

CITY OF WEST TORRENS BY-LAWS

DELEGATIONS AND SUB-DELEGATIONS FRAMEWORK

Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	
Duty	Duty	
EO	Events Officer	
GMC	General Manager Communities	
GMCC	General Manager Corporate and Compliance	
GMNBE	General Manager Natural and Built Environments	
MC	Manager Compliance	
MCA	Manager City Assets	
MCD	Manager City Development	
MCP	Manager City Property	
MSS	Manager Strategy and Sustainability	
Not Delegated	Not Delegated	
TLCS	Team Leader Community Safety	
TLE	Team Leader Events	

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1. By-Law Permits and Penalties 2017

1. By-Law Permits and Penalties 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Title	This By-law may be cited as the Permits and Penalties By-law 2017 and is By-law No. 1 of the City of West Torrens.	Duty	N/A
2. Authorising law	This By-law is made under section 246 of the Local Government Act 1999.	Duty	
3. Purpose	The objects of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by: 3.1. creating a permit system for Council By-laws; 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and 3.3. clarifying the construction of Council By-laws.	Duty	
4. Commencement, revocation and expiry	4.1. The following By-laws previously made by the Council are revoked from the	Duty	

1. By-Law Permits and Penalties 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	day on which this By-law comes into operation¹ 4.1.1 By-law No. 1 - Permits and Penalties 2010. 4.2. This By-law will expire on 1 January 2025. Note 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act. 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.		
5. Application	5.1. This By-law applies throughout the Council's area.	Duty	
6. Definitions	In this By-law, unless the contrary intention appears: 6.1. Act means the Local Government Act 1999;	Duty	

1. By-Law Permits and Penalties 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.1. Authorised person means a person appointed by the Council as an authorised person under section 260 of the Act; 6.2. Council means the City of West Torrens; 6.3. person includes a natural person, a body corporate or an incorporated association. Note - Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.		
7. Construction of By-laws generally	7.1. Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder. 7.2. In any By-law of the Council, unless the contrary intention appears, permission means permission of the Council (or such other person as the Council may authorise), granted in writing prior to the act (including by way of the Council adopting a policy for this purpose), event or activity to which it relates.	Duty	
8. Permits	8.1. 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.	Duty	

1. By-Law Permits and Penalties 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	8.2. The Council (or such other person as the Council may authorise) may attach such conditions 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. 8.3. A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law). 8.4. The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.		
9. Offences and penalties	9.1. A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay: 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a By-law; or	Duty	

1. By-Law Permits and Penalties 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 percent of the maximum penalty fixed for any breach of a By-law. 9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature. Note The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 - see section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws		

1. By-Law Permits and Penalties 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty prescribed by the Act for a breach of a By-law. This By-law was duly made and passed at a meeting of the City of West Torrens held on the 2 May 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.		

2. By-Law Local Government Land 2017

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Title	This By-law may be cited as the Local Government Land By-law 2017 and is By-law No. 2 of the City of West Torrens.	Not Delegated	
2. Authorising law	This By-law is made under sections 238 and 246 of the Local Government Act 1999 and section 18A of the Harbors and Navigation Act 1993.	Not Delegated	
3. Purpose	The objects of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places: 3.1. to prevent and mitigate nuisances; 3.2. to prevent damage to Local Government land; 3.3. to protect the convenience, comfort and safety of members of the public; 3.4. to enhance the amenity of the Council area; and	Not Delegated	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	3.5. for the good rule and government of the area.		
4. Commencement, revocation and expiry	4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation. 1 4.1.1 Local Government Land By-law No. 2 of 20102 4.2. This By-law will expire on 1 January 2025.3 Note 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act. 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area. 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh	Not Delegated	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	anniversary of the gazettal of the By-law		
5. Application	5.1. This By-law operates subject to the Council's Permits and Penalties By-law 2017. 5.2. Subject to clauses 5.3 & 5.4, this By-law applies throughout the Council area. 5.3. Clauses 9.2, 9.8.1, 9.9.2, 9.23.1, 9.23.3-9.23.5, 9.26.2, 9.37, 10.4 and 10.9 of this By-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act. 5.4. Clauses 9.8.3, 9.12.2(b) and 9.33.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.	Not Delegated	
6. Definitions	In this By-law, unless the contrary intention appears: 6.1. Act means the Local Government Act 1999; 6.2. animal or animals includes birds and insects but does not include a dog;	Not Delegated	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.3. authorised person is a person appointed by the Council as an authorised person under section 260 of the Act; 6.4. boat includes a raft, pontoon or personal watercraft or other similar device; 6.5. camp includes setting up a camp, 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 or sleeps on the land; 6.6. Council means the City of West Torrens; 6.7. effective control means a person exercising effective control of an animal either: 6.7.1 by means of a physical restraint; or 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;		

