

THE NORTHERN TERRITORY OF AUSTRALIA
BY-LAWS OF THE KATHERINE TOWN COUNCIL

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PRELIMINARY

DIVISION OF BY-LAWS

These By-laws are divided into Chapters as follows:

- CHAPTER 1. Interpretations, Short Title, General Provisions, Licences, Permits
(By-laws 1.01 - 1.16)
- CHAPTER 2. Proceedings, Conduct of Meeting, Rules of Debate, Council Officers
(By-laws 2.01 - 2.71)
- CHAPTER 3. Roads and Streets - Encroachments, Awnings, Lamps Over Footways, Fences, Storm Water, Opening of Roads, Permits, Removal of Materials, Crossings, Street Names and Numbers, Street Stalls, Tree Planting
(By-laws 3.01 - 3.58)
- CHAPTER 4. Traffic Control
(By-laws 4.01 - 4.27)
- CHAPTER 5. Car Parks
(By-laws 5.01 - 5.10)
- CHAPTER 6. Public Health and Sanitation - Cleansing of Premises, Garbage Service, Removal of Dead Animals, Removal of Motor Vehicles
(By-laws 6.01 - 6.41)
- CHAPTER 7. Signs and Signboards - Defacing and Bill Sticking, Signs and Licence Fees, Removal of Signs
(By-laws 7.01 - 7.12)
- CHAPTER 8. Public Safety and Convenience, Security During Building Operations, Creating of a Disturbance
(By-laws 8.01 - 8.25)
- CHAPTER 9. Petrol Pumps - Erection of and Licensing
(By-laws 9.01 - 9.10)
- CHAPTER 10. Parks, Gardens, Commons and Reserves - Trespassing, Erection of Tents, Playing of Games, Music and Singing
(By-laws 10.01 - 10.37)
- CHAPTER 11. Tents, Camping and Car Parks, Camping Areas, Erection of Tents and Fees
(By-laws 11.01 - 11.09)
- CHAPTER 12. Theatres and places of Amusement - Licensing of Premises and Fees Payable
(By-laws 12.01 - 12.20)

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- CHAPTER 13. Rivers, Streams, Springs and Other Bathing and
Recreation Areas - Protection and Conduct, Nuisances
(By-laws 13.01 - 13.06)
- CHAPTER 14. Halls and Other Buildings - Use of Halls, Safety Precautions
and Fees Payable
(By-laws 14.01 - 14.14)
- CHAPTER 15. Animals - Pounds
(By-laws 15.01 - 15.28)
- CHAPTER 16. Taxi Cabs and Stands
(By-laws 16.01 - 16.15)
- CHAPTER 17. Rates, Charges and Services
(By-laws 17.01 - 17.05)

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 85 *

By-Laws under the Local Government Act

In pursuance of the powers conferred on it by section 350 of the Local Government Act, the Katherine Town Council, at a meeting held on the 29th. November, 1982, made the following by-laws.

The seal of the said council was hereto affixed on the 29th. November, 1982, in pursuance of the resolution of the said council authorising the seal to be so affixed, passed on the 29th. November, 1982 in the presence of:

P.M. Davies
Mayor

E.J. March
Town Clerk

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CHAPTER 1

INTERPRETATIONS..	By-law	1.01
SHORT TITLE	By-law	1.02
APPLICATION	By-laws	1.03 - 1.08
LICENCES AND PERMITS	By-laws	1.09 - 1.14

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INTERPRETATION

- 1.01 In these By-laws, unless the context otherwise indicates or requires, the following terms have the meaning set against them respectively, that is to say: -

Alignment	The Boundary line between any road and any land abutting thereon.
Animals	Cattle, horses, camels, sheep, dogs, goats and swine.
Approved garbage bin	A bin impervious to moisture, and with a close fitting lid with a cubic capacity of not more one cubic metre used for the reception of garbage.
Area	The district in which the Council has jurisdiction.
Bridge	A bridge, ford, causeway, culvert or other crossing upon a street, road or highway.
Building	Any fixed structure which is either wholly or in part enclosed by walls and which is roofed.
By-laws	By-laws made pursuant to the Local Government Ordinance of 1954 of the Northern Territory.
Clerk	The person appointed and holds office as the Town Clerk of the Municipality, the term includes the officer for the time being performing the duties of Town Clerk.
Council	The Katherine Town Council.
Councillor	A person who is appointed or elected to the office of Councillor for a municipality or ward and who holds office as Councillor under this Ordinance.
Council office	The office of a municipality established and maintained in accordance with the Local Government Ordinance of 1954.
Duties	Include responsibilities and obligations.
Engineer	The officer appointed by the Council to be Engineer for the purposes of these By-laws, the term includes any officer for the time being performing the duties of Engineer.
Garbage	Includes all kinds of rubbish, waste, refuse, debris, and trade refuse.
Goods	Goods, chattels, merchandise, materials, stone, timber or other articles.
Horses	Horses, mares, geldings, colts and fillies, asses and mules.
Inspector	The person appointed and takes office as Inspector of the Municipality or any other person delegated by Council to be Inspector.
Licensed vehicle	Any stage carriage, or omnibus, hackney, carriage, motor, coach, car, cab, wagon, lorry, cart, van, dray, trolley, motor bicycle or other vehicle in respect of which a licence under the provisions of these By-laws is in force.
Licensee	The holder for the time being of any licence under the provisions of these By-laws or the Local Government Ordinance of 1954.
Mayor	The person who is elected or appointed as Mayor of the Katherine Town Council and who holds office of Mayor, and includes an Acting Mayor appointed or holding office.
Municipality	The Municipality of Katherine.

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Noxious weed or plant		Any weed or plant growing within any area which has been declared to be a noxious weed or plant under any Northern Territory Ordinance.
Occupier		The person having the charge, management, or control of a building, and in the case of a building which is let out in separate tenements, or in the case of a lodging house which is let to lodgers, the person receiving the rent payable by the tenants or ledgers, either on his own account or as the agent of another person, and includes any person in occupation or entitled to occupy the surface of any land belonging to the Commonwealth, notwithstanding any want or defect of title to occupy the land.
Officer		A person who is appointed by the Council to an office under the Council and who holds that office.
Owner or proprietor		The owner whether jointly or severally of any building or structure, or the authorised agent, manager or superintendent of the owner, and, in the case of mortgaged premises, both mortgagor and the mortgagee, and includes a lessee.
Police officer		A member of the Northern Territory Police Force.
Public place		Includes every street or way and every place which the public are allowed to use, and whether formed on private property or not, within the limits of the Municipality.
Reserve or public reserve		Includes park lands, squares, reserves, and other lands set aside for the use and enjoyment of the inhabitants of the Municipality, and vested in or under the care, control or management of the Council.
Road		Land within the Municipality which, notwithstanding the provisions of the Control of Roads Ordinance, 1953, all roads within the boundaries of a municipality, except those roads in respect of which the Minister makes a declaration pursuant to the next succeeding section, are vested in and are under the control and management of the Council of that Municipality.
Structure		The Minister may, by notice in the Gazette, declare that any road within the boundaries of a municipality is vested in the Commonwealth, and is under the care, control and management of the Administrator.
Vehicle		Any building, wall, fence or other structure or anything affixed to or projecting from any building, wall, fence or other structure.
Velocipede		Any description of vehicle drawn or propelled by animal or other motive power other than a velocipede as herein defined.
Writing		A bicycle, tricycle, or other vehicle of similar description.
Year		Includes printing or partly in printing, lithography, photography or other modes of representing or reproducing words in visible form.
Short title	1.02	The period of time from and including the first day of July in one calendar year to and including the thirtieth day of June the next following calendar year.
Application of By-laws	1.03	The By-laws may be cited as "The By-laws of the Katherine Town Council.
		The By-laws shall apply to and be in force within the whole Municipality, except where otherwise expressly provided.

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General
penalty

- 1.04 Where any matter or thing is by any of these By-laws or any amendment thereto hereafter passed in addition to or in substitution therefor directed or forbidden to be done, or where any authority is given by the said By-laws, or any of them, to any person or persons to direct any matter or thing to be done, and such act so directed to be done remains undone, or such acts forbidden to be done are done, in every such case every person offending against such direction or prohibition shall be deemed guilty of an offence.

Every person guilty of an offence against any of the provisions of these By-laws shall, for every such offence where no specific penalty is provided therefor, be liable to a penalty not exceeding two hundred dollars, and also to a penalty of twenty dollars per day on which the offence is continued after notice has been given to the offender of the commission of the offence or after a conviction or order by any court, as the case may be.

In addition, in any case, in the said By-laws provided when the Council has power to call upon any person to do any work, and such work be not done in accordance with the requisition on that behalf, the Council may do the same or cause the same to be done, and may recover the costs therefor from the person who was required as aforesaid to do the same.

Obstruction
to officers

- 1.05 Any person who shall unlawfully obstruct, disturb, interrupt, or assault any officer or employee of the Council or any contractor or sub-contractor or employee of such contractor or sub-contractor in the proper execution of his work or duty shall be guilty of an offence under these By-laws.

Expenses

- 1.06 Whenever any expense is incurred by the Council in consequence of a breach of any of the provisions of these By-laws, or in the execution of work directed by the By-laws to be executed by any person and not executed by him, then, in addition to any penalty to which the person committing such breach or failing to execute such work may be liable, all such expenses of and in connection with execution of the work as aforesaid shall be paid to the Council by the person so committing such breach or failing to execute such work, and may be recovered in any court of competent jurisdiction.

Arrest of
offenders

- 1.07 Any officer or servant or a person appointed by the Council or any member of the Police Force may arrest any person offending against any of the provisions of the Local Government Ordinances of 1954 or any of these By-laws.

Delegation
of powers

- 1.08 Whenever by the By-laws power is granted to the Mayor or to any Councillor or to any officer of the Council to sign, seal, or sign and seal, any notice, order, or agreement, or to issue, sign, seal, renew, revoke, or cancel any licence, permit, authority or consent which the Council is entitled to sign, seal, or seal and sign, renew, revoke, or cancel, or to sign any letter, receipt, or other document, or to perform any act, deed, or thing necessary, ancillary, or incidental to the carrying out of the powers or duties of the Council, such powers shall be deemed for all purposes to have been granted and delegated under and in pursuance of Part XVII of the Local Government Ordinance of 1954.

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Whenever, by the Local Government Ordinance of 1954 or by the By-laws, the Council is required or empowered to grant, permit, approve, disapprove, order, direct, require, waive, or exercise any discretion in relation to any act, matter or thing, and the context does not indicate that such requirement or power is to be fulfilled or exercised by the Council by resolution or in any other specified manner, then such requirement or power may be fulfilled or exercised on behalf of the Council by the Officer of the Council authorised for the purpose, or exercising functions generally in relation to such act, matter or thing, and if there be no such officer, then by the Clerk, but this clause shall not be considered to abridge or affect the Council's right to fulfill or exercise such requirements or power by resolution where it has not been fulfilled or exercised by any officer or other employee appointed pursuant to the powers of delegation above set forth.

All forms prescribed by these By-laws to be used shall be deemed to have been prescribed in pursuance of sub-section 2 of Section 349 of Part XVII of the Local Government Ordinance of 1954.

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| Application fee, licence etc. | 1.09 | Every person who desires to obtain a licence, permit or registration for any purpose under these By-laws, or the renewal of the same, shall make application in writing in that behalf to the Town Clerk. Such application shall be signed by or on behalf of the applicant, and shall be accompanied by a fee, if any, prescribed and payable in that behalf, and by documents, if any required, to be submitted therewith. |
| Duration of licence and removal | 1.10 | <p>(i) Every licence and registration granted, obtained or made under the By-laws shall, except when otherwise expressly stated or where the context so requires, be in force until the following thirtieth day of June.</p> <p>(ii) Permits may be for a specific act or matter or for a definite period, or of indefinite duration: and if of indefinite duration, shall be revokable by the Council at any time, upon reasonable notice.</p> <p>(iii) Any licence or permit may be granted upon such conditions and subject to such restrictions and limitations as the Mayor or the Council may deem proper; and such conditions, restrictions, and limitations shall be stated in the licence or permit, or endorsed thereon.</p> <p>(iv) A licence, permit, or registration current under the By-laws may be suspended by the Mayor in his discretion for any period not exceeding three months for any reason which appears to him to justify such suspension. The Mayor shall report any such suspension and the reason therefor to the Council at its first ordinary meeting thereafter, and the Council may, if it sees fit, cancel, modify or confirm such suspension. The Council may at any time suspend or absolutely revoke or cancel any licence, permit or registration upon being satisfied that the person entitled to the benefit thereof has been guilty of improper conduct or any breach of the By-laws in relation thereto or any breach of the conditions thereof: Provided that such person shall first have been given an opportunity of being heard in his own defence.</p> |
| General charge for permit | 1.11 | Where no fee is expressly prescribed for any permit or licence and it is not expressly stated that the permit shall be issued without fee, a fee of two dollars shall be charged for every such permit or licence issued under these By-laws. |

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- Deposit on
licence or
permit 1.12 Whenever under these By-laws any licence or permit is prescribed to be obtained for the performance of any work, and it appears to the Council or officer authorised to grant the licence or permit that the performance of such work may involve any alteration of or damage to property of or under the control of the Council, the Council or such officer may, before granting such licence or permit, require the applicant to deposit with the Clerk such sums of money or to find some satisfactory security in such amounts as will, in the opinion of the Council or such officer, be sufficient to cover any expenditure by the Council that may be occasioned; such deposit, if made, shall be returnable on completion of the work if such expenditure is not required, otherwise any such alteration may be made, or any such damage may be made good by the Council, and such deposit may be applied towards defraying the expenses incurred and the balance only shall be repaid to the person making the deposit.
- Issue of
licence 1.13 The Clerk may, or the Mayor may authorise the Clerk to forthwith grant such licence, permit or registration, or renewal thereof, or, if he sees fit, may reserve the application for consideration by the Council.
- Transfer
of permits 1.14 The procedure for the transfer of a licence, permit or registration shall be the same as in the case of a new application, except that the application must be signed by the transferor and transferee, and the original licence, permit or certificate of registration produced for endorsement of the fact of transfer, and a transfer fee of two dollars paid.
- Singular
includes
plural 1.15 In these By-laws words importing the masculine gender shall be deemed and taken to include the feminine gender and the singular to include the plural and the plural the singular, unless the contrary as to gender or number is expressly provided.
- Gazettal 1.16 The word "gazettal" shall mean publication in the Gazette.

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CHAPTER 2

PROCEEDINGS AT MEETINGS	By-laws	2.01 - 2.06
CALL OF COUNCIL..	By-laws	2.07 - 2.11
CONDUCT OF MEETING	..	..	..	..	..	By-laws	2.12 - 2.16
PETITIONS ..	..	..	..	..	..	By-law	2.17
REPORTS ..	..	..	..	..	..	By-law	2.18
NOTICE OF MOTION	..	..	..	..	..	By-laws	2.19 - 2.23
AMENDMENTS	..	..	..	..	..	By-laws	2.24 - 2.30
QUESTIONS ..	..	..	..	..	..	By-laws	2.31 - 2.34
CONDUCT OF DEBATE	..	..	..	..	..	By-law	2.35
QUESTIONS OF ORDER	..	..	..	..	..	By-laws	2.36 - 2.38
PRESS AND PUBLIC	..	..	..	..	..	By-laws	2.39 - 2.43
COMMITTEES..	By-laws	2.44 - 2.61
RECORDS OF COUNCIL	By-law	2.62
OFFICERS OF COUNCIL	By-laws	2.63 - 2.71

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PROCEEDINGS, BUSINESS AND OFFICERS OF THE COUNCIL

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| First meeting of newly elected Council | 2.01 | The first meeting to be held after the conclusion of every election shall be held at 8:00 p.m. on the fourth night after the returning officer's notification by advertisement of the names of the candidates who have been successful. |
| Ordinary Meetings | 2.02 | Ordinary meetings of the Council shall be held on such day or days in each month and at such hours as is by resolution decided. |
| Special Meetings | 2.03 | Special Meetings of the Council may be held from time to time on such day or days and at such times as the Mayor may decide and/or at such other day or days at such times and under such conditions as are provided in Division 2 of Part VIII of the Local Government Ordinance of 1954. |
| Commencement of business | 2.04 | The Council shall commence business at the time appointed for holding the meeting, or so soon before the expiration of half an hour thereafter as a sufficient number of Councillors is present to constitute a quorum. |
| When quorum is not present | 2.05 | At all meetings of the Council where there is not a quorum of Councillors present, such circumstances, together with the names of the Councillors then present, shall be recorded in the Minute Book. |
| Attendance book | 2.06 | The Councillors present at each meeting of the Council shall sign their names in a book to be kept for that purpose, from which a list may be prepared of the number of times on which each Councillor has been present during the period intervening between one election and the next succeeding election, and the list may be open for inspection at the office of the Council. |
| Call of the Council | 2.07 | <p>(i) A call of the Council may by resolution, after due notice of motion, be ordered for the consideration of any motion or matter of business before the Council.</p> <p>(ii) There shall, without any resolution to that effect, be a call of the Council for the consideration of every motion which may be made in respect of any charge against a Councillor of persisting in disorderly conduct as hereinafter provided, and also every motion or revocation or alteration of any resolution of Council.</p> <p>(iii) The call shall be made immediately before the motion or business for which such call has been ordered or is required to be moved or considered.</p> <p>(iv) The call shall be made as follows: The Town Clerk shall call the names of all the Councillors in their alphabetical order; each Councillor present shall answer to his name so called, and if any Councillor is absent a record shall be made of such absence, but if leave of absence to any Councillor has been previously granted or if such an excuse in writing has been forwarded to the Mayor or Town Clerk as a majority of the Council then present considers satisfactory, such absent Councillor shall be excused, and a record shall be made of such excuse and of the reason for the same.</p> |

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| Notice of meetings | 2.08 | The Clerk shall issue the prescribed notice of all meetings, other than meetings called by Councillors. The notice shall state briefly the business of the meeting. |
| Notice of business to be given | 2.09 | Except as by these By-laws is otherwise provided, no business other than business arising out of matters already before the Council shall be taken into consideration unless notice thereof in writing, signed by a Councillor, is given at least seven days before the meeting at which the business is to be brought forward, specifying the material substance thereof, and no business shall be brought before the Council unless notice of such business has been given to each of the Councillors by summons. |
| Business paper | 2.10 | <p>The business paper shall include all matters arising out of the proceedings of former meetings of the Council and any business which the chairman may think fit to bring under consideration.</p> <p>Nothing in this By-law shall prevent consideration of new business which, in the opinion of the majority of the members of the Council present at the meeting, shall be considered to be urgent.</p> |
| Business of special meetings | 2.11 | The business paper for each special meeting shall contain only such matters as have been stated in the notice thereof. |
| Standing Orders | 2.12 | <p>For the conduct of business and the preservation of order at meetings of the Council, such meetings shall be governed by the following Standing Orders:</p> <p>(i) The Mayor shall have the right of directing the attention of the Council, at any meeting of the Council, to any matter or subject within the jurisdiction or official cognisance of the Council by a minute signed by himself; and such minute shall, when introduced, take precedence of all business before, or to come before, the Council.</p> |
| Mayor's minute | | |
| Order of business | | <p>(ii) (a) At all ordinary meetings of the Council the order of business shall be as follows:</p> <p>Minutes of previous meeting.
Business arising out of the minutes of the previous meeting.
Reception of correspondence (as provided in By-law Presentation of Petition and Memorials by Councillors).
Reception and consideration of reports of Officers of Council.
Consideration of tenders.
Reception of Committee Reports.
Consideration of Committee Reports and business arising out of such reports.
Consideration of Notices of Motion.
Questions.
Miscellaneous Business.
Reception of Notices for the next Meeting.</p> <p>(b) At special meetings the order of business shall be in the discretion of the Chairman.</p> |
| Confirmation of minutes | 2.13 | The minutes of every preceding meeting not previously confirmed shall be taken into consideration as the first business of every meeting of the Council, in order that such minutes may be confirmed and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings. |

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- Duties of Mayor as to correspondence 2.14 The Mayor shall have the same duty in reference to letters addressed to the Council, before directing the same to be read, if any Councillor shall require the same or any part thereof to be read as by these By-laws is imposed upon the Councillors presenting petitions. The Mayor shall direct what correspondence shall be read if any Councillor shall require any correspondence to be read, and no letter addressed to the Council shall be presented or read by any Councillor. If the Mayor be absent, and has not examined such letters addressed to the Council or given any direction aforesaid, the duties shall devolve upon the Deputy Mayor, or, in his absence, the Acting Mayor. All correspondence not dealt with shall be deemed to have been received.
- How letters to the Council should be dealt with 2.15 Correspondence submitted to the Council shall be taken as read unless any Councillor shall require the same or any part thereof to be read. No mention shall, unless herein provided, be permitted until a resolution shall have been passed that the same or any part thereof be received and considered or be received and referred to a committee or be received and its consideration stand an order of the day for some future meeting and no debate shall be admissible upon any of such questions.
- Letters sent not to be discussed but may be subject to motion 2.16 No discussion shall be permitted with reference to a letter which has been sent by the Mayor or Clerk. Provided, however, that any notice of motion consistent with good order may be entertained with reference to any such letter, whether copy of same has or has not been read to the Council, or with reference to any letters addressed to the Council.
- Petitions 2.17 (i) Every Petition or memorial shall be presented by a Councillor, who shall, as far as possible, make himself acquainted with the subject matter thereof. The nature and prayer of every petition or memorial shall be stated to the Council by the Councillor presenting the same. Providing that if no Councillor is willing to present any petition the Mayor may in his discretion permit same for the consideration of the Council.
- No petition or memorial shall be presented or received unless it is worded in respectful language.
- (ii) On the presentation of a petition it shall be read, and the only question that shall be entertained on its presentation shall be:
- (a) That the petition be received; or
 - (b) That the petition be not received; or
 - (c) That the petition be received and referred to a committee or officer of the Council for consideration and report on; or
 - (d) That the petition be received and that its consideration stand an order of the day for the meeting at which it is presented or at some future meeting.
- Consideration of reports 2.18 Reports from committees and other reports, if there are any, shall be considered and may be adopted on presentation: Provided that the Council may, if deemed necessary, order any report to lie on the table until next meeting.
- If in a report of a committee or in any report distinct recommendations are made, the sense of the Council may be taken separately on each recommendation.

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Any report of a committee, or any portion thereof, may be amended by the Council in any manner it may think fit, and may be adopted with or without such amendments, or may be referred back to the committee for further consideration.

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| Notice of motion | 2.19 | (i) All notices of motion shall be in writing signed by the Councillor making the same and handed to the Clerk. Such notices shall be filed in order in which they are received, and shall be placed in succession on the orders of the day for consideration.

(ii) In the absence of a Councillor who has placed a notice of motion on the business paper, such motion shall be deferred to the next regular meeting of the Council. Provided, however, that any other Councillor may at either of such meetings move the same.

(iii) If a motion (notice of which is specified in the Agenda paper) be not moved either by the Councillor who has given a notice of motion or by some other Councillor when it comes on in due course it shall be considered as dropped, and shall not again be introduced or moved without subsequent notice of motion duly given to the Town Clerk. |
| Withdrawal of motion | 2.20 | No motion after being placed on the business paper shall be withdrawn without the consent of the Council. |
| Motions to be seconded | 2.21 | No motion, other than a Mayor's Minute, shall be debated unless or until it has been seconded. |
| Motions not to be withdrawn without consent | 2.22 | When a motion has been proposed and seconded it shall become subject to the control of the Council, and shall not be withdrawn without consent of the Council. |
| Objectionable business | 2.23 | If the Mayor at any meeting of the Council shall be of opinion that any motion or business proposed to be made or transacted thereat is of an objectionable character it shall be competent for him, either before or after the same is brought forward, to declare the same shall not be entertained: Provided always that it is competent for any member of the Council to move dissent from the declaration made by the Mayor, whereupon the motion to dissent shall be forthwith put forward without debate, and, in the event of the same being carried by a majority of the members present and voting, the business referred to shall thereupon be entertained, but not otherwise. |
| Amendments may be moved | 2.24 | When a motion has been proposed and seconded, any Councillor shall be at liberty to move an amendment thereon, but no such amendment shall be debated unless or until it has been seconded. |
| Motions and amendments | 2.25 | The Mayor may require any motion or amendment to be reduced to writing before permitting it to be debated. |
| Only one amendment at a time | 2.26 | No second or subsequent amendment shall be taken into consideration until the previous amendment has been disposed of. |
| Further amendment may be moved | 2.27 | If an amendment has been carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved. |

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How subsequent
amendments
may be moved

2.28 If an amendment, whether upon an original motion or upon any motion amended as aforesaid, has been negatived, then a further amendment may be moved the motion to which the first-mentioned amendment was moved, and so on: Provided that not more than one motion and one proposed amendment thereof shall be before the Council at any one time.

Ancillary
motions

2.29 (i) Immediately after a motion has been seconded, and before any other speaker speaks to the motion, any member may move that the consideration of the question be postponed, which, upon being seconded, the mover of the main question shall be allowed to speak to the proposed postponement, and the question of postponement shall then be put without further debate.

(ii) At the conclusion of any speech during debate, any member may without comment move any of the following resolutions:

(a) That the debate be now adjourned

(b) That the question be now put

(c) That the Council do resolve into Committee of the Whole

(d) That the Council proceed with the next business; and such motion, upon being seconded, shall be put without debate, except that the Mayor may permit any member to make a statement in connection therewith. If defeated, the Mayor shall not be bound to accept a further motion to the same effect within half an hour. Any such motion may, with the consent of the Chair, be withdrawn by the mover.

(iii) A resolution for postponement of consideration or adjournment of the debate may include a time to which the consideration or the debate shall be postponed or adjourned, and if no time be included, and the motion be carried, a further motion may be received fixing a time. If a time be fixed by the motion, it shall be subject to amendment as to such time. If no time be fixed, either in the resolution or by subsequent resolution, the consideration of the question or resumption of the debate shall be included in the business paper for the next ordinary meeting. No postponement of consideration or adjournment of debate may be for a longer period than three months.

(iv) Upon a resolution being carried that the question now be put, the question then before the meeting, whether an original motion or an amendment, shall be at once put without further debate.

