CLONCURRY SHIRE COUNCIL
LOCAL LAW NO. 3 (GATES AND GRIDS)

SUMMARY OF PROVISIONS

PART 1 ¾ PRELIMINARY

1. Citation
2. Object
3. Definitions

PART 2 ¾ APPROVAL OF INSTALLATION OF GATE OR GRID

4. Requirement to hold approval
5. Criteria for approval
6. Conditions of approval
7. Compliance with conditions
8. Cancellation of approval
9. Removal of gate or grid

PART 3 ¾ MISCELLANEOUS

10. Protection of gates and grids
11. Public liability insurance
12. Local law policies

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PART 1 ¾ PRELIMINARY

Citation

1. This local law may be cited as Local Law No. 3 (Gates and Grids).

Object

2. The object of this local law is to regulate the installation of gates and grids across public roads to ensure that they do not interfere with—

(a) the safe movement of pedestrians and vehicles; or

(b) the proper maintenance of the public road.

Definitions

3. In this local law—

"grid" means a structure designed to permit the movement of pedestrian or vehicular traffic along a road but to prevent the passage of livestock;

"public road" means a road for which the local government is responsible.

PART 2 ¾ APPROVAL OF INSTALLATION OF GATE OR GRID

Requirement to hold approval

4. A person must not install a gate or a grid across a public road unless the installation has been approved by the local government.

Maximum penalty—100 penalty units.

Criteria for approval

5. The local government must not approve the installation of a gate or a grid across a public road unless satisfied that—

(a) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and

(b) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and

(c) the gate or grid will not prejudice the proper maintenance of the public road.

Conditions of approval

6. (1) The local government may approve the installation of a gate or grid on conditions the local government considers appropriate.

(2) The conditions may, for example—

(a) regulate the location of the gate or grid; and

(b) regulate the construction of the gate or grid; and

(c) require specified precautions to prevent or minimise obstruction to traffic or risk of personal injury or damage to property; and

(d) impose obligations on the holder of the approval to clear and maintain the road in the vicinity of the gate or grid (including the destruction of noxious plants and weeds); and

(e) impose obligations on the holder of the approval to maintain the gate or grid in good order to ensure its safe use; and

(f) require the holder of the approval to give the local government an indemnity against claims that may result from the existence of the gate or grid.

Compliance with conditions

7. A person who has an approval from the local government to install a gate or grid across a public road must ensure that the conditions of the approval are complied with.

Maximum penalty—100 penalty units.

Cancellation of approval

8. The local government may, by written notice given to the holder of an approval under this Part, cancel the approval if—

(a) the holder of the approval contravenes a condition of the approval; or

(b) the removal of the gate or grid becomes necessary in the interests of public safety or otherwise in the public interest.

Removal of gate or grid

9. (1) The local government may, by written notice to a person, require the person to remove a gate or grid if—

(a) an approval to install the gate or grid has lapsed or has been cancelled; or

(b) the gate or grid has been installed by the person without approval.

(2) A person must comply with a notice under this section within the time allowed in the notice.

Maximum penalty—100 penalty units.

(3) If a person fails to remove a gate or grid within the time allowed by a notice under this section, the local government may itself have the work carried out and recover the cost of the work, as a debt, from the person in default.

PART 3 ¾ MISCELLANEOUS

Protection of gates and grids

10. (1) A person must not damage a gate or grid installed with the approval of the local government under this local law.

Maximum penalty—100 penalty units.

(2) A person must not leave a gate, installed with the approval of the local government under this local law, open, unfastened or unlatched.

Maximum penalty—100 penalty units.

Public liability insurance

11. A person who has an approval under this local law must take out and maintain the insurance required under the local law policy against claims for personal injury and property damage resulting from the installation of the gate or grid.

Maximum penalty—100 penalty units.

Local law policies

12. The local government may make local law policies for the purposes of this local law.