

# NORTHERN TERRITORY OF AUSTRALIA

## ALICE SPRINGS (CONTROL OF PUBLIC PLACES) BY-LAWS

As in force at 26 March 2003

### Table of provisions

#### **Part I Preliminary**

1	Citation .....	1
2	Definitions .....	1
3	Application .....	2
4	Delegation .....	2
4A	Resolutions determining fees under these By-laws .....	2
5	Dispensations .....	3
6	Clerk to keep register .....	3

#### **Part II Permits**

7	Grant of permit.....	3
8	Action by council where work required to be done .....	4
9	Non-compliance by owner or occupier .....	5
10	Maintenance of objects, &c.....	6
11	Order for expenses.....	6
12	Roads, &c., not to be obstructed .....	6

#### **Part III Crossings, &c.**

13	Vehicles to use constructed crossings only .....	7
14	Application to construct crossing .....	7
15	Council may require crossing to be made.....	7
16	Alterations to crossing .....	8
17	Repair of crossing.....	8
18	Heavy loads prohibited .....	8
19	Removal of kerbing.....	8
20	Certain works prohibited .....	9
21	Excavations .....	9
22	Damage to road surface .....	9
23	Vehicles, &c., not to be driven on footpath, &c. ....	10
24	Closure of roads .....	10

#### **Part IV Stallholders**

25	Definitions .....	11
26	Application for permit.....	11
27	Permits .....	12
28	Revocation of permit.....	12
29	Obligations of stallholder .....	13

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## **Part V                      Abandoned motor vehicles**

30	Definitions .....	13
31	Impounding of motor vehicle.....	14
32	Notice of impounding .....	14
33	Motor vehicle may be sold or disposed of.....	14
34	Disposal of proceeds of sale.....	15
35	Liability of owner .....	15

## **Part VI                      Miscellaneous**

36	Damage to trees, plants, &c. ....	15
37	Planting, &c., of trees, &c. ....	16
38	Overhanging trees and shrubs .....	16
39	Encroachment on public place, &c. ....	16
40	Erecting or placing buildings and structures .....	16
41	Washing, &c., of vehicles in public place .....	17
42	Deposit of offensive matter .....	17
43	Stacking, &c., of goods on public place .....	18
44	Safety lights .....	18
45	Musical instruments .....	18
46	Undue noise .....	18
47	Handbills .....	19
48	Bill sticking .....	19
49	Advertising hoardings .....	19
50	Advertisements on buildings .....	20
51	Signboards, &c. ....	20
52	Plan of numbering .....	20
53	Fireworks, &c. ....	21
54	General offences .....	21
55	Camping in public place .....	22
55A	Sale, &c., of motor vehicles in public place .....	23
56	Removal of persons from park, garden or reserve .....	24
56A	Council-controlled off-street parking areas .....	24
57	General penalty .....	25
58	Infringement notice and payment of sum in lieu of penalty .....	25

## **ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 26 March 2003

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## ALICE SPRINGS (CONTROL OF PUBLIC PLACES) BY-LAWS

### By-laws under the *Local Government Act*

#### Part I Preliminary

##### 1 Citation

These By-laws may be cited as the *Alice Springs (Control of Public Places) By-laws*.

##### 2 Definitions

In these By-laws, unless the contrary intention appears:

***approved crossing*** means a crossing constructed:

- (a) prior to the commencement of these By-laws, by or with the approval of the council; or
- (b) after the commencement of these By-laws, in accordance with these By-laws.

***authorised person*** means a person authorised by the council for the purposes of these By-laws and includes a member of the Police Force.

***footpath*** means that part of a road in the municipality which has been made or set apart to be used otherwise than for the passage or accommodation of motor vehicles and includes walkways and bicycle paths.

***motor vehicle*** includes a motor car, motor carriage, motor cycle, motor lorry, motor omnibus, motor tractor or other vehicle propelled wholly or partly by a volatile spirit or by steam, gas, oil or electricity, a bicycle within the meaning of the *Traffic Act*, an animal drawn vehicle and a caravan or trailer whether or not attached to any of them, but does not include a vehicle used on a railway.

***municipality*** means the municipality of Alice Springs.

***park, garden or reserve*** means land, being a public place, which is vested in, leased to or under the care, control or management of the council and capable of being used as a park, garden recreation ground, oval, playing field or reserve.

***permit*** means a permit granted under by-law 7 and includes a renewal and extension of a permit.

***public place*** means any place within the municipality which is open to or used by the public.

### **3 Application**

These By-laws apply to all public places within the municipality.

### **4 Delegation**

- (1) An officer or employee of the council may, if so determined by the council, exercise all or any of the following powers:
  - (a) sign, seal, or sign and seal, notices, orders and agreements which the council is entitled to issue, sign, seal, revoke or cancel;
  - (b) sign letters, receipts and other documents; and
  - (c) do or perform an act, deed or thing necessary, ancillary or incidental to the exercise of the functions of the council.
- (2) The council shall make any determination pursuant to clause (1) by resolution, and any such determination may be of a general nature or for a class or classes of cases or be with respect to a particular case.
- (3) A power or function delegated under this by-law when exercised or performed by the delegate, shall, for the purposes of these By-laws, be deemed to have been exercised or performed by the council.
- (4) A determination under this by-law does not prevent the exercise of a power or the performance of a function by the council.

### **4A Resolutions determining fees under these By-laws**

- (1) The council may, at a meeting at which not less than two-thirds of the members are present, by resolution carried by a majority of the members then in office, determine the fees for a permit issued pursuant to these By-laws.