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.8. electoral matter has the same meaning as in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity; 6.9. emergency vehicle has the same meaning as in the Australian Road Rules and the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014] 6.10. emergency worker has the same meaning as in the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014] 6.11. foreshore means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser); 6.12. funeral ceremony means a ceremony only (i.e. a memorial service) and does not include a burial;		

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.13. liquor has the same meaning as in the Liquor Licensing Act 1997] 6.14. Local Government land means all land owned by the Council or under the Council's care, control and management (except roads); 6.15. low water mark means the lowest meteorological tide; 6.16. offensive includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning; 6.17. open container means a container which, after the contents of the container have been sealed at the time of manufacture: 6.17.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced); 6.17.2 being a can, it has been opened or punctured; 6.17.3 being a cask, it has had its tap placed in a position to allow it to be used; 6.17.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or		

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.17.5 is a flask, glass, mug or other container able to contain liquid. 6.18. personal watercraft means a device that - 6.18.1 is propelled by a motor; and 6.18.2 has a fully enclosed hull; and 6.18.3 is designed not to retain water if capsized; and 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device; and includes the device commonly referred to as a jet ski; 6.19. special event means an organised gathering of at least 15 persons or more that is for sporting, educational, recreational, political, artistic, cultural, religious or social purposes. 6.20. tobacco product has the same meaning as in the Tobacco Products Regulation Act 1997; 6.21. vehicle has the same meaning as in the Road Traffic Act 1961;		

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.22. waters includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters; and 6.23. wheeled recreational device has the same meaning as in the Road Traffic Act 1961. Note Section 14 of the Acts Interpretation Act 1915 provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.		
7. Access	Note Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies. The Council may:	CEO, GMC, MCP, MSS, TLE, EO	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.1. close or regulate or restrict access to any part of Local Government land to the public for specified times and days; and 7.2. fix charges or fees payable for entry onto any part of Local Government land.		
8. Closed lands	A person must not without permission, enter or remain on any Local Government land: 8.1. which has been closed or in respect of which access by the public is regulated or restricted in accordance with clause 7.1; 8.2. where entry fees or charges are payable, without paying those fees or charges; or 8.3. where the land has been enclosed by fences and/or walls and gates that have been closed and locked.	CEO, GMC, MCD, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9. Activities requiring permission	Note Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies. A person must not without the permission of the Council, do any of the following on Local Government land or, where indicated, the foreshore	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.1. Advertising	Subject to clause 14.2, display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign or hoarding for the purpose of commercial advertising or any other purpose unless: 9.1.1 the sign or hoarding is permitted to be displayed or erected in accordance with the Council Policy Advertising on Council Land and Related Public Infrastructure (as may be amended from time to time); or 9.1.2 the sign is a moveable sign that is displayed on a road in accordance with Council's Moveable Signs By-Law 2017.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.2 Alcohol	Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.3 Amplification	Use an amplifier or other mechanical or electrical device for the purpose of amplifying or broadcasting sound, or magnifying sound.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.4. Animals	9.4.1 On Local Government land other than the foreshore: (a) cause or allow an animal to stray onto, move over, graze or be left unattended; or (b) cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or (c) lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control. 9.4.2 On Local Government land comprising the foreshore lead, herd or exercise a sheep, cow, goat or horse.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.5 Annoyance	Do anything likely to offend or unreasonably interfere with any other person: 9.5.1 using that land; or 9.5.2 occupying nearby premises; by making a noise or creating a disturbance.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.6. Attachments	Subject to clause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.7. Bees	Place a hive of bees on such land, or allow it to remain thereon.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.8. Boats	Subject to the provisions of the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.8.1 launch or retrieve a boat from or to any Local Government land to which the Council has determined this subclause applies; 9.8.2 launch or retrieve a boat from or to any Local Government land other than from a boat ramp constructed for that purpose; 9.8.3 propel, float or otherwise use a boat on or in any waters except: (a) in an area to which the Council has resolved (if any); and (b) in accordance with any conditions that the Council may have determined by resolution apply to that use; 9.8.4 hire out a boat or otherwise use a boat for commercial purposes; 9.8.5 moor a boat on any waters or to a pontoon attached to Local Government land.		

