

NORTHERN TERRITORY OF AUSTRALIA

**WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (ROADS AND
PUBLIC PLACES) BY-LAWS 1983**

As in force at 16 December 2021

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (ROADS AND PUBLIC PLACES) BY-LAWS 1983

By-laws under the *Local Government Act 2019*

Part I Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Roads and Public Places) By-laws 1983*.

2 Definitions

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

approved means approved by the Authority.

authorized officer means an officer of the Authority authorized for the purposes of these By-laws and includes a member of the Police Force.

crossing means an access constructed in a public street between the carriageway of that street and land abutting that street.

footpath means that part of a public street which has been made or set aside for use otherwise than for the passage of motor vehicles and includes walkways and bicycle paths.

Lake Jabiru includes all that piece of land known as Lot 2304 in the town of Jabiru being the whole of the land known as Lake Jabiru.

land includes buildings.

licence means a licence in writing granted by the Authority and includes a renewal of a licence.

pedestrian has the same meaning as in the *Traffic Act 1987*.

permit means a permit in writing issued by the Authority and includes a renewal of a permit.

plaza means an area of land dedicated for the purpose of a plaza under section 25(1) of the Act.

property line means the boundary between the land comprising a street and the land that abuts thereon.

provided means provided by the Authority.

public place means an area of land dedicated in accordance with section 25(1) of the Act.

public reserve means land vested in, leased to, or under the care, control or management of, the Authority for use by the public as a whole and includes Lake Jabiru.

public street has the same meaning as in the *Traffic Act 1987*.

town area of Jabiru means the area administered by the Authority.

vehicle has the same meaning as in the *Traffic Act 1987*.

3 Application

These By-laws apply to public reserves, public streets and public places within the town area of Jabiru.

4 Licences and permits

- (1) Subject to these By-laws, an application for a licence or permit shall be in writing, accompanied by the approved fee.
- (2) On receipt of an application for a licence or permit the Authority may grant or refuse to grant a licence or permit.
- (3) A licence or permit granted by the Authority shall be in writing and shall be:
 - (a) valid for the period; and
 - (b) subject to such conditions as the Authority thinks fit,endorsed on the licence or permit.
- (4) It shall be a condition of a licence or permit that the person to whom it is granted shall reinstate, to the satisfaction of the Authority a public street or crossing in respect of damage caused in the carrying out of work the subject of the licence or permit.
- (5) A person who contravenes or fails to comply with a condition of a licence or permit granted under clause (2) is guilty of an offence.

5 Fees

- (1) The Authority shall cause a notice of approved fees or amended fees for licences and permits under these By-laws to be issued and displayed and every such notice shall be issued and displayed for 14 days immediately before taking effect.
- (2) The Authority may waive a fee referred to in clause (1).

Part II Liability of owner or occupier of land, &c.

6 Action by Authority where work required to be done

- (1) Where the Authority requires work to be carried out by the owner or occupier of land which abuts on a public street, it shall serve on that owner or occupier notice in writing:
 - (a) requiring him at his own expense to carry out works of constructing, reconstructing, strengthening, repairing, removing or reinstatement, in accordance with the specifications or requirements and within the period; or
 - (b) stating that the Authority will, within the period specified in the notice, carry out the work of constructing, reconstructing, strengthening, repairing, removing or reinstatement and will make such charge, if any,

specified in the notice.

- (2) A person who fails to comply with a notice under clause (1) is guilty of an offence.

Penalty: \$200 and \$50 for each day during which the offence continues.

- (3) The Authority may, when serving a notice in accordance with clause (1)(a), indicate that it will, if requested, carry out the works referred to at the expense of the person on whom the notice is served.

7 Non-compliance by owner or occupier

- (1) The Authority may, without prejudice to any proceedings it may institute in respect of an offence of contravening or failing to comply with:
 - (a) these By-laws;

(b) a condition of his licence or permit to carry out such work or take such action; or

(c) a notice served on him under by-law 6(1)(a),

by notice in writing require the owner or occupier of land to comply with paragraph (a), (b) or (c) within the period specified in the notice.

Penalty: \$500 and \$50 for each day during which the offence continues.

(2) Where the owner or occupier fails to comply with a notice referred to in clause (1), the Authority may carry out such work or take such action, and may recover the expense of so doing from the owner or occupier as a debt due and payable to the Authority.

(3) Where it is a condition of the grant of a licence or permit that the applicant lodges with the Authority a deposit and:

(a) the holder of the licence or permit contravenes or fails to comply with these By-laws or a condition of his licence or permit; and

(b) the Authority incurs expense in carrying out work or taking the action referred to in clause (1),

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

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

8 Maintenance of objects, &c.

(1) The holder of a licence or permit who fails to maintain to the Authority's satisfaction each object, structure, sign or fence in respect of which a licence or permit has been granted, is guilty of an offence.

Penalty: \$200 and \$20 for each day during which the offence continues.

