to make it easier to interpret

6.2 Subject to subparagraph 6.3 of this by-law, where a person enters upon any such part of Local Government Land for the purpose of exercising a dog under that persons control, that person must ensure that the dog or dogs remain under effective control either by means of physical restraint or by command, the dog being in close proximity to the person and the person being able to see the dog at all times while on that land.

**Commented [SH15R14]:**

8.1 Subject to paragraphs 6, 7 and 8.4, a person may enter any Dog Exercise Area for the purpose of exercising a Dog under his or her control.

8.2 For the purposes of this paragraph, a Dog Exercise Area is any:

8.2.1 Park; or

8.2.2 Local Government Land that the Council has resolved is a Dog Exercise Area.

~~8.3. A person must ensure that any Dog under their control remains under Effective Control while the Dog is in a Dog Exercise Area.~~

~~8.18.4~~ A person must not cause, suffer or permit any Dog of a Prescribed Breed or a Dangerous Dog under that persons control, charge or authority to be or remain in a Dog Exercise Area.

**9 Removal of Dog Faeces**

~~A person who owns or is responsible for the control of a dog is guilty of an offence if the dog defecates on any Local Government Land and the person responsible for the control of the dog does not immediately remove the faeces and dispose of it in a lawful and suitable manner~~

**Commented [SH16]:** Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

**Part 3 – Miscellaneous**

**10.9. Application of Paragraphs**

~~10.19.1~~ ~~The Council may from time to time, by resolution, identify Local Government Land as a Dog Exercise Area in accordance with subparagraph 8.2.2 of this by-law.~~

**Commented [SH17]:** To allow Council to by resolution to identify LG land as a Dog Exercise area

~~10.29.2~~ Paragraphs 6 and 7.2.1 of this by-law shall apply only in such portion or portions of the Councils area as the Council may by resolution direct from time to time in accordance with Section 246 (3) (e) of the *Local Government Act 1999*.

~~9.3~~ ~~Where the Council makes a resolution under either of subparagraphs 9.1 or 9.2, the Council's Chief Executive Officer must ensure that:~~

**Commented [SH18]:** To allow Council to by resolution to identify LG land as a Dog Exercise area

~~9.3.1~~ ~~the area is denoted by signs erected by the Council; and~~

~~9.3.2~~ ~~information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.~~

**11.10. Revocation**

Council's *By-law No. 7 – Dogs*, 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999 and the Dog and Cat Management Act 1995

CATS BY-LAW 2018

By-law No. 8 of 2018

To provide for the control and management of cats in the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Cats 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 **Approved Kennel Establishment** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993*, or otherwise lawfully established for the keeping of cats on a temporary or permanent basis;

3.2 **Cat** has the same meaning as in the *Dog and Cat Management Act 1995*;

~~3.3 **Identification** shall be in the form of an implanted microchip and the letter 'M' tattooed on the inside of its ears;~~

Commented [SH1]: Definition not required in this By-Law

~~3.4~~ **Keep** includes the provision of food or shelter;

~~3.5~~ **Premises** includes land and a part of any premises or land whether used or occupied for domestic or nondomestic purposes except an Approved Kennel Establishment;

~~3.6 **Public Place** has the same meaning as in the *Local Government Act 1999*.~~

Commented [SH2]: Definition not required in this By-Law

Part 2 – Cat Management and Control

4. Limit on Cat Numbers

4.1 A person must not on any Premises, without the Council's permission, keep more than two Cats over three months in age.

- 4.2 The limit in subparagraph 4.1 of this by-law does not apply:
- 4.2.1 to an Approved Kennel Establishment; or
  - 4.2.2 to pet shops approved by the relevant authority pursuant to the *Development Act 1993* or otherwise lawfully established; or
  - 4.2.3 to a veterinary practice approved by the relevant authority pursuant to the *Development Act 1993*, or otherwise lawfully established; or
  - 4.2.4 ~~to premises of a person who carries on a business as a cat breeder provided that the person is lawfully operating such business in accordance with all relevant approvals and any conditions reasonably imposed by the Council; or~~
  - 4.2.5 where:
    - 4.2.5.1 the Council is satisfied that no insanitary condition is being caused by Cats being kept on the Premises; and
    - 4.2.5.2 the Council is satisfied that no nuisance is being caused to any neighbour by reason of odour from cat urine or by reason of any of the Cats wandering from the Premises; and
    - 4.2.5.3 all the Cats over the age of three months (or such later age as is considered appropriate and advised in writing by a veterinary surgeon) kept on the Premises are desexed.

**Commented [SH3]:** Wording edited/removed to bring in line with Legislation Changes (Dog and Cat Management Act 1995)

## 5. Notices

- 5.1 The Council may serve a notice on the occupier of Premises or the owner of a cat requiring specific action to be taken to ensure compliance with this by-law.
- 5.2 The person to whom a notice is given pursuant to this by-law must comply with the requirements of the notice.
- 5.3 If the person to whom a notice is given fails to comply with the requirements of the notice, the Council may then carry out the requirements of the notice and recover its costs from that person.

## Part 3 – Miscellaneous

### 6. Revocation

Council's *By-law No. 8 – Cats*, 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer



**CORPORATION OF THE CITY OF ADELAIDE**

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

**LODGING HOUSES BY-LAW 2018**

**By-law No. 9 of 2018**

For the controlling, licensing, inspecting and regulating of lodging houses.