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.9. Boat Ramps	9.9.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat. 9.9.2 Launch or retrieve a boat from or on to any boat ramp on Local Government land to which the Council has determined this sub clause applies other than in accordance with the conditions determined by the Council, including any condition specified on a sign displayed on or in the vicinity of the boat ramp.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.10. Buildings	Use a building, or structure on Local Government land for a purpose other than its intended purpose.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.11. Burials and Memorials	9.11.1 Bury, inter or spread the ashes of any human or animal remains. 9.11.2 Erect any memorial except for a temporary memorial erected in accordance with the Council Policy Memorials (as may be amended from time to time).	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.12. Camping and Tents	9.12.1 Subject to this subclause 9.12, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation. 9.12.2 Camp or stay overnight except: (a) where a person is in a caravan park on Local Government land, the proprietor of which has been given permission by Council to operate the caravan park on that land; or (b) in an area to which the Council has resolved this subclause applies (if any) and in accordance with such time limits and other conditions determined by resolution of the Council (if any).	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.13. Canvassing	Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.14. 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.	CEO, GMC, MCA, MCP, MC, MSS,	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLE, TLCS, GMCC, GMNBE, EO	
9.15. Distribution	Subject to clause 14.2 and the Local Nuisance and Litter Control Act 2016, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet, or other printed matter to any bystander, passer-by or other person.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.16. Donations	Ask for or receive or indicate that he or she desires a donation of money or any other thing.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.17 Entertainment and Busking	9.17.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money. 9.17.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.18 Equipment	Use an item of equipment, facilities or property belonging to the Council 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.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.19. Fires	Subject to the Fire and Emergency Services Act 2005, light any fire except: 9.19.1 in a place provided by the Council for that purpose; or 9.19.2 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 four (4) metres.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.20 Fireworks	Ignite or discharge any fireworks.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.21 Flora and Fauna	Subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:	CEO, GMC, MCA, MCP, MC, MSS,	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.21.1 damage, pick, disturb, interfere with or remove any plant or flower thereon; 9.21.2 cause or allow an animal to stand or walk on any flower bed or garden plot; 9.21.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land; 9.21.4 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; 9.21.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds; 9.21.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;	TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.21.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or 9.21.8 burn any timber or dead wood.		
9.22. Foreshore	On Local Government land comprising the foreshore: 9.22.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose; 9.22.2 allow a vehicle to remain stationary on the foreshore; 9.22.3 drive or propel a vehicle on the foreshore except on an area that is constructed or set aside by the Council for that purpose; 9.22.4 launch or retrieve a boat from or to the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.22.5 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat.		
9.23. Games & Sport	9.23.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies. 9.23.2 Play or practise 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 a 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. 9.23.3 Play or practise the game of golf on Local Government land to which the Council has resolved this subclause applies. 9.23.4 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.23.5 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on any sign on or in the vicinity of the land.		
9.24. Interference with Local Government land	Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including: 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; 9.24.2 erecting or installing a structure in, on, across, under or over the land; 9.24.3 changing or interfering with the construction, arrangement or materials of the land; 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.		
9.25 Marine Life	Introduce any aquatic flora and fauna to any waters located on Local Government land.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.26 Model Aircraft, Boats and Cars	Subject to the Civil Aviation Safety Regulations 1998: 9.26.1 fly or operate a model or drone aircraft, boat or model or remote control car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or 9.26.2 fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government land to which the Council has resolved this subclause applies.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.27 Overhanging Articles or Displaying Personal Items	Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.28 Playing Area	Use or occupy a playing area: 9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level); 9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or 9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.29 Pontoons	Install or maintain a pontoon or jetty in any waters.	CEO, GMC, MCA, MCP, MC, MSS,	