(2) The Authority may, if it is satisfied that a holder is not adequately maintaining an object, structure, sign or fence in respect of which a licence or permit was granted, revoke the licence or permit and by-law 7 shall apply accordingly.

9 Order for expenses

In proceedings for an offence under these By-laws, a court may, in addition to any other penalty, order a person to pay to the Authority the expenses incurred by the Authority in carrying out work or taking action referred to in by-law 6.

Part III Encroachments of public streets, &c.**10 Encroachment on public streets, &c.**

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

Penalty: \$200 and \$20 for each day during which the offence continues.

11 Overhanging trees and shrubs

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

Penalty: \$100 and \$10 for each day during which the offence continues.

12 Erection of fences, &c.

- (1) The owner or occupier of land that abuts on a public street shall not erect a fence or wall on a boundary of the land adjacent to the public street without first obtaining a permit.

Penalty: \$200.

- (2) The Authority may, where it considers that a fence or wall erected on land may cause an obstruction or danger to a person using a public street, serve a notice on the owner or occupier directing him to remove the fence or wall within the time specified in the notice.

Penalty: \$200.

Part IV Lawns and gardens in public streets

13 Definitions

In this Part, unless the contrary intention appears:

authorized works means works which the Authority, by virtue of the Act or any other law in force in the Territory, is authorized to carry out within the town area of Jabiru.

garden, in relation to a public street, means an unsurfaced area of the public street which is or is to be planted with plants, trees or shrubs.

lawn, in relation to a public street, means an unsurfaced area of the public street which is or is to be planted with grass.

14 Lawns and gardens in public streets

- (1) The owner or occupier of land may lay a lawn or plant a garden on a public street opposite or adjoining the part of his land that abuts on the public street.
- (2) An owner or occupier shall not permit a tree or shrub to grow under clause (1):
 - (a) within 6 m of a junction or intersection; or
 - (b) that is likely to exceed 3 m in height.
- (3) The Authority may, where it considers a lawn or garden laid or planted under clause (1) is causing inconvenience or an obstruction to persons using the public street or footpath, serve a notice on the owner or occupier of the land to remove the lawn or garden.

Penalty: \$100 and \$10 for each day during which the offence continues.

- (4) Where it considers it necessary to do so, the Authority may, for the purpose of carrying out authorized works, dig up all or any part of a lawn or garden in a public street.
- (5) Where the Authority digs up a lawn or garden under clause (3), the Authority is not liable for compensation or costs of reinstatement.

Part V Opening of public streets, prevention of damage, &c.**15 Restriction of interference with carriageway**

- (1) Subject to a law in force in the Territory, a person shall not, unless he has obtained a permit, dig or make, or cause to be dug or made, an opening or cutting, or lay down, erect, place or maintain a pipe, drain, post, pillar, bridge or other fixture or erection in the carriageway of a public street.

Penalty: \$500.

- (2) A person who, after obtaining a permit, carries out any works referred to in clause (1), shall at all times keep that work in proper repair, and if at any time the work is, in the opinion of the Authority, in a state of disrepair, the Authority may serve a notice under by-law 6.

16 Permit to open public street

- (1) The Authority may, as a condition of a permit issued under this by-law, require that the work of reinstating the surface of a public street opening up or broken by or on behalf of the person who has applied for a permit shall be performed by the Authority's workmen or contractors at the expense of that person.
- (2) Subject to clause (1), where a person has opened up or broken the surface of a public street and carried out the permitted works, he shall as soon as practicable fill up, consolidate and make good the public street and its surface to the satisfaction of the Authority, and shall, at his own expense, carry away and deposit, or cause to be carried away and deposited, to such place as the Authority directs, all surplus earth and rubbish occasioned by such opening up or breaking.
- (3) Where a person fails to comply with a condition under subsection (1) the Authority may direct him to carry out the work necessary to secure compliance with that condition.

17 Vehicles to use constructed crossings only

A person shall not, otherwise than in accordance with a permit, drive a vehicle over or across a footpath otherwise than at a crossing constructed in accordance with these By-laws.

Penalty: \$200.

18 Application to construct crossing

- (1) The owner or occupier of land which abuts on a footpath who desires to construct a crossing from his land to a carriageway may apply for a permit.
- (2) An application under clause (1) shall describe the situation of the land and the proposed position of the crossing, and shall be accompanied by:
 - (a) the specifications for the crossing; or
 - (b) a request that the Authority prepare specifications for the crossing and carry out the work.
- (3) A person shall not carry out any work of constructing a crossing until a permit has been granted to him.
- (4) For the purposes of by-law 17, no crossing constructed or commenced before a permit has been issued under this by-law shall be considered to have been constructed in accordance with these By-laws, notwithstanding that the work may be in conformity with the requirements of the Authority in relation to the construction of crossings.

Penalty: \$200.

- (5) If requested to do so under clause (2)(b), the Authority may carry out or cause to be carried out the work of constructing a crossing, and may make such charges, if any, as it thinks fit in respect of that work.