- (2) The matters that the council shall take into consideration in determining fees for permits issued pursuant to these By-laws include:

- (a) the type and class of permit; and
- (b) the period for which the permit is required.

## **5        Dispensations**

The council may, at a meeting at which not less than two-thirds of the members are present, by resolution carried by a majority of members then in office, dispense with compliance by a person with any requirements under these By-laws or any part of them.

## **6        Clerk to keep register**

The clerk shall cause to be kept a register of:

- (a) determinations made under by-law 4;
- (b) dispensations granted under by-law 5 or under section 209(2) of the Act; and
- (c) permits, consents and authorities granted by the council under these By-laws.

# **Part II                Permits**

## **7        Grant of permit**

- (1) A person shall not, except in accordance with a permit granted by the council pursuant to this by-law:
- (a) cause damage to a public place or any article or thing within a public place;
  - (b) conduct a public meeting, entertainment activity, game or organised recreation in a public place which, in the opinion of the council or an authorised person, is reasonably likely to interfere with, or prevent, the reasonable requirements of other members of the public for use of that place;
  - (c) obstruct a public place;
  - (d) graze animals in a public place; or
  - (e) carry out any activity for which a permit may be granted pursuant to these By-laws.

- (2) An application for the grant of a permit in accordance with these By-laws shall:
  - (a) be in such form as the council may require;
  - (b) describe the public place in respect of which the applicant seeks the permit;
  - (c) contain full details of the applicant and the proposed use to which the applicant proposes to put the public place, the activity the applicant proposes to carry out and such other details as the council may require; and
  - (d) be accompanied by the relevant fee determined pursuant to by-law 4A.
- (3) On receipt of an application for a permit the council may grant or refuse to grant the permit.
- (4) A permit shall be in such form as the council may determine and shall be:
  - (a) valid for the period; and
  - (b) subject to such conditions,as the council thinks fit and endorses on the permit.
- (5) It shall be a condition of a permit that the person to whom it is granted shall reinstate, to the satisfaction of the council, the public place in respect of damage caused in the carrying out of the work the subject of the permit.
- (6) A permit may be revoked by the council.
- (7) A person who:
  - (a) contravenes or fails to comply with this by-law or with a condition of a permit; or
  - (b) interferes with or in any way obstructs the use of a public place by a person holding a permit or using the public place in accordance with a permit,is guilty of an offence.

## **8 Action by council where work required to be done**

- (1) Where the council requires work to be carried out by the owner or occupier of land which abuts on a public place, the council or an officer or employee of the council may, by notice in writing served

on that owner or occupier, require that owner or occupier, at his own expense, to execute such works and do such things:

- (a) in or of such materials;
- (b) within such periods; and
- (c) in such manner,

as may be specified in the notice.

- (2) Any work to be executed in pursuance of a notice given pursuant to clause (1) shall, if the council so requires, be executed only by persons qualified or licensed in respect of the work to be executed.
- (3) The council may carry out work required to be executed by or under the Act or these By-laws under any notice given in accordance with clause (1) on default by the person required to execute the work.
- (4) Without limiting the generality of the powers conferred upon the council, its officers and employees by clause (1), the power to direct the manner of execution of work shall include the power to require the person carrying out the work to pay to the council, or enter into a bond for payment to the council of, such amount as the council thinks fit to provide security against costs which it may incur as a result of the execution of the work.
- (5) A person who fails to comply with a notice under clause (1) is guilty of an offence.
- (6) The council may, when serving a notice in accordance with clause (1), indicate that it will, if requested, carry out the works referred to in the notice at the expense of the person on whom the notice is served.

## **9 Non-compliance by owner or occupier**

- (1) The council may, without prejudice to any proceedings it may institute against the owner or occupier of land in respect of an offence of contravening or failing to comply with:
  - (a) these By-laws;
  - (b) a condition of a permit to carry out such work or take such action; or
  - (c) a notice served on him under by-law 8(1)(a),by notice in writing require him to comply with paragraph (a), (b) or (c) within the period specified in the notice.

- (2) Where the owner or occupier fails to comply with a notice referred to in clause (1), the council may carry out such work or take such action, and may recover the expense of so doing from the owner or occupier as a debt due and payable to the council.
- (3) Where it is a condition of a permit that the applicant lodges with the council a deposit and:
  - (a) the holder of the permit contravenes or fails to comply with these By-laws or a condition of his permit; and
  - (b) the council incurs expense in carrying out work or taking the action referred to in clause (2),

the council may apply the amount of the deposit to defray those expenses and the balance, if any, shall be paid by the council to the holder of the permit.

- (4) Where the amount of the deposit is insufficient to defray the expenses referred to in clause (3) the council may recover the difference from the owner or occupier as a debt due and payable to the council.

## **10 Maintenance of objects, &c.**

- (1) The holder of a permit who fails to maintain to the council's satisfaction each object, structure, sign or fence in respect of which a permit has been granted, is guilty of an offence.
- (2) The council may, if it is satisfied that a holder is not adequately maintaining an object, structure, sign or fence in respect of which a permit was granted, revoke the permit and by-law 9 shall apply accordingly.

## **11 Order for expenses**

In proceedings for an offence under these By-laws, a court may, in addition to any other penalty, order a person to pay to the council the expenses incurred by the council in carrying out work or taking action referred to in by-law 8.