(v) Upon a resolution being carried that Council proceed with the next business, the question then under discussion, and if it be an amendment, the original motion of which it is an amendment shall be considered as dropped, and can only be taken into consideration again at a subsequent meeting upon a fresh notice as new business.

(vi) Upon the carrying of a resolution to resolve into Committee of the Whole, the Council shall immediately go into committee, and the consideration shall be resumed in committee of the matter which was before the Council when the resolution was moved, which shall not again be introduced or brought before Council except on the report of the Committee of the Whole.

(vii) A motion that the Council do not adjourn may be moved by any member without notice, either at the conclusion of consideration of any matter on the business paper or at the conclusion of any speech during debate, and such motion, upon

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being seconded, shall be put without debate. If defeated, the Mayor shall not be bound to accept a further motion for adjournment within half an hour.

(viii) Unless by an earlier resolution a time for resumption after adjournment shall have been fixed, every resolution for adjournment of the Council shall state a time for resumption. On resuming after adjournment, the Council shall proceed with the business at the point where it was discontinued upon the adjournment.

- Adjournment automatic 2.30 Any meeting of the Council which has sat continuously for three and a half hours shall stand adjourned until such time as may be fixed by resolution for the purpose, unless a majority of the members of the Council then present, by vote on question then put from the Chair, without motion determine to continue sitting.

QUESTIONS

- Notice of questions required 2.31 Any member desirous of putting a question to the Mayor or to the Chairman of any Committee or any member as to the general work or procedure of the Council or any matter under the jurisdiction or official cognisance of the Council, shall reduce the same to writing and forward it to the Clerk at least one day before the meeting: provided that any such question may, with the consent of the Mayor, be put without notice, but reply on the part of the member questioned without notice shall be optional.

- Disallowance of questions 2.32 The Mayor may disallow any such question which he considers is inconsistent with good order.

- Questions put without argument 2.33 Every such question shall be put directly and without argument.

- Replies and objections of subsequent motion received 2.34 No discussion shall be permitted respecting any reply or refusal to reply to any such question or respecting any statement made at the time of the question is put on such reply or refusal to reply is made: Provided nothing herein contained shall prevent taking of any objection as to any such question or statement being out of order, or prevent the discussion, after due notice, of any matter properly arising out of or relating to any such question, reply, or refusal to reply or any such statement.

CONDUCT OF DEBATE

- Official titles to be used 2.35 (i) Members shall speak of each other in Council during the transaction of business by their respective titles of Mayor, Chairman, or Councillor, as the case may be, and in speaking of or addressing officers, shall designate them by their respective official or departmental titles.

- Mode of addressing Council, etc. (ii) Every member who proposes or seconds any motion, or proposes or seconds any amendment, or takes part in any debate or discussion, or puts or replies to any question, or makes any statement, or in any other or for any purpose addresses observations to the Council shall, while so doing, stand within the bar of the Council Chambers (unless he is prevented from so doing by bodily infirmity), and shall address himself to the Chair.

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Chairman to
decide
pre-audience

(iii) If two or more members rise to speak at the same time, the Chairman shall decide which of the members shall be first heard, and his decision shall not be open to question.

Deference to
the Chair

(iv) When the Chairman rises in his place during the progress of a debate, any member of the Council speaking, or offering to speak, shall immediately resume his seat, and every member of the Council present shall preserve strict silence, so that the Chairman may be heard without interruption.

Disturbance
not allowed

(v) No member of the Council shall converse about or make any noise or disturbance during the conduct of business.

Member
repeatedly
called
to order

(vi) Any member of the Council who shall continue to converse aloud or to make any noise or disturbance after being called to order by the Chairman or who wilfully or vexatiously obstructs or interrupts the orderly conduct of business shall, upon request of the Chairman, withdraw from the Council Chamber for the remainder of the sitting, and in the event of such member persistently disregarding the authority of the Chair, and not withdrawing when so requested, he may, by order of the Chairman, be removed from the Council Chamber for the remainder of the sitting.

Digression

(vii) Every member speaking shall confine his remarks to the matter then under consideration.

Imputations

(viii) No member shall make personal reflections on or impute improper motives to any other Councillor.

Irrelevance and
repetitions

(ix) The Chairman may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the Council, and may direct such member of the Council, if speaking, to discontinue his speech, and thereupon such member shall cease speaking and resume his seat.

Speaker not to
be interrupted
if in order

(x) No member shall be interrupted while speaking unless for the purpose of calling him to order, or for the purpose of offering a personal explanation, as hereinafter provided, or to draw attention to a want of quorum.

Limitation as
to the number
of speeches

(xi) The mover of an original motion shall have the right of general reply to all observations which have been made in reference to such motion, and to any amendment moved thereon, as well as the right to speak upon every such amendment. Every member other than the mover of the original motion shall have the right to speak once upon such motion and once upon every amendment moved thereon. No member shall, without consent of the Council, speak more than once upon any one question, unless when misrepresented or misunderstood, in which case he may be permitted to explain, as hereinafter provided.

Personal
explanation

(xii) A member may, with the permission of the Chairman, make a personal explanation in relation to some material part of his former speech which may have been misunderstood or misrepresented.

Personal
explanation.
Member to be
heard

(xiii) A member desirous of making a personal explanation of matters referred to by any member then speaking shall be entitled to be heard forthwith. If the member who is speaking declines to give way, the explanation must be offered at the conclusion of the speech.

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Ruling on
question of
personal
explanation

(xiv) The ruling of the Chairman on the admissibility of a personal explanation shall be final and conclusive and shall not be open to discussion or dissent.

Mover and
seconder

(xv) A member who has moved any motion or amendment other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any member who has seconded any motion or amendment, without any further observation than that he seconds the same, shall be at liberty to speak once on every such motion or amendment.

Length of
speeches

(xvi) No member shall speak or address the Council upon any motion or amendment before the Council for a longer period than ten minutes without the consent of Council, which shall be signified without debate.

Mover of
adjournment
when entitled
to pre-audience

(xvii) On resuming any discussion which has been adjourned, the mover of such adjournment shall be entitled if he has not already spoken on the subject under consideration, to speak first.

Member may
require
questions to
be stated

(xviii) Any member may request the questions or matter under discussion to be read or stated for his information, or may require the production of any records of the Council bearing upon such question or matter as are readily accessible. Provided that no such request or requisition shall be so made as to interrupt any other member when speaking, or materially to interrupt the discussion.

How questions
are to be put

(xix) The Chairman shall put to the Council all questions on which it is necessary that a vote shall be taken, first in the affirmative, and then in the negative, and the members shall vote by show of hands and the Chairman shall declare the result to the Council.

Chairman may
repeat question

(xx) The Chairman shall be at liberty to put any question as often as may be necessary to enable him to form his opinion as to the result of the voting and declare the same.

Reflections
upon
resolutions

(xxi) No member shall discuss or reflect upon any resolution of the Council except for the purpose of moving that such resolution be rescinded, altered or varied.

Revocation of
resolution

(xxii) A resolution of the Council shall not be revoked or altered unless notice of the intention to propose such revocation or alteration is given to each of the members seven days at least before the holding of the meeting at which the revocation or alteration is to be proposed. If the number of the members present at the meeting is no greater than the number present when the resolution was adopted, the resolution shall not be revoked or altered unless the revocation or alteration is determined upon by an absolute majority of the members.

QUESTIONS OF ORDER

Chairman to
decide point
of order

2.36

(i) The Chairman shall preserve order, and his decision on disputed points of order or practice shall be final, unless questioned in the manner hereinafter provided.

Matters out
of order

(ii) Any member who shall commit a breach of any clause of these Standing Orders, or who shall move or attempt to move any motion or amendment embodying any matter as to which the Council has no legal jurisdiction, or who shall in any way raise or attempt to address the Council upon any subject which the Council has

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Precedence to
questions of
order

(xiii) Notwithstanding anything contained in these Standing Orders to the contrary, all questions of order at any time arising shall, until decided, suspend the consideration and decision of every other question.

Protests

(xiv) Any member may protest against any resolution of the Council; notice of the intention so to protest must, however, be given at the meeting when such resolution is passed, and the protest itself must be handed or sent to the Clerk not later than seven days after such notice.

The Clerk shall enter every such protest in the minutes, but, if in the opinion of the Council, it is inconsistent with the truth or disrespectfully worded, it may (by resolution after notice) be ordered to be struck out from the minute book. In such case striking out shall be made by drawing a perpendicular line with the pen through the entry of such protest, or in such other manner as the Council approves, with a reference in the margin to resolution ordering such striking out.

Privilege

(xv) Notwithstanding anything contained in the Standing Orders, it shall be competent for any member feeling himself aggrieved by anything which may have transpired between the termination of one meeting and the commencement of another to raise the question of privilege: provided always that it shall not be competent for any member to raise any question of privilege without first obtaining the consent and approval of the Mayor thereto.

Procedure on
privilege

(xvi) In the event of a question of privilege being raised by a member of the Council, such question shall thereupon take precedence of all other business before the Council, and immediately raised after the confirmation of the minutes of the preceding meeting.

Admission of
strangers

(xvii) The Chairman alone shall have the privilege of admitting strangers within the bar of the Council Chamber.

Deputations

(xviii) Any person or persons wishing to be heard personally or as a deputation upon any matter to come before the Council, shall make written application in that behalf to the Clerk. If the matter upon which the audience is desired shall have been or shall be submitted to any committee, the application shall be referred to the same committee.

When the matter upon which audience is sought comes before the Council, the Clerk shall present the application, and the report (if any) of the committee thereon, which shall be considered by the Council before the consideration of the matter in question is entered upon. If the Council decide to give the audience sought, it may determine at what stage of the proceedings it shall be given and any other matters incidental thereto.

A deputation shall not exceed ten in number, and only one member thereof shall be at liberty to address the Council, except in reply to questions from members of the Council, or by permission of the Chairman, and the matter shall not be further considered by the Council until the deputation has withdrawn.

Committee of 2.37
the Whole

The Council may, for the consideration of any matter, resolve itself into a Committee of the Whole, except the provision limiting the number and duration of speeches.

By-laws of the Katherine Town Council

no right to entertain or discuss, or who shall impute improper motives to, or use offensive or objectionable expressions in reference to any member, or who shall use any language which according to common usage would be held disorderly, or who shall say or do anything calculated to bring the Council into contempt, shall be out of order.

Chairman to
call member
to order

(iii) The Chairman may without the intervention of any other member call any member to order, whenever in his opinion there shall be a necessity for so doing.

Any member
may raise
question of
order

(iv) Every member shall have the right of calling the attention of the Chairman to any motion, amendment, question, statement, argument, or observation moved, put, used, or made by any other member which such first-named member may consider out of order.

Procedure on
question of
order

(v) Upon a question of order suddenly arising during the progress of a debate any member may rise to a point of order, and thereupon the member against whom the point of order is raised shall immediately resume his seat, and so also must the member who rose to order when he has submitted his point of order.

Question of
order, how
dealt with

(vi) After the question of order has been stated to the Chairman by the member raising the same, the Chairman shall give his opinion thereon, but may first invite the opinion of the Council.

Decision on
points of order
or practice

(vii) The Chairman when deciding points of order or practice shall state the provision, rule, or practice which he deems applicable to the case without discussing or commenting upon the same.

Dissent from
Chairman's
ruling

(viii) Any member dissatisfied with the Chairman's ruling on any question of order or practice may forthwith move that such ruling be disagreed with. The decision of the Council shall be final. Upon any such motion members may address the Council.

Motions out of
order to be
rejected

(ix) Whenever it has been decided that any motion, amendment, or other matter is out of order, the same shall be rejected.

Apology, etc.
may be required

(x) Whenever anything said or done by any member has been decided to be out of order, such member may be called upon by the Chairman to make an explanation, retraction, or apology, as the case may require.

Persisting in
disorderly
conduct

(xi) Any member who has been called to order, and who after having been twice directed to take his seat refuses to do so, or who persists in any line of conduct or argument or in making any observations which has or have been decided as aforesaid to be disorderly, or refuses to make such explanation, retraction, or apology as aforesaid when required so to do, or who is guilty of any other act of disorder as hereinbefore defined, and refuses to make such explanation, retraction, or apology as the majority of the members then present consider satisfactory, shall be guilty of an offence against the By-laws, and the Chairman may, if he thinks fit, require such member to withdraw from the Council Chamber.

Removal from
Council chamber

(xii) In the event of a member declining to withdraw from the Council Chamber on being required so to do by the Chairman, the Chairman may order his removal from the Council Chamber until the termination of the sitting.

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Proceedings 2.38
and Reports of
Committee of
the Whole

(i) All reports of proceedings in Committee of the Whole shall be made to the Council by the Clerk.

(ii) A report of such proceedings shall be made to the Council in every case, except when it is found, on counting the number of members during the sitting of any such committee, that there is not a quorum present, and in the latter case the proceedings in committee shall be considered to have lapsed: Provided that, in making any such report as aforesaid, it shall not be necessary to report any such proceedings in extenso, and it shall be sufficient to state the general effect of such proceedings.

(iii) All such reports as last aforesaid shall be recorded in the minute book, but no report shall be considered as adopted by the Council until a motion has been made and passed for such adoption.

(iv) In the event of the Council resolving itself into Committee of the Whole, and not resuming proceedings and reporting in Council, the proceedings and report of Committee of the Whole, where the exigencies of the public interest do not preclude such a course, shall be submitted on the business paper to the next ordinary meeting of the Council for confirmation, but in the event of it being undesirable to read such minutes publicly the Clerk shall direct the attention of the Council to the fact of the entry.

(v) If at any time during the sitting of the Council in Committee of the Whole the attention of the Chairman is called to the fact that strangers are improperly present, the Chairman shall forthwith request such strangers to withdraw.

Mode of
procedure in
cases not
provided for

(vi) In all cases not herein provided for, resort shall be had to the rules, forms, and usages of the House of Commons, England, in force for the time being, so far as the same are applicable to the proceedings of the Council.

Power to
suspend
temporarily
portion of
Standing
Orders

(vii) Any provision or provisions of these Standing Orders may be suspended by resolution at any meeting of the Council: Provided that there shall be a distinct statement in every such resolution of the purpose for which such suspension is required, and of the duration of such suspension, and that for every separate matter or business as to which suspension is so required there shall be a separate resolution.

Adjournment
in case of
disorder

(viii) If disorder arise at any meeting, the Chairman may adjourn the meeting for fifteen minutes and quit the Chair. The Council, on reassembling, shall, on question put from the Chair, decide without debate, whether the business shall be proceeded with or not.

PRESS AND PUBLIC

Public at 2.39
meetings

Part of the Council Chamber shall be made available for the accommodation of the public, separated by a bar from the part of the Chamber devoted to the Council, and such numbers of the public as can be reasonably accommodated in the part so made available shall be permitted to attend therein at every meeting except in committee; but no expression of dissent or disapproval, conversation or interruption of the proceedings of the Council shall take place.

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- Press Privilege** 2.40 Reasonable accommodation and facilities to report proceedings shall be provided for representatives of the Press within the bar of the Chamber. A copy of the business paper shall be furnished to the Press representatives at or before the opening of the meeting; and during or at the close of the meeting such representatives shall be allowed reasonable access to the correspondence and reports before the meeting: Provided that the Council may withhold access where it considers publication may prejudice the Council's interests in pending or threatened litigation, or is otherwise inexpedient.
- Abuse of Press privilege** 2.41 Any Press representative who, or the representative of any newspaper which or representative of which shall, in the opinion of the Council, have been guilty of any abuse of Press privilege may be suspended from further enjoyment of such privilege, with or without such limitations as it may determine.
- Publicity of Committee proceedings** 2.42 Where the Council is sitting in Committee of the Whole it may decide by resolution whether the public or the Press or both shall be excluded. The proceedings of any standing or special committee may be open to the public or to the Press or both if the Council so decide, but otherwise shall be privately held.
- Disorder by strangers** 2.43 Any person, not being a member of the Council, who interrupts the orderly conduct of the business of the Council, and who does not immediately, upon being called upon by the Chairman to do so, withdraw from the Council Chamber, may by order of the Chairman be removed forthwith; and such person shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

THE TRANSACTIONS AND MANAGEMENT OF THE BUSINESS OF THE LOCAL AUTHORITY

- Reference to Committees** 2.44 The Council may from time to time refer any matter to any of the standing committees hereinafter provided for, or to a special committee constituted for the purpose; and may at any time withdraw, extend, or modify any reference to a committee, or transfer any reference from one standing committee to another.
- Finance and Planning Committee** 2.45 (i) The Finance and Planning Committee shall examine and check accounts and shall watch generally over the collection and expenditure of the Municipality revenue.
- The Finance and Planning Committee may on or before the second monthly meeting in each year, report to the Council their estimate of ways and means for the year ending on 30th June next ensuing year, including a recommendation as to rates and/or charges to be struck.
- They may from time to time inspect any books of account, records, statements, or memoranda or receipts and expenditure to ascertain that the same are properly kept, and shall report at once to the Council any act of neglect or appearance of inefficiency which they have discovered in the keeping of the same.
- They shall report to the Council from time to time any changes which they may think advisable in the mode of keeping the accounts.
- All accounts and demands for money against or from the Council shall be examined and reported upon by the Finance and Planning Committee before an order is made for the payment of such accounts or demands.

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Certificate
required

(ii) No payment shall be so ordered unless there is a certificate from the committee, Chairman and Clerk of the Council showing that the demand is a legitimate one, and has been duly authorised and enquired into.

If any meeting of the Finance and Planning Committee at which an account, claim or demand should have been dealt with shall lapse or omit to deal with the same, the powers conferred by the last preceding paragraph shall be excusable by the Mayor and one other member of the Finance and Planning Committee without formal meeting.

Operation
of funds

(iii) There shall be opened and kept at such bank or banks as the Council may decide, such accounts as the Council may in conformity with the statutes under which the Council exercises jurisdiction, from time to time decide. All monies received shall be paid by the Clerk into the appropriate account, on the day following its receipt, except when Saturdays, Sundays and Bank Holidays intervene, when they shall be paid into such account on the following banking day thereafter. All payments out of the several accounts shall be by cheque only, signed by a member of the Finance and Planning Committee or the Mayor of the Council and in every case countersigned by the Clerk.

(iv) The Finance and Planning Committee shall be, in so far as Council directs, responsible to the Council for the preparation of By-laws and other legislative matter which the Council may from time to time propose.

Works
Committee

2.46

The Works Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all roads, lands and structures under the care, control and management of the Council other than works, lands and structure by these By-laws specifically placed under the control of some other Standing Committee.

It shall also inquire into and report from time to time upon such improvements and repairs as may be necessary or may be directed by resolution of the Council.

Except in
matters of
urgency costs
to be estimated
before undertaken

With the Exception of matters of urgency as is provided in the Local Government Ordinance of 1954, no work affecting the finance of the Municipality shall be undertaken until the probable expense thereof has been ascertained by the Council.

Parks
and
Reserves
Committee

2.47

The Community Services Committee shall have the general management and control of all parks, reserves, pleasure grounds and open spaces under the control of the Council, and shall superintend and see to the execution of the By-laws relating to the same.

They shall also have the general management and control of all trees planted in the streets, and general community services provided by the Council.

Special
Committee

2.48

Special Committees may consist of any number of members and may be appointed for the performance of any duty for which, in the opinion of the Council, a special committee ought to be appointed.

No Standing Committee shall interfere with the performance of any duty which for the time being has been entrusted to a Special Committee.

By-laws of the Katherine Town Council

The appointment of every special committee shall be by resolution, and the mover of such resolution shall embody therein a statement of the duties proposed to be entrusted to the committee; the resolution may fix the number of committee-men or embody the names of the Councillors to constitute the committee; or it may leave either or both matters to be determined by the Council.

COMMITTEES GENERALLY

- | | | |
|--------------------------------------|------|--|
| Mayor to be Member | 2.49 | The Mayor shall, by virtue of his office, be a member of every committee of which he is not appointed a member, notwithstanding that the number be thereby increased beyond the number specified in By-law. |
| Tenure of Committee | 2.50 | Appointment to a Standing Committee shall be for the tenure of the Council.

The appointment of every special committee shall continue until the duties for which the committee has been appointed have been fully performed. |
| Quorum of Committee | 2.51 | All powers delegated by the Council to any Committee may be exercised at any meeting held in pursuance of the By-laws by a majority of the whole number of Councillors for the time being assigned to such committee: Provided that the quorum of any standing committee shall be three members thereof. |
| Reports to be signed by Chairman | 2.52 | All committee reports submitted to the Council shall be signed by the Chairman of the Committee. |
| Acts of Committee | 2.53 | The acts of every committee shall be submitted to the Council for approval, and if not confirmed shall have no validity except in so far as these By-laws or the Local Government Ordinance or the resolution or reference to the committee give the committee power to act. |
| Decision of majority in committee | 2.54 | At every meeting of any committee each member of such committee there present shall be entitled to one vote, and if there be an equal division in votes upon any question the member who shall occupy the chair at such meeting shall have a second or casting vote. |
| Records of transactions in committee | 2.55 | The Clerk or in his absence some other authorised officer, shall attend all meetings of the committee and take minutes of their proceedings; but in the absence of the Clerk or other officer the Chairman of the committee may take the minutes of the proceedings. |
| Time of meeting | 2.56 | Each Standing or Special Committee shall fix its own day and hour for meeting. Additional meetings shall be called by the Clerk authorised in that behalf by the Chairman of a committee whenever required to do so by such Chairman or by the Mayor or by a majority of the members of the committee. |
| Notice of meeting | 2.57 | Except in urgent cases of which the Chairman of the committee shall be the sole judge at least twenty-four hours' notice of every meeting of a committee shall be given to all the members thereof. |

By-laws of the Katherine Town Council

- Adjournments 2.58 Any committee of the Council may adjourn from time to time.
- Quorum at 2.59 If, after the expiration of fifteen minutes after the hour at
commencing which any meeting of any committee is appointed to be held, a
of meeting quorum shall not be present in the Council Chamber, no meeting
shall take place, and the meeting shall stand adjourned until
the day and time fixed for the next ordinary meeting of the
committee, unless the Chairman shall convene a special meeting
of the committee for the transaction of the business adjourned.
- Mover of new 2.60 The mover of any new reference to a Standing Committee shall, if
reference to he is so required, be summoned to attend the first meeting of
attend the committee when the matter of such reference is considered,
and if not a member of such committee shall be entitled to be
heard thereupon at such first meeting, but shall not, unless
qualified as a member of the committee, be entitled to take any
further part in the consideration of the reference at either the
first or on any other subsequent meeting of the committee.
- Communica- 2.61 No committee shall communicate with any outside person or authority
tions by except through the Town Clerk, as the officer of the Council duly
Committees authorised for the purpose.

GENERAL

- Records 2.62 (i) Except as otherwise provided by the law, no Councillor or
officer of the Council shall be at liberty to show, lay open or
expose any record of the Council to any person other than a
Councillor without the leave of the Council.
- (ii) Any person who removes any record of the Council from the
Council Chamber or place where, by direction of the Council,
such record is usually kept, without the authority for such
removal having been first obtained from the Mayor of the Council,
or without other lawful cause for such removal, shall be liable
to a penalty not exceeding two hundred dollars.
- (iii) Provided that no record whatsoever shall be removed
without the knowledge of the Clerk, nor without being duly
signed for.
- (iv) Without prejudice to the provisions of any Ordinance in
the Northern Territory, any person who, without lawful authority,
destroys, defaces or alters any record of the Council shall be
liable to a penalty not exceeding one thousand dollars.
- Appointment 2.63 Except as hereinafter provided, no appointment to any permanent
of officers salaried or paid office shall be made until applications for such
positions have been called for by advertisement in a newspaper.
- Exceptional 2.64 Nothing in the By-laws shall be construed to prevent the
cases appointment by the Council, without public notice, of any
salaried officer of the Council to any other permanent office or
employment at the disposal of the Council to which no further
salary is attached; or to prevent the appointment in like manner
of any such officer to any other office or employment, the duties
of which require only occasional attention and are to be paid
for by allowances proportionate to the extent of such duties, or
to prevent any similar appointment or employment by the Mayor.

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Remuneration, 2.65. At the first meeting after the 30th of June each year the Council shall fix the amount of salary or remuneration of each officer employed by the Council for the next ensuing twelve months, but such amount shall not be less than that provided for in the relative awards:

Unless it is otherwise provided in the conditions of his employment:

- (a) Every officer or servant of the Council shall devote the whole of his time during prescribed working hours to the performance of his official duties; and
- (b) An officer or servant shall not perform or engage himself to perform remunerative work outside the services of the Council without the sanction of the Council.

The provisions shall be deemed to be an essential condition of the employment of any officer or servant, the breach whereof shall render the offender liable to instant dismissal.

Town Clerk 2.66 The Town Clerk shall be the chief administrative officer of the Council and (subject to the By-laws and any direction given by the Council or Mayor) shall advise as to their duties and exercise control over all other officers and servants of the Council; and instructions to and reports by them shall pass through his hands. He shall, subject to any direction given to him by the Mayor -

- (a) Issue all notices for and attend all meetings of the Council and of committees except as otherwise provided by these By-laws.
- (b) Conduct all correspondence on behalf of the Council and all papers and documents shall pass through his hands.
- (c) Issue in writing under his hand all permits, authorities, consents and certificates required or authorised by these By-laws to be granted, given or made.
- (d) Perform such other duties as are prescribed or as may from time to time be fixed by the Council.

Duties of other officers 2.67 The duties of other officers and servants of the Council shall be such as may be specified in their appointment, or prescribed or from time to time determined by the Council.

Complaints against officers 2.68 Any complaint against any officer or servant of the Council must be in writing, and must in every case be signed by the person complaining, and no notice whatsoever shall be taken of any complaint which is not in writing or is anonymous.

Custody of seal The Town Clerk shall have the custody of the Common Seal, and the same shall be kept in such place as the Council directs.

POWERS AND DUTIES OF THE MAYOR

Mayor may authorise certain works 2.69 (1) The Mayor may, unless otherwise directed by By-law or by resolution of the Council, authorise any work which in his opinion is urgent at a cost not exceeding one thousand dollars or such higher limit as the Council may determine.

Mayor to give effect to By-law (2) The Mayor shall give effect to any By-law, resolution, minute, or report which has been passed or adopted by the Council.

