

## By-laws for the Control of Traffic Within the City Area

### THE CORPORATION OF THE CITY OF DARWIN

By-laws 13.01 to 13.13 Chapter 4 (Traffic Control) of the By-laws of the Municipality of Darwin included in the By-laws approved by the Acting Administrator on the thirty-first day of December, 1958 and published in the *Government Gazette* on the fourteenth day of January, 1959 be repealed and the following By-laws numbered 13.01 to 13.31 be made in their stead—

#### CHAPTER 4

#### TRAFFIC CONTROL

##### Definitions

13.01 In this Chapter (unless inconsistent with the context or subject matter)—

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

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

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

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

“omnibus” means a motor omnibus.

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

“parking” means the standing or waiting on a public street of a motor vehicle whether occupied or not, when not actually engaged

\* Published in the *Northern Territory Government Gazette* No. 43 on 6 October, 1965. See also *Local Government Ordinance* 1966 (p. 263) which repealed certain relevant by-law making powers and expressed many of the provisions of these By-laws in the Ordinance.

in picking up or setting down of persons, passengers, or goods, or when not required to stop in obedience to official traffic signs or police signals, and "park" or "parked" has a corresponding meaning.

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

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

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

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

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

"the Corporation" means the Corporation of the City of Darwin.

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

13.02 The by-laws shall apply to all roads under the control of the Corporation whether those roads are under the control of the Corporation permanently or temporarily. Control of roads

13.03 Any vehicle forbidden under the *Control of Roads Ordinance* 1953-1964 to use any road within the City of Darwin or any other road outside the City of Darwin placed under the control of the Corporation is forbidden by these by-laws to use that road. Use of roads by vehicles

13.04 (1.) A person driving a motor vehicle or vehicle shall not park the vehicle— Prohibition of stopping or parking in certain places

(a) within 15 feet of the intersection of the property lines at an intersection;

(b) within 15 feet of the vehicular entrance to any fire station;

(c) within 6 feet of a fire hydrant other than a fire hydrant on an omnibus stop, public stand, or parking area;

(d) within 10 feet of a postal pillar receiver;

(e) alongside or opposite any street excavation or obstruction when such stopping or parking would obstruct traffic;

(f) upon, or within 50 feet of, a bridge or its approaches;

(g) upon a footpath, where clearly defined;

(h) opposite the entrance to any passage or thoroughfare used for traffic.

(2.) A person driving a motor vehicle other than a public hire car shall not stop or park the vehicle upon a public stand.

(3.) A person driving a motor vehicle other than a motor omnibus shall not stop or park the vehicle on an omnibus stop.

(4.) A person driving a motor omnibus shall not stop or park the motor omnibus in or on any other place than at an omnibus stop.

(5.) A person driving a motor vehicle shall not stop or park the motor vehicle upon any place in any public street which has been declared a prohibited area by an official traffic sign.

(6.) A person driving a motor vehicle shall not stand or park the motor vehicle on any place on any public street for a longer period than is specified on an official traffic sign exhibited at or near that place. Provided that the driver of a motor vehicle licensed to carry goods may stand or

park the motor vehicle for a longer period than that specified on an official traffic sign—

- (a) whilst loading or unloading goods; or
- (b) by the direction or with the consent of an Officer or Police Officer.

(7.) Where an official traffic sign indicates that a place on a public street is reserved for motor vehicles or vehicles used by a particular person, a person shall not stand or park in or on that place a motor vehicle or vehicle which is not being used by or on behalf of the particular person.

Parking parallel to kerb

13.05. Subject to the next succeeding by-law, a motor vehicle which is parked in any public street shall be parked parallel with the edge of the roadway and headed in the direction of the traffic and with the nearside wheels not more than eighteen inches from the kerb on the nearside.

Angle parking

13.06. Where an official traffic sign indicates that angle parking only is permitted in a street or part of a street, a person in charge of a motor vehicle shall not park the motor vehicle in that street or that part of the street except—

- (a) at an angle of forty-five degrees to the boundary of the carriage-way;
- (b) headed towards the footpath and in the direction in which the traffic is allowed to proceed on the side of the carriage-way on which the motor vehicle is parked; and
- (c) so that no portion of the motor vehicle—
  - (i) rests upon;
  - (ii) overhangs; or
  - (iii) is more than twenty-two feet from the foot-path along a line making an angle of forty-five degrees with, the footpath on the side of the carriage-way on which the motor vehicle is parked.

Overtaking or passing traffic on bridges

13.07. The driver of a motor vehicle shall not overtake or pass any traffic proceeding in the same direction whilst upon any bridge or culvert or within fifty yards of any bridge or culvert, or the approaches thereof.

Space between vehicles

13.08. A person shall not leave any vehicle or motor vehicle parked or stationary whether attended or unattended unless there is a space of not less than three feet between the front of such vehicle and the rear of any other vehicle, or, if such vehicle is reversed into position, unless there is a space of not less than three feet between the rear of such vehicle and the front of any other vehicle or motor vehicle.

Traffic rules

13.09. A person driving or riding a motor vehicle, vehicle or horse upon a public street shall—

- (a) not loiter;
- (b) abstain from going upon any part of a street which is closed against traffic;
- (c) upon the approach of a fire engine, reel, ambulance or police vehicle apparently proceeding in charge of a member of a Fire Brigade, ambulance staff or policeman giving audible signal by horn, siren or bell, immediately drive his motor vehicle or vehicle or ride his horse to a position as near as possible and parallel to the left hand side of the carriage-way clear of an intersection and stop and remain stopped until the engine, reel, ambulance or police vehicle has passed unless otherwise directed by an Officer or Police Officer.
- (d) when approaching a pedestrian crossing upon which there is a pedestrian, stop in such a position that no portion of the

motor vehicle or vehicle he is driving or the horse he is riding is upon the pedestrian crossing and remain stopped until the pedestrian has left the pedestrian crossing; and

- (e) not enter upon a pedestrian crossing where a motor vehicle or vehicle or horse, headed in the same direction as the motor vehicle or vehicle he is driving or the horse he is riding, is stopped on the approach side of or upon that pedestrian crossing.

