

TOWNSVILLE SHIRE COUNCIL

LOCAL LAW NO 3

STREETS AND ROADS

(Local Authorities Acts, 1902 to 1926 – Schedule IV., Subdivision 51.)

Subsection (i). The control and management of roads.

Construction of footways, &c.

81. (1) The Council may from time to time by resolution appropriate any part or parts of any road as a footway, carriage-way, cycle-way, or to any specified class or classes of traffic; and may make, form, pave, raise, lower, divide off from other parts of the road, or otherwise deal with the part so appropriated, so as to make it more convenient for the class or classes of traffic to which it is so appropriated.
- (2) The Council may from time to time provide and place or erect and maintain on any road, public amenities or embellishments (such for instance as street lamps, shelters, seats, toilet conveniences, fountains, monuments or other similar things) or may authorise or grant permission to any person to do so, on such terms and conditions as it may see fit: Provided that no new amenity or embellishment as aforesaid shall be so situated as to be likely in the opinion of the council to cause any undue obstruction of traffic, or interfere unduly with access to private premises; and that the approval of the District Superintendent of Traffic to the creation, situation and form of the amenity or embellishment is first obtained.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 18)

Preventing encroachment on any road or land under the control of the Local Authority by any building or other structure

Encroachments

82. 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, steps, balcony, awning, projection, or other structure so as to encroach upon any road.

If any person erects or begins to erect, or causes or permits to be erected, 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 so to do 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.

(Local Authorities Acts, 1902 to 1926 – Schedule IV., Subdivision 46)

Subsection (i) The construction, elevation, materials, and form of balconies, porticoes, awnings, verandahs, and other like projections upon or across any road or footway.

Forming footways under awnings

90. both the owner and the occupier of any building in connection with which an awning or balcony is erected pursuant to a permit granted these By-laws shall be liable to and shall, if so required by the Council, form the footway upon which such building abuts with such material and to such level as may be directed by the City Engineer and to his satisfaction, and if so required pave, asphalt, or concrete the surface thereof to the satisfaction of the engineer; and keep the same at all times clean, tidy, and in thorough repair to the satisfaction of the Council; or if such footway be at any time formed, paved, asphalted, or concreted shall keep such paving, asphalt, or concrete in thorough repair as aforesaid.

Repairs to awnings

- 90A. The Council may, by notice in writing, order the 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 provision 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 this Chapter.

Application of By-laws to existing awnings

91. Subject to the provisions of the last preceding By-law, every permit heretofore granted by the Council for any awning or balcony over a road shall be deemed to have been granted, and every awning and balcony heretofore erected over any road shall be deemed to have been erected under a permit granted under the provisions of these By-laws.

Sunblinds on awnings

92. 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 footway except in pursuance of a permit issued as hereinafter provided.
93. The occupier of any 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 provisions of these By-laws or otherwise fix, hang, or suspend the same in conformity with such permit and the provisions of this By-law. Any such permit

shall be subject to the right of the Council to revoke the same absolutely at any time if it shall see fit so to do.

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

- (a) Every such sunblind shall be of stout canvas or other material approved by the City Inspector.
- (b) No such sunblind shall at its lowest part be less than six feet six inches above the level of the kerb at the outer edge of the footway or less than seven feet above the surface of the footway; and no such sunblind shall extend further into the road than the outer edge of the footway.
- (c) Every such sunblind shall be securely constructed, fastened, and fixed to the satisfaction of the Inspector, 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 and repair to the satisfaction of the Inspector.
- (e) During all times when any such sunblind does not serve to prevent the impingement of the sun's rays upon the building which the same is designed to protect, every such sunblind shall be wholly and securely rolled or folded up or removed.
- (f) No such sunblind shall have marked upon or fixed thereto any advertisement, sign, letter, or figure.
- (g) 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 Inspector at the cost of the owner or user thereof, without notice.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 46.)

Subsection (iii.) The regulation of lamps, signs, or other erections overhanging any road or footways.

Lamps, &c., over footways

94. 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 carriage-way of any road any lamp or lamp-iron, or means of lighting any such lamp, or any attachment of any kind. No fee shall be payable for a permit for any lamp attached 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 City Inspector and in default he may order its removal.

Hoists over footways

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

Footscrapers and other obstructions on footway

96. No person shall cause any footscraper, doorsteps, shutters, or other obstruction whatever to be placed on any footway 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, doors, or gate has been fixed otherwise, the City Inspector 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.