2. By-Law Local Government Land			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLE, TLCS, GMCC, GMNBE, EO	
9.30. Preaching	Preach, harangue or solicit for religious purposes.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.31. Ropes	Place a buoy, cable, chain, hawser, rope or net in or across any waters.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.32 Rubbish and Rubbish Dumps	9.32.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land. 9.32.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
9.33 Swimming	Subject to the provisions of the Harbors and Navigation Act 1993, enter, swim in, bathe or engage in any aquatic activity in any waters except: 9.33.1 in an area which the Council has determined may be used for such purposes; and 9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.34 Trading	9.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing. 9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.35 Vehicles	9.35.1 Drive or propel a vehicle except on any Local Government land constructed and set aside by the Council for that purpose.	CEO, GMC, MCA, MCP, MC, MSS,	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose. 9.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.	TLE, TLCS, GMCC, GMNBE, EO	
9.36 Wedding, Functions and Special Events	9.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event. 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event. 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	
9.37 Wheeled Recreational Devices	Subject to the Road Traffic Act 1961, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.	CEO, GMC, MCA, MCP, MC, MSS, TLE, TLCS, GMCC, GMNBE, EO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10. Prohibited activities	A person must not do any of the following on Local Government land.	Not Delegated	
10.1 Animals	10.1.1 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. 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place. 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.	Not Delegated	
10.2 Climbing	Climb on or over any fixture, fitting, plant, object or building other than a playground or similar area that the Council has set aside for the purpose	Not Delegated	
10.3 Equipment	Use any item of equipment, facilities or property belonging to the Council 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.	Not Delegated	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10.4. Fishing	Fish in any waters to which the Council has determined this subclause applies.	Not Delegated	
10.5 Glass	Willfully break any glass, china or other brittle material.	Not Delegated	
10.6 Interference with Permitted Use	Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.	Not Delegated	
10.7 Nuisance	Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person.	Not Delegated	
10.8. Playing games	Play or practise a game: 10.8.1 which is likely to cause damage to the land or anything on it; or 10.8.2 in any area where a sign indicates that the game is prohibited.	Not Delegated	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10.9 Smoking	Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.	Not Delegated	
10.10 Solicitation	Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.	Not Delegated	
10.11. Throwing objects	Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.	Not Delegated	
10.12. Toilets	In any public convenience on Local Government land: 10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose; 10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;	Not Delegated	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	10.12.3 use it for a purpose for which it was not designed or constructed; 10.12.4 enter a toilet that is set aside for use of the opposite gender except: (a) where a parent or adult guardian accompanies a child under the age of ten years; or (b) to provide assistance to a person with a disability; or (c) in the case of a genuine emergency		
10.1.3 Waste	10.13.1 Deposit or leave thereon: (a) anything obnoxious or offensive; 10.13.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.	Not Delegated	
11. Directions	11.1. A person on Local Government land must comply with a reasonable direction from an authorised person relating to:	Duty	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	11.1.1 that person's use of the land; 11.1.2 that person's conduct and behaviour on the land; 11.1.3 that person's safety on the land; or 11.1.4 the safety and enjoyment of other persons on the land. 11.2. A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.		
12. Orders	If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed. Note Section 262(1) of the Act states: 1) If a person (the offender) engages in conduct that is a contravention of this Act or a By-law	CEO	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	under this Act, an authorised person may order the offender a) if the conduct is still continuing - to stop the conduct; and b) whether or not the conduct is still continuing - to take specified action to remedy the contravention. Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to: • cease smoking on Local Government land; • remove an object or structure encroaching on Local Government land; • dismantle and remove a structure erected on Local Government land without permission.		
13. Removal of animals and objects	An authorised person may remove an animal or object that is on Local Government and in breach of a By-law if no person is in charge of, or apparently in charge of, the animal or object.	Duty	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
14. Exemptions	14.1. The restrictions in this By-law do not apply to a police officer, emergency worker, 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. 14.2. The restrictions in clauses 9.1, 9.13 and 9.15 of this By-law do not apply to electoral matter authorised by a candidate and which is: 14.2.1 related to a Commonwealth or State election and occurs 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 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs 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 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.	Not Delegated	

