

BAYSIDE CITY COUNCIL

LOCAL LAW NO. 7

STREETS AND ROADS LOCAL LAW (AMENDMENT) LOCAL LAW

PART 1 – PRELIMINARY

TITLE

This Local Law is the BAYSIDE CITY COUNCIL Local Law No. 7 – Streets and Roads Local Law (Amendment) Local Law, and is referred to below as 'this Local Law'.

OBJECTIVES OF THIS LOCAL LAW

The objectives of the Local Law are to –

- (a) amend the Council's Local Law No. 3;
- (b) to provide for the physical features of roads and adjacent properties to be managed in a way which attends to the safety and convenience of people travelling on or using roads (whether on foot or by vehicle);
- (c) to control and regulate secondary activities on roads including:
 - (i) trading; and
 - (ii) the placing of goods and equipment; in a fair, equitable and safe manner which does not compromise the primary need for the passage and repassage of people and goods;
- (d) to provide free and safe access for people with sensory and mobility impairment or disabilities.
- (e) to provide for the safe and efficient management and control of parking on roads in the Municipal District; and
- (f) to provide mechanisms to manage and control parking so as to cause minimal disruption, danger or nuisance to users of the Council's parking facilities.
- (g) to provide for the peace, order and good government of the Municipal District

AUTHORISING PROVISION

The Council's authority to make this Local Law is contained in section 111 of the *Local Government Act 1989*.

COMMENCEMENT

This Local Law operates from the day following its making.

DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the same day on which the Council's Local Law No. 3 ceases to operate.

SCOPE OF THIS LOCAL LAW

This Local Law applies throughout the whole of the Municipal District except where it is apparent from its wording that a clause or schedule applies to a specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or its Municipal District.

DEFINITIONS

In this Local Law unless the context or subject-matter indicates otherwise the following words and phrases have the respective meanings assigned:

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Council	Means the BAYSIDE CITY COUNCIL
Municipal District	Means the Council's municipal district
Principal Local Law	Means the Council's Local Law No. 3 – Streets and Roads

PART 2 – AMENDMENTS TO PRINCIPAL LOCAL LAW

AMENDMENT TO PART 5 – THE MANAGEMENT OF ROADS FOR TRAFFIC

- (1) Clause 41(7)(a) of the Principal Local Law is amended by adding "damage to" before " Roads, Council Land or other Council assets".
- (2) Clause 41(7)(b) of the Principal Local Law is amended by adding "to be deposited" before " Roads, Council Land or other Council assets".
- (3) Clause 41(10) of the Principal Local Law is amended by adding "whether permanent or temporary, and remains so for the duration of the building works" after "fenced".

AMENDMENT TO PART 7 - SECONDARY ACTIVITIES ON ROADS AND ROAD RELATED AREAS

In Part 7 of the Principal Local Law after clause 62 insert:

“DIVISION 9 – ERECTING OR PLACING ADVERTISING SIGNS”

62A. ERECTING OR PLACING ADVERTISING SIGNS

- (1) A person must not, except in accordance with a Permit, erect or place an advertising sign on any part of a road or other Council controlled land, or cause or in any way authorise another person to do so.

Penalty: 20 Penalty Units

- (2) In determining whether to grant a Permit the Nominated Officer must have regard to any guidelines set out in Schedule 1 of this Local Law.
- (3) Where any advertising sign is erected or placed in any location contrary to this Division or in contravention of any Permit conditions, it may be removed by an Authorised Officer and impounded provided the Authorised Officer has first issued a warning to the person who owns or who has placed the sign on any part of a road, unless in the Authorised Officer's opinion an emergency situation occurs, the sign may be impounded immediately and if practicable notices served as soon as possible on the owner after impoundment.
- (4) Where an advertising sign has been impounded, there must be compliance with the provisions of clause 18.

AMENDMENT TO PART 8 - VEHICLES AND OBSTRUCTIONS

In Part 8 of the Principal Local Law after clause 63 insert:

63A. LONG VEHICLES AND SHIPPING CONTAINERS

A person must not, except in accordance with a Permit:

- (1) keep, store or repair any Heavy or Long Vehicle; or
- (2) keep, store, repair or in any other manner use any shipping container;

upon any Private Property or Council controlled land.

Penalty: 20 Penalty Units

AMENDMENT TO SCHEDULE 1 - GUIDELINES

In Schedule 1 of the Principal Local Law after clause 13 insert:

14. ADVERTISING SIGNS ON ROADS – PROHIBITED LOCATIONS

- (1) The erection or placing of advertising signs on the following parts of roads is not permitted:
 - a) Any Council land that is not directly adjacent to the business it is promoting;
 - b) Adjacent to any property line on a footpath;
 - c) On any vehicle parked or left standing on a road; or
 - d) In any other location which, in the opinion of an Authorised Officer, is likely to obstruct motorists' lines of sight or cause danger to any road user.

(2) In determining whether to grant a Permit to allow advertising signs to be placed on roads, the Nominated Officer must have regard to:

- a) the width and height of the sign not exceeding 600 mm and 1200 mm respectively;
- b) any other signs for the applicant's premises;
- c) whether the construction or erection of the sign will create a hazard to pedestrians;
- d) whether an indemnity/guarantee in the form contained in the Bayside Footpath Trading Policy 2005 has been provided to the Council;
- e) any relevant requirements of the Bayside Footpath Trading Policy 2005
- f) any other matter relevant to the circumstances of the application.

Resolution for the making of this Local Law was agreed to by the Council on 2007.

The Common Seal of **BAYSIDE CITY**)
COUNCIL was affixed this day)
of..... 2007 in the presence of:)

..... Mayor / Councillor

..... Councillor

..... Chief Executive Officer