## **12 Roads, &c., not to be obstructed**

Nothing in these By-laws shall be construed so as to allow a person carrying out works in pursuance of a permit to cause unreasonable obstruction of a road, channel or drain, or any part of a public place, by the deposit of materials or construction of a building or structure.



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**Part III                      Crossings, &c.****13                      Vehicles to use constructed crossings only**

A person shall not, otherwise than in accordance with a permit, drive or propel a motor vehicle over or across a footpath otherwise than at an approved crossing.

**14                      Application to construct crossing**

- (1) The owner or occupier of land which abuts on a footpath may apply for a permit to construct a crossing from his land to a carriageway.
- (2) An application under clause (1) shall describe the situation of the land and the proposed position of the crossing, and shall be accompanied by such fee or charge as the council may by resolution determine and:
  - (a) the specifications of the crossing; or
  - (b) a request that the council prepare specifications for the crossing and carry out the work.
- (3) The council may require the person carrying out the work of constructing a crossing to pay to the council, or enter into a bond for payment to the council of, such amount as it thinks fit to provide security against costs which it may incur as a result of the execution of the work.
- (4) A person shall not carry out any work of constructing a crossing until a permit has been granted to him.
- (5) For the purposes of by-law 13, no crossing hereafter constructed or commenced before a permit has been issued under this by-law shall be considered to have been constructed in accordance with these By-laws, notwithstanding that the work may be in conformity with the requirements of the council in relation to the construction of crossings.
- (6) If requested to do so under clause (2)(b), the council may carry out or cause to be carried out the work of constructing a crossing, and may make such charges, if any, as it thinks fit in relation to that work, and may recover those charges from the applicant as a debt due and payable to the council.

**15                      Council may require crossing to be made**

The council may serve on the owner or occupier of land which abuts on a footpath a notice under by-law 8 requiring a crossing to be completed.

**16 Alterations to crossing**

Where, in the opinion of the council, a crossing, whether made before or after the commencement of these By-laws, is no longer adequate for the volume or nature of the traffic passing over it, the council may serve a notice under by-law 8 on the owner or occupier of the land to which the crossing leads from the carriageway.

**17 Repair of crossing**

Where, in the opinion of the council, a crossing, whether made before or after the commencement of these By-laws, is in a state of disrepair or appears to have been damaged as a result of a contravention of by-law 18 or 21, the council may serve a notice under by-law 8 on the owner or occupier of the land to which the crossing leads.

**18 Heavy loads prohibited**

- (1) A person shall not, otherwise than in accordance with a permit, drive a vehicle or cause or permit a vehicle to be driven across or to stand on or over a crossing, culvert, road kerb or bridge if the vehicle is so heavy or of such nature that it causes or is likely to cause damage to the paving of the crossing, culvert, road kerb or bridge.
- (2) The council may from time to time determine the maximum weight of a load to be carried over any bridge or culvert and may cause the maximum weight of a load so determined to be notified by notice conspicuously posted at or near each approach to such bridge or culvert.
- (3) A person shall not, unless by written permit of the council, drive, draw or carry, or cause to be driven, drawn or carried, over a bridge or culvert a weight greater than that stated in a notice under clause (2).

**19 Removal of kerbing**

- (1) Where an application is made for a permit to cross a road kerb, the council may cause the road kerb to be removed at the place indicated in the application or, if it does not approve the place indicated in the application, at a place approved by it.
- (2) At the conclusion of the building or other works referred to in the permit the council may cause the road kerb to be replaced.
- (3) A person who crosses a road kerb or who removes a road kerb otherwise than in accordance with a permit is guilty of an offence.

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**20 Certain works prohibited**

Subject to any other law in force in the Territory, a person shall not, without a permit:

- (a) lay pipes, cables or conduits; or
- (b) erect, place or maintain a post, pillar, bridge, footway, fixture or structure,

in, over, abutting on or under a public place, or:

- (c) dig or remove, or cause to be dug or removed, turf, sand, clay, soil or other material from or from beneath; or
- (d) place any matter or thing, whether or not it causes an obstruction, on,

a public place.

**21 Excavations**

- (1) A person shall not, without a permit, excavate a trench through or under a road or footpath.
- (2) A person shall not, without a permit, carry out excavation on land abutting a public place where that excavation:
  - (a) encroaches or may encroach on the public place;
  - (b) is:
    - (i) more than 300 mm deep; and
    - (ii) closer to the boundary of a public place than one metre;or
  - (c) is such that if the wall of the excavation were to collapse the excavation or the excavated material would encroach on the public place.

**22 Damage to road surface**

- (1) A person shall not, without a permit, use on a road having a metalled, gravelled, tarred or other prepared surface, a vehicle which has attached to its wheels chains, metal studs or other metal projection.

- (2) A person shall not use on a road a traction engine, tractor or steam wagon having wheels or tracks which have unprotected grooved ridges, indents, spikes or cross bars of a type likely to cause damage to the surface of the road.
- (3) A person shall not propel, drag or trail in contact with the surface of a road a sledge, timber or other heavy material or a conveyance or thing capable of damaging the road.
- (4) A person shall not spill or cause to be spilt within a public place motor oil or any like substance.