19 Authority may require crossing to be made

Where, in the opinion of the Authority, the owner or occupier of land which abuts on a footpath cannot gain access to his land from a carriageway without causing damage to the footpath or verge lying alongside such carriageway, the Authority may serve on the owner or occupier of that land a notice under by-law 6.

20 Alterations to crossing

Where, in the opinion of the Authority, a crossing, whether made before or after these By-laws come into force, is no longer adequate for the volume or nature of the traffic passing over it, the Authority may serve a notice on the owner or occupier of the land to which the crossing leads from the carriageway under by-law 6.

21 Repair of crossing

Where, in the opinion of the Authority, a crossing, whether made before or after the commencement of these By-laws, is in a state of disrepair or appears to have been damaged as a result of a contravention of by-law 22 or 23, the Authority may serve a notice on the owner or occupier of the land to which the crossing leads under by-law 6.

22 Heavy loads prohibited

A person shall not, otherwise than in accordance with a permit, within the town area of Jabiru drive a vehicle or cause or permit a vehicle to be driven across a crossing or over a road kerb onto his land if the vehicle is so heavy or of such a nature that it causes or is likely to cause damage to the paving of the crossing or to the road kerb.

Penalty: \$500 and \$50 for each day during which the offence continues.

23 Removal of kerbing

- (1) Where an application is made for a permit to cross a road kerb, the Authority shall cause the road kerb to be removed at the place indicated in the application or, if it does not approve the place indicated in the application, at a place approved by it.
- (2) At the conclusion of the building or other works referred to in the permit the Authority shall cause the road kerb to be replaced.

24 Trenches across road or footpath

A person shall not excavate a trench through or under a road or footpath without first obtaining a permit.

Penalty: \$500.

25 Buildings, operations and works

A person shall not, otherwise than in accordance with a permit, within the town area of Jabiru:

- (a) carry out or cause to be carried out building or other work on his land; or
- (b) bring or cause to be brought onto his land equipment and materials,

if, in the course of so doing:

- (c) a vehicle will cross the footpath or kerb of the road fronting his property; and
- (d) causes or is likely to cause damage to the footpath or kerb.

Penalty: \$200.

Part VI Building works affecting public streets

26 Building materials, &c., not to be deposited in public streets

A person shall not deposit building or other materials, or erect or construct stages, scaffolding or hoarding or fence in, on, across or over a part of a public street, otherwise than in accordance with a permit.

Penalty: \$500 and \$50 for each day during which the offence continues.

27 Notice of intention to build near public street

A person shall not build, put up or take down, or cause to be built, put up or taken down, a building or other structure abutting on, or within 3 m of, a public street, or alter or repair, or cause to be altered or repaired, the outside part of such a building or structure or make a hole within 3 m of a public street unless he has obtained a permit.

Penalty: \$500 and \$50 for each day during which the offence continues.

28 Requirements for application for permit under by-law 26 or 27

An application for a permit under by-law 26 or 27 shall:

- (a) fully describe the intended work and the height, depth, extent and position thereof;
- (b) state whether or not it is necessary for the execution of the work that a scaffold or stage be constructed or that building or other materials be deposited on or in the footpath or carriageway adjoining or in front of such structure or hole; and
- (c) state the time it will be necessary that such stage or scaffolding or such materials deposited should be so kept or that such holes should remain open.

29 Removal of building materials, &c.

A person who has been granted a permit to deposit building material or to construct a stage or scaffolding on a part of a public street shall, within the time specified in the permit remove all of the material or the whole of the stage or scaffolding and shall make good any part of the public street that he has disturbed or interfered with.

Penalty: \$200.

30 Road not to be obstructed

Nothing in these By-laws shall render it lawful to construct a stage or scaffolding, or to deposit material, so that it may extend over or on a public street in such a manner as to render the public street, exclusive of the footpath, impassable for vehicles, or so as to obstruct a channel or drain.

31 Authority may remove obstruction, &c.

Where a person who is required under this Part to remove a matter or thing, or make good any damage caused to a part of a public street or channel or drain, fails to do so, the Authority may, without prejudice to any proceedings it may institute in respect of an offence against these By-laws, at the expense of that person, remove such matter or thing or make good any damage caused to the public street or channel or drain.

32 Lights to be placed near works

A person who causes any building material, rubbish or other thing to be laid on, or a hole to be made in, a public street or footpath, or any work to be carried out entailing opening up or breaking the surface of any public street or footpath, whether it is done with the consent of the Authority or not, shall at his own expense, cause:

- (a) sufficient amber lights to be fixed at or close to the site being worked on;
- (b) those lights to be lit every night from sunset to sunrise while an obstruction remains; and
- (c) the site to be sufficiently fenced and enclosed so as to prevent damage or inconvenience to other persons.

Penalty: \$500 and \$50 for each day during which the offence continues.

33 Materials not to remain longer than necessary in public street

Notwithstanding that a permit granted under this Part may not have expired, a person shall not leave or cause to be left in or on a public street a stage, scaffolding or building or other materials after completion of the building works for which they were required.

