

South Australia

Local Government (Model By-law) Proclamation 2011

under section 250 of the *Local Government Act 1999*

1—Short title

This proclamation may be cited as the *Local Government (Model By-law) Proclamation 2011*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Model by-law for the management of pedestrian malls

The model by-law for the management of pedestrian malls published in the Gazette on the same day as this proclamation is made as a model by-law for the purposes of section 250 of the *Local Government Act 1999*.

Made by the Governor

with the advice and consent of the Executive Council
on 13 October 2011

MSLGR11/009CS

South Australia

Model by-law for the management of pedestrian malls

made under section 250 of the *Local Government Act 1999*

1 Definitions

In this by-law:

- 1.1 **Authorised Person** has the same meaning as in the *Local Government Act 1999*;
- 1.2 **Building** includes any structure and/or fixture of any kind whether for human habitation or not;
- 1.3 **Electoral Matter** has the same meaning as in the *Electoral Act 1985*;
- 1.4 **Emergency Worker** has the same meaning as in the *Criminal Law Consolidation Act 1935*;
- 1.5 **Permission** means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates;
- 1.6 **Permit Holder** means a person granted permission under paragraph 5;
- 1.7 **the Council** means the local government council that has adopted this by-law;
- 1.8 **Wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961*.

2 Activities Requiring Permission

A person must not without Permission in a pedestrian mall or in the vicinity of a pedestrian mall:

- 2.1 Amplification
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;
- 2.2 Athletic and Ball Sports and Games
 - 2.2.1 promote, organise or take part in any athletic sport, ball sport or game;
 - 2.2.2 play or practice any game which is likely to cause damage to the pedestrian mall or any fixtures or fittings thereon;
- 2.3 Burials and Memorials
 - 2.3.1 spread the ashes of any human or animal remains;
 - 2.3.2 erect any memorial;
- 2.4 Erection of Structures
 - 2.4.1 erect a fence or hoarding;
 - 2.4.2 erect, place, use or allow to remain:
 - 2.4.2.1 a ladder, step-ladder, trestle, stage, scaffolding, planter box, crate or any item used as a platform; or

- 2.4.2.2 any other equipment, appliance, object or material likely to cause an obstruction or danger to any person;
- 2.4.3 park, place, use or allow to remain a mobile crane, scissor lift, elevated platform vehicle or cherry picker;
- 2.5 Firearms and Fireworks
use, discharge or explode any firearms or fireworks;
- 2.6 Model Aircraft and Cars
fly or operate a model aircraft or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being in the pedestrian mall or detract from or be likely to detract from another person's lawful use of and enjoyment of the pedestrian mall;
- 2.7 Organised Ceremonies and Events etc
hold, conduct or participate in a funeral, marriage ceremony, picnic, or other like event or entertainment;
- 2.8 Overhanging Articles
suspend or hang any article or thing from any building, verandah, pergola, post or other structure;
- 2.9 Rubbish and Rubbish Dumps
remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging etc) that has been discarded in a Council bin;
- 2.10 Touting for Business
tout for business.

3 **Prohibited Activities**

A person must not in a pedestrian mall or in the vicinity of a pedestrian mall:

- 3.1 Birds
feed any bird;
- 3.2 Climbing
climb on or over any fixture, fitting, plant, object or building;
- 3.3 Damaging or Defacing Property
 - 3.3.1 deface, damage, paint, write, cut names or make marks on any tree, rock, gate, fence, building, sign or other property of the Council;
 - 3.3.2 attach any object, including an animal on a leash or a bike to any tree, gate, fence or other fixture other than a designated bicycle rack;
- 3.4 Glass
wilfully break any glass, china or other brittle material;
- 3.5 Interference with Permitted Use
interrupt, disrupt or interfere with any other person's use of the pedestrian mall which is permitted or for which Permission has been granted;
- 3.6 Missiles
throw, roll or discharge any stone, substance or missile to the danger of any person, property or animal;

3.7 Playing Games

play or practice a game:

- 3.7.1 which is likely to cause damage to the pedestrian mall or anything in it or in the vicinity of the pedestrian mall; or
- 3.7.2 which endangers the safety or interferes with the comfort of any person; or
- 3.7.3 in any area where a sign indicates that the game is prohibited;

3.8 Public conveniences

- 3.8.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose, in a public convenience;
- 3.8.2 deposit anything in a pan, urinal or drain in a public convenience which is likely to cause a blockage;
- 3.8.3 use a public convenience for a purpose for which it was not designed or constructed;
- 3.8.4 enter any public convenience that is set aside for use of the opposite gender except:
 - 3.8.4.1 if the person is under the age of eight years accompanying an adult; or
 - 3.8.4.2 to provide assistance to a disabled person; or
 - 3.8.4.3 in the case of a genuine emergency;

3.9 Wheeled Recreational Devices

use a Wheeled Recreational Device.

4 **Removal of Obstructions**

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

5 **Permits**

- 5.1 Where this by-law requires that Permission be obtained, any person seeking the grant of Permission must submit an application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 5.1.1 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions (including but not limited to time limits, renewal and transfer requirements) to a grant of Permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the Permit Holder.
 - 5.1.2 A Permit Holder must comply with every such condition.
 - 5.1.3 The Council, or such other person as the Council may by resolution authorise for that purpose, may suspend or revoke such grant of Permission at any time by notice in writing to the Permit Holder.
- 5.2 The Council may by resolution fix, vary or revoke fees or charges for the granting of Permission for any of the activities listed in paragraph 2 of this by-law.

6 Offences and Penalties

6.1 A person who contravenes, or fails to comply with, this by-law is guilty of an offence.

Maximum penalty: \$750

6.2 A person who is convicted of an offence against this by-law in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable to the offence, to a maximum penalty of \$50 for each day during which the act or omission continued.

7 Exemptions

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

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