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Mayor to
preside at
meetings

(3) The Mayor shall preside at every meeting of the Council at which he is present, and if he is prevented by absence, illness, or otherwise from presiding at any meeting the Deputy Mayor shall preside at the meeting, and if the Deputy Mayor is absent another member shall be elected at the meeting to be Acting Mayor during the absence of the Mayor and the Deputy Mayor from the meeting.

When Deputy
Mayor to act

(4) A Deputy Mayor may act in the office of Mayor during such time as the Mayor is prevented by absence, illness, or otherwise from performing the duties of the office of Mayor or during such time as a vacancy exists in the office of Mayor.

The Mayor may direct or redirect any letter, petition, tender or any other correspondence to any committee or to all committees or General Council as he deems necessary and expedient.

The Mayor may direct or redirect any letter, petition, tender or other correspondence previously directed to a committee to another committee or the same committee for further consideration, irrespective of whether such letter has or has not been discussed by that committee.

POWERS AND DUTIES OF ENGINEER

Engineer

2.70

The Engineer shall, subject to the By-laws and to resolutions of the Council: -

- (a) Have control and the supervision of all works and services ordered or sanctioned by the Council and of the officers and employees engaged thereon;
- (b) Certify all accounts for work done, materials and implements supplied, and wages due;
- (c) Requisition for and control the storing and issue of all materials and implements required for works and services under his control;
- (d) Engage and dismiss for works and services under his control, employees engaged on hourly, daily or weekly hiring;
- (e) Suspend any employee engaged on hourly, daily or weekly hiring and employed on works and services under his control: Provided that he shall forthwith report the suspension to the Council;
- (f) Give contractors performing works other than those specified in contracts orders regarding the same in writing only, keeping duplicate thereof duly entered in a book to be kept by him for that purpose.

DUTIES OF CURATOR

Curator

2.71

The Curator shall be deemed to be a staff appointment, and, subject to the By-laws and to resolutions of the Council: -

- (a) Have control and the supervision of works and services ordered or sanctioned by the Council appertaining to Parks and Gardens within the Municipality.
- (b) Certify all accounts for work done, material and implements supplied, and wages due.
- (c) Requisition for and control the storing of all material and implements issued to him for works under his control.

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- (d) Engage and dismiss for works and services under his control, employees engaged on hourly, daily or weekly hiring.

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CHAPTER 3

ROADS AND STREETS

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Control of
footway and
traffic way.

- 3.01 The Council may from time to time by resolution appropriate any part or parts of any road as a foot way, carriage way, cycle way or to any specified class or classes of traffic, and may make, form or pave, raise or lower, divide off from other parts of the road or otherwise deal with the part appropriated so to make it more convenient for the class of traffic to which it is appropriated.

Encroachment

- 3.02 Save as by these By-laws is otherwise expressly provided, no person shall erect or begin to erect, or cause or permit to be erected, any fence, rail, building, stair, balcony, awning, projection or other structure, so as to encroach on any road or public place.
If any person erects or begins to erect, or causes to erect, or maintains or uses any such fence, rail, building, stair, steps, balcony, awning, projection or other structure, he shall forthwith remove the same upon being required to do so by the Council by notice in writing, and if he fails to do so for a period of seven days after such notice he shall be guilty of an offence, and, in addition, the Council may cause the same to be removed.

Permit for
awnings

- 3.03 The owner or occupier of any building or proposed building abutting or to abut on a road, may, upon obtaining from the Council a permit as hereinafter provided, erect an awning or balcony in connection therewith over the footway of such road, or alter or vary any existing awning or balcony. The fee for such permit shall be \$5.00.
The application for such permit shall be accompanied by a plan and copy thereof as hereinafter provided, and specifications of the proposed awning or balcony, showing the proposed dimensions material, and position relative to the footway and the building.
A copy of such plan drawn to scale of not less than 2.5cm to 2.4 metres, with specifications, shall be deposited in the office of the Town Clerk, and shall be recorded and retained by him.
The permit, if granted, may stipulate for variation or amendment of the plans and specifications in any respect.

General
conditions for
awnings.

- 3.04 (a) Except where special permission is granted under the next following By-law, the following general conditions shall apply to all awnings and balconies to be erected as aforesaid, and shall be observed in the preparation of the plans and specifications thereof: -

The entablature or frieze shall be carried along the several frontages in true horizontal line, the lower rail at a minimum height of three metres above the kerbing until the height of four metres or within 10cm less or more than four metres has been attained, when the line shall be discontinued and shall commence at the minimum height.

Provided that in the case such height of four metres more or less is attained elsewhere than exactly at the party wall or dividing line between any two buildings or within two metres thereof, then the line may be carried on to the end of the frontage of the building at which such height of four metres is attained: Provided further that at all intersections of streets the minimum height above the kerbing shall be 3.4 m.

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(b) The awning shall be carried out to the outer edge of the footway, and built upon steel joists or timber trusses cantilevered out from the front wall of the building, or supported on posts. Where cantilever construction is adopted no supports beneath the awnings will be permitted. Where posts are used, they shall be of no less than 10cm and not more than 15cm in diameter if of iron, and not less than 10cm nor more than 15cm square if of wood.

In first class sections of the Town all awning shall be of cantilever construction, and shall be sealed on the underside in an approved manner, and no brackets or other supports shall be permitted to project through the ceiling.

No awning of cantilever construction shall be used as a balcony.

(c) The plate and fascia of every such awning or balcony shall together be not more than 45cm deep, and shall be of sufficient strength and thickness to support the awning or balcony, the rafters shall be no more than 15cm deep.

(d) The covering of the awning or balcony shall be sound galvanised iron or other materials approved by the Council.

(e) The awning or balcony shall be provided with gutters and pipes so arranged and constructed as to prevent water therefrom falling on the footpath.

(f) Every balcony shall be enclosed by a railing at least 1.2m high with iron or wood uprights not less than 7.5cm apart, and not more than 5cm wide, or other approved design of railing.

Notwithstanding the provisions of the last preceding By-law, the Council may by resolution grant special permission for the erection of any awning or balcony of any design which in its opinion may be suitable for the class of building to which it is proposed the same shall be attached, or which for any other reason it considers should be permitted.

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| Awning to be Erected according to plan. | 3.05 | Every awning or balcony for which a permit is granted shall be erected in all respects in conformity with the plans and specifications with such variation or amendment (if any) as may be stipulated in the permit, and the work shall be executed agreeably to such instructions as may be given from time to time by the Council's Engineer or other officer authorised by the Council, and if the person erecting the awning or balcony fails to carry out the work specified, the Council may order the removal of the objectionable work. |
| Balconies not to be enclosed | 3.06 | No person shall enclose with any material other than railings in the front or sides of any balcony overhanging or over any or maintain any such enclosure: Provided that the Council may if it sees fit, permit lattices or louvre work enclosure of the ends of the balcony. |
| Council may use awnings. | 3.07 | The Council shall have the right at any and all times to use any awning or balcony erected over a street or the posts thereof for the purpose of affixing thereto rubbish, notices, water tap, electric cables or lines or other matter or thing whether or not of a like nature with those hereinbefore mentioned, in consideration with any public function, utility |

or power exercised, fulfilled or discharged, by the Council whether in its capacity as a local Authority or in another capacity; or may grant to any other person or body corporate discharging any public functions the like privilege. This By-law shall be an implied condition of every permit granted under this Chapter.

Repairs to awnings

- 3.08 The Council may, by notice in writing, order repair, removal or painting of any awning or balcony over a road, whenever erected, if the same is or becomes dangerous to passengers or an obstruction to the public way, or leaky or unsightly, or objectionable for any reason or falls into disrepair, or in pursuance of any general scheme of town planning or street improvement.

The Council may, by notice in writing, order the removal of any awning or balcony existing at the time of the coming into force of these By-laws which has not been constructed in conformity with the provisions of this Chapter; or, if it thinks fit, may from time to time by like notice order the repair or alteration of the same, so as to bring the same into conformity with the Chapter.

Draping of material on awnings.

- 3.09 (1) No person shall hang, drape, place, or maintain any curtain, shade, or blind of any material from, to, or upon any awning or balcony over any footpath except in pursuance of a permit issued as hereinafter provided.

(2) The owner or occupier of a building abutting upon a road may, upon obtaining a permit from the Council, hang or suspend any sunblind to or from any awning or balcony erected under the provision of this Chapter, or otherwise fix, hang or suspend the same in conformity with such permit, which shall be subject to the right of the Council to revoke the same absolutely at any time if it sees fit to do so.

Subject to the expressed terms of any such permit, every such permit shall be granted upon the following conditions: -

(a) Every such sunblind shall be of stout canvas or other material approved by the Council.

(b) No such sunblind shall at its lowest part be less than 2.5m above the level of the kerb at the outer edge of the footway or less than 2.5m above the surface of the footway and no such sunblind shall extend further into the road than the outer edge of the roadway.

(c) Every such sunblind shall be securely constructed fastened and fixed to the satisfaction of the Council, and in such manner as will prevent the same from flapping or swaying with the wind, and from causing danger or inconvenience.

(d) Every such sunblind shall be maintained in good condition to the satisfaction of the Council.

(e) Any sunblind constructed, fastened, fixed, erected or maintained otherwise than in accordance with the provisions of this By-law may be removed by the order of the Council at the cost of the owner, or user thereof, without notice.

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Lamps over
footway

- 3.10 No person shall, except by permission of the Council, affix to any building or fence or wall so as to project over the footway or carriageway of any road, any lamp or lamp iron or means of lighting such lamp, or any attachment to any awning or balcony for which a permit has been granted under this Chapter.

Any lamp or thing affixed pursuant to this By-law shall be constructed and affixed to the satisfaction of the Council and in default Council may order its removal.

Hoists over
footway

- 3.11 No person shall swing or hoist goods across any footway by means of any lift, hoist or tackle projecting over the footway.

Footscrapers
and other
obstructions

- 3.12 No person shall cause any footscraper, doorstep, shutters or other obstruction whatever to be placed beyond the plane of the front wall of any building.

All doors and gates leading to buildings or premises shall be so placed or fixed as not to project over or upon the footway when open.

If any such scraper, or obstruction, or gate has been fixed otherwise, the Council may cause the same to be removed or altered and the cost of so doing shall be recoverable from the owner or occupier of the premises.

Notice and
permit

- 3.13 Applications for the erection of any awning, balcony, lamp, lamp iron or any other projection shall be made in writing and addressed to the Town Clerk, and the written permit of the Clerk shall be obtained before such work is proceeded with.

Fences

- 3.14 (1) The Council may, by serving a notice on the owner or occupier of any land abutting a roadway cause such owner or occupier to erect a fence, wall or other structure sufficient to prevent drifting sand, soil or other material from being carried to the road.

(2) Where the owner or occupier of such land as aforesaid refuses or neglects after a period of seven days as stipulated in such notice served by the Council to erect a fence, wall or other structure, the Council may cause the fence, wall or other structure to be erected, and may recover the costs of so doing from the owner or occupier as a debt due to the Council.

(3) Where the owner or occupier is required by the Council or where the owner or occupier proposes to erect, alter any fence, wall or structure as aforesaid, or part of a fence, wall or structure as aforesaid, he shall lodge particulars as to the height, design, materials proposed to be used and any other particulars the Council may require and a site plan of the proposed fence, wall or structure aforesaid.

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(4) The Council may impose under this section any alterations or additions it thinks fit to meet the conditions and circumstances required.

(5) Every person who erects or causes to be erected any fence or wall or structure abutting a roadway without having first submitted specifications and site plans shall be guilty of an offence, and the Council may cause such fence, wall or structure to be demolished and the person who erects or causes to erect shall pay to the Council such expenses it incurs in the demolition of such fence.

(6) The approval of such specification, plans and particulars shall be for the purpose of this section signified under the hand of the Clerk.

(7) The owner or occupier of any such land abutting a roadway shall cause such fence, wall or structure to be kept in good repair and condition. The Council may, by serving a notice on such owner or occupier, cause such owner or occupier to make good the repair to such fence, etc. and may set such time and day upon which such fence, wall or structure shall be repaired. On failure on the part of the owner or occupier to make such repairs, the Council may repair and make good and the Council may recover the costs of so doing from the owner or occupier as a debt due to the Council.

(8) The Council may cause any owner or occupier to repair, re-erect, demolish, alter, any fence erected before the coming into force of these By-laws and may regulate the height allowed of any such fence, hedge or hoarding then erected.

Storm water from
buildings
abutting on road

3.15 The owner or occupier of any building on any road shall, within seven clear days or such longer time as the Council may allow after service of a notice by the Council so to do, provide and fix on such building, or on any balcony or awning attached to such building, eaves, gutters with down pipes leading into a channel of the road, shall construct or lay underground a drain in continuation of every pipe to the water-channel in the road, and at the outer edge of the footway as directed by and to the satisfaction of the Council; and such gutters, pipes and drains shall be kept in good order and free from all matter likely to prevent the free passage of roof water.

Such gutters, pipes and drains shall only be used for the conveyance of roof water, and no urinal or water pipe shall be joined so as to discharge into the same.

The drains connecting the down pipe with the channel shall be of material approved by the Council.

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Rainwater not
to be carried
on to road

- 3.16 It shall not be lawful for the owner or occupier of any premises to allow to fall, or to carry by means of pipes, guttering or other contrivances any rainwater from the roof of such buildings upon any road, otherwise than by proper downpipes and underground drains discharging into a water channel of the road.

Restriction on
interference
with roads

- 3.17 (1) No person, without a permit, unless empowered by statute to do so, shall dig or make or cause to be dug or made, any opening or cutting or lay down or erect or place or maintain any pipe, drain, post, pillar, bridge or other fixture or erection of any description in any part of any road or public place.
- (2) No person, without a permit, unless empowered by statute so to do, shall dig or remove, or cause to be dug or removed any turf, sand, clay, soil or other material from any part of any road or public place.
- (3) Any person who at any time in pursuance of a permit from the Council lays down, erects, or places, or maintains any pipe, drain, pillar, post, bridge or other fixture or erection aforesaid in any road, shall at all times thereafter so long as the same remains in such road or public place or land under the control of the Council, keep the same in proper repair; and if at any time the same be allowed to fall into disrepair, the Council may cause same to be removed and recover the costs of the removal from such person.

Damage to
roads

- 3.18 No person shall, without the authority of the Council, in any road, interfere with, misuse or damage the soil, or any tree, plant, garden, or grass plot, or any material, property or walk of the Council appurtenant to such road, or do or cause to be done any thing whereby the same shall become damaged.

No person shall ride, drive or lead any animal or vehicle in a road in such a manner as to cause, nor permit any animal to cause, any damage to any constructed roadway, footway, kerb, gutter, tree, plant, garden, grass plot, ornament, fence, rail, lamp, seat, structure or other work of the Council, fair wear and tear excepted.

Dragging things
onto roadway

- 3.19 No person shall propel, drag or trail in contact with the surface of any road any sledge, or timber or other heavy material or any conveyance or thing capable of damaging the road beyond reasonable wear and tear.

Obstructions
to roads

- 3.20 No person shall, without the authority of the Council, place, make or cause any obstruction upon any street or road.

Lines not to be
hung across roads

- 3.21 No person shall, without the authority of the Council, place or cause to be placed any line, cord or pole in, upon, over or across any road, or hang or place flags, clothes or fabrics thereon.

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Goods on
roadway

- 3.22 (1) No person shall expose or suffer to be exposed, whether for sale or otherwise, any article whatsoever in or upon, so as to overhang any part of any road, or outside any shop window or doorway abutting on any road.
- (2) Any person being the owner or having the custody of any article exposed as aforesaid shall remove the same upon being thereunto required by any officer of the Council.

Permit to open
road

- 3.23 (1) The Council may grant permission to any person to lay down, erect, place or maintain any pipe, drain, post, pillar, bridge or other fixture or erection of any description or plant any tree in, or under, or upon any road, upon such terms and conditions and subject to such stipulations as the Council may by resolution determine.
- (2) The Council may grant a permit to any person to open up or break the surface of any part of any road, or to dig or remove any turf, sand, clay, soil, or material from any part of any road for any lawful purpose.
- (3) When any person has lawfully opened up or broken the surface of any road he shall immediately thereafter fill up, consolidate and make good such road and the surface thereof to the satisfaction of the Council, and shall, at his own expense, carry away and deposit, or cause to be carried away and deposited, where directed by the Council, all surplus earth and rubbish occasioned by such opening up or breaking.
- (4) If any person makes default in the observance of any of these provisions he shall be guilty of an offence, and, in addition, the Council may cause the necessary work to be done.
- (5) Provided always that the work of reinstating the surface shall, if the Council so require, be performed by the Council's workmen or contractors at the cost of the holder of the permit.
- (6) It shall be lawful for any officer of the Council or any member of the Police Force to arrest any person found opening up, or breaking the surface of any road or footway thereof, or digging thereon or removing therefrom any turf, sand, clay, soil or other material thereof.

Depositing
building
materials etc.

- 3.24 No person shall throw or lay any building materials, timber, stone, brick, lime, or other materials or thing whatsoever, or put up, construct or erect any stages, scaffolding, hoarding, or fence in, upon, or across or over any part of any road, save in lawful execution of the powers given by the By-laws.

Notice of
intention
to build

- 3.25 (1) Every person intending to build, put up or take down, or cause to be built, put up or taken down, any building or other structure abutting on or within 3m of any road, or to alter or repair, or cause to be altered or repaired the outward part of any such building or structure, whether on any such cases over or underground, or to make a hole within 3m of any road, shall give notice in writing of such

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intention to the Council.

(2) He shall in such notice fully describe the intended work and the height, depth, extent and position thereof, and whether or not it is necessary for the execution of the work that a scaffold or stage should be constructed, or that building or other materials should be deposited upon or in the footway or carriage way adjoining or in front of such structure or hole, and for what time it will be necessary that such stage or scaffolding or such materials deposited should be so kept, or that such hole should remain open.

(3) No person shall execute, or begin or continue to execute any such work without having given to the Council such notice, nor until the expiration of forty-eight hours after receipt from the Council of a permit as hereinafter mentioned.

Permit may
be granted

- 3.26 The Council, upon receipt of such notice, may grant to the applicant a permit authorising such person to construct such stage and scaffolding as the Council may require or approve, and to deposit building material and other materials upon or across in each of the cases aforesaid so much of the roadway or footway adjoining or in front of the site of the intended work, and to keep and continue such stage, scaffolding and materials so constructed or deposited for such time as may be necessary and be specified in the permit.

The Council may renew the permit or grant a fresh permit to such persons from time to time, and such persons may thereupon from time to time do such acts according to the tenor of the permit and in conformity with the By-laws.

There shall be paid for each such permit or renewal thereof the sum of \$20-00.

Removal of
scaffolding

- 3.27 Every person permitted to construct any stage or scaffolding or to deposit any material as aforesaid shall, within the time limit in the permit or in the last renewal thereof, remove the whole of the stage, scaffolding or material and shall make good the footway and the carriage way and every channel disturbed or interfered with.

Roads not to
be obstructed

- 3.28 Nothing herein contained shall render it lawful to construct any stage or scaffolding, or to deposit any material, so that the same may extend or be across or over or upon any road further from the inner edge of the footway than one third of the whole breadth of such road, or in any case so as to render the road, exclusive of the footway, impassable for vehicles, or so as to obstruct any channel.

Council may
remove

- 3.29 If any person who ought under the foregoing provisions of this Chapter to remove any matter or thing, or make good any footway, carriage way, or channel, fails so to do, whether the person has been convicted of an offence under the By-laws, the Council may at the expense of such person remove such matter or thing or make good such footway, carriage way and channel.

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- Materials 3.30 Notwithstanding that any permit may not have expired, in no case shall any such material or other thing, or such hole be not to remain unnecessary time allowed to remain for an unnecessary time.
- Lights to 3.31 When any building, material, rubbish or other thing is laid be fixed on, or any hole is made in any road, or any work is being carried on entailing the opening up or breaking the surface of any road, whether the same is done by the authority of the Council or not, the person causing such material or other thing to be so laid, or such hole to be made, or such work to be carried on, shall at his own expense cause sufficient lights of a red colour to be fixed in a proper place upon or near the same, and continue such lights every night from sunset to sunrise while any such obstruction remains, and shall, during all such time, at his own expense, cause the site to be sufficiently fenced and enclosed so as to prevent any damage or inconvenience.
- Notice of 3.32 (1) The owner or occupier of any land which abuts upon the making crossing footway of any road who desires to construct a crossing over such footway and over any channel lying the outer edge thereof for the purpose of providing access for animals and vehicles to his land shall lodge a notice, in writing, in the office of the Town Clerk.
- (2) Such notice shall describe the situation of the land and shall be accompanied by a written specification setting out particulars of the proposed work.
- (3) After fourteen days from lodging of such notice, and not before, such owner or occupier may, at his own cost and to the satisfaction of the Council, make such crossing according to the tenor of such notice and specifications and in conformity with these By-laws, and shall afterwards maintain the same.
- (4) Unless within the said period of fourteen days the Council gives notice to the person lodging such notice and specification that such notice and specification lodged is not in accordance with these By-laws or is otherwise insufficient, such notice and specification shall hereafter, but so far only as affects the liability of such owner or occupier to any penalty, be deemed to be in accordance therewith and to be sufficient. Such notice by the Town Clerk as aforesaid shall specify the particulars in respect of which the notice and specifications lodged are contrary to the By-laws.
- (5) Any crossing made or begun to be made before such notice and specification have been lodged or before the expiration of said fourteen days or otherwise than in conformity with any notice from the Town Clerk as herein provided shall be deemed to be a crossing in contravention of these By-laws, notwithstanding that it may otherwise be in conformity with the same.
- Council may 3.33 If any land abuts upon the footway of any road and access with require crossing to be made animals or vehicles from such road to such land cannot in the opinion of the Council be had without riding, driving or wheeling upon or across a footway, or a water channel or gutter lying along on such road, the owner or occupier of such land shall, on receiving fourteen clear days notice in that behalf from the Town Clerk, and at his own cost and subject to the specification and control of the Council, make and provide a crossing as hereinafter mentioned for animals and vehicles over such footway, water channel, or gutter as the case may require.

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If such owner or occupier makes default in complying with such notice within such period he shall be guilty of an offence, and, in addition, the Council may cause the notice to be complied with at his expense.

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| Nature of crossing | 3.34 | <p>Except as hereinafter provided, every crossing made under the By-laws shall, as regards the water channel, be by such a suitable bridge or culvert as leaves sufficient free passage for water underneath or through the same, and shall, as regards the footway, be on the same level as the remainder of the footway.</p> <p>In any case in which the Council so directs or approves any crossing may be invert crossing of the water channel, with footway crossing depressed below the level of the remainder of the footway.</p> <p>Every bridge or culvert or invert shall be of such materials, form, length, size, strength and fall, and the surface of every crossing shall be paved, blacked, concreted, asphalted, macadamised, gravelled or otherwise formed as the Council may in each case direct or approve.</p> |
| Alterations of improper crossing | 3.35 | <p>If any crossing, whether made before or after the coming into force of the By-laws, has been made in any respect contrary to the By-laws, or if, although originally made in conformity with the By-laws, is in the opinion of the Council no longer adequate or proper for the volume or nature of the traffic over it, the Council may require the same to be altered so as to conform to the By-laws.</p> |
| Repair of crossing | 3.36 | <p>Every crossing shall be repaired and maintained by the owner or occupier of the premises to which the same leads in conformity with the notice, if any, relating thereto, and to the satisfaction of the Council.</p> <p>If any crossing is or becomes out of repair, and the person liable by the By-laws to maintain or repair the same, for seven clear days after notice from the Town Clerk to that effect, neglects properly and completely to repair the same, he shall be guilty of an offence, and, in addition, the Council may effect such repair at his expense.</p> |
| Driving animals vehicles on footway | 3.37 | <p>No person shall ride, drive or lead any animal or permit or suffer any animal to be ridden, driven, or led, or drive or wheel or permit or suffer to be driven or wheeled, any vehicle (other than a child's perambulator) or any velocipede or motor-cycle upon, along, or across any footway, or any water channel or gutter, except while and for the purpose of crossing such footway at some proper crossing made for the purpose of obtaining access to any land abutting on the road whereof such footway, channel, or gutter forms part.</p> <p>Every person who acts in contravention of this provision shall, in addition to any penalty, be liable to pay to the Council any expense incurred in making good any damage occasioned by him.</p> |
| Extraordinary traffic defined | 3.38 | <p>Extraordinary traffic means any vehicle for which a special permit is required under the provisions of Section 38 of the Control of Roads Ordinance.</p> |
| Regulation of extraordinary traffic | 3.39 | <p>The person, corporation or other body by whom or by whose order any extraordinary traffic has been conducted shall pay to the Council any expenses incurred by the Council by reason of any</p> |

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damage arising to the roads used by such traffic, including as part of such expenses, any expense incurred in the strengthening any road, bridge, culvert, crossing, embankment or the like, or removing, altering, raising, lowering or otherwise dealing with any pipe, conduit, cable, post, pillar, or other erection or thing whatsoever, whether the property of the Council or not to enable such traffic to pass: Provided the Council may enter into any agreement with such person, corporation or other body for the payment to the Council of a composition in respect of such traffic in lieu of the expenses incurred as aforesaid.

- Maximum load on bridges 3.40 The Council may from time to time determine the maximum weight of load to be carried over any bridge, or culvert, and cause the maximum so determined to be notified by notice conspicuously posted at or near each approach to such bridge or culvert. No person shall, unless by written permit of the Council, drive, draw, or carry or cause to be drawn, driven or carried, over such bridge or culvert any weight greater than that stated in such notice.
- Numbering of buildings 3.41 The Council may cause the buildings abutting upon or fronting or adjacent to any street or road, to be numbered in such a manner as it may seem fit, and from time to time vary any such numbering.
- Affixing street names and numbers to buildings 3.42 The Council may cause to be marked upon any wall, fence, or other erection, either by affixing of a name or number plate or otherwise, the name of the street or road on which it abuts or which it faces or is adjacent to, or the number of the building or both; or may place or erect upon any land where there is no suitable structure for carrying such name or number a post or other structure for such purpose, and affix such name or number thereto.
- No person shall without the consent of the Council remove or efface any name or number so marked or affixed, nor remove any such post or other structure.
- Street stalls 3.42 No person shall erect, set up or use any stall or stand, whether for the sale of goods or otherwise, in or upon any road or land under the control of the Council unless he shall have obtained a licence from the Council and upon the payment of such fee not exceeding \$2-00 as the Council may determine by resolution.
- Meetings, processions 3.44 (a) No person shall in or upon any street, road, reserve or land under the control of the Council:
- (i) Deliver any public address or hold any public meeting, or;
 - (ii) Hold any procession or parade (other than a funeral procession) without first having obtained the consent of the Council.
- (b) Any person who wishes to deliver any public address or hold any public meeting, or hold any procession or parade as aforesaid shall apply in writing to the Council three clear days prior to holding the same for permission to hold the same, and the Council may, in its discretion, either grant or (without assigning any reason therefor) refuse such application.
- (c) Such permission may be granted subject to such terms and conditions as to hours, route, place or otherwise as the Council may think fit.
- (d) The holder of any such permit shall produce the same at all reasonable times upon demand by any member of the Police Force or Officer of the Council.