(Local Authorities Acts, 1902 to 1926 – Schedule IV., Subdivision 58.)

Imposing upon the owners or occupiers of premises abutting on a road or footway the duty of constructing and maintaining spouts, gutters, and other means for conducting storm and other water away from such premises.

Stormwater from buildings abutting on road

97. The owner or occupier of any building abutting 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 therefrom, and unless such down pipes discharge direct into a channel of the road, shall construct or lay underground a drain in continuation of every such 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 City Engineer or other officer of the Council appointed for the purposes; 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 waste pipe shall be joined so as to discharge into the same.

The drains connecting the down pipes with the channel shall be of cast iron or other material approved by the Engineer or such officer as aforesaid, properly jointed, watertight, and equal at least in sectional area to such down pipes.

Rain not to be carried on to road

98. It shall not be lawful for the owner or occupier of any building to allow to fall, or to carry by means of pipes, gutters, or other contrivances any rain water from the roof of such building upon any road, otherwise than by proper down pipes and underground drains discharging into a water-channel of the road.

98A. It shall not be lawful for any person to discharge or cause or suffer to flow into or upon any road or land under the control of the Council, or into any water-table of any road, any bath water, slop water, or waste water of any description.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivisions 12 and 41.)

Subsection (i) The prevention of injury or obstruction to roads or other public places by digging or otherwise.

Restriction on interference with roads

99. (1) No person, without a permit, unless empowered by statute so to do, 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.
- (2) No person, without as 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.
- (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, post, pillar, bridge, or other fixture or erection as aforesaid in any road, shall, at all times thereafter so long as the same remain in such road, keep the same in proper repair; and if at any time the same be allowed to fall into disrepair, the Council may cause the same to be removed and recover the cost of removal from such person.

Damage to roads

100. (1) 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 work of the Council appurtenant to such road,; or do or cause to be done anything whereby the same shall become undamaged.
- (2) 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; nor shall, without the authority of the Council, in any road tether or secure to any property of the Council any animal which is capable of injuring such property, or of damaging any tree, garden, or grass-plot in the vicinity thereof.

Dragging things on road

101. 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.

Locking wheels on hills

102. No person shall lead or drive a vehicle descending a hill on any road with any wheel thereof locked or braked so that it cannot revolve unless there is placed under the wheel a skid-pan, slipper, or shoe, in such manner as to prevent the road from being injured by the locking or braking of the wheel.

Projections on wheels

103. (1) After the expiration of three months from the coming into force of this By-law, no person shall use on any road any vehicle which has not the nails, studs, bolts, or nuts on the bearing surface of the tyres of its wheels countersunk flush with the surface of the tyres, or which has on the bearing surface of the tyres of its wheels any bars, spikes, or other projections: Provided that the Council may grant a permit, on such conditions as it may see fit, for the use of any vehicle having projections as aforesaid.
- (2) This By-law does not apply to rubber projections on pneumatic tyres.

Obstructions to road

104. No person shall, without the authority of the Council, deposit any goods or materials or place, make, or cause, any obstruction upon any street or road.

Provided that nothing in this By-law shall be deemed to limit, restrict, or interfere with any of the powers, duties, or authorities which under the Traffic Acts the Commissioner is authorised to execute or perform.

Lines not to be hung across roads

105. 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.
- 106A. No person shall erect, establish, maintain, or use any stall, bar, booth, or other facility for the sale of goods or wares or transaction of other business, abutting on or close to a street or road, of such a nature or so situated or constructed that persons resorting thereto for the purpose of making purchases or transacting other business, are obliged or likely to stand on the street or road whilst so engaged. This By-law does not apply to a temporary stall or booth erected or placed in or upon a street or road by the permission of the authority responsible for the control of traffic.
- 106B. (1) No person shall, in or upon any premises abutting on or close to a street or road, display any goods or wares, or give, make, or publish any exhibition, display, announcement, or information, whether visible or audible, of such a nature or in such a manner as to cause people to congregate on the street or road near such premises, or to cause offence to persons using the street or road.

- (2) If in or upon any premises abutting on or close to a street or road, any thing exists or any act is being done or is about to be done, which in the opinion of the Council or the Mayor constitutes, or if done would constitute a breach of paragraph (1) of this By-law, the person by whom or by whose authority such thing exists or such act is being done or is about to be done, shall forthwith upon request by the city inspector or other officer of the Council authorised by the Council or the Mayor in that behalf, remove such thing, or cease doing or refrain from doing such act, or cause or procure the removal of such thing or the cessation or refraining from the doing of such act.