## **23 Vehicles, &c., not to be driven on footpath, &c.**

- (1) A person shall not:
  - (a) drive or propel a motor vehicle; or
  - (b) drive or lead an animal other than a dog,on, along or across a footpath, water channel or gutter, except for the purpose of crossing that footpath, water channel or gutter at a crossing made, to the satisfaction of the council, for the purpose of obtaining access to land, abutting on a road of which the footpath, water channel or gutter forms part.
- (2) Nothing in clause (1) shall prevent the riding of a bicycle on, along or across a footpath designated by the council as a bicycle path.
- (3) A person shall not carry timber, metal, tools, implements, furniture or material along a road in such a manner as to cause damage to the road, or to endanger or cause disturbance to another person.

Penalty: \$100.

## **24 Closure of roads**

- (1) The council may, by notice in a newspaper circulating in the municipality, temporarily close a road or a part of a road vested in it for the purposes of holding a procession, parade, display or public entertainment.
- (2) A closure under clause (1) shall not exceed 48 hours.
- (3) A person shall not without the permission of the clerk use a road whilst it is closed under clause (1).

## Part IV Stallholders

### 25 Definitions

In this Part, unless the contrary intention appears:

**goods** includes food, beverages, wares, merchandise, raffle tickets, tokens, badges and shares.

**packages** includes boxes, baskets and packaging.

**permit** means a permit granted under by-law 27(1).

**sell**, in relation to goods, means offering or exposing goods for sale or hire or displaying or publishing an advertisement describing or promoting the sale of goods from a stall.

**stall** means a structure in or from which goods are offered for sale and includes a tent, motor vehicle, caravan, trailer or table.

### 26 Application for permit

- (1) A person shall not, except in accordance with a permit granted by the council under this Part, conduct business from a stall in a public place.
- (2) A person may make an application in writing to the council for a permit to conduct business from a stall.
- (3) An application under clause (2) shall include:
  - (a) the name and address of the applicant;
  - (b) the type of goods which the applicant intends to sell;
  - (c) the proposed location of the stall from which the applicant proposes to sell the goods;
  - (d) the period for which the permit is required; and
  - (e) such other particulars as the council may require.
- (4) An application under clause (2) shall be accompanied by the relevant fee determined pursuant to by-law 4A.
- (5) Notwithstanding anything to the contrary in these By-laws, in this by-law **public place** means any public place within the municipality which is owned by, or under the care, control and management of, the council.

**27 Permits**

- (1) The council may, on receipt of an application under by-law 26, grant or refuse to grant a permit.
- (2) A permit shall be in such form as the council, by resolution, determines and:
  - (a) shall be valid for a period not exceeding 12 months; and
  - (b) may be subject to such conditions,as the council thinks fit and endorses on the permit.
- (3) A permit shall be displayed by a stallholder in or on his stall whilst he is selling goods from his stall.
- (4) A permit is not transferable.

**28 Revocation of permit**

- (1) Where:
  - (a) a stallholder:
    - (i) has been convicted of an indictable offence;
    - (ii) has contravened or failed to comply with these By-laws or a condition of his permit;
    - (iii) is conducting his business from a stall in such a manner as to cause a nuisance or annoyance to a person in the vicinity of the stall; or
    - (iv) purports to assign or transfer his permit; or
  - (b) the business from the stall is being conducted by a person other than the stallholder,the council may revoke his permit.
- (2) Where the council revokes a permit under clause (1), it shall serve a notice of the revocation on the stallholder or on the person apparently in charge of the stall, and the revocation of the permit takes effect immediately on service of the notice.
- (3) A stallholder shall return his permit to the clerk within 3 days after the service of the notice referred to in clause (2).

**29 Obligations of stallholder**

- (1) A stallholder shall:
- (a) comply with and not contravene these By-laws or the conditions of his permit;
  - (b) comply with the reasonable directions of the council or an authorised officer concerning the location and siting of his stall;
  - (c) maintain his stall in good order and condition to the satisfaction of the council or an authorised person;
  - (d) display his name legibly and conspicuously on his stall; and
  - (e) keep the site of his stall cleaned and free from garbage resulting from its operation.
- (2) A stallholder, in the conduct of his business from a stall, shall not:
- (a) sell goods on a day resolved by the council to be a prescribed day;
  - (b) call his goods or cause to make a noise or disturbance likely to be a nuisance or cause annoyance to a person in the vicinity of the stall;
  - (c) deposit or store packages or goods except within his stall;
  - (d) obstruct the passage of pedestrians or vehicles; or
  - (e) act in an offensive manner in the opinion of a person or an authorised person.

**Part V Abandoned motor vehicles****30 Definitions**

In this Part, unless the contrary intention appears:

***approved*** means approved by the council.

***vehicle pound*** means a yard or other place under the control of the council which the council declares, by resolution, to be a vehicle pound for the purposes of these By-laws.

**31 Impounding of motor vehicle**

Where an authorised person is of the opinion that a motor vehicle has been abandoned, he may remove or cause to be removed to a vehicle pound a motor vehicle which is left without the authority of the council for a period of not less than 24 hours on a road or public place or on land owned by, or under the care, control and management of, the council.

**32 Notice of impounding**

- (1) As soon as practicable after the removal of a motor vehicle to a vehicle pound, an authorised person shall give to the owner of the motor vehicle written notice of the removal stating the vehicle pound to which the motor vehicle was removed.
- (2) A notice under clause (1) shall, where practicable, be served on the owner personally, but if the notice cannot be served within 7 days after the removal of the motor vehicle because:
  - (a) the name of the owner cannot be ascertained; or
  - (b) the owner, if known, cannot be found,the authorised person shall:
  - (c) furnish to the clerk a certificate of the reason the notice was not served; and
  - (d) on the expiration of a period of 7 days after the removal of the motor vehicle to a vehicle pound, cause notice of the removal to be given in a newspaper circulating in the municipality.
- (3) A certificate under clause (2)(c) shall be prima facie evidence of the facts contained therein.
- (4) Notice of the removal of the motor vehicle referred to in clause (2)(d) shall be given on 2 separate occasions in accordance with that clause.

