

COORONG DISTRICT COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



By-law No. 1 – Permits and Penalties

A by-law to provide for and regulate permits and penalties issued by the Council

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Permits and Penalties By-law 2016*.

2. Objective

The objective of this by-law is to provide for the good rule and government of the Council area by providing for:

- 2.1 the issuing of permits under Council by-laws; and
- 2.2 providing for the imposition of penalties for breach of Council by-laws.

3. Commencement

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

4. Application

This by-law applies throughout the Council area.

5. Interpretation

- 5.1 In this by-law, unless the contrary intention appears:
 - 5.1.1 **Act** means the *Local Government Act 1999*;
 - 5.1.2 **Council** means the Coorong District Council; and
 - 5.1.3 **person** includes a natural person, a body corporate and an unincorporated association.
- 5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

PART 2 – PERMITS AND PENALTIES

6. Permits

- 6.1 In any by-law of the Council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council.
- 6.2 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.
- 6.3 The Council may attach such conditions (including time limits, renewal and transfer requirements) as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 6.4 Any person granted permission shall comply with every condition applying to the permission.
- 6.5 The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

7. Offences and penalties

- 7.1 Any person who commits a breach of any by-law of the Council shall be guilty of an offence.
- 7.2 The maximum penalty specified by section 246(3)(g) of the Act for the breach of a by-law applies to any breach of a by-law of the Council.
- 7.3 Where a breach of any by-law of the Council continues, the maximum penalty specified by section 246(3)(g) of the Act for a continuing offence will apply.
- 7.4 The expiation fee fixed for a breach of a by-law is a fee equivalent to 25 per cent of the maximum fine applicable to a breach of the by-law.

The foregoing by-law was duly made and passed at a meeting of the Council held on 28 June 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

.....
V. CAMMELL
Chief Executive Officer

COORONG DISTRICT COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



By-law No. 2 – Roads

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

PART 1 – PRELIMINARY

1. Title

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

2. Objectives

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

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

3. Commencement

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

4. Application

- 4.1 Subject to clauses 4.2 and 4.3 this by-law applies throughout the Council area.
- 4.2 Clauses 6.1 and 6.6 do not apply to electoral matter authorised by a candidate and which:
 - 4.2.1 is related to a Commonwealth or State election and posted during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
 - 4.2.2 is related to an election held under the Act or the *Local Government (Elections) Act 1999* and posted during the period commencing four weeks immediately before the date that has been set (either by or

under either Act) for polling day and ending at the close of voting on polling day; or

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

4.3 This by-law does not apply to:

4.3.1 a police officer;

4.3.2 an emergency worker;

4.3.3 a Council officer or Council employee acting in the course and within the scope of that person's normal duties; or

4.3.4 a contractor while performing work for the Council.

4.4 The *Permits and Penalties By-law 2016* operates in respect of:

4.4.1 permissions required by or given under this by-law; and

4.4.2 penalties for breach of this by-law.

5. Interpretation

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

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

5.1.2 **animal** refers to all animals (including birds and insects), except dogs;

5.1.3 **camp** includes setting up a camp, erecting any tent or other structure of calico, canvas, plastic or similar material, or causing a tent, caravan or motor home to remain on the land, for the purpose of staying overnight, whether or not any person is in attendance;

5.1.4 **Council** means the Coorong District Council;

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

(a) means of a physical restraint; or

(b) command where the animal is in close proximity to, and is able to be seen by, the person;

5.1.6 **electoral matter** has the same meaning as in the *Electoral Act 1995*, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

5.1.7 **emergency worker** is a person identified in regulation 54 of the *Road Traffic (Road Rules — Ancillary and Miscellaneous Provisions) Regulations 2014*; and

5.1.8 **poll** means a poll undertaken by the Council under the *Local Government (Elections) Act 1999*.

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

PART 2 – USE OF ROADS

6. Activities requiring permission

No person shall without Council permission on any road:

6.1 Advertising

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

6.2 Amplification

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

6.3 Animals on roads

Lead or drive any horse, cattle or sheep onto any road or cause or allow any horse, cattle or sheep to stray onto, graze, wander on or be left unattended on any road.

6.4 Donations

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

6.5 Obstructions

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, a water-channel, or watercourse in, on or under a road.

6.6 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.

6.7 Preaching

Preach, harangue, or otherwise solicit for religious purposes.