2. By-Law Local Government Land

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
15. Liability of vehicle owners	15.1. For the purposes of this clause 15, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act. 15.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence. This By-law was duly made and passed at a meeting of the City of West Torrens held on the 2 May 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.	Not Delegated	

3. By-Law Roads 2017

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Title	This By-law may be cited as the Roads By-law 2017 and is By-law No. 3 of the City of West Torrens.	Not Delegated	
2. Authorising law	This By-law is made under sections 239 and 246 of the Local Government Act 1999 and regulation 28 of the Local Government (General) Regulations 2013.	Not Delegated	
3. Purpose	The objects of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area: 3.1. to protect the convenience, comfort and safety of road users and members of the public; 3.2. to prevent damage to buildings and structures on roads;	Not Delegated	

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	3.3. to prevent certain nuisances occurring on roads; and 3.4. for the good rule and government of the Council area.		
4. Commencement, revocation and expiry	4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation 1 4.1.1 Roads By-law No. 3 2010.2 4.2. This By-law will expire on 1 January 2025.3 Note 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.	Not Delegated	

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area. 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.		
5. Application	5.1. This By-law operates subject to the Council's Permits and Penalties By-law 2017. 5.2. Subject to subclause 5.3, this By-law applies throughout the Council's area. 5.3. Subclause 7.4.2 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.	Not Delegated	

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
6. Definitions	In this By-law, unless the contrary intention appears: 6.1. Act means the Local Government Act 1999; 6.2. animal includes birds, insects and poultry but does not include a dog; 6.3. authorised person is a person appointed by the Council as an authorised person under section 260 of the Act; 6.4. camp includes setting up a camp, or causing: 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or 6.4.2 subject to the Road Traffic Act 1961, a caravan or motor home;	Not Delegated	

3. By-Law Roads

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road; 6.5. Council means the City of West Torrens; 6.6. display means to put something in a prominent place in order that it may be readily seen; 6.7. effective control means a person exercising effective control of an animal either: 6.7.1 by means of a physical restraint; or 6.7.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times; 6.8. electoral matter has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of		

3. By-Law Roads

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	causing physical damage or injury to a person within its immediate vicinity 6.9. emergency worker has the same meaning as in the Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014; 6.10. moveable sign has the same meaning as in the Act; 6.11. public exhibition means a display of works of art, or items of interest, including a demonstration of a skill held in area which is open to the public; 6.12. road has the same meaning as in the Act; and 6.13. vehicle has the same meaning as in the Road Traffic Act 1961.		

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Note Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.		
	7. Activities requiring permission A person must not do any of the following activities on a road without the permission of the Council. 7.1. Advertising Display or cause to be displayed on a road or on a structure on a road, any poster or sign for the purpose of advertising goods or services except for:	CEO, MCA, MC, TLCS, GMCC, GMNBE	

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.1.1 a sign or poster that is permitted to be displayed or erected in accordance with the Council's Advertising on Council Land and Related Public Infrastructure Policy (as may be amended from time to time); or 7.1.2 a moveable sign that is displayed on a road in accordance with the City of West Torrens By-law No. 4 Moveable Signs By-law 2017 7.2. Amplification Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including for the broadcasting of announcements or advertisements. 7.3. Animals		

3. By-Law Roads

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control. 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person. 7.4. Camping and Tents 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation. 7.4.2 Camp or remain overnight except for: 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and		

3. By-Law Roads

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near that road. 7.5. Obstructions Subject to subclause 11.2, 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, footway, water-channel, or watercourse in a road. 7.6. Preaching Preach, harangue, solicit or canvass for religious or charitable purposes. 7.7. Public Exhibitions and Displays 7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities. 7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.		