Penalty: \$500 and \$50 for each day during which the offence continues.

Part VII Numbering of areas of land, &c.**34 Plan of numbering**

- (1) The Authority may adopt a plan or system of numbering areas of land in a public street and may, in accordance with the plan or system of numbering:
 - (a) affix numbers on a house or building, front gate or fence on land; or
 - (b) by notice in writing, require the owner or occupier of land included in the plan or system of numbering to affix, in accordance with the terms of the notice, a number plate on a house, building, front gate or fence on the land.
- (2) The Authority may, from time to time, alter the plan or system of numbering referred to in clause (1) and may:
 - (a) replace the numbers affixed with a new number; or
 - (b) by notice in writing, require the owner or occupier of land to affix, in accordance with the terms of the notice, a number or a new number on a house, building, front gate or fence on the land.
- (3) A person who has affixed a number to a house, building, front gate or fence on land under clause (1) and who is required to replace or affix a number in accordance with clause (2) may obtain the numerals free of charge from the Authority.
- (4) An owner or occupier who fails to affix a number plate within 28 days after the date specified in the notice served on him by the Authority under clause (1)(b) or (2)(b) is guilty of an offence.

Penalty: \$20.

- (5) Without prejudice to any proceedings which the Authority may institute under clause (4), the Authority may, at the expiration of

28 days after the date specified in the notice referred to in clause (4) as the date before which the number plate shall be affixed, enter the land in respect of which a notice has been served under this by-law and affix the required numerals, and the expenses in so doing may be recovered from the person on whom the notice was served as a debt due and payable to the Authority.

Part VIII Use of public streets, &c.

Division 1 Protection of public streets, &c.

35 Damage to roadside trees, &c.

- (1) A person shall not, without the prior consent of the Authority, interfere with or damage a tree, plant, garden or grass strip planted by the Authority in or adjacent to a public street or public place or do or cause to be done anything whereby it shall become damaged.
- (2) A person shall not ride, drive or lead an animal in a public street or public place in such a manner as to cause or permit it to cause damage to a part of the public street or public place or a tree, plant, garden or grass strip planted in the public street or public place.

Penalty for an offence against this by-law: \$100.

36 Damage to road surface

- (1) A person shall not use on a public street:
 - (a) a vehicle which has attached to its wheels chains, metal studs or other metal projection; or
 - (b) a traction engine, tractor or steam wagon having wheels or tracks which have unprotected grooved ridges, indents, spikes or cross bars,

of a type likely to cause damage to the surface of the public street.

- (2) A person shall not propel, drag or trail in contact with the surface of a public street a sledge, timber or other heavy material or a conveyance or thing capable of damaging the public street.

Penalty for an offence against this by-law: \$200.

37 Vehicles not to be driven on footpath

- (1) Subject to clause (2), a person shall not drive or wheel or permit or suffer to be driven or wheeled a motor vehicle or motor cycle on, along or across a footpath or water channel, except for the purpose

of crossing that footpath or channel at a crossing made for the purpose of obtaining access to land abutting on a public street of which the footpath or channel forms part.

Penalty: \$100.

- (2) Clause (1) does not apply to a child's perambulator or a carriage specially designed and constructed for the use of a person who is suffering from a physical defect or disability.

38 Cost of reinstatement

A person who is convicted of an offence against by-law 35, 36 or 37 may, in addition to a penalty imposed by the court, be required to pay to the Authority the expenses which it has incurred in making good the damage occasioned by the offender.

39 Parking of caravans

- (1) A person shall not park:

(a) a caravan; or

(b) a vehicle with the intention of using it for camping or sleeping,

in a public street or public place between the hours of 8 o'clock in the evening and 6 o'clock in the morning.

Penalty: \$200.

- (2) An authorized officer may require a person who has parked a caravan in contravention of clause (1) to remove the caravan to a place specified by the authorized officer.

- (3) In this by-law:

caravan means a habitable container designed to be towed, driven or carried by a vehicle, whether or not the container is fixed or mobile or has wheels, and includes a demountable accommodation unit.

40 Playing of musical instruments

- (1) A person shall not on a public street, public place or other land under the control of the Authority, ring a bell or use a musical instrument for the purpose of announcing an auction, public performance, sale, meeting or similar gathering unless he has obtained a permit.

- (2) A person shall not on a public street, public place or other land under the control of the Authority, use, cause or allow to be used a musical instrument unless he has obtained a permit.

Penalty for an offence against this by-law: \$100.

41 Deposit of offensive matter

- (1) A person shall not deposit waste food, peelings, fruit or other vegetable matter on a public street, public place or other land under the control of the Authority, except where placed in a container for collection by the Authority in accordance with by-laws made for that purpose.

Penalty: \$200.

- (2) A person shall not spit, or throw, deposit or discharge an offensive or unwholesome matter or fluid, or garbage or other refuse on a part of a public street, public place or other land under the control of the Authority.