6.8 Public exhibitions and displays

6.8.1 Sing, busk or play any recording or use any musical instrument.

6.8.2 Conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

6.8.3 Cause any public exhibitions or displays.

6.9 Tents and camping

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

6.9.2 Camp or sleep overnight.

6.10 Working on vehicles

Repair, wash, paint, panel beat or undertake other work of any nature to any vehicle, except for running repairs in the case of a breakdown.

PART 3 – ENFORCEMENT

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 having control, charge, possession or authority over the animal must immediately remove it from that part of the road on the request of an authorised person; and

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 the relevant 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. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council may recover those expenses as a debt from the person who failed to comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

The foregoing by-law was duly made and passed at a meeting of the Coorong District Council held on 28 June 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

.....
V. CAMMELL
Chief Executive Officer

COORONG DISTRICT COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



By-law No. 3 – Local Government Land

A by-law to regulate access to and use of local government land (other than roads)

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Local Government Land By-law 2016*.

2. Objectives

The objectives of this by-law are to regulate the access to and use of local government land (other than roads):

- 2.1 to protect the convenience, comfort and safety of members of the public;
- 2.2 to enhance the amenity of the Council area;
- 2.3 to prevent and mitigate nuisances;
- 2.4 to prevent damage to local government land; and
- 2.5 good rule and government of the area.

3. Commencement

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

4. Application

- 4.1 Subject to clauses 4.2, 4.3 and 4.4 this by-law applies throughout the Council area.
- 4.2 Clauses 6.1.1, 6.5.2, 6.24.3, 6.26, 7.3 and 7.7.2 of this by-law only apply in such part or parts of the Council area as the Council may by resolution determine in accordance with section 246(3)(e) of the Act.
- 4.3 Clauses 6.2, 6.8, 6.15, 6.18 and 6.30 do not apply to electoral matter authorised by a candidate and which is related to:

- 4.3.1 a Commonwealth or State election and posted during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
 - 4.3.2 an election held under the Act or the *Local Government (Elections) Act 1999* and posted during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 4.3.3 occurs during the course of and for the purpose of a referendum or a poll.
- 4.4 This by-law does not apply to a police officer, an emergency worker, a Council officer or a Council employee acting in the course and within the scope of that person's normal duties or to a contractor while performing work for the Council.
- 4.5 The *Permits and Penalties By-law 2016* operates in respect of:
- 4.5.1 permissions required by or given under this by-law; and
 - 4.5.2 penalties for breach of this by-law.

5. Interpretation

- 5.1 In this by-law, unless the contrary intention appears:
- 5.1.1 **Act** means the *Local Government Act 1999*;
 - 5.1.2 **animal** refers to all animals (including birds and insects), except dogs;
 - 5.1.3 **boat** includes any boat, raft, pontoon or watercraft;
 - 5.1.4 **building** includes any structure and/or fixture of any kind whether for human habitation or not;
 - 5.1.5 **camp** includes setting up a camp, erecting any tent or other structure of calico, canvas, plastic or similar material, or causing a tent, caravan or motor home to remain on the land, for the purpose of staying overnight, whether or not any person is in attendance;
 - 5.1.6 **Council** means the Coorong District Council;
 - 5.1.7 **electoral matter** has the same meaning as in the *Electoral Act 1995*, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
 - 5.1.8 **emergency worker** is a person identified in regulation 54 of the *Road Traffic (Road Rules — Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 5.1.9 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;

- 5.1.10 **local government land** means all land owned by the Council or under the Council's care, control and management, except roads;
- 5.1.11 **offensive** includes threatening, abusive, insulting or annoying behaviour and 'offend' has a complementary meaning;
- 5.1.12 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 5.1.13 **waters** includes any body of water including a pond, lake, river, creek or wetland under the care, control and management of the Council.

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

PART 2 – USE OF LOCAL GOVERNMENT LAND

6. Activities requiring permission

A person must not, without permission, undertake any of the following activities on any local government land:

6.1 Access to water

6.1.1 Subject to the provisions of the *Harbors and Navigation Act 1993*, swim in any waters:

- (a) in an area which the Council has by resolution determined may not be used for such purpose; and
- (b) except in accordance with any conditions that the Council may have determined by resolution apply to such use.

6.1.2 Place a buoy, cable, chain, hawser, rope or net in or across any waters on local government land.

6.2 Advertising

Display, paint or erect any sign or hoarding, other than in accordance with the Council's *Moveable Signs By-Law 2016*, for the purpose of commercial advertising or any other purpose.

6.3 Aircraft

Subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land.

6.4 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound.

