

NORTHERN TERRITORY OF AUSTRALIA
PALMERSTON (SIGNS, HOARDINGS AND ADVERTISING) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1999, No. 1*

By-laws under the *Local Government Act*

The Palmerston Town Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 184(3) and (4) of the Act, at a meeting held on 12 November 1998, made the following By-laws, and for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised Roydon Robertson, the Clerk, to sign them.

Dated 12 November 1998.

R ROBERTSON
Clerk

PALMERSTON (SIGNS, HOARDINGS AND ADVERTISING) BY-LAWS

PART 1 - PRELIMINARY

Division 1 - General

1. CITATION

These By-laws may be cited as the Palmerston (Signs, Hoardings and Advertising) By-laws.

2. CROWN TO BE BOUND

These By-laws bind the Crown in right of the Territory.

3. APPLICATION

(1) These By-laws apply to and are in force within the whole of the municipality.

* Notified in the *Northern Territory Government Gazette* on 13 January 1999.

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(2) Nothing in these By-laws or the signs code derogates from the requirements of any other law of the Territory relating to the construction or installation of buildings or structures.

4. DEFINITIONS

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

"approved" means approved by the council by resolution;

"council" means the Palmerston Town Council;

"determined" means determined by the council by resolution;

"municipality" means the municipality of Palmerston;

"permit" means a permit issued under the signs code;

"premises" includes a building and land (whether built on or not);

"public place" includes -

- (a) every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of the place;
- (b) every place to which the public are admitted on payment of money, the test of the admittance being the payment of the money;
- (c) every road, street, footway, court, alley, thoroughfare or cul-de-sac which the public are allowed to use, notwithstanding that the road, street, footway, court, alley, thoroughfare or cul-de-sac may be formed on private property; and
- (d) land reserved under a law of the Territory for the use of the public or a member of the public;

"signs code" means the document by the name "Palmerston Signs Code" approved by the council on 12 November 1998 to prohibit, regulate or exempt matters relating or incidental to the construction, placement, size, shape, content

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and colour of signs, hoardings and advertising in, on or over a public place or on premises adjoining or in view of a public place.

5. PUBLICATION OF SIGNS CODE

(1) The council must give notice in a newspaper circulating in the municipality of -

- (a) as soon as reasonably possible after approving the signs code - the approval of the signs code; and
- (b) whether in the same edition of the newspaper or another edition published on a later day - the date the signs code takes effect.

(2) The clerk must cause a copy of the signs code to be available for inspection or purchase by the public at the council offices during the business hours of the council.

6. DETERMINATION OF CHARGES AND FEES

(1) The council may determine the charges and fees in relation to an undertaking, service, matter or thing referred to in these By-laws or in the signs code.

(2) Where the council determines a charge or fee under clause (1), it must publish a notice of its making in a newspaper circulating in the municipality as soon as reasonably possible after the approval is given.

(3) Where the council -

- (a) determines a charge or fee under clause (1);
- (b) publishes a notice of the making of the determination under clause (2); and
- (c) takes an action in respect of which the charge or fee is determined,

it may demand and recover the relevant charge or fee.

Division 2 - Regulatory

7. COMPLIANCE WITH NOTICES

A requirement of a notice served by the council or an authorised person under these By-laws is to be complied with by the person on whom it is served.

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8. OBSTRUCTION OF OFFICERS, &C.

(1) It is an offence for a person to obstruct, hinder, disturb or interrupt an authorised person, an officer or employee of the council, a contractor or sub-contractor to the council or an employee of the contractor or sub-contractor in the proper execution of his or her work or duty under these By-laws.

(2) An offence against clause (1) is a regulatory offence.

9. FALSE STATEMENTS IN DOCUMENTS

A person who, in making a statement required or permitted to be made in a document for the purposes of the signs code knowingly makes a false statement, commits an offence.

10. GENERAL PENALTY

A person who commits an offence against these By-laws is, on being found guilty, liable to a penalty not exceeding \$3,000 and, in addition, to a penalty not exceeding \$100 for each day after the day on which the offence was committed during which the offence continues.

11. FIXED PENALTIES

(1) Notwithstanding by-law 10, a person who is alleged to have contravened or failed to comply with these By-laws and on whom a notice of infringement is served, may pay to the council, as an alternative to prosecution, the sum specified by this by-law in lieu of the penalty that may otherwise be imposed under these By-laws.

(2) For the purposes of this by-law -

(a) a notice of infringement is to be in the form set out in the Schedule;

(b) a notice of infringement may be issued by an authorised person;

(c) the sum specified by this by-law is \$100;

(d) the sum specified by this by-law may be paid to the council or to the person from time to time performing or carrying out the duties of a cashier on behalf of the council; and

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- (e) in order to avoid prosecution, the sum specified by this by-law is to be paid not later than 14 days after the date of the service of the notice of infringement on the person.

PART 2 - COMPLIANCE WITH SIGNS CODE

12. SIGN, HOARDING OR ADVERTISEMENT TO COMPLY WITH SIGNS CODE

(1) The occupier or, where there is no occupier, the owner of the premises adjoining or in view of a public place commits an offence if there is on those premises a sign, hoarding or advertisement that does not comply with the signs code.