Penalty: \$200.

- (3) Nothing contained in this by-law shall be construed so as to limit the sweeping or cleansing of footpaths or water channels in compliance with the by-laws or the deposit of rubbish in places set apart for that purpose by the Authority.

42 Handbills, &c.

- (1) A person shall not give out or distribute to a person or throw, place, drop or otherwise deposit a handbill in or on a public street or public place unless he has obtained a permit.

- (2) A person shall not affix or cause to be affixed a poster, placard or similar thing on a public street, plaza or public place or write on, deface or mark a pavement on a public street or plaza with writing or a pictorial representation unless he has obtained a permit.

Penalty for an offence against this by-law: \$200.

43 Bill sticking

- (1) A person shall not affix or cause to be affixed a poster, bill or other paper to or against:

(a) a building abutting on or adjoining a public street, plaza or public place; or

(b) a power pole or sign post erected in the town area of Jabiru,

unless he has obtained the consent of the owner or occupier of the building and has obtained a permit.

- (2) Where a person has, subject to clause (1), affixed a poster, bill or paper, he shall ensure that it is preserved in a clean and tidy state, and shall remove it if it becomes worn, torn or detached and cleanse the area of waste paper and refuse consequent on that removal.
- (3) A person who contravenes or fails to comply with this by-law is guilty of an offence.

Penalty: \$200.

44 Dangerous goods, &c.

A person shall not carry timber, metal, tools, implements, furniture or material along a public street in such a manner as to be dangerous or cause a disturbance to another person.

Penalty: \$100.

Division 2 Management of footpaths, &c.

46 Licence to place objects, &c., on footpaths, &c.

- (1) An applicant for a licence to place on a footpath or plaza an object or structure shall furnish the Authority with details, including site plans and diagrams, of the object or structure.
- (2) A person shall not, without first obtaining a licence, place on a footpath or plaza an object or structure which causes or is likely to cause an obstruction to users of the footpath or plaza.

Penalty: \$200.

- (3) A licence granted under this by-law may be terminated by the Authority in writing at any time and the Authority is not liable to pay compensation in respect of the termination of the licence.
- (4) On the termination of a licence, the licensee shall remove the object or structure the subject of the licence.
- (5) Where an object or structure is not removed by a licensee within the period specified in the notice that his licence has been terminated, the Authority may remove that object or structure, and the expense of such removal by the Authority may be recovered from the licensee as a debt due and payable to the Authority.

Division 3 Advertising hoardings, &c.**47 Advertising hoardings**

A person who is the owner or occupier of land near to or in view of a public street or public place shall not:

- (a) erect or permit to be erected; or
- (b) permit the use of,

a building or structure on that land for placing thereon a placard, sign or advertisement unless he has obtained a permit.

48 Advertisements on buildings

- (1) Subject to clause (2), a person shall not affix, paint, carve or engrave or permit to remain affixed, painted, carved or engraved on a building or structure or their appurtenances on, over or in view of a public street, plaza, public place or land under the control of the Authority a placard, sign, advertisement or fixture unless it relates to the trade, business or profession of a person then being carried on, conducted or practised within that building or structure.
- (2) A placard, sign, advertisement or fixture referred to in clause (1) shall be approved.

49 Signboards, &c.

- (1) Subject to this by-law, a person shall not affix, place, hang or suspend in, over or in view of a public street, plaza or public place within the town of Jabiru a signboard, signpost, placard, showbill, showboard, flagpole, flag, banner, notice or writing unless he has obtained a permit.
- (2) A signboard, signpost, placard, showbill, showboard, flagpole, flag, banner, notice or writing referred to in clause (1) shall be constructed and maintained in a condition of security, rigidity and in good repair to the satisfaction of the Authority.

Part IX Public reserves**50 Certain activities prohibited in reserves**

A person shall not in or on a public reserve:

- (a) wilfully obstruct, disturb or interfere with another person in his lawful enjoyment thereof;

- (b) destroy, damage, deface, remove or interfere with:
 - (i) a tree, shrub, plant or grass;
 - (ii) a fence, sign, post, tree guard, pipe, hose or fitting;
 - (iii) a building or structure, or a sanitary, electrical or other fixture or fitting in a building or structure erected in or on the reserve; or
 - (iv) equipment or property of the Authority;
- (c) remove or otherwise interfere with a rock, stone, sand or soil;
- (d) post, stick, stamp, stencil, paint or affix a placard, poster, handbill, notice, advertisement or other document on a tree, board, post, fence, gate, building, road, path or place;
- (e) deposit or leave rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind, except in a receptacle provided for the purpose;
- (f) light a fire except at a fireplace built of stone, brick or fireproof material provided for the purpose;
- (g) wilfully break any glass, metal, earthenware or utensil;
- (h) commit a nuisance in or on a part of a pavilion, dressing room or other building;
- (j) carry a firearm or shoot, snare, injure or destroy a bird or animal;
- (k) throw a stone or other missile;
- (m) use a speargun, net or other device, other than a hand line or rod, for catching fish or crustaceans;
- (n) bring a dog or permit a dog to remain unless the dog is on a leash held by a person;
- (p) behave in a disorderly manner or create or take part in a disturbance, use foul or indecent language or commit an act of indecency;
- (q) launch a boat into a waterway except from launching ramps provided for that purpose;
- (r) use a water craft propelled other than by hand or sail;