106C. It shall not be lawful for a person –

- (a) To take or make a photograph or photographic exposure or impression of a person lawfully being in or upon a road, or place under the control of the Council, without the express consent of such person; or
- (b) Without the written permission of the Council or otherwise than in conformity with the terms and conditions of such permission to solicit a person in or upon a road, or place as aforesaid, for consent to the taking or making of a photograph or photographic exposure or impression of such person.

The provisions of this By-law shall not extend to prohibit the taking or making in good faith, of a photograph of a general view, building, street feature, procession, gathering, event, or thing of public or private interest, where the inclusion of an individual or individuals is merely incidental to the main purpose of the photograph.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 41.)

Subdivision 51, Section (vi.) In the discretion of the Local Authority prohibiting or regulating by permit the erection of petrol service pumps, fences known as “veranda fences”, motor grids, and other obstructions in or upon any road of the Local Authority; authorising the Local Authority to prescribe in any such permit any terms, conditions, provisions, and stipulations to be observed by such permittee; prescribing the duration of such permit, and a fee (whether an annual fee or otherwise) in respect of such permit; also the renewal or refusal of renewal of such permit.

Subsection (ii.) Prohibiting or requiring the issue of a permit for the opening up of the soil of roads, footways, and pavements by persons other than the authorised officers of the Local Authority or persons authorised by any enactment so to do.

Permits for obstructions on, or interferences with road

106. (1) The Council may in its discretion grant to any person a permit to lay down, erect, place, or maintain any pipe, drain, post, pillar, veranda fence, petrol service pump, bridge, motor grid, or other fixture erection, or obstruction of any description, or plant any tree, in, upon, or under any road, upon such terms and conditions as the Council may by resolution determine. The provisions of

By-law 12 in relation to licences shall apply to permits granted under this clause.

- (2) In the case of a permit for the erection and maintenance on any road of a petrol service pump or the like, the following fee shall be payable in respect thereof –

For each pump or the like operating from a reservoir of not more than 500 gallons capacity –

		Per Annum		
		£	s.	d.
(a)	In front of land or premises within a first class section	10	10	0
(b)	Elsewhere in the Area, but within a radius of 2 miles from the Town Hall	5	5	0
(c)	Elsewhere in the Area beyond such radius	3	3	0

For every additional 200 gallons or part thereof of reservoir capacity, an additional ten per centum of the above amounts.

These fees are in addition to any fees payable for permits to open up the road.

- (3) (i) 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.

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.

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:

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.

- (ii) Every permit granted before the coming into force of this By-law in respect of any such things as provided for in this By-law, which permit is in existence at the time of such coming into force, shall be deemed to have been granted under, and be subject to the provisions of this By-law, as from the first day of January, 1929.

Arrest

107. It shall be lawful for any officer of the Council, or for any member of the Police Force, to arrest any person found unlawfully opening up or breaking the surface of any road or footway thereof, or digging therein or removing therefrom any turf, sand, clay, soil, or other materials thereof.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivisions 12, 26 and 54.)

Compelling the use of hoardings, fences, lights, and other appliances for the prevention of accident or injury where works are in progress in or upon any premises abutting on a road or land under the control of the Local Authority.

Prohibiting, or regulating by permit, the deposit or erection of scaffolding, building materials, or obstructions of any kind in or upon any road or land under the control of the Local Authority.

Depositing building materials, &c.

109. No person shall throw or lay any building materials, timber, stone, brick, lime, or other material or thing whatsoever, or put up, construct, or erect any stage, 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, &c.

110. 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 ten feet 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 in any of such cases over or under ground, or to make any hole, within ten feet of any road, shall give notice in writing of such his intention to the Council.

He shall in such notice 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.

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 giving the same, nor until receipt from the Council of a permit as hereinafter mentioned, where the road will be interfered with.

Permit may be granted

111. 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 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 seem necessary and be specified in the permit.

The Council may renew the permit or grant a fresh permit to such person from time to time, and such person may thereupon from time to time do the said 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 five shillings.

Removal of scaffolding

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

Roads not to be constructed

113. Nothing herein contained shall render it lawful to construct any stage or scaffolding, or to deposit any materials, 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 footways, impassable for vehicles, or so as to obstruct any channel.

