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## CHARTERS TOWERS REGIONAL COUNCIL

### LOCAL LAW NO. 24 (GATES & GRIDS)

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## **PART 1-PRELIMINARY**

### **Citation**

1. This local law may be cited as Local Law No.24 (Gates and Grids).

### **Object**

2. The object of this local law is to ensure that gates and grids installed across public roads 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.

“**responsible person**” for a gate or grid installed, or to be installed, across a public road means the person who has installed or proposes to install the gate or grid or for whose use or benefit a gate or grid is, or is to be, installed.

## **PART 2-PERMITS**

### **Power to require permit**

4. (1) This section applies if a person (the “**responsible person**”)-

- (a) has installed, or proposes to install, a gate or grid across a public road; or
- (b) has the benefit of a gate or grid installed across a public road.

(2) The local government may, by written notice given to the responsible person, require the responsible person to obtain a permit authorising the use or benefit of the gate or grid.

### **Term of permit**

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**5. (1)** A permit is granted for a term specified in the permit.

**(2)** The local government may, from time to time, on application by the operator renew the permit.

**(3)** The term for which a permit is granted or renewed is to be-

(a) fixed as required by a relevant local law policy; or

(b) in the absence of a relevant local law policy-decided by the local government when it grants the permit or the renewal.

### **Conditions of permit**

**6. (1)** A permit may contain-

(a) conditions to ensure that-

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

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

(iii) the gate or grid will not prejudice the proper maintenance of the public road; and

(b) other conditions the local government considers appropriate.

**(2)** The conditions may, for example-

(a) require the holder of the permit to take specified precautions to prevent or minimise obstruction to traffic or risk of personal injury or damage to property; and

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

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

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

**(3)** However, the conditions of the permit must be consistent with the conditions of any statutory authorisation or approval for the establishment of the gate or grid.

(4) The local government may, by local law policy, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit.

**Transfer of permit**

7. (1) A permit may be transferred with the approval of the local government.

(2) If a permit contains a condition stating that the relevant gate or grid exists for the benefit of the owner or occupier of designated land, and the ownership or occupation of the relevant land changes, the new owner or occupier becomes the holder of the permit without any need for a formal transfer of the permit.

**Compliance with conditions**

8. The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty-100 penalty units.

**Cancellation of permit**

9. (1) The local government may, by written notice given to the holder of a permit, cancel the permit if-

- (a) a condition of the permit is not complied with; or
- (b) the removal of the gate or grid becomes necessary in the interests of public safety or otherwise in the public interest.

(2) However, before the local government cancels a permit under this section, the local government must-

- (a) give written notice to the responsible person of the proposed cancellation; and
- (b) allow the responsible person a period stated in the notice (which must be at least 14 days from when the notice is given) to make written representations to the local government about the proposed cancellation; and
- (c) consider the representations made in response to the notice.

**Removal of gate or grid**

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

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- (a) the responsible person refuses or fails to obtain a permit relating to the gate or grid within a reasonable time after being asked to do so by the local government; or
  - (b) a permit relating to the gate or grid has lapsed or has been cancelled.

**(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-MISCELLANEOUS**

#### **Protection of gates and grids**

**11. (1)** A person must not damage a gate or grid lawfully installed across a public road.

Maximum penalty-100 penalty units.

**(2)** A person must not leave a gate lawfully installed across a public road, open, unfastened or unlatched.

Maximum penalty-100 penalty units.

#### **Public liability insurance**

**12. (1)** The local government may, by local law policy, specify insurance a responsible person must take out and maintain against claims for personal injury and property damage resulting from the existence of the grid.

**(2)** The responsible person must take out and maintain the insurance required under the local law policy.

Maximum penalty-100 penalty units.

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**PART 4-LOCAL LAW POLICIES**

**Local law policies**

- 13.** The local government may make local law policies about-
- (a) the term for which a permit is to be granted or renewed;<sup>1</sup> or
  - (b) conditions that must, or will ordinarily, be imposed in a permit;<sup>2</sup> or
  - (c) insurance which must be taken out and maintained by a responsible person;<sup>3</sup> or
  - (d) other matters about which this local law specifically allows for the making of local law policies.

<sup>1</sup> See section 5(3)(a).

<sup>2</sup> See section 6(4).

<sup>3</sup> See section 12(1).