**33 Motor vehicle may be sold or disposed of**

- (1) Where the owner of a motor vehicle does not, within 28 days after:
  - (a) the service on him of a notice under by-law 32(1); or
  - (b) the date of publication of the second of the notices referred to in by-law 32(4),



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whichever is the later, pay to the council all expenses incurred by the council in connection with the removal, custody and reasonable maintenance of the motor vehicle and of service or advertisement of the notice, and taking possession of the motor vehicle, the council may, subject to these By-laws, advertise for sale and sell the motor vehicle.

- (2) Where, in the opinion of the council, it is not practical or convenient to sell a motor vehicle impounded by it, it may dispose of the motor vehicle in any manner it thinks fit.

### **34 Disposal of proceeds of sale**

- (1) All moneys received in respect of the sale of a motor vehicle under these By-laws shall be applied in the payment of:

- (a) costs incurred by the council in the sale of the motor vehicle; and
- (b) the costs of removal, custody and reasonable maintenance of the motor vehicle immediately prior to its removal and impounding,

and the residue, if any, shall be paid to the person who owned the motor vehicle immediately prior to its removal and impounding.

- (2) Where, after the expiration of 6 months after the sale of an impounded motor vehicle, any moneys remain in the possession of the council in respect of a sale and are unclaimed by the owner of the motor vehicle or a person claiming on his behalf, such moneys shall form part of the revenue of the council.

### **35 Liability of owner**

The owner of a motor vehicle shall be liable to the council for expenses incurred by the council in the removal, custody, reasonable maintenance, sale or attempted sale or otherwise in the disposal of the motor vehicle under these By-laws and the council may recover as a debt due and payable to it such of those expenses as have not been satisfied by the proceeds from the sale of the motor vehicle.

## **Part VI Miscellaneous**

### **36 Damage to trees, plants, &c.**

- (1) A person shall not, without a permit, interfere with or damage a tree, plant, garden or grass strip in a public place or cause to be done anything whereby it may become damaged.

- (2) A person shall not ride, drive a motor vehicle or lead an animal in a public place in such a manner as to cause or permit it to cause damage to a public place, or any property of the council affixed to a public place or a tree, plant, garden or grass strip planted in a public place.

**37        Planting, &c., of trees, &c.**

- (1) A person shall not, without a permit:
- (a) plant a tree, shrub or plant; or
  - (b) cut, break, remove or disturb a tree, shrub, stem, branch or root of a living tree, shrub or plant,
- in a public place.
- (2) An application for a permit under clause (1) shall indicate the position where the applicant intends to:
- (a) plant the tree, shrub or plant; or
  - (b) cut, break, remove or disturb the tree, shrub or plant or part of it.

**38        Overhanging trees and shrubs**

- (1) The council may, where it considers that a tree or shrub growing on land is causing inconvenience or an obstruction to persons using a public street or footpath or is causing or likely to cause damage to an adjacent public place, serve a notice on the owner or occupier of the land to trim or remove the tree or shrub.
- (2) An owner or occupier who contravenes or fails to comply with a notice under clause (1) is guilty of an offence.

**39        Encroachment on public place, &c.**

A person shall not, without a permit, erect or place, or cause or permit to be erected or placed, a fence, rail, building, stair, steps, projection or other structure that encroaches on a public place.

**40        Erecting or placing buildings and structures**

- (1) A person shall not, without a permit, erect or place a building or structure, whether of a temporary or a permanent nature, on a public place.

- (2) An application for a permit in relation to the erecting or placing of a building or structure under clause (1) shall:
- (a) specify the purpose for which the building or structure will be used; and
  - (b) be accompanied by:
    - (i) plans and specifications of the building or structure; and
    - (ii) such other details as the council may require.

#### **41 Washing, &c., of vehicles in public place**

- (1) Subject to clause (2), a person shall not:
- (a) wash a motor vehicle; or
  - (b) subject to clause (2), carry out repairs or maintenance work on a motor vehicle,

on, along, in or across a public place, except where the public place has been set aside by the council for the purpose and notified as such by a sign erected or posted to that effect.

Penalty: \$100.

- (2) Clause (1)(b) does not apply to carrying out a repair for the purpose of immediately removing a motor vehicle from a public place.

#### **42 Deposit of offensive matter**

- (1) A person shall not:
- (a) deposit, or permit the deposit of, waste food, peelings, fruit or other vegetable matter;
  - (b) throw, deposit or discharge an offensive or unwholesome matter or fluid; or
  - (c) deposit, or permit the deposit of, garbage or other refuse,
- on a public place or other land under the control of the council, except where it is placed in a container for collection by the council.
- (2) A person shall not spit in a public place.
- (3) A person shall not deposit or discharge, or cause to be deposited or discharged, water or waste matter in a place where it is likely to flow or discharge on or into a public place.

**43        Stacking, &c., of goods on public place**

Subject to Part IV, a person shall not stack, store, or expose, or permit the stacking, storing or exposing, whether or not for sale, of goods or merchandise in, on or over a public place or outside a building adjoining a public place.