Council may remove, &c.

114. If any person who ought under the foregoing provisions of this Chapter to remove any matter or thing, or to make good any footway, carriage-way, or channel fails so to do, whether or not such person has been convicted of any 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.

Materials, &c., must not remain unnecessary time

115. Notwithstanding that any permit may not have expired, in no case shall any such material or thing, or such hole, be allowed to remain for an unnecessary time.

Lights to be fixed

116. When any building material, rubbish, or other thing is laid 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 a 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.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 11.)

Subsection (i.) Imposing upon the owners and occupier of premises abutting on a road or footway the duty of making and maintaining proper crossings for traffic across footways and channels.

Subsection (ii.) Prohibiting or regulating the traffic of animals or vehicles upon, along, or across any footway or any water-channel or gutter of any road except at some proper crossing.

Notice of making crossing

117. The owner or occupier of any land which abuts upon the footway of any road who desires to construct a crossing over such footway, and over any channel lying along the outer edge thereof, for the purpose of providing access for the animals and vehicles to his land shall lodge a notice, in writing, in the office of the Town Clerk.

Such notice shall describe the situation of the land, and shall be accompanied by a written specification setting out particulars of the proposed work.

After seven clear days from the lodging of such notice, and not before, such owner or occupier may, unless he receives from the Town Clerk a notice as hereinafter provided, at his own cost and to the satisfaction of the Council, make such crossing according to the tenor of such notice and specification and in conformity with the By-laws, and shall afterwards maintain the same.

Unless within the said period of seven days the Town Clerk gives notice to the person lodging such notice and specification that such notice or specification lodged is not in accordance with the By-laws, or is otherwise insufficient, such notice and specification shall thereafter, 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 specification lodged are contrary to the By-laws.

Any crossing made or begun to be made before such notice and specification have been lodged, or before the expiration of the said period of seven days, or otherwise than in conformity with any notice from the Town Clerk as hereinbefore provided, shall be deemed to be a crossing in contravention of the By-laws, notwithstanding that it may be otherwise in conformity with the same.

Council may require crossing to be made

118. If any land abuts upon the footway of any road, and access with 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 or on such road, the owner or occupier of such land shall, on receiving seven 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.

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.

Nature of crossing

119. (1) 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 a 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.
- (2) In any case in which the Council so directs or approves, any crossing may be by invert crossing of the water-channel, with footway crossing depressed below the level of the remainder of the footway.
- (3) 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, blocked, concreted, asphalted, macadamised, gravelled, or otherwise formed as the Council may in each case direct or approve.

Alteration of improper crossing

120. (1) If any crossing, whether made before or after the coming into force of these 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, or so as to meet the needs of traffic, as the case may be.
- (2) If the person required so to do makes default, he shall be guilty of an offence, and, in addition, the Council may cause the crossing to be so altered at his expense.

Repair of crossing

121. 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.

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.

Driving animals, vehicles, &c., on footway

122. 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 upon, along, or across any footway or any water-channel or gutter made or formed or partly made or formed except 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.

Every person who acts in contravention of this provision shall, in addition to any penalty imposed upon him for breach of this By-law, be liable to pay to the Council any expenses incurred in making good any damage occasioned by him.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 63.)

- (v.) The width of tyres of vehicles used in the Area.

(Schedule IV., Subdivision 51.)

- (vi.) The regulation of the weight of loads or of the use of vehicles likely to injure roads.

Tyre widths

123. The width of tyres and diameter of wheels of any vehicle, and weight of load carried, shall for the purposes of this Chapter be measured, calculated, and determined in the manner prescribed by the Regulations for the time being in force under "*The Main Roads Act, 1920 to 1925*" or any amendment thereof or any Act passed in substitution for such Acts for the measurement, calculation, and determination of the like matters under such Regulations.

Maximum load weights

124. No person shall drive, draw, or carry, or cause to be driven, drawn, or carried upon any residential road, or upon any lane or upon any road constructed by or under the Main Roads Board within the City, a greater weight (including the weight of the vehicle) than that prescribed by the Regulations for the time being in force under the provisions of "*The Main Roads Acts, 1920 to 1925*," or any amendment thereof or any Act passed in substitution for such Acts as permissible upon main roads; nor upon any secondary road, than one and a-half times such prescribed permissible weight; nor upon any principal road, than twice such prescribed permissible weight.

Maximum loads on bridges

125. 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.