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(e) No person shall take part in any procession or parade on any street, road, reserve or land under the control of the Council unless a permit has been obtained for the same.

(f) The Council or any authorised officer in that behalf may at any time whether or not a permit has been granted as aforesaid prohibit the holding of any meeting or any procession or parade upon any street, road, reserve or land under the control of the Council if there is reason to believe that the same will occasion a breach of the peace or will cause obstruction to the traffic upon any street or road.

(g) No person shall, upon any street, road, reserve or land under the control of the Council, use or permit to be used any musical instrument unless he shall have obtained from the Council a permit in writing so to do.

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| Discharging
ashes, etc. | 3.45 | No person shall light any fire or discharge any ashes or cinders or other refuse from a traction engine upon or within 6m. of a bridge or culvert upon any road or within 3m. of such road, nor so as to injure such road or any fence therein or adjacent thereto, nor so as to interfere with the drainage. |
| Use of
chains, etc. | 3.46 | No person shall use chains, metal studs or other metal projection inserted in the tread of rubber on any vehicle shod with rubber tyres upon any road having metalled, gravel, tarred or other prepared surface other than earth; but this shall not prevent any person using chains on any slippery or boggy section of the road. |
| Wheels of
traction
engines,
tractors | 3.47 | No person shall on any road having a metalled or gravelled surface or prepared or formed surface drive a traction engine, tractor or steam wagon having wheels or tracks which have unprotected grooved ridges, indents, spikes or cross bars of any kind capable of or likely to cause damage to any such surface. |
| Deposit of
offensive
matter on
road | 3.48 | <p>(1) No person shall expectorate on any footway, or deposit waste food or peelings of fruit or other vegetable matter or thing, on any road, footway or land under the control of the Council.</p> <p>(2) No filthy or offensive or unwholesome matter or fluid, and no garbage, house sweepings or other refuse or thing shall be emptied, swept, thrown, discharged or deposited into or upon any part whatever of any road or land or place under the control of the Council.</p> <p>(3) No person shall throw, cast or lay or shall cause, permit or suffer to be thrown, cast or laid or to remain any ashes, soot, rubbish, broken glass, offal dung, soil, dead animal, blood or other filth or annoyance or any offensive, obnoxious or dangerous matter or thing in or upon any part of any road, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb or other animal in or so near to any road as that any blood, or filth shall run or flow upon or over, or be on, any part of any road.</p> <p>(4) Nothing herein contained shall be construed to limit the sweeping or cleansing of footways or water channels in compliance with the By-laws, or the removal or deposit of rubbish or filth in places set apart for that purpose by the Council.</p> |
| Burning of
rubbish on
roadways | 3.49 | No person shall, without a permit from the Council, burn any shavings, rubbish, or other material or thing on any road, nor within 5m. of any road, so as to be likely to be dangerous or to cause danger or annoyance or inconvenience to persons using |

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the road. No fee shall be payable for such permit.

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| Fireworks
etc. | 3.50 | No person shall throw, cast, let off, or fire any squib, cracker, or other fireworks in or into any street or road in such a manner as to be dangerous or cause annoyance to any person using such road, or into, against, or upon any building, or make or assist in making any bonfire in any road, or set off any fire, balloon or rocket in such a manner as to be dangerous to person or property.

The Council may from time to time by resolution prohibit for any specified period or periods the use of fireworks in any specified roads or streets or parts thereof, and shall advertise such prohibition in a newspaper. During the period of such prohibition no person shall, in any road or street or part thereof, set off, fire, cast, let off, explode any such squib, cracker or other fireworks. |
| Discharging
firearms | 3.51 | No person shall fire or discharge, or suffer any other person to fire off or discharge any gun, pistol, fowling piece or other firearm in, upon or over any road, or from any land or building abutting on or near any road, to the damage or danger of any person or property, or the alarm, annoyance, or disturbance of any person unless in pursuance of some lawful authority, or on an occasion or under some circumstances reasonably justifying such action. |
| Carpet not
to be beaten | 3.52 | No person shall beat or shake any carpet, rug, mat or other fabric in any road. |
| Flower pots | 3.53 | No person shall affix or place any flower pot or other article in any window on any wall or within 2m. from any road, upon any railing or ledge of any verandah or awning over any road unless the same is sufficiently guarded from falling or being thrown down. |
| Tree
planting | 3.54 | No shade or ornamental tree, or shrub, shall be planted in any street until a permission therefor has been granted by the Council. No hole or excavation shall be prepared for planting of any tree or shrub until such permit has been granted by the Council.

No fee shall be charged for such permit. |
| Cutting and
breaking of
trees and
shrubs | 3.55 | No stem or branch of any such tree or shrub shall be cut, broken or otherwise disturbed, nor shall the root of any such tree or shrub be disturbed or interfered with in any way in any public place, by any person until permission has been issued therefor. |
| Placing of
seats and
shelter sheds | 3.56 | The Council may erect or cause to be erected or permit the erection or placing of seats on footpaths and other places which are approved by it. The Council may erect shelter sheds, seats, signal and/or other points cabins, signposts, advertisements, safety zones, standards, point standards and other posts fixtures, mechanism and appliances on roads and at places when in the opinion of the Council they will not interfere with the ordinary traffic. |
| Advertising
on shelter
sheds, etc. | 3.57 | It shall be lawful for any person to paint or place or to maintain with the Council's permission and subject to such conditions as the Council may impose, any advertisement which has first been approved by the Council upon any seat so erected or placed on the footpath or upon any shelter shed, signpost |

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or other fixture.

Damage to 3.58
shelter sheds
and seats

Any person who damages or defiles any seat, shelter shed, signal or points cabin, signpost, advertisement, safety zone standard, or other post, fixture, mechanism or appliance, or moves any seat signpost, advertisement, safety zone standard or other post, mechanism or appliance without the approval of the Council, or destroys or disfigures any advertisement on any such seat, shelter shed, signpost and/or points cabin, signpost, post or fixture shall be guilty of an offence.

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CHAPTER 4

TRAFFIC CONTROL

INTERPRETATION	By-laws 4.01 - 4.03
PARKING	By-laws 4.04 - 4.06
OVERTAKING & SPACING VEHICLES	By-laws 4.07 - 4.08
TRAFFIC RULES	By-laws 4.09 - 4.10
STANDING IN PUBLIC STREETS	By-laws 4.11 - 4.14
HIRE CARS	By-laws 4.15 - 4.18
PROCESSIONS	By-laws 4.19 - 4.20
PEDESTRIANS	By-laws 4.21 - 4.22
DRIVING ON FOOTPATHS	By-law 4.23
WASTE OIL & GREASE	By-law 4.24
TRAFFIC NOTICES	By-law 4.25
OFFENCES	By-law 4.26
TRAFFIC LIGHTS	By-law 4.27

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Definitions 4.01 In this Chapter (unless inconsistent with the context or subject matter) -

"foot-path" means any place upon a public street set apart or made for the use of foot passengers, and where the foot-path is not clearly defined includes the portion of the public street on the left of the carriage-way of the public street;

"motor omnibus" means any motor vehicle constructed principally to carry persons and equipped to seat more than eight adult persons (including the driver) and which is used or intended to be used for the conveyance of passengers for reward and includes a motor vehicle used or intended to be used for the conveyance of school children to or from any school or used or intended to be used on journeys to or from an aerodrome for the carriage of persons who are about to make or who have made a journey by aeroplane. The term does not include any motor vehicle commonly known as a taxi-cab, private hire car, hire car or undertaker's mourning coach.

"motor vehicle" means any motor car, motor carriage, motor cycle, motor lorry, motor omnibus, motor tractor, or other vehicle propelled wholly or partly by any volatile spirit or by steam, gas, oil or electricity, or by any means other than human or animal power, and includes a trailer at any time attached to a motor vehicle, but does not include any vehicle used on a railway.

"official traffic sign" means any notice, sign or other device marked, placed or erected on or at the side of a public street by authority of the Council for the purpose of guiding, directing or warning persons in charge of motor vehicles or vehicles or of regulating traffic.

"omnibus" means a motor omnibus.

"omnibus stop" means an area set aside for the exclusive use of motor omnibuses and marked with an official traffic sign.

"parking" means the standing on a public street of a motor vehicle whether occupied or not, when not actually engaged in picking up or setting down of persons, passengers, or goods, or when not required to stop in obedience to official traffic signs or police signals, and "park" or "parked" has a corresponding meaning.

"public hire car" means a public motor vehicle, not being a motor omnibus.

"public motor vehicle" means a motor vehicle plying or standing in a public street for hire and includes a motor taxi-cab.

"public stand" means an area set aside for the exclusive use of public hire cars and marked with an official sign.

"public street" means any street, road, lane, thoroughfare, footpath or place open to, or used by, the public and includes a road on land leased under the *Special Purposes Leases Ordinance 1953-1963* for use as a road.

"the town of Katherine" means the municipality of Katherine as constituted under the *Local Government Ordinance 1954-1964*.

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"the Council" means the Katherine Town Council.

"vehicle" means a vehicle of any description drawn by an animal or propelled by human power.

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| Control of roads | 4.02 | The by-laws shall apply to all roads under the control of the Council whether those roads are under the control of the Council permanently or temporarily. |
| Use of roads by vehicles | 4.03 | Any vehicle forbidden under the <i>Control of Roads Ordinance 1953-1964</i> to use any road within the town of Katherine or any other road outside the town of Katherine placed under the control of the Council is forbidden by these by-laws to use that road. |
| Prohibition of stopping or parking in certain places | 4.04 | <p>(1) A person driving a motor vehicle or vehicle shall not park or stand the vehicle -</p> <ul style="list-style-type: none">(a) within 5m of the intersection of the property lines at an intersection;(b) within 5m of the vehicular entrance to any fire station;(c) within 1m of a fire hydrant other than a fire hydrant on an omnibus stop, public stand, or parking area;(d) within 3m of a postal pillar receiver;(e) alongside or opposite any street excavation or obstruction when such stopping or parking would obstruct traffic;(f) upon, or within 15m of a bridge or its approaches;(g) upon a footpath, where clearly defined;(h) opposite the entrance to any passage or thoroughfare used for traffic. <p>(2) A person driving a motor vehicle other than a public hire car shall not park or leave standing the vehicle upon a public stand.</p> <p>(3) A person driving a motor vehicle other than a motor omnibus shall not park or leave standing the vehicle on an omnibus stop.</p> <p>(4) A person driving a motor omnibus shall not park or leave standing the motor omnibus in or on any other place than at an omnibus stop.</p> <p>(5) A person driving a motor vehicle shall not park or leave standing the motor vehicle upon any place in any public street which has been declared a prohibited area by an official traffic sign.</p> <p>(6) A person driving a motor vehicle shall not stand or park the motor vehicle on any place on any public street for a longer period than is specified on an official traffic sign exhibited at or near that place. Provided that the driver of a motor vehicle licensed to carry goods may stand or park the motor vehicle for a longer period than that specified on an official traffic sign -</p> <ul style="list-style-type: none">(a) whilst loading or unloading goods; or(b) by the direction or with the consent of an Officer or Police Officer. <p>(7) Where an official traffic sign indicates that a place on a public street is reserved for motor vehicles or vehicles used by a particular person, a person shall not stand or park in or on that place a motor vehicle or vehicle which is not being used by or on behalf of the particular person.</p> |

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- Parking parallel to kerb 4.05 Subject to the next succeeding by-law, a motor vehicle which is parked in any public street shall be parked parallel with the edge of the roadway and headed in the direction of the traffic and with the nearside wheels not more than 0.5m from the kerb on the nearside.
- Angle parking 4.06 Where an official traffic sign indicates that angle parking only is permitted in a street or part of a street, a person in charge of a motor vehicle shall not park the motor vehicle in that street or that part of the street except -
(a) at an angle of forty-five degrees to the boundary of the carriageway;
(b) headed towards the footpath and in the direction in which the traffic is allowed to proceed on the side of the carriageway on which the motor vehicle is parked; and
(c) so that no portion of the motor vehicle -
(i) rests upon;
(ii) overhangs; or
(iii) is more than 6.7m from the foot-path along a line making an angle of forty-five degrees with, the footpath on the side of the carriageway on which the motor vehicle is parked.
- Overtaking or passing traffic on bridges 4.07 The driver of a motor vehicle shall not overtake or pass any traffic proceeding in the same direction whilst upon any bridge or culvert or within 45 metres of any bridge or culvert, or the approaches thereof.
- Space between vehicles 4.08 A person shall not park or leave standing a vehicle or motor vehicle whether attended or unattended unless there is a space of not less than 1m between the front of such vehicle and the rear of any other vehicle, or, if such vehicle is reversed into position, unless there is a space of not less than 1m between the rear of such vehicle and the front of any other vehicle or motor vehicle.
- Traffic rules 4.09 A person driving or riding a motor vehicle, vehicle or horse upon a public street shall -
(a) not loiter;
(b) abstain from going upon any part of a street which is closed against traffic;
(c) upon the approach of a fire engine, reel, ambulance or police vehicle apparently proceeding in charge of a member of a Fire Brigade, ambulance staff or policeman giving audible signal by horn, siren or bell, immediately drive his motor vehicle or vehicle or ride his horse to a position as near as possible and parallel to the left hand side of the carriage-way clear of an intersection and stop and remain stopped until an engine, reel, ambulance or police vehicle has passed unless otherwise directed by an Officer or Police Officer.
(d) when approaching a pedestrian crossing upon which there is a pedestrian, stop in such a position that no portion of the motor vehicle or vehicle he is driving or the horse he is riding is upon the pedestrian crossing and remain stopped until the pedestrian has left the pedestrian crossing; and
(e) not enter upon a pedestrian crossing where a motor vehicle or vehicle or horse, headed in the same direction as the motor vehicle or vehicle he is driving or the horse he is riding, is stopped on the approach side of or upon that pedestrian crossing.

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| One way traffic | 4.10 | A person shall not drive or ride any motor vehicle or vehicle in any one way traffic street contrary to the direction in which traffic is permitted to travel as notified by official traffic signs. |
| Public hire cars not to stand in public street | 4.11 | The driver of any public hire car shall not permit the vehicle to stand at any place upon a public street other than at a public stand except -
(a) whilst picking up or setting down passengers; or
(b) whilst engaged and waiting under instructions of his passengers provided that such instructions do not involve the contravention of any regulation prohibiting parking in any specified area or for any specified period; or
(c) by the direction or with the consent of an Officer or Police Officer. |
| Public stand | 4.12 | Every place or part of a public stand marked with an official traffic sign to be a public stand shall be a public stand for the exclusive use of public hire cars. |
| Public stands to be used only on certain occasions | 4.13 | No driver shall place his public hire car upon any public stand unless the vehicle is actually available for hire. |
| Position of public hire cars on public stands | 4.14 | (1) No driver of a public hire car upon a public stand shall cause it to stand -
(a) abreast of any other vehicle; or
(b) nearer than 1 metre to any other vehicle.

(2) Unless otherwise directed by an Officer or Police Officer the driver of a public hire car, on arriving at any public stand which comprises positions for two or more vehicles, shall -
(a) if no other vehicles are upon such stand, cause his vehicle to occupy the first position thereon;
(b) if other vehicles are upon such stand, cause his vehicle to occupy the next vacant position behind the last position which is occupied; and
(c) whenever the position next in front of the position for the time being occupied by his vehicle is or becomes vacant, forthwith cause his vehicle to occupy such vacant position. |
| First public hire car to have right of hire | 4.15 | Where more than one public hire car is upon a public stand, unless the person hiring selects a particular public hire car, the first public hire car on such stand shall have a right to the hiring. |
| Drivers to search vehicle | 4.16 | (1) The driver of any public hire car shall, immediately after the termination of any hiring, carefully search inside the vehicle, and if he finds any article left therein shall, if possible, hail back the passenger and return the article.

(2) If the driver is unable to hail back the passenger he shall forthwith take the article to the nearest Police Station, and there deliver it to the officer for the time being in charge. |
| Touting for hire prohibited | 4.17 | No person shall upon any public street -
(a) endeavour to induce a person to hire or to ride in a public hire car; or
(b) tout in any manner for any person to hire or to ride in a public hire car. |

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- Public hire car not to carry offensive matter 4.18 (1) No driver of a public hire car upon any public street shall permit any person to place or carry thereon any substance of offensive character or any substance which might soil or damage the vehicle.
- (2) No driver of a public hire car shall permit any person to place or carry thereon any animal which might soil or damage the vehicle or the apparel of any passenger.
- Noisy instruments 4.19 No person shall by speaking, shouting, singing, playing upon, operating or sounding any musical or noisy instrument or doing anything whatsoever attract together a number of persons in any street so as to obstruct traffic.
- Processions 4.20 (1) No procession of persons or of vehicles or of any combination of persons and vehicles shall, except for Military or Funeral purposes, parade or pass through any street, except upon the following conditions: -
- (a) a permit in writing of the Town Clerk or a person thereto authorised by him shall first have been obtained;
 - (b) such procession shall take the route and comply with the conditions specified in such permit;
 - (c) the applicant for such permit shall have paid the cost of giving public notice by advertisement in a newspaper circulating in the town setting forth particulars of such permit and route.
- (2) The holder of such permit shall produce the same at all reasonable times to any Officer or Police Officer.
- Pedestrians to keep to the left 4.21 Every pedestrian upon a footway shall keep to his left-hand side of the footway, and shall when meeting or overtaking any other person pass on the right-hand side of such person.
- Pedestrians to face vehicular traffic on roadway 4.22 Every pedestrian walking on the roadway of a public street shall keep to his right-hand side of the roadway and face oncoming vehicles.
- Driving or riding on footpaths, etc. 4.23 (1) A person shall not ride, drive or lead any animal or ride or drive any vehicle or motor vehicle so that that animal, vehicle or motor vehicle or any part thereof is on any footpath, causeway or place set apart or constructed on or by the side of any road for the accommodation of pedestrians.
- (2) The last preceding clause shall not apply where the animal, vehicle or motor vehicle is ridden, driven or led across any such footpath, causeway, or place at right angles in crossing to or from any premises.
- Waste oil and grease 4.24 No person shall stand or drive a motor vehicle or vehicle upon a public street without adequate precautions being taken to prevent waste oil or grease from the machinery or from any other part of the vehicle from dropping to the roadway.
- Traffic notices, etc. 4.25 (1) The Council may erect or place or cause to be erected or placed on or near a public street notices, signs, barriers or devices for the purpose of prohibiting or directing the movement of traffic or for the purpose of excluding persons, motor vehicles, bicycles or animals from any public street during any public procession or public function or ceremony or while the public street is being repaired or altered or is impassable or unsafe for traffic.

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(2) The Council may mark or place or cause to be marked or placed on any road in the town of Katherine pedestrian crossings or other marks or signs for the purpose of controlling or directing traffic.

(3) A person shall not damage deface or remove any notice, sign, barrier or device erected under the last preceding clause.

(4) A person shall comply with and shall not contravene the directions given by a notice, sign, official traffic sign, mark, barrier or device located, marked or placed in pursuance of this by-law.

Offences

4.26 A person who contravenes, or fails to comply with any provision of this Chapter shall be guilty of an offence, punishable on conviction by a fine not exceeding \$50-00.

"(2) Section 354A of the *Local Government Ordinance 1954* as amended applies to and in relation to any offence within the meaning of that section of contravening or failing to comply with by 4.04, 4.05, 4.06, 4.08, 4.11, 4.13 or 4.14 of these By-laws."

Traffic
lights

4.27 "(1) The driver of a motor vehicle upon a public street who is approaching, or has stopped immediately before, a traffic sign consisting of -

(a) traffic lights erected on, near or above the public street; and

(b) a road marking comprising a line marked across or partly across the public street at, near or below those traffic lights,

shall not, while the traffic lights are displaying a light of any description specified in the first column of the table in the next succeeding paragraph that is facing the direction opposite to which the motor vehicle is facing, so drive the motor vehicle that there is a contravention of the provisions specified in the second column of that table opposite to the description of that light.

"(2) For the purposes of this by-law, where, on traffic lights facing the direction opposite to the direction in which a motor vehicle that is approaching, or is stopped before, the traffic lights, is facing, there is displayed a traffic light of a description specified in the first column of the following table, the display of that traffic light is an indication to the driver of the motor vehicle that, while that light is displayed, the provisions specified in the second column of that table opposite to the description of that light apply to and in relation to that driver.

<u>Item No.</u>	<u>Description of Light</u>	<u>Provisions applicable</u>
1	Red circular light	The driver shall not proceed beyond the road marking applicable in relation to the light.
2	Amber circular light	The driver shall not proceed beyond the road marking applicable in relation to the light.
3	Arrow in red light pointing vertically	The driver shall not proceed beyond the road marking applicable in relation to the light.
4	Arrow in amber light pointing vertically	The driver shall not proceed beyond the road marking applicable in relation to the light.

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(c) having so turned his vehicle, continue to move his vehicle forward within the intersection, while there is a reasonable possibility that the motor vehicle might collide with another vehicle or person or a dangerous situation might otherwise be created.

"(6) The last preceding paragraph applies whether or not there is displayed in association with traffic lights a traffic sign that is displaying the word "WALK" in green light, or the words "DON'T WALK" in red light, facing the direction from which the motor vehicle has turned.

"(7) It is defence to a prosecution for an offence against paragraph (1) of this by-law if the defendant satisfies the court that -

- (a) while he was approaching the traffic lights, the traffic lights facing the direction opposite to the direction in which he was proceeding changed from displaying a circular green light or an arrow in green light to displaying a circular light or an arrow of another colour; and
- (b) having regard to all the circumstances of the case at the time of the change of lights (including his distance from the lights and considerations for the safety of himself, any passengers or his motor vehicle, and any other person and vehicles in the vicinity), he could not have reasonably stopped the motor vehicle before reaching the road marking which, together with the traffic lights, forms the traffic sign referred to in that paragraph.

"(8) Where -

- (a) traffic lights are erected at, near or above an intersection of one public street with another public street;
- (b) immediately before the intersection, the carriageway of any one of those public streets is divided by traffic islands or unbroken lines into traffic lanes for vehicles travelling in the same direction; and
- (c) the movement into or through the intersection of motor vehicles in any one or more of those traffic lanes is controlled by one set of traffic lights and the movement into or through the intersection of motor vehicles in the other traffic lane or other traffic lanes is controlled by another set of traffic lights,

each of those traffic lanes shall, for the purposes of this by-law, be deemed to be a public street.

"(9) Where a member of the Police Force in uniform is giving directions regulating or controlling the movement of traffic -

- (a) entering or passing through an intersection of one public street with another public street at, near or above which there are traffic lights displaying a light of any description specified in the table in paragraph(2) of this by-law; or
- (b) approaching, elsewhere than at an intersection of one public street with another public street, traffic lights that are displaying such light,

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| 5 | Arrow in red light pointing horizontally | The driver shall not proceed beyond the road marking applicable in relation to the light in the direction in which the arrow is pointing. |
| 6 | Arrow in amber light pointing horizontally | The driver shall not proceed beyond the road marking applicable in relation to the light in the direction in which the arrow is pointing. |
| 7 | Red arrow pointing at an angle between the vertical and horizontal | The driver shall not proceed beyond the road marking applicable in relation to the light in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes with the vertical. |
| 8 | Arrow in amber light pointing at an angle between the vertical and horizontal | The driver shall not proceed beyond the road marking applicable in relation to the light in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes to the vertical. |
| 9 | Green circular light | The driver may proceed -
(a) in the direction that is directly ahead; or
(b) in the direction that is to the left or to the right. |
| 10 | Arrow in green light pointing vertically | The driver may proceed in the direction that is directly ahead. |
| 11 | Arrow in green light pointing horizontally | The driver may proceed in the direction in which the arrow is pointing. |
| 12 | Arrow in green light pointing at an angle between the vertical and horizontal | The driver may proceed in the direction that makes with the direction directly ahead an angle that has approximately the same number of degrees as has the smaller of the angles that the direction in which the arrow is pointing makes with the vertical. |

"(3) In the last preceding paragraph, a reference to the road marking applicable in relation to a light shall be read as a reference to the road marking comprising a line marked across or partly across the public street at, near or below that light.

"(4) Notwithstanding paragraph (2) of this by-law, where a traffic sign bearing the words "TURN LEFT AT ANY TIME WITH CARE" is erected at an intersection of a public street with another public street at which traffic lights are erected, the driver of the motor vehicle approaching that intersection may, subject to the next succeeding sub-section, turn the motor vehicle to his left into another public street at that intersection.

"(5) The driver of a motor vehicle upon a public street shall not within or near an intersection of that public street with another public street at which traffic lights are erected -

- (a) turn or continue to turn his motor vehicle to his left;
- (b) turn or continue to turn his motor vehicle to his right; or

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paragraphs (1) and (5) of this by-law do not apply to or in relation to the driver of a motor vehicle that is approaching or is stopped before the traffic lights."