6.5 Animals

Subject to clause 7.1:

- 6.5.1 cause or allow any animal to stray onto, move over, graze or be left unattended on any local government land;
- 6.5.2 cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land to which the Council has resolved this clause shall apply;
- 6.5.3 lead or drive a horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind.

6.6 Annoyance

Do anything likely to offend or unreasonably interfere with any other person:

- 6.6.1 using that land; or
- 6.6.2 occupying nearby premises,
by making a noise or creating a disturbance.

6.7 Aquatic life

Introduce any aquatic life to any waters located on local government land.

6.8 Attachments

Attach anything to a tree, plant, equipment, fence, post, structure or fixture on local government land.

6.9 Bees

Place or allow to remain any hive of bees on local government land.

6.10 Boats

Subject to the provisions of the *Harbors and Navigation Act 1993*:

- 6.10.1 launch, propel, float or otherwise use any boat or other object or device on or in any waters located on local government land;
- 6.10.2 launch or retrieve a boat to or from any waters on local government land;
- 6.10.3 hire out a boat or similar device or otherwise use such boat or device for commercial purposes, except where permitted in an area by resolution of the Council.

6.11 Bridge jumping

Jump or dive from any bridge on local government land.

6.12 Buildings

Use any building or structure on local government land for any purpose other than its intended purpose.

6.13 Burials and memorials

6.13.1 Bury, inter or spread:

- (a) the ashes of any human; or
- (b) animal remains.

6.13.2 Erect any memorial.

6.14 Camping and tents

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

6.14.2 Camp or sleep overnight except where a person is in a caravan park on local government land, the proprietor of which has been given permission to operate the caravan park on that land.

6.15 Canvassing

Convey any advertising, religious or other message to any bystander, passer-by or other person.

6.16 Closed lands

Enter or remain on any part of local government land:

6.16.1 at any time during which the Council has declared that part to be closed to the public and which is indicated by a sign adjacent to the entrance to that effect on or adjacent to the land;

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

6.16.3 where admission charges are payable, for a person to enter that part, without paying those charges.

6.17 Defacing property

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council on local government land.

6.18 Distribute material

Place on any vehicle (without the consent of the owner of the vehicle) or give out or distribute any hand bill, book, notice, leaflet or other printed matter to any bystander, passer-by or other person.

6.19 Donations

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

6.20 Entertainment and busking

- 6.20.1 Sing, busk or play any recording or use any musical instrument for the apparent purpose of either entertaining others or receiving money.
- 6.20.2 Conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

6.21 Fireworks

Subject to the *Explosives (Fireworks) Regulations 2001*, use, ignite, discharge or explode any fireworks.

6.22 Fires

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

- 6.22.1 in a place provided by the Council for that purpose;
- 6.22.2 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 metres.

6.23 Flora and fauna

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

- 6.23.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 6.23.2 cause or allow any animal to stand or walk on any flower bed or garden plot;
- 6.23.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 6.23.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 6.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 6.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 6.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 6.23.8 collect, remove or burn any wood fallen from trees.

6.24 Games

- 6.24.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.

6.24.2 Play or practice any game which involves kicking, hitting or throwing a ball or other object on local government land which may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.

6.24.3 Play or practice the game of golf on local government land to which the Council has resolved this clause shall apply.

6.25 Litter

Subject to clause 7.10:

6.25.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.

6.25.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.

6.26 Liquor

Consume, carry or be in possession or in charge of any liquor on any local government land comprising a park or reserve to which the Council has resolved this subclause shall apply.

6.27 Model aircraft, boats and cars

Fly or operate a model 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 of and enjoyment of the land.

6.28 Overhanging articles

Suspend or hang any article or object from any building, verandah, pergola, post or other structure on local government land where it might present a nuisance or danger to any person using the land or be of an unsightly nature.

6.29 Playing areas

Subject to clause 7.6, use or occupy any playing area in a manner contrary to the purpose for which the playing area was intended to be used or occupied.

6.30 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.

6.31 Preaching

Preach, harangue or solicit for religious purposes.

6.32 **Toilets**

In any public convenience on local government land:

- 6.32.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 6.32.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 6.32.3 use it for a purpose for which it was not designed or constructed;
- 6.32.4 enter any toilet that is set aside for use of the opposite sex except:
 - (a) where a child under the age of eight years is accompanied by an adult, parent or guardian of that sex;
 - (b) to provide assistance to a disabled person; or
 - (c) in the case of a genuine emergency.

6.33 **Trading**

Sell, buy, offer or display anything for sale.