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity. 7.7.4 Cause any public exhibitions or displays. 7.8. Soliciting 7.8.1 Ask for or receive or do anything to indicate a desire for a donation of money or any other thing. 7.9. Vehicles Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown. Note Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.		
8. Directions	A person who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must	Duty	

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	immediately comply with a direction of an authorised person to leave that part of the road.		
9. Orders	If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.	CEO	Note Section 262(1) of the Act states: (1) If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender- (a) if the conduct is still continuing - to stop the conduct; and (b) whether or not the conduct is still continuing - to take specified action to remedy the contravention. Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			• cease busking on a road; • remove an object or structure blocking a footpath; • dismantle and remove a tent from a road.
10. Removal of animals and objects	10.1. The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object. 10.2. The Council may recover from the owner or apparent owner of an object removed under subclause 10.1, the costs it incurs in removing that object.	Duty	
11. Exemptions	11.1. The restrictions in this By-law do not apply to a police officer, emergency worker, 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.	Not Delegated	

3. By-Law Roads			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	11.2. Subclause 7.5 does not apply to any object or structure erected, installed or placed on a road in accordance with the Council's Use of Public Footpaths and Roads for Business Purposes Policy (as may be amended from time to time).		
12. Liability of vehicle owners	12.1. For the purposes of this clause 12, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act. 12.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence. This By-law was duly made and passed at a meeting of the City of West Torrens held on the 2 May 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.	Not Delegated	

4. By-Law Moveable Signs 2017

4. By-Law Moveable Signs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Title	This By-law may be cited as the Moveable Signs By-law 2017 and is By-law No. 4 of the City of West Torrens.	Not Delegated	
2. Authorising law	This By-law is made under sections 226, 238, 239 and 246 of the Local Government Act 1999.	Not Delegated	
3. Purpose	The object of this By-law is to set standards for moveable signs on roads: 3.1. to protect the comfort and safety of road users and members of the public; 3.2. to enhance the amenity of roads and surrounding parts of the Council area; 3.3. to prevent nuisances occurring on roads;	Not Delegated	

4. By-Law Moveable Signs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	3.4. to prevent unreasonable interference with the use of a road; and 3.5. for the good rule and government of the Council area.		
4. Commencement, revocation and expiry	4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹ 4.1.1 Moveable Signs By-law No. 4 of 2010.² 4.2. This By-law will expire on 1 January 2025.³ Note 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act. 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.	Not Delegated	

4. By-Law Moveable Signs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.		
5. Application	5.1. This By-law operates subject to the Council's Permits and Penalties By-law 2017. 5.2. This By-law applies throughout the Council area.	Not Delegated	
6. Definitions	In this By-law, unless the contrary intention appears: 6.1. Act means the Local Government Act 1999; 6.2. authorised person means a person appointed as an authorised person pursuant to section 260 of the Act;	Not Delegated	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.3. banner means a strip of cloth, plastic or other material that is designed to be slung between two brackets, tied up at either end or hung from a pole, fence or other structure; 6.4. business premises means premises from which a business is being conducted; 6.5. Council means the City of West Torrens; 6.6. footpath area means: 6.6.1 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; 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles; 6.7. Local Government land has the same meaning as in the Act;		

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.8. moveable sign has the same meaning as in the Act; 6.9. road has the same meaning as in the Act; and 6.10. vehicle has the same meaning as in the Road Traffic Act 1961. 6.11. for the purposes of this By-law, a reference to sealed part of a footpath' means that part of the footpath that is bituminized, paved or otherwise sealed by cement and/or pavers. Note- Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.		