- (s) climb over or on a fence, gate or building or unlock or unfasten a gate or a door of a building unless duly authorized to do so;
- (t) without lawful excuse, enter a dressing or changing room in a building erected for that purpose;
- (u) climb a tree; or
- (w) wilfully obstruct in the execution of his duty, or insult or neglect to obey a lawful direction of, an authorized officer or a caretaker, ranger or employee of the Authority.

Penalty: \$200.

51 Activities for which permit required

A person shall not, on a public reserve:

- (a) organize or participate in a religious service or rally;
- (b) take part in a procession or demonstration;
- (c) organize or participate in a political meeting or political rally;
- (d) consume or cause to be consumed an alcoholic beverage;
- (e) distribute or exhibit a printed or written pamphlet or handbill;
- (f) sell or expose or offer for sale goods, refreshments, plants, fruit or other merchandise or thing;
- (g) drive, ride or bring a vehicle or permit a person to drive, ride or bring a vehicle on or over a public reserve except on or over such parts of the public reserve as are set aside as roads or driveways;
- (h) remove sand, stone, timber or other material or property; or
- (j) use a microphone, loudspeaker, megaphone or other means of sound magnification,

without having obtained a permit.

Penalty: \$200.

52 Erecting or placing buildings and structures

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

Penalty: \$500.

- (2) An application for a permit under clause (1) shall:
- (a) specify the purpose of the building or structure; and
 - (b) be accompanied by:
 - (i) plans and specifications of the building or structure; and
 - (ii) such details as the Authority may require.

53 Special conditions

- (1) A permit for the erection of a building or structure on a public reserve may impose conditions relating to:
- (a) the purpose for which the building or structure may be used;
 - (b) the nature of the building or structure which may be erected;
 - (c) the period for which the building or structure is permitted to remain;
 - (d) the times at which the building or structure may be used;
 - (e) the position in which the building or structure may be erected; and
 - (f) the amount and lodging of a deposit with the Authority for expenses in relation to reinstatement or damage caused by the erection or costs of its removal.
- (2) A person who contravenes or fails to comply with a condition of a permit granted under clause (1) is guilty of an offence.

Penalty: \$500.

54 Withdrawal of permit

The Authority may, upon giving 28 days' notice in writing of its intention to do so, at any time withdraw a permit for the erection of a building or structure on a public reserve.

55 Removal of building or structure

(1) The Authority may, by notice in accordance with by-law 6 to the owner, or to the person whom it believes to be the owner, of a building or structure placed on a public reserve without a permit or erected or used otherwise than in accordance with the terms of a permit, direct that the building or structure be removed within a period of 24 hours after the date of the service of the notice.

(2) A person who fails to comply with a notice served under clause (1) is guilty of an offence.

Penalty: \$500 and \$50 for each day during which the offence continues.

(3) By-laws 6 and 7 apply in respect of a person whom the Authority believes to be the owner of a building or structure under clause (1) as if he was the owner.

56 Parking areas

(1) The Authority may set aside a public reserve or part of a public reserve on which a person may drive, park or stand a vehicle.

(2) A person shall not drive, park or stand a vehicle in a public reserve or part of a public reserve that has not been set aside for that purpose.

Penalty: \$100.

(3) A person shall comply with instructions given to him by an authorized officer with regard to the parking of a vehicle in a public reserve.

Penalty: \$100.

57 Model aeroplanes

(1) The Authority may set aside or specify a public reserve or part of a public reserve on which persons may fly mechanically powered model aeroplanes and may define or limit the hours and days during which such model aeroplanes may be flown.

(2) A person shall not fly a mechanically powered model aeroplane on a public reserve or part of a public reserve except:

(a) in an area set aside or specified; and

(b) during the hours or on a day defined,

by the Authority under clause (1).

Penalty: \$50.

58 Children's playgrounds

- (1) The Authority may set aside a public reserve or part of a public reserve as a children's playground.
- (2) The Authority may limit the ages of persons who are permitted to use a children's playground and may erect a sign to that effect on the playground.
- (3) A person over the age specified in a sign erected on a children's playground, other than a person having the charge of a child or children in the playground, shall not use a playground or interfere with the use of it by a child or children.

Penalty: \$50.

59 Playing of games

- (1) A person shall not:
 - (a) play at or practise golf in a public reserve except in a part of a public reserve set aside for that purpose; or
 - (b) play at a game in a public reserve that interferes with or disturbs another person lawfully using the public reserve.

Penalty: \$100.