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CHAPTER 5

CAR PARKS

INTERPRETATIONS..	By-law 5.01
APPLICATION	By-laws 5.02 - 5.03
OFFENCES	By-laws 5.04 - 5.09
CAR PARK CLOSURE	By-law 5.10

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Definitions 5.01 (1) In this Chapter (unless inconsistent with the context or subject matter) -

'car park' means an area of land under the control (whether permanently or temporarily) of the Council being an area on which there is an official traffic sign containing the words "KATHERINE TOWN COUNCIL PARKING AREA" whether with or without other words;

'Council' means the Katherine Town Council;

'fixed hours' in relation to a car park means the fixed hours within the meaning of By-law 2 in respect of that car park;

'maximum period' in relation to a parking space in a car park or part of a car park means the maximum period within the meaning of By-law 3 in respect of that car park or part;

'motor vehicle' means motor vehicle within the meaning of Chapter 4 but includes a trailer when not attached to a motor vehicle;

'official traffic sign' means an official traffic sign within the meaning of the *Local Government Ordinance*;

'park' means to cause or permit a motor vehicle or trailer to remain standing whether occupied or not;

'parking space' means parking space within the meaning of the *Local Government Ordinance* and includes an area bounded -

(a) by parallel lines -

(i) not less than 3 metres long and not more than 5 metres long; and

(ii) not less than 2 metres apart and not more than 3 metres apart, marked on the surface of the car park; and

(b) by imaginary lines drawn at right angles to the ends of one of those marked lines to meet the other marked line.

(2) An abbreviation specified in the first column of the following table inscribed on an official traffic sign has the meaning specified opposite to it in the second column of that table:

Abbreviation	Meaning
Mon.	Monday
Tue.	Tuesday
Wed.	Wednesday
Thurs.	Thursday
Fri.	Friday
Sat.	Saturday
Sun.	Sunday
min.	minutes
hr.	hour
hrs.	hours
a.m.	the time o'clock between midnight and noon
p.m.	the time o'clock between noon and midnight

Fixed hours 5.02 (1) The Council may place on or in a car park an official traffic sign on which is inscribed an indication that on certain days and hours, within those days, a charge is payable.

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(2) Where there is an official traffic sign placed on or in a car park in accordance with sub-clause (1), the hours inscribed on that sign, being those referring to the time during which a charge is payable, are the fixed hours in relation to that car park.

(3) Where there is a sign placed on or in a car park in accordance with sub-clause (1), then a person may not park a motor vehicle in that car park during the fixed hours except in accordance with these By-laws.

Maximum period	5.03	<p>(1) The Council may place on or in a car park an official traffic sign or official traffic signs on which are inscribed the words "PARKING LIMIT" followed by a number followed by the word, or an abbreviation of the word, 'MINUTES', 'HOUR' or 'HOURS', whether with or without other words.</p> <p>(2) The Council may, in pursuance of sub-clause (1), place different official traffic signs on or in a car park, displaying different periods of time for different parking spaces in that car park.</p> <p>(3) The period of time displayed on an official traffic sign placed on or in a car park in accordance with this By-law is the maximum period in relation to a parking space to which that official traffic sign relates.</p> <p>(4) A parking space is one to which an official traffic sign placed in accordance with this By-law, relates if -</p> <ul style="list-style-type: none">(a) that parking space is located between that sign and another official traffic sign bearing a similar inscription to the first-mentioned sign;(b) the inscription borne on that official traffic sign is the same as the inscription borne on each other official traffic sign placed in accordance with this By-law on or in that car park; or(c) that official traffic sign is placed in a discrete area of the car park and the inscription borne on that official sign is the same as the inscription borne on each other official traffic sign placed in accordance with this By-law on or in that discrete part of the car park.
Offences with relation to parking	5.04	<p>A person shall not park a motor vehicle -</p> <ul style="list-style-type: none">(a) in a car park unless the vehicle is wholly within a parking space; or(b) in any access or exit to a car park. <p>Penalty: 50 dollars.</p>
Non-metered parking	5.05	<p>Where a car park is not equipped with a parking meter, a person who parks a motor vehicle in that car park shall not permit that motor vehicle to remain in that car park during the fixed hours in relation to that car park for a longer period than the maximum period.</p> <p>Penalty: 50 dollars.</p>
Offences with relation to traffic signs, etc.	5.06	<p>A person shall not -</p> <ul style="list-style-type: none">(a) deface an official traffic sign or, without the authority of the Town Clerk, affix any placard, advertisement, notice, list, document or any other thing to, or paint or write upon, any official traffic sign;(b) tether any animal to an official traffic sign; or(c) otherwise, without the authority of the Town Clerk, remove, obscure or interfere with an official traffic sign. <p>Penalty: 200 dollars.</p>

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CHAPTER 6

PARTS.. .. .	By-law 6.01
INTERPRETATION	By-laws 6.02 - 6.03
LITTER	By-laws 6.04 - 6.17
GARBAGE SERVICES	By-laws 6.18 - 6.23
GARBAGE DUMPS	By-laws 6.24 - 6.26
REMOVAL AND DESTRUCTION OF ANIMALS	By-laws 6.27 - 6.33
REMOVAL OF MOTOR VEHICLES	By-laws 6.34 - 6.41

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- Parts 6.01 This Chapter is divided into Parts, as follows: -
- PART I - Interpretation
 - PART II - Litter
 - PART III - Garbage Services
 - PART IV - Garbage Dumps
 - PART V - Removal and Destruction of Animals
 - PART VI - Removal of Motor Vehicles

PART I - INTERPRETATION

- Definitions 6.02 In this Chapter, unless the contrary intention appears -
- 'animals' includes cattle, buffaloes, horses, asses, mules, sheep, goats, swine, camels, dogs, cats, birds and poultry;
 - 'disease' includes actinomycosis, anthrax, malignant growth, cancer, foot and mouth disease, glanders and farcy, pleuro-pneumonia, contagiosa, rinderpest, tuberculosis, variola, scab, malignant catarrh, rabies, contagious pneumonia in swine, swine fever, swine plague, epizootic, lymphangitis, dourine or equine, syphilis, strangles, suira, sheep-fly, 'contagious mammitis, tick fever and any other infectious or contagious disease;
 - 'diseased' means infected or affected with disease;
 - 'footway' means every footpath, lane or other place, not private property, habitually used by pedestrians and not by vehicular traffic;
 - 'garbage' includes all kinds of rubbish, waste, refuse, debris and trade refuse;
 - 'handbill' includes any poster, placard, notice, sign, book, ticket, pamphlet, advertisement or other printed matter;
 - 'land' means land within the town without regard to the title or authority by virtue of which it is held;
 - 'litter' means -
 - (a) material likely to cause a public nuisance;
 - (b) material likely to give rise to a condition dangerous to public health or to the health or well-being of a person;
 - (c) material likely to attract vermin or to form a harbourage for vermin;
 - (d) material likely to cause an impediment to the use of, or to restrict or inhibit the use of, any public place; or
 - (e) material the deposition of which causes the removal thereof in the interest of the proper and tidy management of public places in the town;and without limiting the generality of the foregoing, includes discarded material being waste-paper, cardboard, scrap timber, saw-dust, wood-shavings, glass, cans, rags, dust, ashes, soot, discarded vegetables or fruit, offal, dung, manure, the dead remains of any animal, fish or crustacea, dirt and garbage;
 - 'material likely to cause a public nuisance' includes any material or accumulation of materials which is likely to or does affect the value of any land in the neighbourhood or interfere with or affect the comfort of persons occupying or using such land or interfere with or affect the enjoyment of such land by persons in occupation thereof;
 - 'occupier' means any person who either jointly or alone, has the actual physical possession of any land or premises to the substantial exclusion of other persons from participating in the enjoyment of the land or premises;

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'person' includes a firm, a company and a corporation (but not the Council);

'premises' includes every dwelling house, flat, flatette, home unit, duplex, caravan, caravanette, camp, tent, hostel, boarding house, office, shop, factory, depot, workshop, mill, slaughter house, warehouse, hotel, restaurant, eating-house, and every other building or establishment within the town whether the same is used for business, trade or residential purposes; and where any building is let or occupied in more than one separate unit, each separate unit, where it is let to or occupied by a separate person, shall be separate premises;

'public place' includes -

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

but nothing herein contained shall be held to divest the owners of the property of any of their rights or property therein, or of their power to resume the same for use, occupation or sale;

'road' means land within the town which -

- (a) at the date when these by-laws came into operation is a road within the meaning of the *Control of Roads Ordinance 1953-1968*;
- (b) is proclaimed, dedicated, resumed or otherwise established as a public street, road or thoroughfare;
- (c) comprises a street, road, court, alley, thoroughfare or cul-de-sac of which the public has had uninterrupted use, whether before or after the date when these by-laws came into operation, or partly before and partly after that date, for at least five years and which the Council by notice in the *Gazette*, declares to be a public road;
- (d) is reserved or left as a road in a sub-division of Crown lands; or
- (e) is vested in or is conveyed or transferred to the Council in fee simple and is accepted by the Council as a road;

'the town' means the town of Katherine;

'the Council' means Katherine Town Council;

'the Town Clerk' means the person who is appointed and for the time being holds office as the Town Clerk of the Council.

Interpretation 6.03

(1) Where any matter or thing is by any of these by-laws directed or forbidden to be done, or where any authority is given by these by-laws, or any of them, to the Council or to any person or persons to direct any matter or thing to be done, and such matter or thing so directed to be done remains undone or such matter or thing forbidden to be done is done, a person offending against

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such direction or prohibition shall be guilty of an offence.

(2) A person guilty of an offence shall for every offence be liable to a penalty not exceeding 100 dollars, and, in addition, to a penalty not exceeding ten dollars for each day during which the offence continues.

(3) Where in these by-laws or any of them the Council or any officer of the Council has power to require any person to do any work and such work is not done in accordance with that requirement, the Council may cause the same to be done and may recover the expenses thereby incurred from the person who was required to do the same.

PART II - LITTER

Litter on public place	6.04	<p>A person shall not sweep, throw, place, spill, drop or otherwise deposit litter in or upon any public place.</p> <p>But nothing in this by-law shall be deemed to prohibit the lawful depositing of litter in a receptacle provided by the Council for that purpose or in or upon any garbage dump owned, operated or controlled by the Council.</p>
Receptacles to be provided	6.05	<p>The Council shall provide or cause to be provided, in public places, receptacles for the reception of litter as it sees fit.</p>
Expectorating etc. in public places	6.06	<p>A person shall not expectorate or emit any nasal discharge on to a footway in any public place.</p>
Urinating etc. in public places	6.07	<p>A person shall not urinate or defecate in any public place except in places provided for that purpose.</p>
Dustbin in public places	6.08	<p>A person shall not place or permit or suffer to be placed any dustbin, box or other receptacle for household refuse or other litter in or upon any public place other than at the times and in the manner specified in the by-laws in Part III of this Chapter relating to the collection of garbage by the Council.</p>
Material passing on to road	6.09	<p>An occupier of land or premises shall not cause, permit or suffer any matter to pass or flow from such premises on to any footway or road where the deposition of that matter would be an offence against these by-laws.</p>
Litter from vehicles	6.10	<p>A person driving a vehicle in any road shall not permit or suffer any litter to fall or otherwise be deposited from that vehicle on to the road or any adjoining land.</p>
Depositing litter on land	6.11	<p>A person shall not deposit on any land any material likely to cause a public nuisance, to give rise to a condition dangerous to public health, to attract vermin to that land or to form a harbourage for vermin.</p>
Material likely to attract vermin	6.12	<p>An occupier of premises shall not deposit, keep or allow to remain on his premises any material likely to attract vermin or to form a harbourage for vermin unless such material is kept in a receptacle which is vermin-proof.</p>
Council may require litter to be removed	6.13	<p>(1) Where there is upon any land or premises any material or accumulation of materials which is likely to cause a public nuisance, to give rise to a condition dangerous to public health</p>

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or to attract vermin to that land or premises or to form a harbourage for vermin the Council may cause a notice in writing to be given to the occupier of the land or premises requiring him -

- (a) to place such material in a vermin-proof receptacle or receptacles of a kind specified in the notice within the time specified therein; or
- (b) to remove, dispose of, destroy or otherwise deal with such material within the time specified in the notice.

(2) If there is reason to believe that such material or any part of it is rotting or putrid, the time specified in the notice for the destruction or disposal of the material may be limited to such time as is reasonable in the circumstances.

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| Distribution of handbills | 6.14 | A person shall not without the written approval of the Council give out or distribute to any person or throw, place, drop or otherwise deposit any handbill in, upon or onto any public place. |
| Offensive or indecent handbills | 6.15 | A person shall not expose to view, distribute or throw, place, drop or otherwise deposit in any public place any handbill of an offensive or indecent nature. |
| Drainage and cleaning of lanes and alleys | 6.16 | The owner or owners of land adjoining any private lane or alley in the town shall provide adequate drainage for that lane or alley and shall keep the same clean and free from litter. |
| Verandahs and balconies to be clean and watertight | 6.17 | The occupier of any building in the town against or in front of which there is any verandah or balcony which over a footway, shall keep that verandah or balcony watertight, clean and free from litter. |
- PART III - GARBAGE SERVICES
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| Collection and removal of garbage by the Council | 6.18 | The Council's service for the collection and removal of garbage, in accordance with the provisions of Division 3 of Part XV of the <i>Local Government Ordinance 1954-1968</i> , shall be conducted in accordance with such regulations and provisions as may be specified in a notice published in a newspaper generally circulating in the town. |
| Basic charge for garbage service | 6.19 | Where the Council declares basic charge for garbage services, the service in respect of which such basic charge is payable shall, in respect to each premises, be the collection and removal of the contents of one receptacle twice in each week. |
| Removal of garbage in bulk | 6.20 | <p>(1) The Council may provide a service for the removal in bulk of litter and garbage from any land or premises and where a person avails himself of such service or of the service provided under the next succeeding paragraph he shall pay therefor the charge declared by the Council for such service.</p> <p>(2) A person may apply to the Town Clerk for the service of bulk removal of litter or garbage from any land or premises owned or occupied by him.</p> |
| Occupier to provide garbage receptacles | 6.21 | <p>An occupier of premises in the town -</p> <p>(a) shall provide upon such premises one or more removable receptacles of a capacity of not more than 85 litres for holding all garbage produced upon those premises, and each receptacle shall be impervious to moisture and vermin, shall have a close fitting lid and shall be fitted with handles for convenience in moving and</p> |

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emptying the same;

- (b) shall maintain such receptacles in good order and condition and shall not cause or permit such receptacle to attract or harbour flies or vermin, to become unsightly or cause any offensive odour, or otherwise to become or cause a danger to public health or to interfere with or affect the comfort of persons occupying, using or passing through or along neighbouring premises;
- (c) shall ensure that the lids of such receptacles shall at all times (except when the same are removed for the purpose of placing garbage therein or removing garbage therefrom) be kept closely fitted to such receptacles;
- (d) shall ensure that all garbage produced on the premises is deposited in such receptacles but this paragraph shall not be deemed to prohibit the lawful destruction by fire of any such garbage capable of being so destroyed;
- (e) shall cause all wet garbage to be effectively wrapped before it is placed in any such receptacle;
- (f) shall when required by an officer or order of the Council forthwith indelibly mark or paint on the lid and body of every such receptacle the number of the lot of land occupied by him, his name and such other information as may be required;
- (g) shall on the day or days and at the time notified by the Council in accordance with by-law 18 of this Chapter, cause every such receptacle on his premises to be placed on the footway outside his premises in such a position as to enable the garbage collector access to the contents thereof, and shall cause each receptacle to be replaced on his premises after the contents have been removed:

But if any receptacle can be so placed immediately inside the boundaries of the premises as to be clearly visible and conveniently reached from the road it may be placed there, and in any special case receptacles may be placed in such other positions as may be approved by the Town Clerk; and
- (h) shall cause every such receptacle to be thoroughly cleansed with antiseptic at least once in every four weeks.

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| Interference with garbage receptacles | 6.22 | A person shall not touch, use, remove, mark, damage or otherwise interfere with any garbage receptacle upon any premises or footway unless he is - <ul style="list-style-type: none">(a) the occupier of the premises for which the receptacle is provided or his servant or agent;(b) a servant or agent of the Council acting within the scope of his duties as such; or(c) a contractor in the due performance of his contract with the Council, or any servant or agent of such contractor. |
| Garbage receptacles to be returned | 6.23 | A person engaged in the removal or collection of garbage on behalf of the Council shall, after emptying the contents of each garbage receptacle, replace the lid tightly on the same and return it to its former location. |

PART IV - GARBAGE DUMPS

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| Council may establish dumps | 6.24 | (1) The Council may establish dumps for the deposit of litter upon any land owned by or vested in or under the control of the Council. |
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(2) The Council may make arrangements and may if it thinks fit enter into contracts with any owners or occupiers of private land for establishing dumps for the deposit of litter upon such land.

(3) Where a dump has been established under the provisions of paragraph (1) or (2) of this by-law, the Council shall cause a notice to be published in a newspaper generally circulating in the town and such notice shall, in addition to the fact of the establishment of the dump, specify -

- (a) the location of the dump;
- (b) the hours during which and the days on which the dump shall be open for the deposit of litter;
- (c) the class or classes of litter which may be deposited upon the dump;
- (d) whether the general public may deposit litter upon the dump or whether a person must first obtain a written licence from the Council before he may deposit litter thereon; and
- (e) such further or other conditions as the Council thinks fit.

(4) The Council may charge fees for the dumping of litter on any dump owned, operated or controlled by the Council.

(5) The Council may issue a licence authorising a person to use a dump owned, operated or controlled by the Council and may make a licence subject to such conditions including the payment of fees as the Council sees fit.

Litter not 6.25
to be depos-
ited on certain
dumps without
licence

(1) In the case of a dump in respect of which the Council has notified that a written licence must be obtained for the depositing of litter thereon, a person (not being a servant or agent of the Council acting within the scope of his duties or a contractor or servant or agent of a contractor of the Council in the due performance of the contract) shall not deposit litter thereon without the written licence of the Council.

(2) A person may apply to the Town Clerk for a licence to deposit litter on a dump, and a licence may be granted or refused and may be subject to such conditions as the Town Clerk or the Council sees fit.

Offences
at dumps

6.26

A person shall not -

- (a) deposit litter upon a dump other than during the hours and on the days specified by the Council;
- (b) deposit litter upon a dump unless such litter is of the class or classes specified by the Council;
- (c) enter or remain upon a dump except for the purpose of depositing litter thereon, unless he is a servant or agent of the Council acting within the scope of his duties or a contractor or servant or agent of a contractor of the Council in the due performance of the contract;
- (d) loiter upon any dump;
- (e) cause, allow or suffer any child under his care, custody or control, being a child under the age of 12 years, to enter or remain upon a dump;
- (f) remove litter from a dump without the consent in writing of the Council;
- (g) fail to comply with the terms of any licence granted by the Council with respect to the depositing of litter; or
- (h) fail to comply with the directions of an authorised officer of the Council with respect to the place or manner in which he is to deposit litter on a dump.

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PART V - REMOVAL AND DESTRUCTION OF ANIMALS

- Diseased and injured animals and animals at large 6.27 (1) The Council may by notice in writing require the owner of -
(a) a diseased or injured animal whether it is upon private land or premises or in a public place; or
(b) an animal which is at large in a public place so that, if left at large, it is likely to be a danger to the safety of members of the public
immediately to destroy, remove or otherwise dispose of such animal.
(2) A notice under this by-law shall not require unreasonably the destruction of an animal.
- Dead animals in public places 6.28 If an animal dies or is found dead in a public place the Council may cause it to be removed or destroyed.
- Dead animals on private premises 6.29 (1) If an animal dies or is found dead on private land or premises the occupier thereof shall immediately notify the Town Clerk.
(2) Upon receipt of such notice, the Council may cause the carcass of the animal to be removed or destroyed and for this purpose a person authorised by the Council may enter private land or premises.
(3) Nothing in this by-law affects the duty of an occupier of private land or premises to dispose of the carcass of an animal which dies or is found dead on his land or premises.
- Council may remove or destroy animals without notice 6.30 Notwithstanding anything contained in this Part, the Council may, without notice to the owner of a dead, diseased or injured animal, or of an animal which is at large in a public place so that it is likely to be a danger to the safety of members of the public, cause such carcass or animal to be removed or destroyed and for this purpose a person authorised by the Council may enter private land or premises.
- Council may dispose of an animal or carcass 6.31 Where, in pursuance of this Part, the Council causes the removal or destruction of an animal or a dead animal it may dispose of the animal or its carcass.
- Council may recover expense from owner 6.32 Where, in pursuance of this Part, the Council incurs any expense in removing, destroying or disposing of an animal or a dead animal the Council may recover such expense from the owner of the animal.
- Occupier is deemed owner 6.33 For the purposes of this Part, and in the absence of any denial, the occupier of land or premises on which an animal or a dead animal is found shall be deemed to be the owner thereof.

PART VI - REMOVAL OF MOTOR VEHICLES

- Interpretation 6.34 In this Part, unless the contrary intention appears -
'motor vehicle' has the meaning set out in sub-section (1) of section five of the *Motor Vehicles Ordinance 1949-1968*;
and
'registered owner' in relation to a motor vehicle means a person in whose name a motor vehicle is registered under the *Motor Vehicles Ordinance 1949-1968* at the time when the motor vehicle is found in a public place in the circumstances specified in paragraph (1) of by-law thirty five thereof.
- Council may charge fee 6.35 The Council may charge fees for or in connection with the removal of motor vehicles in accordance with this Part.

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Council may
require
registered
owner to
remove
vehicle and
sell same

6.36

- (1) If a motor vehicle is -
 - (a) found abandoned in a public place;
 - (b) left in a public place and there appears to be no intention on the part of the registered owner thereof to remove the same; or
 - (c) not moved from a public place for a period of fourteen days,
the Council may by notice in writing require the registered owner to remove the same within fourteen days of the date of the notice.
- (2) If, after the expiry of fourteen days from the date of the notice, the motor vehicle has not been removed in accordance with the notice the Council may cause the same to be removed to a place within the town and shall forthwith give to the registered owner a notice of removal.
- (3) A notice of removal shall specify -
 - (a) the make and registration number of the motor vehicle;
 - (b) the place from which it was removed;
 - (c) the date of removal;
 - (d) the date, time and place of intended sale if the motor vehicle is not released; and
 - (e) the fees then lawfully payable.
- (4) A notice under this by-law may be served by posting the same by pre-paid letter post addressed to the registered owner at the address shown on the certificate of registration.
- (5) If within twenty-eight days of the date of a notice of removal a person satisfied the Town Clerk that he was the registered owner of the motor vehicle in respect of which the notice was given and pays all fees lawfully payable under these by-laws the motor vehicle shall be released to that person.
- (6) If after the expiry of twenty-eight days from the date of a notice of removal a motor vehicle has not been released in accordance with paragraph (5) of this by-law the Council may sell the motor vehicle.
- (7) The Council may retain from the proceeds of sale all fees payable under these by-laws in respect of the removal of the motor vehicle and all expenses incurred by the Council in respect of the holding and the sale thereof and shall hold the balance, if any, on trust to pay to the registered owner of the motor vehicle.
- (8) Within twenty-eight days after the sale of a motor vehicle the Council shall give to the registered owner thereof notice of the sale, and a notice of sale shall specify -
 - (a) the make and registration number of the motor vehicle;
 - (b) the date of the sale;
 - (c) the sale price;
 - (d) the fees and expenses payable in respect of the motor vehicle under these by-laws; and
 - (e) the name and address of the person to whom the motor vehicle was sold.
- (9) If within three years of the date of the sale of a motor vehicle a person satisfies the Town Clerk that he was the registered owner of the motor vehicle the balance of the proceeds of sale shall be paid to that person.
- (10) After the expiry of three years from the date of sale of a motor vehicle the unclaimed balance of the proceeds of sale thereof shall become the absolute property of the Council.

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- Proceeds of sale insufficient to cover fees etc. 6.37 Where in pursuance of this Part, the Council removes and sells a motor vehicle and the proceeds of sale are insufficient to cover the fees and expenses payable and incurred in respect of such removal and sale the Council may recover the balance of the fees and expenses from the registered owner of the motor vehicle.
- Town Clerk to comply with Motor Vehicles Ordinance 6.38 Where in pursuance of this Part, the Council sells a motor vehicle the Town Clerk shall comply in all respects with the *Motor Vehicles Ordinance 1949-1968* as if he were the registered owner of the motor vehicle.
- Council may determine fees 6.39 The Council may from time to time for the purpose of these by-laws determine: -
(a) the fee payable in respect of the removal of a motor vehicle from a public place; and
(b) the weekly fee payable in respect of the holding of the motor vehicle prior to the sale thereof or the release thereof to the owner.
- Motor vehicles to be sold by auction or tender 6.40 A motor vehicle sold in accordance with these by-laws shall be sold by public auction or public tender.
- Council may dispose of motor vehicles 6.41 Where no bid is received at auction or no tender received for a motor vehicle offered up for sale under these by-laws, the Council may dispose of the motor vehicle in such manner as it sees fit.

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CHAPTER 7

SIGNBOARDS AND SIGNS

DEFACING FOOTPATH AND BILL STICKING..	By-laws 7.01 - 7.02
ADVERTISING SIGNS	By-laws 7.03 - 7.08
LICENCE FEES	By-laws 7.09 - 7.11
REMOVAL OF SIGNS	By-law 7.12

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- Defacing
footways 7.01 No person shall affix any poster, placard, or similar thing on the pavement surface of any footway or write on or deface or mark the same with writing, printing or representations without the permission of the Council.
- Bill
sticking 7.02 No person shall affix, or cause to be affixed, any poster, bill or other paper to or against any place of religious worship or school house, shed or other building abutting upon the roadway or (without the consent of the occupier, or if there is no occupier then the owner) affix any poster, bill or other paper to or against any wall, house, fence or other erection upon, over or near to any road or footway or land under the control of the Council or deface such wall, house, fence, or other erection with chalk, paint or other matter. Where any poster, bill or other paper is affixed to any wall or any building abutting on any footway and the same is removed whether or not another is affixed in its stead the footway shall be cleansed of all waste paper and other refuse consequent upon such removal. If any person has affixed any such poster, bill, paper to such wall as aforesaid it shall be his duty to preserve such bill, poster or paper in a clean and tidy state, and shall remove the same if it becomes worn or torn and or detached in whole or part from the said wall.
- Any person doing or omitting to do any act in contravention of this clause shall be guilty of an offence and liable to a penalty not exceeding \$20-00.
- Advertising
hoardings 7.03 No person shall erect or cause to be erected or suffer to continue to erect on land or premises whereof he is owner or occupier near to or in view of any road or footway or land under the control of the Council within the Municipality any building or other structure for the placing thereon any placard, sign or advertisement of any kind whatsoever unless the erection of the same has previously been licensed by the Council.
- Advertisements
on buildings 7.04 Except in pursuance of a licence by the Council, no person shall affix, paint or carve or engrave or cause or suffer to be or remain affixed, painted, carved or engraved on any building or other structure or the appurtenances thereto, upon, over or in view of any road or footway or land under the control of the Council within the Municipality any placard, advertisement, sign or fixture referring to or relating to any trade, business or profession unless the same refers or relates to the trade, business or profession of some person then being carried on, conducted, or practised within such building or structure.
- Signboards
generally 7.05 No person shall, without first obtaining a permit from the Council affix, place, hang or suspend in or over or in view of any road within the Municipality any signboard or other sign, signpost, placard, showbill or showboard or flagpole, flag, banner, notice or writing of any description. The Council may grant a permit to any person to erect such signboard or other sign, signpost, placard, showbill, showboard or flag, banner, notice or writing, but so that the same shall not project in the case of roads of 20m or more in width to a greater distance than 1m and in the case of other roads 0.6m from the wall of any shop, store, or building, and so that the same shall not exceed in width or depth 1m and shall be so affixed as to leave a clear headway of at least 2.8m measuring from the surface of the footway to the underside thereof.