6.34 **Use of equipment**

Use any item of equipment, facilities or property belonging to the Council:

- 6.34.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it; or
- 6.34.2 if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

6.35 **Weddings**

Hold, conduct or participate in a 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 persons.

6.36 **Working on vehicles**

Repair, wash, paint, panel beat or carry out other work of any nature on or to any vehicle, except for running repairs in the case of a breakdown.

7. **Prohibited activities**

No person shall on any local government land:

7.1 Animals

- 7.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 7.1.2 Cause or allow any animal to damage any flower bed, garden, pot, tree, lawn or other item located thereon.
- 7.1.3 Lead, drive or exercise any animal in such manner as to endanger the safety of any other person.

7.2 Damaging property

Damage or remove a building, structure or fixture located on local government land.

7.3 Fishing

- 7.3.1 Fish in any waters on local government land to which the Council has resolved this clause shall apply.
- 7.3.2 Fish from any bridge or other structure on local government land to which the Council has resolved this clause shall apply.

7.4 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.

7.5 Nuisance

Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

7.6 Playing games

Play or practice a game:

- 7.6.1 which is likely to cause damage to the land or anything in or on the land;
- 7.6.2 which endangers the safety or interferes with the comfort of any person;
- 7.6.3 in any area where a sign indicates that the game is prohibited.

7.7 Smoking

Subject to the *Tobacco Products Regulation Act 1997*:

- 7.7.1 smoke tobacco or any other substance in any building on local government land;

7.7.2 smoke tobacco or any other substance on any local government land or part thereof to which the Council has resolved this clause shall apply.

7.8 Solicitation

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

7.9 Throwing objects

Throw, roll, project or discharge any stone, substance or other missile which endangers the safety of any person.

7.10 Waste

7.10.1 Deposit or leave thereon:

- (a) anything obnoxious or offensive;
- (b) any offal, dead animal, dung or filth;
- (c) any mineral, mineral waste, industrial waste or by-products.

7.10.2 Foul or pollute any waters situated thereon.

7.10.3 Deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless permission to do so is designated by a sign or signs.

PART 3 – ENFORCEMENT

8. Removal of animals, persons and objects

8.1 If any animal, person or object is found on any part of local government land in breach of a by-law:

8.1.1 any person having control, charge, possession or authority over the animal, person or object shall forthwith remove it from that part of the land on the request of an authorised person; and

8.1.2 an authorised person may remove the animal or object from the land if the person having control, charge, possession or authority of the animal fails to comply with the request, or if no person is in charge of the animal or object.

8.2 A person who is committing or has committed a breach of this by-law must immediately comply with a direction of an authorised person to leave the relevant part of the local government land.

9. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council may recover those expenses as a debt from the person who failed to

comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

The foregoing by-law was duly made and passed at a meeting of the Coorong District Council held on 28 June 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

.....
V. CAMMELL
Chief Executive Officer

COORONG DISTRICT COUNCIL
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



By-law No. 4 – Dogs

A by-law for the management and control of dogs within the Council area

PART 1 – PRELIMINARY

1. Title

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

2. Objectives

The objectives of this by-law are to:

- 2.1 promote responsible dog ownership;
- 2.2 protect the convenience, comfort and safety of members of the public;
- 2.3 control and manage dogs in the Council area;
- 2.4 reduce the incidence of environmental nuisance caused by dogs; and
- 2.5 for the good rule and government of the Council area.

3. Commencement

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

4. Application

- 4.1 Subject to clauses 9 and 10, this by-law applies throughout the Council area.
- 4.2 The *Permits and Penalties By-law 2016* operates in respect of:
 - 4.2.1 permissions required by or given under this by-law; and
 - 4.2.2 penalties for breach of this by-law.

5. Interpretation

- 5.1 In this by-law, unless the contrary intention appears:
 - 5.1.1 **Act** means the *Local Government Act 1999*;

- 5.1.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993*, for the keeping of dogs on a temporary or permanent basis;
 - 5.1.3 **Council** means the Coorong District Council;
 - 5.1.4 **disability dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 5.1.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 5.1.6 **dog management officer** is a person appointed by the Council as such, pursuant to the *Dog and Cat Management Act 1995*;
 - 5.1.7 **effective control** means a person exercising control of a dog by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 5.1.8 **premises** means any domestic or non-domestic premises, except an approved kennel establishment;
 - 5.1.9 **small dwelling** means a flat, a serviced flat, home unit, strata unit, community lot or a suite of rooms which is wholly occupied, or designed or intended to be occupied, as a separate dwelling; and
 - 5.1.10 **working dog** means a dog primarily used for the purpose of herding stock.
- 5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

PART 2 – LIMITS ON DOG NUMBERS

6. Limits on dog numbers

- 6.1 A person must not, without the Council's permission, keep:
 - 6.1.1 more than one dog in a small dwelling;
 - 6.1.2 more than two dogs on any premises other than a small dwelling within any township; and
 - 6.1.3 more than three dogs on any premises outside any township (excluding working dogs).
- 6.2 For the purpose of clause 6.1 'dog' means a dog that is older than three months of age.