4. By-Law Moveable Signs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
7. Construction and design	A moveable sign must: 7.1. be of kind known as an 'A' frame or sandwich board sign, an 'inverted T sign, or a flat sign or, with the permission of the Council (including under a policy adopted by the Council), a sign of some other kind; 7.2. be designed, constructed and maintained in good quality and condition so as not to, in the opinion of an authorised person, present a hazard to any member of the public; 7.3. be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions; 7.4. have no sharp or jagged edges or corners;	Not Delegated	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.5. not have balloons, flags, streamers or other things attached to it; 7.6. not rotate or contain flashing parts; 7.7. not be unsightly or offensive in appearance or content; 7.8. be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials; 7.9. not exceed 1 metre in height, 600mm in width and 600mm in depth; 7.10. in the case of an TV frame or sandwich board sign: 7.10.1 in the case of an TV frame or sandwich board sign: 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and		

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.11. not have a base area in excess of 0.6 square metres in the case of an inverted T sign, not contain struts or members that run between the display area and the base of the sign.		
8. Placement	A moveable sign must not be: 8.1. placed on any part of a road other than the footpath area; 8.2. placed on a footpath that is less than 2.5 metres wide; 8.3. tied, fixed or attached to or placed closer than 2 metres from another structure, fixed object, tree, bush or plant (including another moveable sign); 8.4. placed within 1 metre of an entrance to any business premises; 8.5. placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;	Not Delegated	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	8.6. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed; 8.7. placed closer than 0.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, which ever is the greater); 8.8. placed on a landscaped area, other than landscaping that comprises only lawn; 8.9. placed within 10 metres of an intersection; 8.10. placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres; 8.11. placed on a designated parking area, a median strip, traffic island, roundabout or, within 1 metre of an entrance to premises; 8.12. displayed during the hours of darkness unless it is clearly lit; or		

4. By-Law Moveable Signs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	8.13. be placed in such a position or in such circumstances so that, in the opinion of an authorised person, the safety of a user of the footpath area or road is at risk.		
9. Appearance	A moveable sign placed on the footpath area must, in the opinion of an authorised person: 9.1. be painted or otherwise detailed at a competent and professional manner; 9.2. be attractive, legible and simply worded to convey a precise message; 9.3. be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated; and 9.4. 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.	Duty	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
10. Banners	A person must not erect or display a banner on a building or structure on a road without the Council's permission. Note A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the Local Government Act 1999.	CEO, MCA, MCD, MC, TLCS, GMCC, GMNBE	
11. Restrictions	11.1. The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time. 11.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates. 11.3. A person must not cause or allow a moveable sign to be placed on a footpath area unless:	CEO, MCA, MCD, MC, TLCS, GMCC, GMNBE	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and 11.3.2 the business premises to which it relates is open to the public; 11.4. If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council (or its delegate) may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.		
12. Exemptions	12.1. Subclauses 11.1 and 11.3 of this By-law do not apply to a moveable sign which: 12.1.1 advertises a garage sale taking place from residential premises; 12.1.2 is a directional sign to an event run by a community organisation or charitable body; 12.2. Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.	Not Delegated	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	12.3. A requirement of this By-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement. Note - This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign: • placed there pursuant to an authorisation under another Act; • designed to direct people to the open inspection of any land or building that is available for purchase or lease; • related to a State or Commonwealth election and is displayed 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; • related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four (4) weeks immediately before the date that has been		

4. By-Law Moveable Signs			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	set (either by or under either Act) for polling day and ending at the close of voting on polling day; or the sign is of a prescribed class.		
13. Removal of moveable signs	13.1. A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act. Note - pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if: - the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or - any other requirement of this By-law is not complied with; or - the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons. 13.2. The owner of, or other person entitled to recover, a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to	Not Delegated	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign. 13.3. 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: 13.3.1 if, in the opinion of an 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; or 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.		
14. Liability	14.1 For the purposes of this clause 14, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.	Not Delegated	

4. By-Law Moveable Signs

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	14.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence. This By-law was duly made and passed at a meeting of the City of West Torrens held on 2 May 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.		