Vehicles to stop for examination

126. The driver or other person in charge of any vehicle shall stop when requested by an authorised officer of the Council, who may thereupon measure the diameter of wheels and tyre widths of such vehicle and the load carried thereon.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 19.)

- (i.) Defining what traffic shall be deemed to be extraordinary traffic, having regard to the average expense of repairing roads within the Area, or any division or part of an Area or divisions specially affected.
- (ii.) Regulating and, if necessary, restricting extraordinary traffic on roads or any specified roads.
- (iii.) Compelling any person, corporation, or other body by whom or by whose order extraordinary traffic has been conducted to pay to the Local Authority any expenses incurred by the Local Authority by reason of damage arising to the roads or any road used by such traffic.
- (iv.) Authorising the Local Authority to enter into any agreement with any such person, corporation, or other body as last aforesaid for the payment to the Local Authority of a composition in respect of such traffic in lieu of the expenses actually incurred as aforesaid.

Extraordinary traffic defined

127. Any vehicle which, or carrying a load which, is such that –

- (a) The weight borne by an axle (including the weight of the wheels) exceeds ten tons; or
- (b) Any part thereof extends to a greater height than sixteen feet from the road surface,

shall be deemed to constitute extraordinary traffic; also any caterpillar type vehicle the total weight of which with its load (if any) exceed fifteen tons.

Regulation of extraordinary traffic

128. (1) No person shall take or drive any vehicle constituting extraordinary traffic upon or over any road unless and until he shall have given the Council forty-eight hours' notice of his intention in that behalf, and in accordance with such notice and any specification given to him by the Council as hereinafter mentioned.
- (2) Every such notice shall be given in writing to the Town Clerk, specifying name of the person, corporation, or other body by whom or on whose behalf the traffic is to be conducted, and, in case the notice is for a single journey, the

nature of the vehicle and load and the points from and to which it is to be taken, and the route proposed to be followed, or if the notice is for a continuing traffic, then the nature of the vehicle, and the general class of use to which it is to be put.

- (3) On receipt of such notice the Council may, by notice to the person from which the same is received, specify, in the case of a single journey, the route or alternate routes to be followed, or, in the case of a continuing traffic, the road or roads upon which the same may be conducted; and the proposed traffic shall not be conducted except in conformity with such specification.

Damage by extraordinary traffic

129. The person, corporation, or other body by whom or by whose order any extraordinary traffic had been conducted, shall pay to the Council any expenses incurred by the Council by reason of any damage arising to the roads or to any roads used by such traffic, including, as part of such expenses, any expense incurred in 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 that 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 actually incurred as aforesaid.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 63.)

(xxx.) Defining the classes of vehicles that may be drawn or propelled by foot passengers upon or along pathways.

Traffic on pathways

130. No person shall take or cause to be taken upon a pathway, except over some authorised crossing for the purpose of access to land or premises abutting on a road, any vehicle, except a perambulator or go-kart, propelled or drawn by a person on foot.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 35.)

The name of roads; the numbering of buildings; the marking of the names of roads and numbers of buildings upon walls or otherwise, and preventing their removal or effacement therefrom.

(See also Section 102.)

Naming of new roads

131. (1) Any applicant for the approval of the Council of any proposed subdivision of land involving the opening of any new road or roads may, upon his plan of

subdivision, suggest or propose a name or names therefore. The Council, if it approves the subdivision, may adopt the name or names so shown, or alter any such name or names. The name of any road shown on the plan as finally approved by the Council shall be the name of such road when opened.

(2) Any road heretofore opened which is unnamed, and any new road which may hereafter be opened without being named under the last preceding By-law, may be named by the Council at any time.

Altering names of roads

132. The Council may from time to time alter the name of any road. When it is proposed to alter the name of any road, reasonable public notice thereof shall be given by advertisement in a newspaper, and provision made for hearing the objections of any person who may object thereto. If, after hearing any objections, the Council resolves to alter the name, the alteration shall be notified by advertisement in a newspaper.

Notification to Titles Office

133. When any road is named, or the name of any road altered, by the Council, a certificate thereof shall be furnished by the Clerk to the Deputy Registrar of Titles at Townsville.

Numbering of buildings

134. The Council may cause the buildings abutting upon or fronting or adjacent to any street or road, to be numbered in such manner as it may see fit, and from time to time vary any such numbering.

Affixing street names and numbers to buildings

135. (1) 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.

(2) 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.