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Where the footway in any road within the Municipality is sheltered by an awning the Council may grant a permit to any person to erect a sign-board or other sign, signpost, placard, showbill, or showboard extending from the walls of any building to which the awning is built to the inner side of the extension edge of such awning; provided that no such signboard or other sign, signpost, placard, showbill or showboard shall exceed in width or depth 0.5m, and that every such signboard, or other sign, signpost, placard, showbill or showboard so placed shall follow the rake of the rafter. The Council may also grant a permit to place or fix a sign or signboard on or over the erection or outer edge of any awning erected over the footway of any road: Provided that such sign shall not exceed in width or height 1m: Provided all signs erected pursuant of this clause shall be constructed to allow a headway of at least 3m from the lowest portion to the surface of the footway.

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| Signs to be maintained | 7.06 | Every sign or signboard of whatever description shall be constructed and maintained in a condition of security to the satisfaction of the Council, and any sign or signboard not so constructed and maintained may be removed by the Council at the cost of the owner or occupier of the premises on which it is situated or in connection with which it has been erected, if such owner or occupier, after twenty-four hours notice in writing, or without notice in case of emergency, neglects or refuses to remove the same. |
| Offensive signs | 7.07 | The owner or user of every sign, signboard or advertisement of whatever sort referred to in this Chapter shall forthwith remove or obliterate any sign or signboard or advertisement upon notice from the Council that the same is against public decency or morality, and should he fail to do so the same may be removed at his expense by order of the Council. |
| Signboards rigidly secured | 7.08 | Every signboard or sign over any footway shall be secured rigidly in position to the satisfaction of the Council. |
| Proviso to existing signs | 7.09 | Nothing in this Chapter shall be held to require the continuance of or to prohibit the repainting or relettering of any presently existing signboard or sign or sign referring to or relating exclusively to the style or title of some trade, business or calling then actually being carried on, conducted or practised within or upon the premises to which such signboard or sign is attached, notwithstanding that such signboard or sign may not conform with this Chapter in regard to its situation or dimensions if it was in conformity with any law or regulation in force at the time of the erection. But it shall not be lawful for any person to structurally renew or repair any signboard or sign, or to transfer or lease or permit any other person the use of any signboard or sign, or to take over any signboard or sign from any other person and to use the same, or to transfer or remove any signboard from one situation to another, unless all the provisions of this Chapter are as fully complied with as though such signboard were entirely new. |
| Exemption of fees | 7.10 | Notwithstanding anything in this Chapter, the payment of a fee shall not be required in respect of any advertisement, signboard, poster or other sign authorised by these By-laws which refer or relates exclusively to any trade, business or calling then carried on, conducted, or practised upon or within the land or premises |

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upon which such advertisement, signboard, poster or any other sign is exhibited, erected or attached.

Existing signs7.11
subject to
fees

The owner or occupier of any land or premises upon which signs, signboards, posters, placards or other signs existed before the commencement of these By-laws shall be subject to any provisions in these By-laws applying to such signs, signboards, posters, placards or other signs.

Removal of 7.12
existing
signs

Any sign, signboard, signpost, placard presently existing before the commencement of these By-laws now situated on any road, footway or land under the control of the Council may be removed without notice to the owner of same, but the owner may apply to the Council for the rental of such land on which the sign is presently erected, and the Council may at its discretion rent or lease same for any period it so desires.

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CHAPTER 8

PUBLIC SAFETY AND CONVENIENCE

SECURITY OF BUILDING OPERATIONS	By-laws 8.01 - 8.02
FIRE PRECAUTIONS	..	..	..	By-laws 8.03 - 8.08
CREATING OF DISTURBANCES	..	..	..	By-laws 8.09 - 8.11
DANGEROUS ANIMALS AND MATERIALS	By-laws 8.12 - 8.20
OPEN FIRES AND ALARMS	By-laws 8.21 - 8.24
NOISE NUISANCES	By-law 8.25

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- Insecure buildings** 8.01 When any building or part of a building, or anything connected therewith, within the Municipality, shall become insecure or dangerous to the public, or any aperture or opening shall be left so that any passenger along the public footway or carriage way may be endangered, it shall be lawful for the Mayor or any authorised officer of the Council acting under him to cause the same to be fenced or guarded by and at the expense of the owner or occupier of such building or of the premises with which such opening or aperture may be connected, and if upon notice to that effect the owner or occupier of such building, part of a building, or the premises upon which such aperture or opening exists, as the case may be, shall refuse or neglect to take down such building or part of such building or make good such aperture or opening, then such owner or occupier shall be guilty of an offence, and it shall be lawful for the Mayor to cause such building or part of a building to be removed, or such aperture to be made good at the expense of such owner or occupier, and such expense shall be recoverable by the Council from the owner or occupier in any competent Court.
- Walls after fires and floods** 8.02 The Mayor may, upon any sudden emergency created by acts of God or the Queen's enemy, cause any wall, gate, chimney stack or other part of any house or building which shall have been burned or damaged to be sufficiently propped or fenced or demolished if it appears to him necessary or proper so to do for safety of contiguous property or of the inhabitants therein, or of the public generally, the expense of which operations shall be recoverable from the owner of the house or building on which the same are performed in proportion to their respective interests therein.
- Fire or combustible materials** 8.03 No person shall light, place or knowingly permit to be lit or placed in any house, yard, workshop or other premises fire gunpowder, or combustible or inflammable material of any kind in such a manner as to endanger any adjacent building or premises.
- On or near roads or buildings** 8.04 No person shall make or keep on any land hay, straw or other inflammable material within a distance from any building of less than 1.8 metres or within distance of any road or right of way or any adjoining land of less than 6 metres, unless such stack is kept within a building completely covered in by a roof and enclosed as to all sides thereof by walls of stone, iron, brick or concrete.
- Live cinders and ashes** 8.05 No occupier of any premises shall deposit or keep or suffer to be deposited or kept any live cinders or ashes or any oily cotton waste whether within or without any building save in a receptacle constructed of iron or other fire resisting material of an approved design.
- Chimney catching fire** 8.06 No person shall allow the chimney or flue of any building occupied by him to become foul so as to catch fire.
- Setting fire to chimney** 8.07 No person shall wilfully or negligently set or cause to be set on fire any chimney or flue of any building.
- Burning offensive substances** 8.08 No person shall burn any rags, bones, or clippings or parings of leather or any offensive substance of any kind whatever or roast any tarred stone or metal so that the same shall be offensive to the inmates of any adjacent building, or to persons using any road or in any case between sunset on any day and seven o'clock

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a.m. of the following day.

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| Ringling of bells and blowing trumpets, etc. | 8.09 | No person shall ring any bell or blow any trumpet or horn or beat any drum, tambourine or gong in any road for the purpose of announcing any auction, public performance, sale, meeting matter, or thing whatsoever without a permit from the Council. |
| Exhaust engines | 8.10 | Where an internal combustion engine is situated upon any premises in or near to any road or public place, under the control of the Council, it shall be fitted with an effective device to minimise the noise of the exhaust gas from such engine, and the Council may in any case require the owner not to operate the engine so as to cause a noise between the hours of 9 p.m. and 6 a.m. |
| Motor horns | 8.11 | The driver or any person in charge of any vehicle or cycle in the Municipality shall not sound any gong, bell, horn, whistle, or other warning device appertaining thereto more frequently or more continuously' or so as to cause a greater volume of noise than is reasonably necessary or proper for the safety of traffic and in compliance with the Traffic Ordinance and Regulations whilst such vehicle or cycle is being used upon any road. |
| Ferocious dogs | 8.12 | No person shall set or allow any dog or other animal to attack, worry, or put in fear any person, horse or other animal on any road. |
| Wells to be covered | 8.13 | Every occupier or owner who has a well, underground tank or cistern on his premises shall securely cover the same in such a manner and within such time as the Council by notice requires, and in default shall be guilty of an offence and, in addition, the Council may cause the necessary work to be done. |
| Insecure slates and tiles. | 8.14 | The Council may order the owner or occupier of any building to remove or repair any chimney cowl, pot, iron, tiles, slates, shutter or other article or thing on the roof, or any other part of such building which may be dangerous to traffic or persons and on failure so to do such owner shall be guilty of an offence, and, in addition, the Council may cause the necessary work to be done. |
| Barbed wire fences | 8.15 | No person shall without sanction of the Council erect or maintain on the boundary of or within 0.6 metres of any road or land under the control of the Council any barbed wire or other dangerous fence; provided that this provision shall not prohibit strands of such wire being fixed at a height of not less than 2 metres from the ground on or to any fence. |
| Removal of barbed wire | 8.16 | If at the time of the coming into force of these By-laws there is upon any land within the Municipality any such fence as aforesaid, and the owner or occupier of such land does not, immediately after notice from the Town Clerk to remove such barbed wire or other dangerous part of such fence has been given to him, remove the same, he shall be guilty of an offence, and, in addition, the Council may cause the necessary work to be done. |
| Defacing property | 8.17 | No person shall on any road wilfully injure, deface, or remove any door plate, bell, knocker, lamp, signboard or fire alarm; nor wilfully disturb or annoy any inhabitant by ringing any door bell or knocking at any door, or wilfully give or ring a false alarm. |

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| Carrying dangerous implements | 8.18 | No person shall carry any timber, metal, tools, implements, furniture or material along any footway or road in such a manner as to be dangerous or an annoyance to any other person. |
| Goods stored together | 8.19 | <p>(1) All carbide of calcium and dangerous goods stored or kept on any premises shall be stored together (and not in different parts of the premises) in some place where they can be easily approached and removed in case of fire.</p> <p>(2) The Council, by an officer or employee, may at any time enter and inspect any premises where carbide or dangerous goods is or are stored and indicate any specific part of such premises which shall be exclusively used for such storage. The occupier of such premises shall obey the reasonable direction of such officer or employee relating to dangerous goods and explosives and the storage thereof.</p> |
| Cartage of dangerous goods | 8.20 | All dangerous goods carried within the Municipality shall be so carried in a vehicle properly constructed as to guard against concussion, and covered with a tarpaulin having the words "Dangerous Goods" painted in large letters on the outside and at both ends of the said tarpaulin, so as to be plainly legible while such vehicle is passing through any part of the Municipality. |
| Open fires | 8.21 | No person shall light or cause to be lighted or keep burning a fire at any time in the open air, or at night in any forge or foundry, or suction gas generator or the like within fifteen metres of any road, unless such fire is sufficiently screened from view by some building, wall or close paling with or without a gate thereto, such gate, if any, being of close boards and kept shut. |
| Causing fire alarms | 8.22 | No person shall at any time light or keep burning any fire or burn any rubbish or other material or operate any forge, furnace or suction gas generator or the like, so as to cause unnecessary or unreasonable volumes of flame or smoke, or in such a manner or under such circumstances as to be likely to lead any person to reasonably conclude that property is being accidentally destroyed by fire, or to reasonably give an alarm of fire. |
| Prevent the escape of gas | 8.23 | No occupier of any building or land shall permit or suffer the escape of gas from any pipe, meter or burner. In this by-law gas includes coal gas, carbide of calcium and carbon monoxide. |
| Throwing of stones | 8.24 | <p>No person shall, to the damage or danger of any person or property, or to the annoyance or disturbance of any person, throw or discharge any stone or other missile into, upon, or against any building or throw or discharge any stone or other missile, or use any catapult.</p> <p>No person shall trundle any hoop or fly any kite in or upon, across or over any road to the inconvenience or annoyance of any person.</p> |
| Noise nuisances | 8.25 | <p>(1) A person shall not make or cause or permit to be made any noise so as to be a nuisance.</p> <p>(2) A noise is a nuisance, for the purposes of this Chapter, if it occasions undue distress, annoyance, or irritation to any person or persons. Without limiting the generality of the foregoing, a noise is a nuisance, if -</p> <p>(a) being made between 12 midnight and 6 a.m. it unduly disturbs the sleep of any person, or</p> |

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- (b) it unduly disturbs the quietude of any occupied dwelling-house, or
- (c) it unduly disturbs the quietude of any public hospital, or
- (d) it unduly disturbs the quietude of any school or college during the hours of instruction, or
- (e) it unduly disturbs the quietude of any law court or any public or private place of business during ordinary business hours, or
- (f) it unduly disturbs any congregation engaged in public worship, or any persons assembled at a funeral service.

Whether any disturbance, distress, annoyance, or irritation is undue is to be determined according to the sensitiveness of normal persons, and the time, the place, and the intensity and frequency of the noise complained of.

(3) A person shall not be guilty of an offence under this By-law by reason of a noise which he proves to have been necessary and incapable of mitigation without unreasonable expense.

(4) A person shall not be guilty of an offence under this By-law in respect of a noise caused by the fitting of any steel-framed structure, tank for the bulk storage of liquid fuel or any kind whatsoever, or similar structure or tank or of any parts or materials intended for such structure and wheresoever fitted.

(5) Any person aggrieved may institute proceedings for a breach of this By-law.

(6) The court may suspend its final determination in any case where it considers that a nuisance has been proved, on condition that the defendant undertakes to adopt within a reasonable time such means as the court thinks practicable and orders to be carried into effect for mitigating or minimising the noise complained of.

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CHAPTER 9

PETROL PUMPS

ERECTION OF PETROL PUMPS	By-law 9.01
PERMITS	By-laws 9.02 - 9.10

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- Erection of pumps 9.01 The Council may in its discretion grant to any person, corporation or other body permission to erect or cause to be erected or to allow to remain erected any petrol service pump with or without tank and pipes to be used in connection therewith in, upon or under any land within the Municipality. Such permission may be granted by the Council subject to such terms, conditions, provisions and stipulations as the Council shall see fit to impose.
- Permit required 9.02 No person, corporation or other body shall, without permission in writing from the Council first had and obtained, erect or cause to be erected or begin to erect any petrol service pumps or any tank or pipes to be used in connection therewith within, upon or under any land within the Municipality.
- No person to erect without permit 9.03 No person, corporation or other body, having obtained from the Council permission in writing to erect or cause to be erected any petrol service pump with or without tank and pipes to be used in connection therewith in, upon or under any land within the Municipality, shall erect or cause to be erected or begin to erect any petrol service pump or any tanks or pipes to be used in connection therewith save and except in accordance with the terms, conditions, provisions and stipulations subject to which such permit has been granted.
- Any person committing a breach of this Chapter shall be liable to a penalty not exceeding \$50-00.
- Conditions of permit 9.04 The occupier or owner of any premises in connection with which any petrol service tank or pipes have been erected in or upon or under any land within the Municipality without permission in writing from the Council, or contrary to any terms, conditions, provisions or stipulations subject to which such permission has been determined or revoked by the Council, or in respect of which such permission has expired by effluxion of time, shall forthwith remove such petrol service pump, tank and pipes upon notice from the Council so to do, and upon failure to remove same in accordance with the exigencies of such notice such owner or occupier shall be guilty of an offence and liable to a penalty not exceeding \$200 and to a daily penalty not exceeding \$20 per day, and in addition the Council may cause such petrol service pump, tank and pipes to be removed at the expense of such owner or occupier.
- Repairing damage 9.05 Such owner or occupier shall make good to the satisfaction of the Council any damage to any road, street, or footway which has been caused directly or indirectly by such petrol service pump, tank or pipes or the erection or removal thereof; or, at the option of the Council, the Council may itself make good such damage at the expense of such owner or occupier, who shall forthwith pay the amount thereof to the Council, or the Council may recover the same in any Court of competent jurisdiction.
- Existing pumps 9.06 Within one month after the gazettal of these By-laws any permission granted by any authority to any person, corporation or other body to erect or cause to be erected or to allow to remain erected any petrol service pump with or without tank or pipes to be used in connection therewith under the provisions of this Chapter shall be deemed to be determined; but a renewal of such permission may be applied for in accordance with the provisions hereinafter contained. Unless sooner determined or revoked by the Council any permission or renewal hereafter granted by the Council under the provisions of this Chapter shall be and remain in force from the date of the grant thereof to the thirtieth day of June next ensuing.

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- Application for permit 9.07 (1) Any person desirous of obtaining from the Council permission to erect or cause to be erected any petrol service pump with or without tank and pipes to be used in connection therewith in or upon any land in the Municipality shall make application in writing in that behalf to the Council. The applicant shall in such application specify the exact site or location at which he proposes to erect such pump and such tank and pipes (if any), and shall fully specify the nature and dimensions thereof.
- (2) Any person desirous of allowing to remain erected any petrol service pump presently erected at the time of the passing of these By-laws shall apply in writing as aforesaid.
- (3) If the Council decides to grant any such application as aforesaid the Town Clerk shall, upon payment of the prescribed fee, issue to the applicant a licence/permit.
- Annual fee chargeable 9.08 The annual licence fee payable to the Council for permission to erect or cause to be erected or to allow to remain erected a petrol service pump with or without tank and pipes under the provisions of this Chapter or any renewal thereof shall be: -
- (a) Any petrol pump situated on any road, street or land under the control of the Council, the sum of \$20-00.
 - (b) Any petrol pump situated on any other land owned or occupied by the applicant for the purpose of retailing petrol to the public, \$10-00.
 - (c) Any petrol pump situated on any other land owned or occupied by the applicant for the sole purpose of supplying petrol to vehicles owned or controlled by such applicant, the sum of \$10-00.
- Supervision of erection 9.09 Any permission granted by the Council to any applicant under the provisions of this Chapter shall be subject to the condition that the applicant shall comply with the requirements of the Council or some officer thereof duly authorised in that behalf relating to the erection of the petrol pump and tank and pipes (if any) specified in such permission, and that the erection thereof shall be completed to the satisfaction of the Council or such officer.
- Removal of permit 9.10 Any person, corporation or other body who desires to renew any permission granted by the Council under the provisions of this Chapter which has been determined or expired may apply to the Council in writing in that behalf, and the Council may renew such permission subject to such terms, conditions, provisions and stipulations as the Council may see fit to impose. Thereupon the Town Clerk shall upon payment of the prescribed fee issue to the applicant a permit for the period of such renewal. The Council may determine or revoke permission granted by the Council or any other authority to any person, corporation or other body to erect or cause to be erected or allow to remain erected, any petrol service pump with or without tanks and pipes to be used in connection therewith under the provisions of this Chapter, if any breach of any terms, conditions, provisions, or stipulations subject to which such permission was granted or renewal shall be committed or occur.
- Any petrol pump erected, set up, maintained or used on any road or other land by any person who has not obtained a licence from the Council shall be deemed to be an unlawful erection and the Council may cause the same to be removed, and the costs of such removal may be recovered from the owner or occupier of such land,

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or the user and said owner of the pump, in any Court of competent jurisdiction.

The Council may determine or revoke any licence or permit of any petrol pump erected within the Municipality for any reason it deems applicable or necessary.

For the purpose of this Chapter, the term "petrol service pump" shall be deemed to include every description of pump or appliance used or intended to be used for the supply of petrol, motor spirits, kerosene or other liquid fuel or for the supply of oil or other lubricants.

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CHAPTER 10

PARKS AND GARDENS, COMMONS AND RESERVES, ETC.

INTERPRETATION	By-law	10.01
INTERFERENCE WITH RESERVES AND TRESPASSING ..	By-laws	10.02 - 10.13
ADVERTISING	By-laws	10.14 - 10.20
ERECTION OF TENTS	By-laws	10.21 - 10.28
IMPROPER INTRUSION	By-laws	10.29 - 10.32
PLAYING OF GAMES	By-law	10.33
OBSTRUCTION TO OFFICERS	By-laws	10.34 - 10.35
SELLING OF LIQUOR	By-law	10.36
MUSIC AND SINGING, ETC.	By-law	10.37

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Inter-pretation	10.01	<p>The term "reserve" means any reserve, park, pleasure ground, garden, or other land under the control of the Council.</p> <p>Any reserve for park or pleasure ground within the boundaries of the Municipality and under the control of the Council is in this Chapter referred to as a park.</p> <p>In this Chapter the term "employee of the Council" means and includes not only any officer of the Council but also any person and any servant of any person employed by the Council in or about any work in connection with the laying out, planting, improvements, maintenance, management, or care of any reserve.</p>
Reserves not to be occupied	10.02	<p>No person shall reside upon, occupy, or use, or continue to reside upon or use, any reserve except in accordance with the purposes or objects for which the Council has or holds the same.</p> <p>No person, without the permission of the Council, shall camp, lodge, or tarry overnight, or frequent for the purpose of camping, lodging, or tarrying overnight, in the open air in any reserve, except upon any reserve for camping purposes.</p>
Restrictions on interferences with lands	10.03	<p>No person, without the permission of the Council, unless empowered by statute so to do, shall dig or make, or cause to be dug or made, any opening or cutting, or erect or place any post, pillar, bridge, crossing, or other fixture or erection of any description in or upon any reserve.</p> <p>No person, without the permission of the Council, unless empowered by statute so to do, shall dig or remove, or cause to be dug or removed, any turf, sand, clay, soil, or other material in or from any reserve.</p>
Damage etc to fences, buildings etc	10.04	<p>No person shall wilfully, carelessly, or negligently deface, injure or destroy, or soil or defile any part of any wall or fence in or enclosing any reserve, or any part of any building, barrier, or railing of any fixed or movable seat, or of any monument of art, ornament, decoration, or of any other structure or erection in any reserve, or wilfully, carelessly, or negligently throw or deposit any filth, rubbish, or refuse, or cause or suffer any filth, rubbish, or refuse to fall, be thrown, or deposited upon any part of a reserve.</p> <p>No person shall climb upon, get over, injure, cut down, destroy, damage, or otherwise interfere with the fences in or around any reserve or in any manner disturb, damage, or destroy any property, chattels, or things therein.</p>
Removal of barriers, seats, etc	10.05	<p>No person shall wilfully or negligently remove or displace any barrier, railing, or post, or any fixed or movable seat, or any part of any structure or erection, utensil, apparatus, appliance, or article provided for use or used or adapted to be used in the laying out, planting, improving, or maintenance of any reserve or in the care, cultivation, or protection of any tree or plant in the same.</p>
Unauthor-ised persons not to dig, etc	10.06	<p>No person other than an officer or employee of the Council shall at any time in any part of any reserve:-</p> <p>(a) Remove or disturb any part of the soil of any flower-bed or any soil under or about any tree or plant, or any soil in course of preparation or cultivation as a flower-bed or for the reception or growth of any tree or plant; or</p>

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(b) Walk or run over, or stand, or sit, or lie upon any part of any flower-bed, or any tree or plant, or any ground in the course of preparation or cultivation as a flower-bed or for the reception or growth of any tree or plant; or

(c) Cut or displace any turf, or uproot, displace, cut down, remove, lop or break or climb upon any tree or plant, or in any manner destroy, damage, disturb, or interfere with any form of plant life or part thereof.

No person shall at any time in any part of a reserve pluck any bud, blossom, flower, or leaf of any tree or plant.