(2) A person who erects or installs a sign, hoarding or advertisement in, on or over a public place that does not comply with the signs code commits an offence.

(3) An offence against clause (1) or (2) is a regulatory offence.

PART 3 - ERECTION, MAINTENANCE, &C., OF SIGNS, HOARDINGS AND ADVERTISEMENTS

13. SIGN, HOARDING, ADVERTISEMENT TO BE SECURE AND IN GOOD REPAIR

A sign, hoarding or advertisement is to be erected or installed and maintained in a condition of security, good repair and rigidity to the satisfaction of the council.

PART 4 - REMEDIAL ACTION OR REMOVAL OF SIGNS, &C.

14. NOTICE MAY BE GIVEN REQUIRING REMEDIAL ACTION OR REMOVAL OF SIGN, &C.

If an authorised person believes on reasonable grounds that a sign, hoarding or advertisement -

(a) does not comply with the signs code; or

(b) is not secure, in good repair or rigid,

the authorised person may, whether or not a permit has been issued in respect of the sign, hoarding or advertisement, give notice to -

(c) the owner or occupier of the land where the sign, hoarding or advertisement is erected or being used; or

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(d) the person responsible for erecting or installing the sign, hoarding or advertisement, requiring remedial action or the removal of the sign, hoarding or advertisement.

15. REQUIREMENT FOR EXECUTION OF WORKS

(1) Where an owner or occupier of land is required to take remedial action or remove a sign, hoarding or advertisement under by-law 14, the council or the authorised person may, by the notice under that by-law or another written notice served on the owner or occupier, require the owner or occupier at his or her own expense to execute the work or to cause it to be executed, and to do anything incidental to the work -

- (a) using the materials;
- (b) within the period;
- (c) in the manner; or
- (d) in the area,

specified in the notice.

(2) The council or authorised officer may require that work done in pursuance of a notice served under clause (1) is executed by qualified or licensed persons only.

(3) The council or authorised person may, when serving a notice under clause (1), indicate that the council will, if requested, carry out the work referred to in the notice at the expense of the person on whom the notice is served.

(4) If the council is requested to carry out work referred to in a notice, the council may require the person on whom the notice was served to pay to the council, or enter into a bond for payment to the council of, the amount the council thinks fit to provide security against costs that it may incur as a result of the execution of work.

(5) Despite clause (4), if the council carries out work at the request of a person on whom a notice was served, the cost to the council of carrying out the work is a debt due and payable by the person.

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16. WHERE REQUIREMENTS NOT COMPLIED WITH

(1) The council may carry out work required to be executed by a notice under this Part if the person required to execute the work fails to comply with the notice.

(2) Where the council carries out work under clause (1), the cost to the council of carrying out the work is a debt due and payable by the person required to execute the work.

SCHEDULE

By-law 11(2) (a)

FORM OF NOTICE OF INFRINGEMENT

Local Government Act

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NOTICE OF INFRINGEMENT

PALMERSTON TOWN COUNCIL

To:

(name of alleged offender)

of:

(address of alleged offender)

It is alleged that at _____ at _____ am/pm on _____ 19 _____,
(place) (time) (date)

you committed an offence as indicated hereunder against the
Palmerston (Signs, Hoardings and Advertising) By-laws:

By-law:

Offence:

Amount of penalty: \$100

In pursuance of by-law 11 of the Palmerston (Signs, Hoardings and Advertising) By-laws, in order to avoid prosecution you may pay to the council, instead of the penalty by which the offence is otherwise punishable, the amount shown above to the person at the address shown on the reverse of this notice not later than 14 days after the date of service of this notice of infringement.

Dated

19 _____

Authorised person

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If you do not wish the offence alleged on the front of this notice of infringement to be dealt with by a court of summary jurisdiction you should read and complete the following:

I, _____ of, _____
tender the amount shown on the front of this notice, being assured that on payment of that amount no further action will be taken by the council for this offence.

Signed: _____

Date: _____

19 _____

THIS NOTICE MUST ACCOMPANY PAYMENT

(Back of form)

Payment of the amount in full must be made not later than 14 days after the date of service of this notice of infringement and must be accompanied by this notice. Payment may be made between 8.00 am and 4.15 pm Monday to Friday (except public holidays):

in person - To the Cashier
Palmerston Town Council
2 Chung Wah Terrace
PALMERSTON

by post - To the Clerk
Palmerston Town Council
PO Box 1
PALMERSTON NT 0831

On payment of the penalty you will not be liable for a further penalty or costs in this matter.

If you do wish the offence alleged on the front of this notice of infringement to be dealt with by a court of summary jurisdiction you need not take any further action in respect of this notice and proceedings will issue against you in due course.

The common seal of the Palmerston Town Council was affixed hereto in pursuance of a resolution of the council passed on 12 November 1998 authorising the seal to be so affixed.

A BURKE
MAYOR

R ROBERTSON
CLERK