**44        Safety lights**

A person who causes:

- (a) a material or a structure to be deposited or laid on a road; or
- (b) work to be carried out entailing the opening or breaking up of the surface of a road,

whether or not authorised by the council, shall, at his expense, cause:

- (c) lights of a type and colour and in such number as the council considers sufficient for the purpose to be placed and retained near the material, structure or work;
- (d) the lights referred to in paragraph (c) to be illuminated from sunset to sunrise; and
- (e) the materials, structure or work to be fenced and enclosed to prevent damage or inconvenience to other persons,

until the material or structure is removed or the road is restored.

**45        Musical instruments**

A person shall not, without a permit, on a public place or other land under the control of the council:

- (a) ring a bell or use a musical instrument or any means of amplification or public address for the purpose of announcing an auction, public performance, sale, meeting or similar gathering; or
- (b) use or permit to be used a musical instrument.

Penalty:        \$100.

**46        Undue noise**

A person who, by any means, causes undue noise which causes distress or annoyance to a person by reason of its level or character, or the time at which it is made, is guilty of an offence.

**47 Handbills**

A person shall not, without a permit:

- (a) give out, put or distribute to a person or throw, place, drop or otherwise deposit a handbill;
- (b) affix or cause to be affixed a poster, placard or similar thing; or
- (c) write on, deface or mark a pavement with writing or pictorial representation;

in or on a public place.

Penalty: \$100.

**48 Bill sticking**

- (1) A person shall not, without a permit and the consent of the owner or occupier of land adjoining a road or public place, affix or cause to be affixed a poster, bill or other paper to or against a building on that land.
- (2) A person shall not, without a permit, affix or cause to be affixed a poster, bill or other paper to or against a power pole or sign post.
- (3) Where a person has in accordance with a permit affixed a poster, bill or paper, he shall:
  - (a) ensure that it is preserved in a clean and tidy state;
  - (b) remove it if it becomes worn, torn or detached; and
  - (c) clean the area of waste paper and refuse after it is removed.
- (4) Where an authorised person is of the opinion that a poster, bill or other paper which has been affixed to or against a building is dirty, untidy, worn, torn or detached, the authorised person may give notice to the owner or occupier of the building, requiring that such remedial action as is set out in the notice be taken within the time specified in the notice.
- (5) A person shall not fail to comply with a notice issued under clause (4).

**49 Advertising hoardings**

A person who is the owner or occupier of land adjoining or in view of a public place shall not, without a permit:

- (a) erect or permit to be erected; or

(b) permit the use of,

a building or structure on that land for placing thereon a placard, sign or advertisement.

## **50 Advertisements on buildings**

A person shall not, without a permit, affix, paint, carve or engrave, or permit to remain affixed, painted, carved or engraved, on a building or structure or their appurtenances on, over or in view of a public place or land under the care or control of the council a placard, sign, advertisement or fixture unless it relates to the trade, business or profession of a person then being carried on, conducted or practised within the building or structure.

## **51 Signboards, &c.**

- (1) Subject to clause (2), a person shall not, without a permit, affix, place, hang or suspend in, over or in view of a public place or land under the care or control of the council a signboard, signpost, placard, showbill, showboard, flag, notice or writing.
- (2) Nothing in clause (1) shall prevent the owner or occupier of a shop, office or other enclosed premises from affixing, placing, hanging or suspending a signboard, placard, showbill, showboard, flag, notice or writing within the shop, office or other enclosed premises of which he is the owner or occupier.
- (3) A signboard, signpost, placard, showbill, showboard, flag, notice or writing referred to in clause (1) shall be constructed and maintained in a condition of security, rigidity and in good repair to the satisfaction of the council.
- (4) Where an authorised person is of the opinion that a signboard, signpost, placard, showbill, showboard, flag, notice or writing is not maintained in a condition of security, rigidity or good repair, the authorised person may give notice to the owner or occupier of the land or building on which the signboard, signpost, placard, showbill, showboard, flag, notice or writing is situated, requiring that such remedial action as is specified in the notice be taken within the time specified in the notice.

## **52 Plan of numbering**

- (1) The council may adopt a plan or system of numbering areas of land on a road and may, in accordance with that plan or system of numbering:
  - (a) affix a number on a house or building or a front gate or fence on land adjoining a road; or

- (b) by notice in writing, require the owner or occupier of land adjoining a road included in the plan or system of numbering to affix, in accordance with the terms of the notice, a number on a house or building or a front gate or fence on the land.
- (2) The council may, from time to time, alter the plan or system of numbering referred to in clause (1) and may:
  - (a) replace the number affixed under that clause with a new number; or
  - (b) by notice in writing, require the owner or occupier of land adjoining a road to affix, in accordance with the terms of the notice, a new number on a house or building, or a front gate or fence on the land.
- (3) A person who has affixed a number to a house, building, front gate or fence on land under clause (1) and who is required to replace or affix a number in accordance with clause (2) may obtain the number free of charge from the council.
- (4) An owner or occupier of land shall, within 7 days after the date specified in a notice served on him by the council under clause (1)(b) or (2)(b), affix the number specified in the notice.
- (5) Where an owner or occupier of lands fails within the time specified in clause (4) to affix a number, the council may enter the land in respect of which a notice has been served under this by-law and affix the required number, and the expense of so doing may be recovered from the person on whom the notice was served as a debt due and payable to the council.