- (2) A sporting club or association shall not, without having first obtained a permit, conduct a game or organized practice session in a public reserve.

Penalty: \$100.

- (3) A person shall not in a public reserve participate in a game or organized practice session in respect of which:
 - (a) a permit has not been granted; or
 - (b) where a permit has been granted subject to conditions – otherwise than in accordance with the conditions.

Penalty: \$50.

60 Hours of entry

- (1) The Authority may determine the hours during which a public reserve shall be open to the public, and shall indicate those times by means of signs erected in suitable places.
- (2) An authorized officer may refuse entry to a public reserve to a person or vehicle at all times other than those during which the public reserve is open to the public.
- (3) Notwithstanding clause (1), the Authority may close a public reserve for the purpose of cleansing, maintenance or such other purpose as it thinks fit.

61 Removal of persons from public reserve

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

Penalty: \$100.

62 Recovery of expenses

- (1) Without prejudice to proceedings instituted against a person causing damage to property of the Authority on a public reserve, the Authority may cause necessary repairs and reinstatement to be carried out.
- (2) Where the Authority causes repairs and reinstatement to be carried out under clause (1), it may, by written notice served on the person causing such damage, require him to pay to the Authority the costs in doing so, together with such further charges and expenses as are incurred by the Authority in carrying out the repairs and reinstatement.
- (3) The costs, charges and expenses incurred by the Authority referred to in clause (2) may be recovered from the person who caused the damage to property referred to in clause (1) as a debt due and payable to the Authority.

Part X Lake Jabiru

63 Application of Part

This Part applies to Lake Jabiru.

64 Use of boats

- (1) A person shall, when using a sailing boat, rowing boat, canoe or inflatable craft (not being a craft powered by a motor) on Lake Jabiru, remain within those areas where boating is permitted.
- (2) A person referred to in clause (1) shall comply with and not contravene instructions given to him by an authorized officer with regard to the use of the boat of which he has charge.

Penalty: \$100.

65 Swimming

- (1) A person shall not swim in a place which is designated by means of a sign erected by the Authority as a "NO SWIMMING" area.

Penalty: \$50.

- (2) A person shall be decently clothed at all times when swimming in, or when within the area of, Lake Jabiru.

Penalty: \$50.

66 Introduction, &c., of fish prohibited

- (1) A person shall not introduce a fish into Lake Jabiru.
- (2) A person shall not take fish, eggs, fry or larvae from, or use a net, trap or fishing gear for that purpose at, Lake Jabiru.

Penalty for an offence against this by-law: \$200.

Part XI Parking, &c.

67 Interpretation

- (1) Section 36D (other than subsection (12A)(b)) of the *Traffic Act 1987* and regulation 33B of the *Traffic Regulations 1999* made under that Act with the necessary changes and as varied in clause (2) are adopted and shall apply in the town area of Jabiru as if they were contained in this by-law.

- (2) For the purposes of these By-laws and section 36D of the *Traffic Act 1987* as adopted by clause (1):

park means stand a vehicle in a road or part of a road or in a public place.

public street means a road.

traffic sign means:

- (a) a traffic sign within the meaning of the *Traffic Act 1987*; or
- (b) a notice, sign or device marked, placed or erected on or at the side of a road, or in a public place by the Authority for the purpose of regulating pedestrians or traffic or guiding, directing or warning pedestrians or persons in charge of vehicles.

68 Erection, &c., of traffic signs

For the purposes of these By-laws, the Authority may erect, place or display such traffic signs as it thinks fit.

69 Angle parking

- (1) Where a 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 45° 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 on;
 - (ii) overhangs; or
 - (iii) is more than 7 m from the footpath along a line making an angle of 45° to,

the footpath on the side of the carriageway on which the motor vehicle is parked.

70 Offences

A person who contravenes or fails to comply with this Part is guilty of an offence.

Penalty: \$100.

Part XII Impounding of vehicles

71 Establishment of vehicle pound

The Authority may declare a yard or other place under the control of the Authority to be a vehicle pound for the purposes of this Part.

72 Impounding of vehicle

- (1) An authorized officer may remove or cause to be removed to a vehicle pound a vehicle which is left without the consent of the Authority, for a period of not less than 72 hours, on a part of a public street or public place or on land or premises owned by, or under the care, control or management of, the Authority.
- (2) As soon as practicable after the removal of a vehicle to a vehicle pound, an authorized officer shall give to the owner of the vehicle written notice of the removal stating the vehicle pound to which the vehicle was removed.
- (3) A notice under clause (2) shall, where practicable, be served on the owner personally, but where the notice cannot be served within 7 days after the removal of the vehicle by reason of the fact that:
 - (a) the name of the owner cannot be ascertained; or
 - (b) the owner, if known, cannot be found,

then, on the expiration of 7 days after the removal of the vehicle, notice of the removal of the vehicle shall be given in a newspaper circulating in the town area of Jabiru, or in such other manner as the Authority determines, having regard to the likely or presumed whereabouts of the owner.