5. By-Law Dogs 2017

5. By-Law Dogs 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
1. Title	This By-law may be cited as the Dogs By-law 2017 and is By-law No. 5 of the City of West Torrens.	Not Delegated	
2. Authorising law	This By-law is made under section 90(5) of the Dog and Cat Management Act 1995, sections 238 and 246 of the Act and section 18A of the Harbors and Navigation Act 1993.	Not Delegated	
3. Purpose	The objects of this By-law are to control and manage dogs in the Council area: 3.1. to reduce the incidence of environmental nuisance caused by dogs; and 3.2. to promote responsible dog ownership; and 3.3. to protect the convenience, comfort and safety of members of the public; and	Not Delegated	

5. By-Law Dogs 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	3.4. for the good rule and government of the Council area.		
4. Commencement, revocation and expiry	4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation.¹ 4.1.1 Dogs By-law No. 5 2010² 4.2. This By-law will expire on 1 January 2025.³ Note 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act. 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area. 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.	Not Delegated	

5. By-Law Dogs 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
5. Application	5.1. This By-law operates subject to the Council's Permits and Penalties By-law 2017. 5.2. Subject to subclause 5.3, this By-law applies throughout the Council area. 5.3. Subclauses 9.1 and 10, of this By-law only apply in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.	Not Delegated	
6. Definitions	In this By-law, unless the contrary intention appears: 6.1. Act means the Local Government Act 1999; 6.2. 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; 6.3. assistance dog means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;	Not Delegated	

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.4. children's playground means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area); 6.5. Council means the City of West Torrens; 6.6. dog (except for in subclause 7.1) has the same meaning as in the Dog and Cat Management Act 1995; 6.7. effective control means a person exercising effective control of a dog either: 6.7.1 by means of a physical restraint (as defined under the Dog and Cat Management Act 1995)] or 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times; 6.8. keep includes the provision of food or shelter;		

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.9. park has the same meaning as in the Dog and Cat Management Act 1995] 6.10. premises includes land, whether used or occupied for domestic or nondomestic purposes; 6.11. small dwelling means a self-contained dwelling that is: 6.11.1 a residential flat building; or 6.11.2 contained in a separate strata unit or community title; or 6.11.3 on an allotment less than 400 square metres in area; or 6.11.4 without a secure yard of at least 100 square metres in area; 6.12. for the purposes of clauses 9 and 10 of the By-law, a dog is under effective control by means of a leash if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:		

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	6.12.1 the leash, chain or cord is either tethered securely to a fixed object; or 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons. Note Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.		
7. Limits on dog numbers in private premises	7.1. Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept: 7.1.1 more than one dog in a small dwelling; or	CEO, MC, TLCS, GMCC, GMNBE	

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	7.1.2 more than two dogs in premises other than a small dwelling; or 7.2. For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older, or a dog that has lost its juvenile teeth. 7.3. Subclause 7.1 does not apply to: 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or 7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995 and operating in accordance with all required approvals and consents.		
7.4	7.4. The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.	Duty	

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
7.5	7.5. No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.	Duty	
8. Dog exercise areas	Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control. Note - If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined in the Dog and Cat Management Act 1995 , this gives rise to a dog wandering at large offence under section 43(1) of the Dog and Cat Management Act 1995, for which the owner of or person responsible for the dog may be liable.	Not Delegated	
9. Dog on leash areas	A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain offlead in order to fulfil its functions) to be or remain: 9.1. on any Local Government land or public place to which the Council has resolved that this subclause applies; and	CEO, MC, TLCS, GMCC, GMNBE	

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.2 on any park or reserve during times when organised sport is being played-unless the dog is under effective control by means of a leash.		
10. Dog prohibited areas	A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land or public place to which the Council has determined that this subclause applies.	Not Delegated	
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 their obligation under section 45A(6) of the Dog and Cat Management Act 1995).	Not Delegated	
12. Orders	12.1. If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person: 12.1.1 if the conduct is still continuing - to stop the conduct; and	Not Delegated	

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	12.1.2 whether or not the conduct is still continuing - to take specified action to remedy the contravention. 12.2. A person must comply with an order under this clause. 12.3. If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed. 12.4. However, an authorised person may not use force against a person under this selection. Note For example, an authorised person may order a person to: • cease keeping more than the permitted number of dogs on that person's premises; or • remove a dog from a dog prohibited area		

5. By-Law Dogs 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	This By-law was duly made and passed at a meeting of the City of West Torrens held on 2 May 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two third of the members present.		