### **53      Fireworks, &c.**

- (1) A person shall not throw, cast, let off, ignite or fire a firework of any type, or set off a balloon or rocket, in, on or over a public place otherwise than in accordance with a permit issued pursuant to the *Dangerous Goods Regulations*.
- (2) A person shall not make or assist in making a bonfire on a public place otherwise than in accordance with a permit.

### **54      General offences**

- (1) A person shall not drive or propel a motor vehicle onto or over a park, garden or reserve.
- (2) A person shall not light or maintain a fire in a public place otherwise than in a designated fireplace or in accordance with a permit.

- (3) A person shall not interfere with, damage, deface or destroy any building, structure, fixture, equipment, plant or facility situated in or on a public place.
- (4) A person shall not pick, pluck or take a bud, flower or other part of a tree or shrub in a public place without a permit.
- (5) A person shall not wilfully injure or kill an animal or bird or act in a manner intended or reasonably likely to result in injury or death to an animal or bird in a public place.
- (6) A person shall not, without a permit, graze or allow to graze on a public place an animal of which he is the owner or lessee.
- (7) A person shall not swim or bathe in waters within a public place or reserve otherwise than in accordance with a permit or within signs erected or posted by the council advising that the waters are a designated swimming area.
- (9) A person shall not urinate or defecate in a public place except in toilets provided for that purpose.

## **55        Camping in public place**

- (1) A person shall not between 9 pm on one day and 6 am the following day:
  - (a) camp or sleep, with or without a tent or other temporary shelter;
  - (b) camp or sleep in a motor vehicle; or
  - (c) park a motor vehicle or erect a tent or other temporary shelter for the purpose of camping or sleeping,in a public place otherwise than in accordance with a permit.
- (1A) An authorised person may remove from a public place a person who is found contravening clause (1).
- (2) An authorised person may require a person who:
  - (a) is camping or sleeping in a motor vehicle, tent or other temporary shelter; or
  - (b) has parked a motor vehicle or erected a tent or other temporary shelter,



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in contravention of clause (1) to remove the motor vehicle, tent or other temporary shelter to a place specified by the authorised person.

- (3) A person shall comply with any requirement of an authorised person under clause (2).

#### **55A Sale, &c., of motor vehicles in public place**

- (1) In this by-law:

**dealer** has the same meaning as in Part 10 of the *Consumer Affairs and Fair Trading Act*.

**motor vehicle or boat** does not include a motor vehicle or boat to which Part IV applies.

**sale** includes every method of disposition for valuable consideration including barter and a disposition to or from an agent for sale on consignment.

- (2) A motor vehicle or boat shall not be offered or exposed for sale in a public place:

(a) by a dealer; or

(b) subject to paragraph (3), by any person other than a dealer,

except in accordance with a permit granted by the council under Part II.

- (3) Paragraph (2)(b) does not apply to a person other than a dealer who offers or exposes for sale at any one time no more than one motor vehicle or boat in a public place adjacent to or in the immediate vicinity of the person's place of abode.

- (4) A motor vehicle or boat shall, unless the contrary is proved, be deemed to be offered or exposed for sale by a dealer if it is displayed or placed in a public place by, for or on behalf of any of the following:

(a) a dealer, employee (whether remunerated wholly or partly by commission or not) or agent of the dealer;

(b) where the dealer is a company or partnership, an officer, employee (whether remunerated wholly or partly by commission or not), member, principal shareholder or partner of the company or partnership; or

- 
- (c) a spouse (including a de facto spouse), parent or adult child of a dealer or of any person holding an office or having a designation specified in paragraph (b).

## **56 Removal of persons from park, garden or reserve**

- (1) The council may remove or cause to be removed by an authorized person from a park, garden or reserve a person who commits a breach of these By-laws and may, by notice in writing served on him, refuse him entry to a park, garden or reserve for a period, not exceeding 6 months, specified in the notice.
- (2) A person on whom a notice under clause (1) has been served shall not enter a park, garden or reserve in contravention of the notice.

## **56A Council-controlled off-street parking areas**

- (1) The council may set aside an area to be a council-controlled off-street parking area.
- (2) A person shall not, in a council-controlled off-street parking area:
  - (a) stand or park a vehicle other than in a manner indicated by an inscription on a sign erected in the parking area; or
  - (b) stand or park a vehicle in the parking area in contravention of a limitation in respect of a day or period of a day, or a class of persons or vehicles indicated by an inscription on a sign erected in and associated with the parking area.
- (3) A person who stands or parks a vehicle in a council-controlled off-street parking area shall leave the vehicle standing or parked:
  - (a) with a space not less than one metre between it and another vehicle; or
  - (b) where parking bays are marked, entirely within the parking bay.
- (4) A person shall not stand or park a vehicle in a council-controlled off-street parking area unless the whole of the vehicle is within the parking area.
- (5) Division 3 of Part 3 of the *Traffic Regulations* applies to and in relation to a contravention of this by-law as if the contravention were a parking infringement within the meaning of the *Traffic Regulations* and, for that purpose, the Division, as in force from time to time, is incorporated in these By-laws.

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**57 General penalty**

- (1) A person who contravenes or fails to comply with a condition of a permit is guilty of an offence.
- (2) A person who contravenes or fails to comply with these By-laws, a permit granted pursuant to these By-laws or a direction lawfully given pursuant to these By-laws by the council or an authorised person is guilty of an offence and where no penalty is provided, is liable on conviction to a fine not exceeding \$500 and \$50 for each day during which the offence continues.
- (7) The signature of the clerk shall be judicially noticed for the purpose of a prosecution for an offence.