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| Entrance and exit only by appointed gates | 10.07 | No person shall enter or quit any park otherwise than through one of the gates, wickets, passages, or openings appointed as the authorised means of entrance to or egress from the same. |
| Notice boards not to be removed | 10.08 | No person shall wilfully or improperly remove or displace any board, plate, or tablet used or constructed or adapted to be used for the exhibition of any By-laws or notice, and fixed or set up by the Council in any reserve, or in or upon any building or structure therein, or at or near to any one of the appointed means of entrance to or egress from a park or in or on any wall or fence enclosing the same. |
| Beasts of draught or burden not to be brought into ground | 10.09 | No person other than an officer or employee of the Council shall at any time ride, drive, or bring or cause or suffer to be ridden, driven, or brought into any park any beast of draught or burden: Provided that the foregoing provisions shall not be deemed to prohibit the riding or driving of any animal in any part of a park which for the time being is appointed to be used as a horse ride or carriage road, subject to such conditions as the Council may prescribe and as are indicated in a notice affixed or set up in a conspicuous position at or near to any entrance to the park. |
| Depasturing of animals | 10.10 | No person shall drive or bring or cause to be driven or brought into any reserve any animal unless in pursuance of an agreement made with the Council, or otherwise in the exercise of any lawful right or privilege such person is duly authorised to drive or bring such animal or to cause such animal to be driven or brought into the reserve for pasturage or for any other lawful purpose. |
| Dogs | 10.11 | No person shall suffer or cause any dog belonging to him or in his charge to enter or remain in any park unless such dog is and continues to be under proper control and is effectually restrained from causing annoyance to any person, and from worrying and disturbing any animal, and from entering any ornamental water, and from injuring or destroying, worrying or disturbing any fowl in the park. |
| Prohibition of vehicles | 10.12 | <p>No person other than an officer or employee of the Council shall at any time drive or wheel, or cause or suffer to be driven or wheeled into any park any barrow, truck, or machine, or any vehicle other than a chair wheeled or propelled by hand, or a perambulator, or a chaise drawn or propelled by hand and used solely for the conveyance of children or invalids:</p> <p>Provided that the foregoing By-law shall not be deemed to prohibit the driving or wheeling of any velocipede or motor car or of any other vehicle in any part of a park used for or which is for the time being appointed to be used as a cycling track or carriage road, subject to such conditions as the Council may prescribe and as are indicated in a notice affixed or set up in a conspicuous position at or near to any entrance to a park.</p> |

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- Perambulators not to be wheeled over flower beds 10.13 No person who wheels or brings, or causes to be wheeled or brought into any park a perambulator or chaise used solely for the purpose of conveyance of children or invalids shall at any time wheel or station such perambulator or chaise or cause or suffer the same to be wheeled or stationed over or upon any part of a flower-bed, or over or upon any tree or plant, or any ground in course of preparation or cultivation as a flower-bed or for the reception of any tree or plant.
- Where, by a notice affixed or set up in some conspicuous position at or near to any entrance to the park, the Council from time to time prohibits the use of such perambulator or chaise in such part or parts of the parks as are defined or prescribed in such notice no person shall, at any time while such notice continues so affixed or set up, wheel or station any such perambulator or chaise, or cause or suffer the same to be wheeled or stationed, over or upon any such part of the park.
- Posting of bills 10.14 No person other than an officer of the Council or a person authorised by the Council in this behalf shall affix or post any bill, placard, or notice to or upon any wall or fence in or enclosing a reserve, or to or upon any tree or to or upon any part of any building, barrier, or railing, or on any fixed or movable seat, or on any structure or erection in the same, or paint or mark upon any flagging or path in such park any advertisements, sign, picture, or words whatsoever.
- Throwing stones, etc 10.15 No person shall throw or discharge on any reserve any stone or other missile to the danger or annoyance of any person.
- Carpet beating etc 10.16 No person shall in any part of a park beat, shake, sweep, or cleanse any carpet, drugget, rug, or mat, or any other fabric retaining dust or dirt, or spread or deposit any linen fabric for the purpose of drying or bleaching.
- Shooting etc in parks 10.17 Except by the permission of the Council, no person shall shoot or discharge or set off any fire-balloon, or throw or set fire to any fireworks, or kindle or make any fire, or carry any firearms, or take or kill any animal or bird in any part of any reserve.
- Handbills 10.18 No person shall throw, distribute, or deposit or cause to be thrown, distributed, or deposited, in or upon, any reserve, any handbill or other printed matter.
- Waste litter of picnics to be removed 10.19 When any party or number of persons play any game or picnic in any reserve they shall, immediately prior to leaving the ground, collect and remove, or cause to be collected and removed, all waste material, broken glass, scraps, litter, or rubbish of any kind brought or made upon the ground by them.
- Regulating travelling advertisements etc 10.20 No person shall, without the permission of the Council, convey, take, or conduct or cause to be taken, conveyed, or conducted by means of vehicles, horses, or on foot by any means whatsoever in or upon any reserve any frame, apparatus, or contrivance for displaying pictures, placards, notices, or advertisements.
- Letting for sale of articles or commodities 10.21 No person shall in any part of any reserve, sell, or offer for sale, or let, or hire, or offer, or expose for letting for hire, any commodity or article or articles unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege such person is duly authorised to sell, or let, or hire in the reserve such commodity or article or articles.

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- Erecting tents, booths etc 10.22 No person other than an officer or employee of the Council shall, except as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the reserve: Provided that the foregoing prohibition shall not apply in any case when upon an application to the Council for permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the reserve the Council grants, subject to compliance with such conditions as it may prescribe, permission to any person to erect the same.
- Definition 10.23 A tent shall be deemed to be any building or erection of a temporary nature constructed wholly or in part of canvas, calico, bark, iron, wood, or other material whatever.
- Permit to be obtained 10.24 No tent shall be erected or maintained on any road or reserve as hereinafter defined other than a camping reserve except under a permit obtained as provided in this Chapter from the Town Clerk or other officer of the Council duly appointed for the purpose, who may then or at any time limit the period during which such tent shall remain erected, and on the expiration of such period the person by whom the tent was erected shall remove the same. Should the person so erecting the tent fail to remove the same on the expiration of such period he shall be guilty of an offence against this Chapter, and in addition the Council may cause the tent to be removed.
- Notice 10.25 Every person intending to erect or cause to be erected on any part of a reserve any tent as hereinbefore defined shall first apply for and obtain a permit from the Town Clerk or other officer of the Council duly appointed for the purpose, and shall mention particularly when making his application the precise nature of the structure and the purpose for which it is to be used. The council or its Town Clerk or other officer duly appointed as aforesaid may grant or refuse any application for any such permit.
- Tents for public use 10.26 The erection and construction on any reserve of all tents intended to be used for public purposes or entertainment, and the seats and fittings therein or thereon and the means of lighting therein, shall be subject to the approval of the Town Clerk or other officer of the council duly appointed in that behalf by the Council, and no tent shall be opened for the admission of the public until his written approval of these matters shall have been obtained from the Clerk or such officer as aforesaid.
- Distance from buildings etc 10.27 No tent shall on any reserve be erected at a distance of less than fifteen metres from any other structure or buildings, nor shall any rope or other fastening be placed at a distance less than twelve metres from any such other structure or building.
- Penalty 10.28 Any person guilty of a breach of any of the provisions of the last preceding five clauses hereof shall for every such breach be liable to a penalty not exceeding fifty dollars and to a penalty of ten dollars for each day on which the offence is continued after the notice has been given of the commission of the offence, but no penalty for any offence shall exceed eighty dollars.
- No person shall use any offensive or insulting language in any reserve to or within the hearing of any other person therein.
- No person shall act or behave in an offensive or insulting manner in any reserve in view of any other person therein.

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- Improper intrusion etc 10.29 No male person, other than a boy under the age of eight years, shall on any reserve enter or use any playground or building set apart for the use of females, and no female other than a girl under the age of eight years shall on any reserve enter or use any playground, place, room, or building set apart for the use of males.
- Children under the age of twelve years may be removed from any reserve unless in the charge of some responsible person.
- Smoking 10.30 No person shall smoke tobacco or any like substance in any building in any reserve whereby any notice affixed or set up in some conspicuous position the Council prohibits smoking in such building.
- Indecent or obscene language 10.31 No person shall in any part of any reserve use any indecent or obscene language to the annoyance of any other person using the reserve.
- Dangerous games not to be played 10.32 No game which is dangerous or is calculated to interfere with the safety or comfort of the general public, or likely to injure the surface of the ground, shall be allowed in any reserve except on such portions as may be specially set apart for such purpose and shown therein by boundary posts, such boundary posts to be fixed and renewed from time to time as the Council may deem necessary.
- Playing games 10.33 No person shall, except as hereinafter provided, play or take part in any game of football, quoits, bowls, hockey, cricket, or any other game which by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person in any reserve, may necessitate at any time during the continuance of the game the exclusive use by the player or players of any space in the reserve:
- Provided that, by notice affixed or set up in some conspicuous position in the reserve or at or near any entrance thereto, the Council may from time to time set apart for the playing of such games as are specified in such notice such space or spaces in the reserve as are defined in such notice, and this By-law shall not be taken to prohibit any person from playing or taking part in any game which may be played in such space or spaces and in accordance with the following Regulations:-
- Every person resorting to any such place for the purpose of playing or taking part in any such game shall in making preparation for the playing of such game and in the manner of playing use reasonable and proper care to prevent undue interference with the reasonable and proper use of such space by any other person engaged in making preparation for such playing, or in playing therein, or thereafter resorting to such place for the purpose of making preparation for playing or of playing therein;
- A person resorting to any such place for the purpose of playing or taking part in any such game shall not begin to play at any time when such a place is already occupied by such a number of players and in such manner as to render any addition to the number of players incompatible with the safe and convenient use of such space by the players already in occupation. Except in any case where the exclusive use of any such space or of any part thereof has been granted by the Council, and the character shall be such as to render expedient an extension of the time hereinafter specified, a player or company of players shall not in making preparations for playing and playing any game, use any part of such space for a longer time than three hours continuously if at the expiration of that time any other player or company of players for whose use no part of such

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space or no part of any other space set apart for the purpose may be available should make known to such firstmentioned player or company of players an intention to use for the purpose of playing such part of such space as has been previously used by such player or company of players.

No person or body shall use any reserve or portion or portions thereof for any purpose or purposes whatsoever without the consent in writing of the Council to the same being so used, and without having paid in advance such sum or sums as may be demanded by the said Council for the period during which such reserve or any portion or portions thereof is or are required: Provided that nothing in these By-laws shall authorise the Council to permit any use of any reserve inconsistent with or interfering with the purposes of the trust under which such reserve is held.

The said person or body having received the consent in writing of the Council to any reserve or any portion or portions thereof being used as hereinbefore mentioned shall keep such reserve or the portion or portions thereof for the time being used by him or them in good order and repair and to the satisfaction of the Council, and shall not at any time sublet or set over or otherwise by any act or deed procure such reserve or any portion or portions thereof to be sublet or set over unto any person whomsoever without the consent in writing of the Council first had and obtained, and shall at all times use such reserve or any portion or portions thereof respecting which he or they may have such consent in writing as aforesaid for such purpose or purposes only as shall from time to time be approved by the Council.

If the Council is not satisfied with the order and repair in which any such reserve or any portion or portions thereof is or are being kept by any person or body for the time using the same by consent of the Council or otherwise, or if the said person or body shall sublet or set over any such reserve or any portion or portions thereof or shall use the same for any purpose or purposes not approved by the Council or allow the same to be used, then the Council shall be at liberty to retake possession of such reserve or the portion or portions thereof then in question, in addition to any remedy or action in these By-laws otherwise held by the said person or body for the time being so using such reserve or any portion or portions thereof, or subletting or letting over the same or using it or them for any purpose or purposes not approved by the Council or allowing the same to be so used; and in any such case all moneys paid by the said person or body shall be absolutely forfeited to the Council: Provided that the Council shall not cancel any permit or consent as aforesaid until an opportunity has first been given to such person or body of being heard on the matter, or unless such person or body has been convicted of an offence against the provisions of this Chapter.

The Council may permit or allow any person or any school or any body of persons, whether composed of inhabitants of the Municipality or not, to use any reserve for the purpose of any sport or public recreation: Provided that the occasion on which such reserve shall be so used shall not conflict with the public demand therefor.

Such use may be for any day or sequence of days. The Council may make such charge as it may think fit to such person, school, or body of persons, and such person, school, or body of persons may make a charge for admission to such reserve during such use as aforesaid, which charge may be fixed by the Council on the granting of the permit or subsequent thereto. Any such permission as aforesaid may be revoked by the Council without notice and without assigning any reason or cause therefor.

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All applications for the use of any reserve or any portion or portions thereof shall be made to the Council. Such applications shall specify the portion or portions of the reserve required (if only portion thereof be required), and state that the applicant agrees to take the use of such reserve or any portion or portions thereof subject to the By-laws of the Council.

Obstruction 10.34
to officers,
disturbance, or
interruption

No person shall in any part of any reserve wilfully obstruct, disturb, or interrupt or annoy any other person in the proper use of such reserve, or wilfully obstruct, disturb, or interrupt or assault any officer or employee of the Council in the proper execution of his work or duty.

Every person who infringes any By-laws for the regulation of any reserve may be removed therefrom by any officer or employee of the Council or any member of the Police Force in any one of the several cases hereinafter specified, that is to say -

Where the infraction of the By-law is committed within the view of such officer or employee or member of the Police Force, and the name and residence of the person infringing the By-law are unknown to and cannot be readily ascertained by him;

Where the infraction of the By-law is committed within the view of such officer or employee or member of the Police Force, and from the nature of such infraction or from any other fact of which such officer or employee or member of the Police Force has knowledge or of which he has been credibly informed, there may be reasonable ground for belief that the continuance in the park of the person infringing the By-law may result in another infraction of a By-law or that the removal of such person from the reserve is otherwise necessary as a security for the proper use and regulation thereof.

Gates must 10.35
be closed

Any person who wilfully or negligently damages or leaves open any gate of any reserve shall be guilty of an offence.

Selling 10.36
liquor, etc
prohibited

No person shall, except when authorised by law so to do, in any reserve the property of or under the control of the Council, or in any building or buildings erected on any such reserve, sell or offer or attempt to sell or display for sale any wine, beer, spirit, fermented drink, or other alcoholic or spirituous liquor or drink. This prohibition shall extend and apply to bodies corporate and unincorporate clubs, associations, firms, and companies as well as and to the same extent as private persons or individuals.

Music, 10.37
singing etc

No person shall publicly play any musical instrument or sing in any part of any reserve:

Provided that the foregoing prohibition shall not apply in any case where upon an application to the Council for permission to play any musical instrument or sing upon such occasion or on such days and at such hours as are specified in such application, the Council grants, subject to compliance with such conditions as it may prescribe, permission to play such musical instrument or to sing in the reserve:

Provided further that this prohibition shall not apply to any public performance of music or singing held or conducted by and with the authority of the Council.

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A reserve shall be a public place within the meaning and for the purposes of any Act conferring or imposing upon members of the Police Force duties with respect to public places or providing for the punishment of offences committed in public places.

No person shall do any of the following things in any reserve:-

- (a) Play any unlawful game or any game the playing of which would bring the said reserve within the provisions of those By-laws which deal with theatres etc, without obtaining a licence in respect of such premises.
- (b) Brawl, fight, be drunk and disorderly, commit an assault or act in an indecent, disorderly or offensive manner, or sell, distribute, or exhibit any indecent or infamous book, picture, or representation.
- (c) Provided no prosecution under this By-law shall be instituted without the consent of the Council.

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CHAPTER 11

TENTS, CAMPING AND CAR PARKS

CAMPING AREAS	By-laws 11.01 - 11.03
ERECTION OF TENTS AND LICENSING	By-laws 11.04 - 11.09

By-laws of the Katherine Town Council

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| Inter-pretation | 11.01 | In this Chapter the word "tent" shall have the meaning of any structure, or erection constituted or covered wholly or in part with canvas, calico or other material of a similar nature, and includes any shelter, caravan, or vehicle used or capable of being used as a temporary abode or sleeping place. |
| Public camping areas | 11.02 | The Council shall have power by resolution, particulars of which shall be advertised in some newspaper at least once per year, to declare and set apart portions of reserves within the Municipality as public camping areas wherein the erection of tents will be permitted, and may also define the type of tent to be erected therein. The Council may also declare any area now presently or previously set apart as a camping area to be no longer a camping area and may prohibit the erection of tents thereon. The Council shall conform with the provisions of any Camping Regulations in force in the Northern Territory or any modification or amendment thereof with regard to such public camping areas as if the Council were the owner of a private camping area under the Regulations. |
| Erection of tents on approved sites | 11.03 | No person shall erect a tent in any public camping area on any site other than allotted or permitted by the Council. The Council may reserve any tent site in advance on payment of a reservation fee. |
| Fees for erection of tents | 11.04 | There shall be paid in advance to the Council under this Chapter the following fees:-
(a) For every tent erected on a public camping area - a fee of ten dollars per week or part thereof longer than three days for every tent space not exceeding six x six metres, and where the space exceeds these dimensions an additional fee pro rata to such tent space:
Provided that the Council may by resolution from time to time increase or decrease such fee, but it shall not exceed thirty dollars per week.
(b) For the erection of a tent as previously stated for a period of less than three days a fee of two dollars per day or part thereof.
(c) For reservation in advance of a tent site on a public camping area a fee of five dollars. |
| Distance from building | 11.05 | No tent shall be erected nearer to any building than fifteen metres nor shall any rope or fastening of any tent be tied to or placed nearer than one metre to any building, fence, tree or public seat. |
| Dilapidated or unsuitable tents | 11.06 | (1) The Council may refuse permission for the erection of any tent which, in the opinion of the Council, or duly authorised officer, the covering or materials are dilapidated, unsightly or insufficient for privacy, and may order the dismantling and removal of any such tent.
(2) Where any order for the dismantling or removal of any tent is not complied with within the time specified any officer to whom power has been delegated by the Council may pull down and remove such tent, and the costs and expenses of such pulling down or removal shall be deemed to be a debt due to the Council and recoverable from the owner in any Court of competent jurisdiction. |

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- Disturbance 11.07
of turf
- No person erecting or camping in any tent on any public camping area shall cut, trench, dig, or disturb any turf upon or in the vicinity of which a tent is erected, unless for the express purpose of preventing storm waters from entering such tent.
- Drainage trenches shall not be deeper than fifteen centimetres, and shall be filled in and the turf reinstated by the person who made them when the tent is removed.
- Restriction 11.08
of erection
and sub-letting
- No tent shall be erected or maintained within any part of the Municipality by any person unless with express sanction in writing of the Council, who may then, or at any future time, limit the period during which such tent shall remain erected, and on the expiration of such time the person by whom such tent was erected shall remove same.
- No person who receives a permit to erect a tent, or tents on a Council camping area shall sub-let such tent or tents, whether a fee is charged or not, until written approval has been given by the Council.
- Proviso to 11.09
existing
tents presently
erected
- (1) The owner or occupier of any tent presently erected in any part of the Municipality, whether on private lands or lands controlled by the Council, or esplanades, roads, reserves at the time of the commencement of these By-laws shall be required to make application to the Council within one week from the gazettal date thereof of these By-laws to erect or application to retain erection of such tent or tents, and provide particulars of the site, space and other particulars the Council may require.
- (2) All such tents now presently erected shall, at the commencement of the operation of these By-laws, be subject to the same as if the By-laws had been in force from the beginning of the date of erection of such tent, save that any fees payable shall commence from the date of the passing of these By-laws.

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- Definition 12.01 In this Chapter the word "building" includes any place wholly or in part enclosed by walls, either roofed or not roofed, if floored or fitted with any such convenience for the use of auditors or spectators of or participants in any entertainment or amusement intended to be held therein, as are usually fitted or provided in buildings used for any like entertainment or amusement.
- Town Hall and Council buildings 12.02 Nothing in this Chapter shall be construed to have any bearing or relation to any Council-owned building or place of entertainment.
- Places of amusement to be licensed 12.03 No building, room, garden within the Municipality shall be used, kept, or let for any public meeting or for a theatre, dancing hall, music hall, circus, cinematograph exhibition, boxing entertainment or exhibition, bowling alley, shooting gallery, exhibition for hire or profit, or for any other public amusement whether a charge is made for admission or not, unless the conditions in respect thereto prescribed by these By-laws or any statute in that behalf are complied with, and unless a licence has been issued by the Council in respect of the same under the provisions of this Chapter.
- Proviso of existing buildings etc 12.04 (1) The owner or occupier of any building, room, garden, or other place used, kept or let as a place of entertainment as aforesaid before the coming into force of these By-laws shall, within one week of the gazettal of these By-laws, apply in writing addressed to the Town Clerk making application to the Council to be granted a licence.
- (2) Such application shall state: -
- (a) The site or place of the building, room, garden or other place used or kept or let as a place of entertainment or amusement.
 - (b) The seating and/or other accommodation provided.
 - (c) The total number of persons therein accommodated.
 - (d) A floor plan showing doors and other exits and entrances.
 - (e) The type or class of entertainment therein catered for.
- (3) The Council may grant such licence or refuse such licence, and it may stipulate any terms, conditions or other requirements it deems necessary as part of the conditions of such licence.
- (4) The Council is hereby granted the power to close any building now licensed under any statute which does not comply with the provisions of this Chapter.
- (5) All licensed premises shall comply with the By-laws of this Chapter.
- Plans and Specifications to accompany application 12.05 In the case of every application for a licence for a building or room other than a building or room completed before these By-laws came into force, the application shall be accompanied by plans and specifications of the building or room, and a block plan showing the site and means of access and egress, and showing adjoining buildings.
- The plan shall show the respective number of persons to be accommodated in the various parts of such building or room, and the area assigned to each person, and shall also indicate the arrangements of the seating accommodation and the position and area of all passages and gangways, the method of ventilation proposed to be adopted, and the number and position of fire hydrants.

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In such case the Council may provisionally approve of the plans and specifications; but no licence shall be issued until the building is completed. No fee shall be payable for a provisional approval.

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| Inspection | 12.06 | Before issuing any licence or any renewal thereof in respect of a building or room, garden or other place within the Municipality the Council may require an officer or other competent person to make an inspection of such building, room, garden or other place and to report thereon. |
| Conversion of buildings | 12.07 | No building or room originally erected for the purpose other than a theatre or music hall or for a cinematograph exhibition and afterwards proposed to be converted into a building or room to be used as a theatre or music hall or for a cinematograph exhibition shall be licensed unless the application for the licence is accompanied by plans of the building proposed to be so converted and the proposed structural alterations thereto, together with the information required to be stated in plans accompanying applications under the aforesaid By-law on applications for a new building. |
| Refusal of licence | 12.08 | <p>(1) The Council may refuse a licence under this Chapter if in its opinion: -</p> <ul style="list-style-type: none">(a) The provisions of the By-laws or any statute in that behalf have not been complied with; or(b) Alterations or additions to the building, room, garden or other place are necessary in order for public safety and convenience; or(c) The building, room, garden, or other place is not suitable for holding public entertainments or public amusements, or the site thereof is not suitable. <p>(2) But the Council may grant a temporary licence to have effect during the making of the necessary alterations and additions and subject to such lawful conditions as the Council may think fit to impose.</p> |
| Renewal of licence | 12.09 | <p>Any licence issued under this Chapter may upon expiration thereof be renewed; no plans need be lodged with an application for renewal.</p> <p>Such renewal may be refused on any ground on which an application for a licence may be refused.</p> |
| Building to be restricted to purpose expressed in licence | 12.10 | It shall be a condition of the licence that no building, room, garden or place in respect of which a licence has been granted shall be used or applied to any other purpose than is expressed in such licence. |
| Maximum number of persons admitted | 12.11 | <p>(1) The licence for any building, room garden or place where public amusement is held may state: -</p> <ul style="list-style-type: none">(a) The number of persons who may be seated therein.(b) The number of persons who may be accommodated therein otherwise than on seats.(c) The number of persons who may be admitted thereto. <p>(2) The licence for any tent, marquee or any temporary structure wherein public entertainments or public amusements are held may state the total number of persons who may be admitted thereto at one time.</p> |

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(3) Where any numbers as aforesaid are stated in the licence it shall be a condition of the licence that no greater number of persons than so stated shall be seated, accommodated or admitted respectively.

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| Cancellation of licence | 12.12 | (1) It shall be a condition of the licence that the licence may, in the discretion of the Council, be cancelled if the licensee, during the time the licence is in force, is convicted of an offence against any of the provisions of this Chapter.

(2) Upon the cancellation of the licence by the Council, the same shall thereupon cease to have any force or effect, and shall be considered as no longer subsisting. |
| Inspector may inspect | 12.13 | All premises licensed under this Chapter shall, at all reasonable times and particularly while any meeting, assembly, performance, or amusement is going on therein, be open free of charge for admission and inspection of the Inspector or other person authorised by the Council to inspect premises licensed under this Chapter. |
| Licensee must conform to orders given by inspector | 12.14 | During the time any premises licensed under this Chapter are open to the public, or used for any purpose for which they are licensed, the licensee or other person for the time being in charge of the same shall conform to any and every order given to him by the Inspector or other person authorised as last aforesaid with regard to the opening or closing of any door, window or ventilator, or the use of any fire or light or combustible or explosive matter therein, or the admittance of the public thereto, or the placing of seats, or the removal of barriers, or the obstruction to egress, and generally with regard to any matter in the opinion of such officer necessary for the proper execution of the By-laws. |
| Alterations | 12.15 | No structural alteration shall be made in any premises licensed under this Chapter without approval in writing of the Council, unless such alteration is required to be made pursuant to any statutory authority. |
| Precautions for public safety | 12.16 | Every owner or occupier of any premises licensed under this Chapter of the By-laws shall be subject to the following obligations:

(i) There shall in such premises be provided outlet doors (hereinafter called "escape doors") either opening directly into or else communicating with the street by an equally wide unobstructed well-lighted corridor, passage or staircase, which doorways shall be of a number, capacity, and so uniformly distributed in each separate tier or part of such premises that no person shall have a distance greater than 25 metres to travel to the nearest exit.

(ii) The exit doorways, passages and staircases shall be not less than 1 metre nor more than 2 metres in width. Doorways in excess of 1.5 metres shall only be counted as 1.5 metres for computing purposes.

The aggregate area of doorways shall be computed on the following scale for each tier or floor of the building, notwithstanding that the minimum door shall be 1 metre.

For every floor or tier above the ground floor 0.5 metres of opening for every 25 persons; on ground floor premises 10% may be deducted for the aggregate opening. |

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- (iii) In addition, every egress door of such part or passageway shall be marked "Escape Door".
- (iv) Every escape door during such time as the public are admitted to such premises shall be kept unfastened and openable instantaneously by any person desiring to pass out thereby.
- (v) Every staircase leading from an escape door shall have a baluster or handrail on each side thereof.
- (vi) No person shall, whilst any such premises are open to the public, obstruct any gangway or passage or cause the same to be obstructed.
- (vii) No person shall, whilst any such premises are open to the public, lock, bolt, or otherwise fasten any escape door so that it cannot be instantaneously opened by any person desiring to pass through such door, nor obstruct from view, conceal, or obliterate the words hereinbefore directed to be painted on any such door, or remove, cover, deface or obliterate any cautionary notice.
- (viii) A clear passage or gangway not less than 1 metre wide must be formed and maintained at the sides and in the rear of the seating.
- (ix) The words "NO EXIT" shall be clearly painted to the satisfaction of the Council in 8cm letters over all doors or openings which are in sight of the audience, but which do not lead to exits.
- (x) Information of any outbreak of fire, however slight, must be at once communicated to the Katherine Fire Brigade.
- (xi) At the conclusion of every performance all exit doors shall be open and available to the public, and it shall be compulsory on the owner or, where there is a lessee, the lessee of any theatre, music hall, building or room licensed under this By-law to allow the public to leave the same by all exit doors.

Disorder in hall or licensed premises 12.17 Any person who whilst any public meeting, exhibition, concert, dance, play, or entertainment of any kind is being held or taking place in any premises licensed under this Chapter behaves in a disorderly manner so as to obstruct or disturb such meeting, concert, play, dance or entertainment, or to interfere with the comfort or enjoyment of other persons present, shall be guilty of an offence against the By-laws, and may, without warrant than this Chapter, be apprehended by an officer of the Council and be taken before justices, there to be dealt with according to law.

Smoking 12.18 The owner or occupier of any premises licensed under this Chapter may, and shall if so required by the Council, by notice conspicuously displayed therein, prohibit smoking therein or in any such part or parts thereof as he may see fit or in the case of a requisition by the Council as the Council may direct. No person shall during the time any premises licensed under this Chapter are open to the public smoke therein or any part thereof in contravention of any notice conspicuously displayed therein, by which smoking in such premises or part thereof is prohibited.