7. Approved kennel establishments

The limits set out in clause 6 do not apply to an approved kennel establishment provided:

- 7.1 it is operating in accordance with all approvals and consents; and

7.2 any business involving the dogs is registered in accordance with the *Dog and Cat Management Act 1995*.

PART 3 – DOG CONTROLS

8. Dog off leash areas

8.1 Subject to clauses 9 and 10 of this by-law, any person may enter upon any part of local government land for the purpose of exercising a dog.

8.2 Where a person enters upon such part of local government land for that purpose, he or she shall ensure that the dog is under his or her effective control while on that land.

9. Dogs on leash areas

A person must not, without the Council’s permission, cause, suffer or permit any dog under that person’s control, charge or authority to be or remain on local government land to which this clause applies, unless such dog is restrained by a strong chain, cord or leash not exceeding 2 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.

10. Dog prohibited areas

A person must not, without the Council’s permission, cause, suffer or permit any dog (except a disability dog), under that person’s control, charge or authority to be or remain on any local government land to which this clause applies.

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on local government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit for the purpose of complying with his or her obligation under section 45A(6) of the *Dog and Cat Management Act 1995*.

PART 4 – ENFORCEMENT

12. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council may recover those expenses as a debt from the person who failed to comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

The foregoing by-law was duly made and passed at a meeting of the Coorong District Council held on 28 June 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

.....
V. CAMMELL
Chief Executive Officer

COORONG DISTRICT COUNCIL
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



By-law No. 5 – Moveable Signs

A by-law to regulate the construction and placement of moveable signs on roads in the Council area

PART 1 – PRELIMINARY

1. Title

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

2. Objectives

The objectives of this by-law are to set standards for moveable signs on roads for the:

- 2.1 protection, comfort and safety of road users and members of the public;
- 2.2 amenity of roads and surrounding Council area;
- 2.3 prevention of nuisances occurring on roads;
- 2.4 prevention of unreasonable interference with the use of a road; and
- 2.5 good rule and government of the Council area.

3. Commencement

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

4. Application

- 4.1 This by-law applies throughout the Council area.
- 4.2 The *Permits and Penalties By-law 2016* operates in respect of:
 - 4.2.1 permissions required by or given under this by-law; and
 - 4.2.2 penalties for breach of this by-law.

5. Definitions

- 5.1 In this by-law, unless the contrary intention appears:
- 5.1.1 **Act** means the *Local Government Act 1999*;
 - 5.1.2 **banner** means a sign that is made from non-rigid and lightweight material which is mounted to a building or other structure by its ends or corners;
 - 5.1.3 **business** means the business to which a moveable sign relates;
 - 5.1.4 **business premises** means the premises from which a business is conducted;
 - 5.1.5 **Council** means the Coorong District Council;
 - 5.1.6 **footpath** means:
 - (a) that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
 - (b) a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
 - 5.1.7 **road related area** has the same meaning as in the *Road Traffic Act 1961*;
 - 5.1.8 **tear drop sign** means a sign in the style of a tear drop sign or feather sign.
- 5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

PART 2 – MOVEABLE SIGNS

6. Design and construction

A moveable sign displayed on a road must:

- 6.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign or a flat sign, a tear drop sign or, with the permission of the Council, a sign of some other kind;
- 6.2 be designed, constructed and maintained in good quality and condition so as not to present a hazard to any member of the public;
- 6.3 be of strong construction so as to be stable when in position and be able to keep its position in adverse weather conditions;
- 6.4 not contain sharp or jagged edges or corners;
- 6.5 not be unsightly or offensive in appearance or content;

- 6.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 6.7 not rotate or contain moving parts;
- 6.8 not contain flashing lights or be illuminated internally;
- 6.9 other than a tear drop sign, not be more than 0.9 metres high and 0.6 metres deep;
- 6.10 in the case of a tear drop sign, not exceed 2.5 metres in height from the ground, 0.6 metres in width and 0.6 metres in depth;
- 6.11 in the case of an 'A' frame or sandwich board sign:
 - 6.11.1 be hinged or joined at the top; and
 - 6.11.2 be of such construction that its sides shall be securely fixed or locked in position when erected;
- 6.12 in the case of an inverted 'T' sign, not contain any struts or supports that run between the display area and the base of the sign; and
- 6.13 other than a tear drop sign, have a display area not exceeding 1 metre² in total or, if the sign is two-sided, 1 metre² on each side.