**58 Infringement notice and payment of sum in lieu of penalty**

- (1) Despite by-law 57, as an alternative to prosecution, a person who is alleged to have contravened or failed to comply with these By-laws may be served with an infringement notice under which the person may pay to the council a sum (***fixed penalty***) in lieu of the penalty by which the infringement of the By-laws is otherwise punishable.
- (2) For the purposes of this by-law:
  - (a) the fixed penalty payable under an infringement notice is \$50;
  - (b) an infringement notice is to be in a form, approved by the council in accordance with clause (4), that includes:
    - (i) the information required by section 194(4) of the Act; and
    - (ii) the statements required by clause (3);
  - (c) an infringement notice may be issued and served by an authorised person;
  - (d) the fixed penalty specified in an infringement notice is to be paid to the council; and
  - (e) the fixed penalty specified in an infringement notice is to be paid not later than 14 days after the date on which the infringement notice is served on the alleged offender.

(3) An infringement notice is to contain the following statements:

- (a) a statement to the effect that:
  - (i) the alleged offender may expiate the offence and avoid enforcement action under the *Fines and Penalties (Recovery) Act* if he or she pays the fixed penalty to the council within 14 days of service of the infringement notice; and
  - (ii) if the alleged offender pays the fixed penalty within the period specified in the infringement notice, the council will take no further action in relation to the offence;
- (b) a statement to the effect that if the alleged offender does not pay the fixed penalty within the period specified in the infringement notice and does not serve on the council a statement of election to have the matter dealt with by a court (as contained in the infringement notice), unless the infringement notice is withdrawn:
  - (i) the *Fines and Penalties (Recovery) Act* will apply and the alleged offender may be served with a courtesy letter in accordance with that Act requiring payment of the fixed penalty together with the costs in respect of the issue of that letter; and
  - (ii) if the alleged offender does not make the payment as required by a courtesy letter, enforcement action may be taken against him or her under the *Fines and Penalties (Recovery) Act* which, after due process, may result in the suspension of the alleged offender's licence to drive, the seizure of property, the deduction of wages or salary, the registration of a statutory charge on land, a community work order or imprisonment if a community work order is breached;
- (c) a statement to the effect that the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under the *Fines and Penalties (Recovery) Act* by completing a statement of election (as contained in the infringement notice) and serving it on the council;
- (d) a statement of election, for completion by the alleged offender if he or she elects to have the matter dealt with by a court, that includes the information required by regulation 7(1) of the *Fines and Penalties (Recovery) Regulations*;

- (e) if the alleged offence is in relation to an infringement of by-law 56A – a statement that includes information about the liability of the owner of the vehicle to which the infringement relates, as specified in regulation 53(1), (2), (3), (4) and (5) of the *Traffic Regulations*.
- (4) For the purposes of clause (2)(b), the form of an infringement notice is to be approved by the council at a meeting at which not less than two-thirds of the members then in office are present, by resolution carried by a majority of the members then in office.

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Alice Springs (Control of Public Places) By-laws (SL No. 41, 1987)***

Notified	4 November 1987
Commenced	4 November 1987

***Amendment of Alice Springs (Control of Public Places) By-laws (SL No. 18, 1992)***

Notified	29 April 1992
Commenced	29 April 1992

***Amendments of Alice Springs (Control of Public Places) By-laws (SL No. 19, 1992)***

Notified	29 April 1992
Commenced	29 April 1992

***Amendments of Alice Springs (Control of Public Places) By-laws (SL No. 20, 1993)***

Notified	7 July 1993
Commenced	7 July 1993

***Amendments of Alice Springs (Control of Public Places) By-laws (SL No. 32, 1993)***

Notified	6 October 1993
Commenced	6 October 1993

***Amendment of Alice Springs (Control of Public Places) By-laws (SL No. 42, 1994)***

Notified	14 December 1994
Commenced	14 December 1994

***Amendments of Alice Springs (Control of Public Places) By-laws (SL No. 64, 2002)***

Notified	26 March 2003
Commenced	26 March 2003

***Statute Law Revision Act 2003 (Act No. 12, 2003)***

Notified	18 March 2003
Commenced	18 March 2003

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### 3 LIST OF AMENDMENTS

bl 2	amd No. 64, 2002, bl 3
bl 4A	ins No. 19, 1992, bl 2
bl 7	amd No. 19, 1992, bl 3; No. 64, 2002, bl 3
bl 26	amd No. 19, 1992, bl 4; No. 20, 1993, bl 1
bl 29	amd No. 64, 2002, bl 3
bl 31 – 32	amd No. 64, 2002, bl 3
bl 44	amd No. 64, 2002, bl 3
bl 48	amd No. 64, 2002, bl 3
bl 51	amd No. 64, 2002, bl 3
bl 53	sub No. 18, 1992
bl 54	amd No. 20, 1993, bl 2
bl 55	amd No. 20, 1993, bl 3; No. 42, 1994, bl 1; No. 64, 2002, bl 3
bl 55A	ins No. 32, 1993
	amd Act No. 12, 2003, s 14
bl 56A	ins No. 19, 1992, bl 5
	amd No. 64, 2002, bl 3
bl 57	amd No. 19, 1992, bl 6; No. 64, 2002, bl 1
bl 58	sub No. 64, 2002, bl 2
sch	rep No. 19, 1992, bl 7