Exemptions 12.19 (1) The provisions of this Chapter shall not extend to:
(a) Any school, hall, or building belonging to or used by public educational authority or by a religious body in connection with a church or place of public worship.

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which is used solely for:

- (i) Educational instruction; or
- (ii) Meetings for religious worship or instruction or the propagation of the gospel or any religious tenet or belief; or
- (iii) Tea meetings, concerts, lectures, or entertainment held in connection with the educational authority or denomination or religious body to which such school, hall or building belongs; nor to
- (b) Any public sports ground or the like not used for or let for private gain used for the playing of athletic games or competitions, nor to
- (c) Any building or room not accommodating more than fifty persons.

(2) Upon the application in writing of any person the Council may by resolution exempt from the operation of this Chapter any particular entertainment or amusement whereof the proceeds or profits are to be applied to a charitable or national or public purpose.

Fee
chargeable

12.20 The following fees shall be paid, respectively, for a licence under this Chapter: -

(a) Licence of any building or room -

Capacity of Place	For a Period of			
	1 year	6 mths	3 mths	1 mth or less
1,000 persons or more	\$40-00	\$21-00	\$11-00	\$4-20
750 persons and less than 1,000	30-00	15-50	9-00	3-15
400 persons and less than 750	15-00	8-25	5-00	1-75
200 persons and less than 400	6-00	3-15	1-65	0-75
Less than 200 persons	3-00	2-00	1-65	0-75

(b) Licence of any place to be used for a merry-go-round, whirligig, razzle-dazzle or the like or any mechanical structure or contrivance for public amusement or entertainment for hire or profit \$2-00 per day.

(c) Licence for any shooting gallery, skittle alley, bowling alley, hoopla-quoits, darts, Yankee sweat, spinning wheel, or any contrivance for weight lifting strength testing, throwing, guessing or any other form of amusement in which a charge is made for participation with a possibility of the participant securing a prize or reward - for each stall, stand or the like - \$2-00 per day or part thereof.

By-laws of the Katherine Town Council

CHAPTER 13

RIVERS, STREAMS, SPRINGS, AND OTHER BATHING
AND RECREATION AREAS

PROHIBITION AND CONDUCT	..	..	..	..	..	..	By-laws	13.01 - 13.02
DANGEROUS GAMES	..	..	..	..	..	..	By-law	13.03
NUISANCES	..	..	..	..	..	..	By-laws	13.04 - 13.06

By-laws of the Katherine Town Council

- Bathing prohibited at certain hours and places 13.01 No person above the age of four years shall in any river, creek, stream or other open public water situated within the Municipality or on the boundary thereof, bathe near to and within view of any road or bridge or place to which the public have access between the hours of five o'clock a.m. and eight o'clock p.m., nor at any time when the moon is above the horizon unless clothed in proper and sufficient bathing dress or costume covering the body so as to prevent indecent exposure. It shall be lawful for any officer of the Council or any member of the Police Force to arrest any person found offending against this provision.
- Disorderly conduct 13.02 Every person shall, while bathing and in a bathing costume, conduct himself or herself in a decent, orderly, and proper manner, and shall refrain from using obscene, foul, indecent, or insulting language, and from all objectionable games on the foreshores, rivers and reserves.
- Playing of dangerous games 13.03 No game which is dangerous or is calculated to interfere with the safety or comfort of the general public, or is likely to injure the property or any person on the foreshore or reserve shall be played on any such reserve, foreshore or river bank.
- Discharging waste or sullage waters 13.04 No person shall, without consent of the Council, allow or cause to allow any waste water, sullage water or other polluted liquid to enter or flow into any river or water course situated within the boundaries of the Municipality.
- Broken bottles or glass 13.05 No person shall break or cause to break any bottles, glass or other dangerous material on any beach or in any stream or river or creek flowing into or near to any foreshore used by the public for recreational purposes.
- Any person breaking or causing to break any bottles or glass or throwing any bottle, tin or other dangerous, breakable or unbreakable material into or on to any reserve, foreshore or into any water adjacent thereto shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.
- Animals 13.06 (1) Any Inspector may, when in his opinion inconvenience may be caused to the public by the bathing of dogs, horses or other animals order any person in charge of animals not to send or drive such animals into the water or permit such animals to enter the water, at any place where the public are bathing.
- (2) Any Inspector may order any person in charge of any dog, horse, or other animal to remove such animal from a public bathing reserve, if such animal's presence on the public bathing reserve causes inconvenience or danger to the public.

By-laws of the Katherine Town Council

CHAPTER 14

HALLS AND OTHER BUILDINGS

APPLICATION OF BY-LAWS	By-law 14.01
USE OF HALL	By-laws 14.02 - 14.09
SAFETY PRECAUTIONS	By-laws 14.10 - 14.12
FEES PAYABLE	By-laws 14.13 - 14.14

By-laws of the Katherine Town Council

- Applications of By-laws 14.01 The By-laws in this Chapter shall apply to any hall, town hall, or civic hall or any other like buildings erected or presently erected as at the coming into force of these By-laws, and under the control of the Council.
- Use of hall 14.02 No person shall trespass or use any part of any hall or any land upon which such hall is erected under the control of the Council without permission granted in writing by the Council.
- Damage to property 14.03 No person shall wilfully or negligently damage or cause damage to any part of the building, or any furniture, fittings, appliances therein, or any plants or other things on such land upon which such hall is erected.
- Accidental damage 14.04 Any furniture, fittings, crockery, utensils, lamps, globes, fans, curtains, drapings, or any other matter or thing, or any window, door, lock, cupboard, wall or any other part of the hall, or any plant damaged accidentally by any person during the use of the hall shall be replaced or repaired, or the cost of the same to be replaced or repaired shall be the responsibility of the hirer of the hall.
- Report on damage 14.05 It shall be the duty of every hirer of the hall to report to the Town Clerk forthwith any breakages or damage caused by any person during the hire of the hall by the hirer.
- Hiring of hall 14.06 (1) Any person or body may apply in the prescribed form to hire the Town Hall for any function it may so desire, and shall state the purpose of the hire.
(2) The Council may in its discretion refuse or permit the applicant permission to use the hall.
(3) The Council may cancel any permit given to any applicant; provided such notice of cancellation is given to the hirer in reasonable time.
(4) The Council may make any terms, conditions or stipulations as to the permit granted to any hirer of the hall.
- General conditions of hire 14.07 (i) At any function held at the hall any officer appointed by the Council as a caretaker or superintendent may at all times have free access to any part of the hall, and shall not be charged any admission fee whatsoever.
(ii) The hirer shall, and the Council's caretaker may, at any time order any person interfering with the privilege of the patron or causing a nuisance, damaging any property or the like, to leave the premises forthwith, and the person so ordered shall forthwith quietly leave the premises.
(iii) The hirer may refuse permission to any person to enter the hall.
(iv) No person under the influence of intoxicating liquor shall be allowed within the precincts of the hall.
(v) The Council may by erecting notices in a conspicuous place prohibit smoking in the hall at any time.
(vi) No person shall remove or cause to remove any fitting or fixture within the Town Hall.
(vii) The hirer shall be responsible for the good conduct of the persons admitted into the hall during the period of his hire of the hall.

By-laws of the Katherine Town Council

- Out of bounds 14.08 The Council may at any time by placing, affixing or erecting a notice declare any part of the hall out of bounds to the hirer or any other person, and it shall be an offence of these By-laws for any person to enter or go upon those areas so placed out of bounds.
- Electrical and water fittings 14.09 No person shall interfere with any water or electrical fitting installed at the hall, nor with any switches, fuses or other matters appertaining thereto without the written permission of the Town Clerk.
- Fire chiefs' and police officers' right of entry 14.10 Nothing in these By-laws shall prohibit the entry of any officer of the Police Force or any officer of the Fire Brigade to the building or any part of the building in the course of his duty, nor shall they apply to any electrical mechanic who in the interests of preservation of life disconnects or connects any electrical fault within or without the building.
- Naked flames 14.11 No person without permission of the Council shall light or cause to light any flare, flame or other igniteous substance or bring, carry or enter with any flare, flame or other igniteous substance lit into the hall.
- Petrol and other inflammables 14.12 No person shall allow or cause to allow any inflammable liquid, gas or other substance within seven metres of a hall.
- Fees payable 14.13 The Council may by resolution declare the rates of hire or hire charges applicable to any hirer of the hall, or may by resolution allow any hirer free use of the hall; it may by the same resolution make any conditions of hire it deems necessary.
- Hirer to prepay 14.14 No person shall have the use of the hall on any night granted unless such rates of hire or hire charges have been paid to the Town Clerk prior to the day on which the hirer is granted use of the hall.
- Any person failing to pay for the hire rate or hire charge shall not be given permission to enter the hall, and the hall shall be deemed unhired for that period.
- Any person who attempts to or uses the hall in contravention of this preceding paragraph shall be guilty of an offence, and may be charged with illegal entry of Council premises.
- Provided under such circumstances as the Mayor thinks just, the Mayor in his absolute discretion may grant hire to the hirer before the payment of the charges.

By-laws of the Katherine Town Council

CHAPTER 15

ANIMALS

POUNDS By-laws 15.01 - 15.28

By-laws of the Katherine Town Council

- Pounds** 15.01 The Council may from time to time establish pounds within the Municipality and may appoint poundkeepers thereof; the Council may also abolish any pound in the area; the establishment or abolition of every such pound shall be notified by advertisement in the Gazette.
- Diseased animals** 15.02 The Council shall use and adopt all proper means and appliances to secure the prevention or prevent the spread of disease in any pound under its control, and may order the removal or destruction of any diseased, infected or worthless animal matter or thing in any such pound.
- Fees payable** 15.03 The Council shall erect and maintain on or near the pound a board having painted or engraved thereon in legible characters a table showing the fees, rates, and charges prescribed.
- Straying of animals** 15.04 The straying of any animal upon any road or upon any land under the control of the Council is prohibited.
- For the purpose of this By-law all roads, footpaths and bridges within the Municipality are under the control of the Council.
- Impounding of animals** 15.05 The Council may at any time, and whether in the night time or on Sunday or on any holiday, impound any animal in respect of which a breach of this Chapter is being committed.
- Owner or occupier may impound** 15.06 Any owner or occupier of land upon which any animal is found trespassing may:
- (1) Take the same to the pound nearest by a convenient road to such land, and on any business day, between sunrise and sunset, deliver it to the poundkeeper to be impounded. He shall at the same time deliver to the poundkeeper a written memorandum specifying:
- (a) the description of the animal (and brands, if any) impounded; and
- (b) the name of the proprietor or supposed proprietor; and
- (c) the place where such animal was trespassing; and
- (d) the amount of damage claimed.
- (2) If he knows the proprietor, temporarily impound the animal at a convenient place for any period not exceeding three days.
- He shall in that case within twenty-four hours give like notice to the proprietor as herein prescribed to be given by the poundkeeper in the case of animals not immediately claimed, except a statement of the time and place of intended sale, and shall feed and maintain the animal while so impounded.
- He shall at the expiration of such time, if the animal is not sooner duly released, deliver it to such poundkeeper as aforesaid to be impounded. He shall not be entitled to any compensation for damage, except as such was done before the temporary impounding.
- Wrongful impounding** 15.07 The owner or occupier of land who impounds any animal in any pound not authorised by this Chapter or in any manner contrary to the provisions of this Chapter shall be liable to a penalty not exceeding two hundred dollars.

By-laws of the Katherine Town Council

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| Police horses | 15.08 | No person shall impound any horse employed by the Police Force or the property of the Crown, and no damage for trespass or driving charges shall be payable in respect thereof. |
| Pound-keeper's book | 15.09 | (1) The poundkeeper shall keep and preserve at the pound a copy of this Chapter, and shall also keep a pound book in the form prescribed.
(2) He shall enter in such pound book:- <ul style="list-style-type: none">(i) The particulars of every animal lodged in the pound.(ii) The date, day and hour and the cause for which they were impounded.(iii) The name of the person on whose authority they were impounded.(iv) The time and mode of giving notice of the impounding as required by these By-laws.(v) The time and the manner in which they were released; and by whose order and to whom they were delivered.(vi) The particulars of any sales and the proceeds thereof. The said entries shall be made at the time the said acts were respectively done or as soon as possible thereafter. |
| Register of brands | 15.10 | The poundkeeper shall also keep a book for registering of brands, and any person upon payment of a fee of two dollars shall be entitled to have his brands, together with his name and address, entered in such book. |
| Notice of animal impounded | 15.11 | When an animal is not claimed within twenty-four hours by the proprietor or someone on his behalf, the poundkeeper shall, if the owner resides within three miles of the pound, deliver a notice to the proprietor, if his name is known to the poundkeeper; if the owner resides at a greater distance, then the notice shall be sent in a registered letter through the post office. |
| Contents of notice | 15.12 | The notice shall contain:- <ul style="list-style-type: none">(a) Description of animal impounded, with its brand and marks.(b) The place from which and the person by whose authority it was impounded.(c) The date of impounding.(d) A statement of the time and place of its intended sale if not duly released.(e) A statement of fees, rates and charges then lawfully chargeable on same. |
| Retain animal until fees paid | 15.13 | The poundkeeper shall detain an animal until all fees, rates, and charges authorised in this Chapter are paid, or until the animal is sold or otherwise disposed of in accordance with this Chapter. |
| Notice of sales | 15.14 | The poundkeeper shall by notice in a newspaper fix a day on which sales of animals impounded may take place. Every sale shall commence at the hour of 12 noon. |
| Sale by auction | 15.15 | All sales will be by public auction, and the poundkeeper or Clerk of the Council shall have power to sell by public auction without taking out a licence as an auctioneer. |

By-laws of the Katherine Town Council

Upset price	15.16	The Council may fix an upset price on any animal by resolution of the Council.
Animal not sold	15.17	Any animal for which no bid is received shall be destroyed.
Disputes	15.18	Any dispute arising during the holding of the auction, the poundkeeper or the Clerk, whoever is holding the auction, may resubmit the animal for fresh bidding.
Animals sold to be taken immediately	15.19	All animals sold at an auction shall be taken by the purchaser immediately after the close of the auction for that day.
Money retained	15.20	Every sale shall be cash at the fall of the hammer, and such money received by the officer on behalf of the Council shall be paid to the Council's General Fund Account within twenty-four hours after the hour at which the auction was commenced.
Damages and fees payable	15.21	<p>All moneys received in respect of the sale of an animal shall be applied in the first instance in payment of fees, rates, charges and expenses due to the Council in respect of the impounding sustenance, the sale of the animal, next in payment to the person impounding of all damage and charges for driving or leading, and the residue, if any, shall on demand be paid to the proprietor of the animal.</p> <p>Provided that, on the expiration of six months after the sale of any impounded animal all moneys remaining in the possession of the Council in respect of the sale and unclaimed by the person impounding or the proprietor of the animal, shall become the property of the Council.</p>
Claims on proprietor	15.22	If the amount of the money received as aforesaid is insufficient to pay all money due to the Council and also the person impounding as hereinbefore directed, the amount of the insufficiency shall be recoverable from the proprietor of the impounded animal in any Court of competent jurisdiction. All moneys so recovered shall be applied as hereinbefore directed.
Sale of tags	15.23	<p>The Council may from time to time in its discretion sell, to persons representing themselves to be the owner of or the persons in charge of animals, metal tags so stamped or formed as to denote the number and the then current year of issue.</p> <p>The Council may from time to time by resolution published in the Gazette, fix places, being roads, reserves or other lands under the control of the Council, at or upon which an animal which has affixed to it such metal tag as hereinbefore mentioned, may be permitted to graze or trespass.</p> <p>The Council shall in such notice affix the times such grazing or trespassing will be permitted.</p>
Fees payable	15.24	<p>The poundage fees payable in respect of each and every animal impounded shall be, for each day or part thereof during which such animal is impounded, such sum as the Council may from time to time by resolution determine.</p> <p>The fees payable in respect of driving or leading any animal to the pound shall be for each and every animal such sum per mile or part thereof as the Council by resolution determine.</p>

By-laws of the Katherine Town Council

- Proprietor's 15.25 Where the proprietor of any animal impounded disputes the amount
dispute of of damages or the charges for leading or driving or the nature of
damages the straying or trespass alleged to have been committed or the
claimed legality of the impounding, he may leave the animal thus impounded,
or he may pay such fees, charges demanded, and at the same time
give notice in writing to the Clerk that he intends to appeal, and
stating the grounds thereof.
- Appeal 15.26 The proprietor of any animal impounded may appeal by way of
complaint to the Court.
Every such complaint shall be laid not later than thirty days after
the date on which the animal was impounded.
- Books open 15.27 All books kept by the poundkeeper shall be open for inspection.
to inspection
15.28 Every person who rescues or attempts to rescue or incites or
assists any other person in rescuing or attempting to rescue any
animal lawfully impounded or seized for the purpose of being
impounded shall be liable to pay all fees, rates and charges
payable in respect thereof, and, in addition a penalty not exceeding
two hundred dollars.

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CHAPTER 16

TAXI CABS AND STANDS

DEFINITIONS	By-law 16.01
LICENCES	By-laws 16.02 - 16.03
STANDS	By-laws 16.04 - 16.05
CONDUCT OF DRIVERS	By-laws 16.06 - 16.10
OWNERS OF VEHICLES TO CARRY PASSENGERS	By-laws 16.11 - 16.13
FARES AND CHARGES	By-laws 16.14 - 16.15

By-laws of the Katherine Town Council

- Definitions 16.01 In this Chapter (unless inconsistent with the context or subject matter) "Cab" includes "Taxi Cab", and means a public vehicle licenced to ply for engagement by one person, with no regret during the period of engagement to accept any other engagement, or to pick up any passengers other than those for whom such person has engaged the vehicle.
- "Drive, driving, etc" in relation to a public vehicle, includes being in charge of a public vehicle while standing on a public road or public place.
- "Driver" means any person in charge of a public vehicle and includes the person for the time being in charge of the vehicle.
- "Owner" means the person described on the certificate of registration as owner or new owner and includes the legal representative of that owner.
- "Public Vehicle" means a vehicle plying or standing in a public street or public place for hire and includes motor omnibus or motor taxi cab.
- "Stand" means an area of public street or public place set aside especially for the purpose of being reserved for a public vehicle or particular class of public vehicle.
- Taxi cabs to be licensed 16.02 No person shall operate or cause to operate any taxi cab in the Municipality of Katherine unless the same is registered and licensed in accordance with the provisions of the Motor Vehicle Ordinance of 1949 or any amendment thereto.
- Number of taxi cabs 16.03 The Registrar of Motor Vehicles shall, when so required by the Council, furnish to the Council the number of Taxi Cabs registered for hire in the Municipality.
- Fixing of stands 16.04 The Council may appoint public stands for the various classes of public vehicles, may alter their number, and may specify the number of vehicles which at any one time may be allowed on a stand, and shall indicate such stands and such number by notice fixed thereat in any convenient manner.
- Occupation of stands 16.05 (a) The driver of a vehicle which is not a public vehicle shall not occupy with his vehicle a public stand to the exclusion of any public vehicle.
- (b) The driver of a public vehicle shall not drive it upon a stand which is occupied by the full number of vehicles prescribed for that stand, nor drive it upon a stand which is fixed for a different class of vehicle.
- (c) The driver of a public vehicle, when awaiting engagement and near a public stand fixed for that class of vehicle, shall drive his vehicle to the public stand and station it there to await engagement or the regular time of departure, as the case may be.
- (d) When a vehicle leaves a public stand the drivers of the vehicles remaining on the stand in rear of the position thus vacated shall each move his vehicle up in due order.
- (e) A driver shall not drive a public vehicle to any position upon a public stand other than a vacant position immediately in advance of the vehicle in its due order.

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- 16.05 (f) The due order of vehicles upon a stand shall be determined by order of arrival thereat; and any vehicle which has left any stand shall, on return, take order as the last arrival: Provided that in the case of any vehicle licensed to ply according to a time table, the due order of the vehicle upon the stand shall be determined according to the time at which it is due to leave the stand according to the time table. The vehicle may take up its position on the stand accordingly, and the driver of other vehicles on the stand shall allow it to do so.
- Touting not 16.06 Where a public stand is set apart for engaged public vehicles, the permitted driver of any public vehicle or any person in such vehicle, shall not, whilst such public vehicle occupies a position on such stand, tout, nor canvass for, nor solicit, nor endeavour to obtain custom by any means whatsoever.
- Sleeping 16.07 The driver or conductor of or person in charge or in attendance on or eating in a public vehicle shall not, while the vehicle is a public vehicle public vehicles sleep in, or upon such vehicle, or use the same for eating any meal therein.
- Attendance 16.08 The driver of every public vehicle shall be in constant and personal attendance upon the same vehicle while standing or being used for the conveyance of passengers.
- Loitering 16.09 The driver of any public vehicle shall not allow any such vehicle to in public stand or loiter in any public place except when he is waiting for a places passenger by whom he has been actually engaged or is at a public stand.
- Prohibition 16.10 The Council may from time to time by resolution prohibit any class or of entry of classes of public vehicles entering laneways, crossing public footways public vehicles in any particular part of the Municipality.
- Notice of such resolution shall be published in the newspaper, and shall take effect on the date of such publication or at such date as the notice so determines to be the effected date.
- Public 16.11 Every public vehicle licensed for carrying passengers (except an vehicles omnibus, or vehicle for the conveyance of mails) standing or being bound to carry passengers in any public place or stand, shall be deemed to be plying for hire, and the driver thereof shall (except as hereinafter provided) be bound to carry in his vehicle immediately any person requiring him so to do, unless he has a previous engagement: Provided that a driver shall not be bound to carry such person who, upon demand, does not tender and pay then and there a sum of money estimated to be sufficient to cover the legal rate for the required hiring: Provided also that such compulsory hiring shall not be for more than three hours: and provided further that if the sum of money estimated as the legal rate, and paid on demand proves to be in excess of that legally payable for the required hiring, such excess shall, on demand, be refunded to the hirer, and if less, the deficiency shall be paid by the hirer.
- Bound to 16.12 The owner and driver of a public vehicle (other than a vehicle keep engagement limited to a specific route) shall comply with any order received by him to send a vehicle to pick up an intending passenger at a stated place and time - provided that the vehicle be not already engaged - also provided that, if the place to which the vehicle is called be distant more than two miles from the place at which the vehicle is usually housed, and the owner or driver may demand the

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tender and payment of the estimated fare in like manner (*mutates mutandis*) as prescribed in the preceding sub-clause hereof, and may decline any engagement which will occupy more than three hours.

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| Vehicle
bound to
carry goods | 16.13 | The driver of any vehicle licensed for the carriage of passengers shall not refuse or neglect to carry the passenger's luggage or goods, provided such goods or luggage is capable of being carried and within the capacity of the vehicle. |
| Council
power to fix
fares and
charges | 16.14 | <p>(a) The Council may from time to time fix the rate for the carriage of persons payable by persons hiring taxi cabs.</p> <p>(b) A copy of the tables of rates and charges so fixed shall be supplied by the Council to the holder of a licence for a vehicle to which such rates and charges apply, and shall be fixed in such places or on such vehicle as the Council may direct, and such copy shall be kept so affixed and legible and undefaced during all the time that such vehicle is used for the carrying of passengers.</p> <p>(c) Where the rate or charge for the carriage of persons in a licensed vehicle has been fixed by the Council no rate or charge in excess of that so fixed shall be charged or made.</p> |
| Payment
of fares
and charges | 16.15 | Any person in or upon or hirer of a public vehicle who fails, neglects or refuses to pay the fare or charge fixed and in or upon such public vehicle, or who quits the public vehicle before such fare or charge is paid, shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars. |

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CHAPTER 17

RATES, CHARGES AND SERVICES

LEVYING OF RATES AND CHARGES	By-laws 17.01 - 17.03
FEES	By-laws 17.04 - 17.05

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- Levy of rates charges 17.01 The Council shall have power to make and levy rates on the ratable value of land and rates on other basis, and to impose fees, charges, fares, rents and dues in respect of any property, service, matter and thing for the purpose of enabling it to perform the functions of local government under the Local Government Ordinance of 1954.
- Levying of charges 17.02 The Council may in the exercise and performance of the functions of local government make levy, demand and recover charges and fees when the Council -
- (a) supplies any service, product, or commodity; or
 - (b) makes any registration; or
 - (c) grants any licence; or
 - (d) gives any permission; or
 - (e) furnishes any information; or
 - (f) admits to any building or enclosure; or
 - (g) receives any application for approval.
- Surcharges 17.03 Where a charge or fee or a part of a charge or fee remains unpaid at the expiration of seven days after the date upon which it becomes due, the charge or fee increases by the addition of a surcharge not exceeding five percentum (5%) of the charge or fee then due.
- The Council shall by resolution determine the rate percentum the surcharge aforesaid shall be.
- A surcharge added under this By-law is a part of the charge or fee and is recoverable with and in the same manner as a rate.
- Where any surcharge has been added to any charge or fee, a space of time of six months shall lapse before Council shall impose a further surcharge on any amount of the charge or fee remaining unpaid.
- Admission fees payable 17.04 The Council may by resolution determine the charges or fees payable on demand for admission to any building or enclosure under the control of the Council which is not leased, rented or hired to any persons, association, club or organisation.
- Such charges or fees so determined by resolution of Council shall remain in force until such time as determined by Council or superseded by a later resolution.
- Fees for information 17.05 Where any person requires the Clerk to give a copy of any monthly statement of accounts, an extract of a rate book or any other information from a rate book, the following charges shall be paid before such copy of extract is provided:
- (a) A copy of a particular monthly statement, a fee of five dollars shall be payable;
 - (b) An extract, or information, from the rate book -
 - (i) for the valuation of one lot of land a fee of two dollars shall be payable;
 - (ii) for the valuation of more than one lot and not more than ten (10) lots, a fee of three dollars shall be payable;
 - (iii) for the valuation of more than ten, and not more than fifty lots, a fee of six dollars shall be payable;
 - (iv) for the valuation of more than fifty lots a fee on a time basis of fifteen dollars per hour for every hour or part thereof shall be payable, and the Clerk shall determine the time taken to obtain such information;

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- (v) for an extract from the rate book providing a complete record of the names of the owner, valuation, rates levied, rates paid and arrears thereof, the following fees shall be payable -
 - (a) for an extract of the rate book of one lot of land - five dollars;
 - (b) for each additional extract required - three dollars.
-