- (4) Notice of the removal of the vehicle referred to in clause (3) shall be given on 2 separate occasions in accordance with that clause.

73 Vehicle may be sold or disposed of

- (1) Where the owner of a vehicle does not, within 28 days after:
 - (a) the service on him of a notice under by-law 72(3); or

- (b) the date of publication of the second of the notices referred to in by-law 72(4),

whichever is the later, pay to the Authority all expenses incurred by the Authority in connection with the removal, custody and reasonably necessary maintenance of the vehicle, and of service or advertising of the notice, and take possession of the vehicle, the Authority may, subject to clause (2) and by-law 74(1), sell the vehicle by auction.

- (2) Where a vehicle:

- (a) is immobile and cannot be repaired at a cost which does not exceed its value;
- (b) has no marks to identify the owner; and
- (c) in the opinion of the Authority has a value of less than \$200,

the Authority may dispose of the vehicle in such manner as it thinks fit.

74 Sale to be by auction

- (1) The sale of an impounded vehicle shall, unless in the opinion of the Authority it is not practicable or convenient to do so, take place by auction.
- (2) The auction of an impounded vehicle may be conducted by an auctioneer within the meaning of the *Auctioneers Act 1935* or, where the Authority so resolves, by the Council Services Manager.
- (3) Not less than 7 days notice of an auction shall be given by advertisement in a newspaper circulating in the town area of Jabiru.
- (4) The Authority may, before the auction of an impounded vehicle, by resolution fix a reserve price in respect of that vehicle.
- (5) Each vehicle sold under this by-law shall be sold as a single lot.
- (6) Unless the Authority has determined otherwise, and given notice of its determination in the advertisement under by-law 74(3), a sale of an impounded vehicle shall be for cash at the conclusion of the sale, and the moneys received by the person conducting the sale shall be paid into the Authority's (General Fund) account within 24 hours after the commencement of the auction.
- (7) It shall be a condition of the sale of an impounded vehicle sold at an auction that the vehicle shall be removed by the purchaser immediately after the close of the auction.

75 Procedure where no bids received

Where an impounded vehicle has been offered for sale by auction in accordance with this Part and no bid for the vehicle has been made at the auction, the Authority may:

- (a) fix some other time for the sale of the vehicle, and advertise the same in accordance with by-law 74(3); or
- (b) take possession of the vehicle and dispose of it as it thinks fit.

76 Application of proceeds of auction

- (1) All moneys received in respect of the sale of a vehicle shall be applied in payment of:
 - (a) costs incurred by the Authority in the sale of the vehicle; and
 - (b) the cost of removal, custody and reasonably necessary maintenance of the vehicle and of the notice served or advertised under by-law 74 or 75,

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

- (2) Where, after the expiration of 6 months after the sale of an impounded vehicle, any moneys remain in the possession of the Authority in respect of the sale and such moneys remain unclaimed by the owner of the vehicle or a person claiming through him, such moneys shall become the property of the Authority.

77 Liability of owner

The owner of a vehicle shall be liable to the Authority for expenses incurred by the Authority in the removal, custody, reasonably necessary maintenance, sale or attempted sale or otherwise in the disposal of the vehicle under this Part and the Authority may recover from him so much of those expenses as have not been satisfied by the proceeds from the sale of the vehicle as a debt due and payable to the Authority.

78 Protection of Authority, &c.

No civil or criminal action or proceedings shall be commenced or brought against the Authority or a person acting in the execution or intended execution of this Part or in compliance or intended compliance with a direction given or purported to be given under this Part in respect of anything done or omitted to be done in good faith by it or that person under or for the purposes of this Part.

ENDNOTES

1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Jabiru Town Development (Roads and Public Places) By-laws (SL No. 42, 1983)***

| | |
|-----------|------------------|
| Notified | 11 November 1983 |
| Commenced | 11 November 1983 |

Jabiru Town Development (Roads and Public Places) Amendment By-laws (SL No. 44, 1984)

| | |
|-----------|---------------|
| Notified | 8 August 1984 |
| Commenced | 8 August 1984 |

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

| | |
|-------------|------------------------|
| Assent date | 15 December 2021 |
| Commenced | 16 December 2021 (s 2) |

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2, 39, 56, 67, 69 and 74 and Sch.

4**LIST OF AMENDMENTS**

| | |
|-------|----------------------------|
| bl 1 | amd Act No. 29, 2021, s 10 |
| bl 4 | amd No. 44, 1984, bl 3 |
| bl 39 | amd Act No. 29, 2021, s 10 |
| bl 45 | rep No. 44, 1984, bl 4 |
| bl 56 | amd Act No. 29, 2021, s 10 |
| bl 61 | amd No. 44, 1984, bl 5 |
| bl 69 | amd Act No. 29, 2021, s 10 |
| bl 74 | amd Act No. 29, 2021, s 10 |
| sch | rep Act No. 29, 2021, s 10 |