**Part 1 - Preliminary**

**1. Short title**

This by-law may be cited as the *Lodging Houses 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**

3.1 **Authorised Person** means a person appointed by Council ~~as an authorised person or officer~~ under the *Local Government Act 1999*, the *Development Act 1993* or the ~~South Australian Public and Environmental Health Act 2011~~ ~~1997~~.

3.2 **Building** has the same meaning as in the *Development Act 1993*;

3.3 **Flat** includes any self-contained suite of rooms designed, intended or adopted, for separate occupation including bathroom and sanitary conveniences provided for that occupation;

3.4 **Licence** means a licence issued under this by-law;

3.5 **Lodging House** includes any building or part thereof of a building providing accommodation where the occupants share facilities (toilets, ablutions and kitchens) for individual use, but shall not include any building which comes within the definition of flat nor any motel, hotel, health care facility or any premises licenced under the *Supported Residential Facilities Act 1992*;

3.6 **Long Term Accommodation** means where lodgings are provided for ten or more consecutive days;

3.7 **Short Term Accommodation** means where lodgings are provided for less than ten consecutive days;

3.8 **Proprietor** in relation to a Lodging House means the owner of the undertaking carried on at the Lodging House.

**Commented [SH1]:** Wording edited/removed to bring in line with Legislation

**4. Licences**

- 4.1 A person must not let any building for lodgings or for the purpose of board or lodging without a Licence.
- 4.2 A Licence may be issued at the discretion of the Council, or such other person authorised by resolution of the Council for that purpose, and entitles the holder to conduct the business of a Lodging House at the Building specified in the Licence and on the conditions set out in the Licence.

**5. Licence Application Requirements**

- 5.1 Any person who wishes to operate a Lodging House, or renew the Licence of an existing Lodging House, must make application to the Council.
- 5.2 A fire safety survey of the Lodging House shall be undertaken:
  - 5.2.1 prior to the issuing of a Licence pursuant to this by-law; and
  - 5.2.2 each year that the Lodging House is Licensed under this by-law, in order to determine the current fire safety standard of the Lodging House.
- 5.3 Subject to subparagraph 5.5, every application for renewal of a Licence of a Lodging House must, subject to any determination to the contrary by the Council, or such other person as the Council may authorise by resolution for that purpose, be deposited in the office of the Council on or before 30 September in each year.
- 5.4 Subject to subparagraph 5.5, a Lodging House Licence expires on 31 October in each year.
- 5.5 The Council, or such other person as the Council may authorise by resolution for that purpose, may, if in its discretion it sees fit, renew a Licence for a period not exceeding two years.

**6. Fees**

A person licensed under this by-law must pay to the Council an annual Licence fee fixed by the Council, payable upon the granting of an application for Licence or renewal of existing Licence.

**7. Licence Conditions, Revocation and Suspension**

- 7.1 A Lodging House Licence is subject to the conditions set out in the Licence and as the Council, or such other person authorised by resolution of the Council for that purpose, deems appropriate.
- 7.2 Conditions may be imposed, varied or deleted from such Licence by the Council, or such other person authorised by resolution of the Council for that purpose, at any time by notice in writing to the Licence holder.
- 7.3 A Licence holder must at all times comply with Licence conditions.



- 7.4 The Council, or such other person authorised by resolution of the Council for that purpose, may at any time, by notice in writing, revoke or suspend a Licence:
- 7.4.1 if the Council considers that the building in respect of which the Licence holder is licensed is, by reason of its condition, unsuitable to continue to be used as a Lodging House including, but not limited to the fire safety of the premises;
  - 7.4.2 if the Council has reasonable cause to believe that the Licence holder has committed an offence against this by-law, ~~the Local Government Act 1934,~~ the Local Government Act 1999, the South Australian Public Health Act 2011, the Food Act 2001, the Development Act 1993, the Planning, Development and Infrastructure Act 2016 or the Supported Residential Facilities Act 1992;
  - 7.4.3 if the Council considers that the Licence holder is unsuitable to continue as the proprietor of the Lodging House;
  - 7.4.4 if the Licence holder breaches a condition of the Licence; or
  - 7.4.5 for any other reason the Council may deem necessary.

**Commented [SH2]:** Wording edited/removed to bring in line with Legislation

## 8. Alterations

A person must not, without the permission of the Council or an Authorised Person:

- 8.1 add to or alter any Lodging House; or
- 8.2 use any part of a Lodging House in any other manner contrary to its permitted use or the terms of the Licence.

## 9. Inspections

- 9.1 An Authorised Person may at any reasonable time enter and inspect a Lodging House for the purposes of undertaking an inspection of the Lodging House.
- 9.2 The proprietor of a Lodging House or any person in a Lodging House must not hinder or obstruct any Authorised Person either alone or in the company of another person for the purposes of making an inspection of a Lodging House.
- 9.3 Every lodger must allow access to his or her room to any Authorised Person of the Council for the purposes of inspecting the room.

## Part 2 – Miscellaneous

### 10. Revocation

Council's *By-law No.9 – Lodging Houses By-law*, 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 \_\_\_\_\_ 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 Mark Goldstone  
Chief Executive Officer