7. Appearance

A moveable sign on a road must, in the opinion of an authorised person:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 7.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the sign and which relate well to the townscape and overall amenity of the locality in which it is situated and not detract from or conflict with traffic, safety or direction signs or signals; and
- 7.4 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.

8. Placement

- 8.1 Subject to this clause 8, a moveable sign may be placed:
 - 8.1.1 on the footpath which is at least 2.3 metres wide;
 - 8.1.2 at least 0.6 metres from:
 - (a) where the road has a kerb, the kerb;
 - (b) where the road has no kerb but has a shoulder, the shoulder;

- (c) where the road has neither a kerb nor a shoulder, the edge of the carriageway.

8.2 A moveable sign must be placed:

- 8.2.1 in the case of a flat sign, the message of which only contains newspaper headlines and the name of the newspaper, resting against the premises of the business to which the moveable sign relates;
- 8.2.2 directly in front of the business premises to which it relates;
- 8.2.3 within the projections of the side boundaries of the business premises to which it relates.

8.3 A moveable sign must not be placed:

- 8.3.1 on a landscaped area, other than on landscaping that comprises only lawn;
- 8.3.2 on a designated parking area or within 1 metre of an entrance to premises;
- 8.3.3 so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
- 8.3.4 so as to obstruct or impede a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway;
- 8.3.5 within 6 metres of an intersection;
- 8.3.6 within 2 metres of any other structure, object or plant (including another moveable sign); and
- 8.3.7 so that it prevents a clear passage for pedestrians of at least 2 metres.

9. Banners

A person must not erect or display a banner on a building or a structure on a road without the Council's permission.

10. Restrictions

10.1 A moveable sign must:

- 10.1.1 only contain material which advertises a business being conducted on business premises adjacent to the moveable sign or the goods and services available from that business;
- 10.1.2 be limited to two moveable signs per business premises;
- 10.1.3 only be displayed when the business to which it relates is open to the public;

- 10.1.4 other than a tear drop sign or banner, not be tied, fixed or attached to anything;
 - 10.1.5 not be displayed during the hours of darkness unless it is in a lit area and is clearly visible;
 - 10.1.6 not be displayed on a traffic island or on the carriageway of a road;
 - 10.1.7 only be displayed on a median strip where the moveable sign will not impede the view of drivers or pedestrians of the road; and
 - 10.1.8 be securely anchored to minimise the likelihood of the moveable sign being blown away or knocked over in adverse weather conditions.
- 10.2 Notwithstanding compliance with the provisions of this by-law and if, in the opinion of the Council, a footpath or road area is unsafe for a moveable sign to be displayed either permanently or for a period of time, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. Exemptions

- 11.1 Clauses 10.1.1, 10.1.2 and 10.1.4 of this by-law do not apply to a moveable sign which is displayed and used:
 - 11.1.1 to advertise a garage sale taking place from residential premises; or
 - 11.1.2 as a directional sign to a short term (less than three days) event run by a community/charitable body or an unincorporated association.
- 11.2 Clauses 10.1.1, 10.1.2 and 10.1.3 of this by-law do not apply to a flat sign the message of which only contains a newspaper or magazine headlines and the name of the newspaper or magazine.
- 11.3 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to the requirement.
- 11.4 This by-law will not apply to a moveable sign which is:
 - 11.4.1 placed on a road pursuant to an authorisation under the Act or another Act;
 - 11.4.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - 11.4.3 related to a State or Commonwealth election and is displayed during the period commencing on the issue of writ or writs for the election and ending at the close of polls on polling day; or
 - 11.4.4 related to an election, referendum or poll held under the Act 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.

12. Removal of moveable signs

- 12.1 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.
- 12.2 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, road works 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 3 – ENFORCEMENT

13. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council may recover those expenses as a debt from the person who failed to comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

The foregoing by-law was duly made and passed at a meeting of the Coorong District Council held on 28 June 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

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V. CAMMELL
Chief Executive Officer