13.10. A person shall not drive or ride any motor vehicle or vehicle in any one way traffic street contrary to the direction in which traffic is permitted to travel as notified by official traffic signs.

One way traffic

13.11. The driver of any public hire car shall not permit the vehicle to stand at any place upon a public street other than at a public stand except—

Public hire cars not to stand in public street

- (a) whilst picking up or setting down passengers; or
- (b) whilst engaged and waiting under instructions of his passengers provided that such instructions do not involve the contravention of any regulation prohibiting parking in any specified area or for any specified period; or

- (c) by the direction or with the consent of an Officer or Police Officer.

13.12. Every place or part of a public stand marked with an official traffic sign to be a public stand shall be a public stand for the exclusive use of public hire cars.

Public stand

13.13. No driver shall place his public hire car upon any public stand unless the vehicle is actually available for hire.

Public stands to be used only on certain occasions

13.14 (1.) No driver of a public hire car upon a public stand shall cause it to stand—

Position of public hire cars on public stands

- (a) abreast of any other vehicle; or
- (b) nearer than three feet to any other vehicle.

(2.) Unless otherwise directed by an Officer or Police Officer the driver of a public hire car, on arriving at any public stand which comprises positions for two or more vehicles, shall—

- (a) if no other vehicles are upon such stand, cause his vehicle to occupy the first position thereon;
- (b) if other vehicles are upon such stand, cause his vehicle to occupy the next vacant position behind the last position which is occupied; and
- (c) whenever the position next in front of the position for the time being occupied by his vehicle is or becomes vacant, forthwith cause his vehicle to occupy such vacant position.

13.15. Where more than one public hire car is upon a public stand, unless the person hiring selects a particular public hire car, the first public hire car on such stand shall have a right to the hiring.

First public hire car to have right of hire

13.16 (1.) The driver of any public hire car shall, immediately after the termination of any hiring, carefully search inside the vehicle, and if he finds any article left therein shall, if possible, hail back the passenger and return the article.

Drivers to search vehicle

(2.) If the driver is unable to hail back the passenger he shall forthwith take the article to the nearest Police Station, and there deliver it to the officer for the time being in charge.

13.17. No person shall upon any public street—

Touting for hire prohibited

- (a) endeavour to induce a person to hire or to ride in a public hire car; or

(b) tout in any manner for any person to hire or to ride in a public hire car.

Public hire cars  
not to carry  
offensive matter

13.18 (1.) No driver of a public hire car upon any public street shall permit any person to place or carry thereon any substance of offensive character or any substance which might soil or damage the vehicle.

(2.) No driver of a public hire car shall permit any person to place or carry thereon any animal which might soil or damage the vehicle or the apparel of any passenger.

Noisy  
instruments

13.19. No person shall by speaking, shouting, singing, playing upon, operating or sounding any musical or noisy instrument or doing anything whatsoever attract together a number of persons in any street so as to obstruct traffic.

Processions

13.20 (1.) No procession of persons or of vehicles or of any combination of persons and vehicles shall, except for Military or Funeral purposes, parade or pass through any street, except upon the following conditions:—

(a) a permit in writing of the Town Clerk or a person thereto authorised by him shall first have been obtained;

(b) such procession shall take the route and comply with the conditions specified in such permit;

(c) the applicant for such permit shall have paid the cost of giving public notice by advertisement in a newspaper circulating in the city, setting forth particulars of such permit and route.

(2.) The holder of such permit shall produce the same at all reasonable times to any Officer or Police Officer.

Pedestrians to  
keep to the left

13.21. Every pedestrian upon a footway shall keep to his left-hand side of the footway, and shall when meeting or overtaking any other person pass on the right-hand side of such person.

Pedestrians to  
face vehicular  
traffic on  
roadway

13.22. Every pedestrian walking on the roadway of a public street shall keep to his right-hand side of the roadway and face on-coming vehicles.

Driving or  
riding on  
footpaths, &c.

13.23 (1.) A person shall not ride, drive or lead any animal or ride or drive any vehicle or motor vehicle so that that animal, vehicle or motor vehicle or any part thereof is on any footpath, causeway or place set apart or constructed on or by the side of any road for the accommodation of pedestrians.

(2.) The last preceding clause shall not apply where the animal, vehicle or motor vehicle is ridden, driven or led across any such footpath, causeway, or place at right angles in crossing to or from any premises.

Waste oil  
and grease

13.24. No person shall stand or drive a motor vehicle or vehicle upon a public street without adequate precautions being taken to prevent waste oil or grease from the machinery or from any other part of the vehicle from dropping to the roadway.

Traffic  
notices, &c.

13.25 (1.) The Corporation may erect or place or cause to be erected or placed on or near a public street notices, signs, barriers or devices for the purpose of prohibiting or directing the movement of traffic or for the purpose of excluding persons, motor vehicles, bicycles or animals from any public street during any public procession or public function or ceremony or while the public street is being repaired or altered or is impassable or unsafe for traffic.

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

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

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

13.26. A person who contravenes, or fails to comply with any provision of this Chapter shall be guilty of an offence, punishable on conviction by a fine not exceeding ten pounds. Offences

13.27 (1.) In any prosecution for an offence against a provision of this Chapter the allegation of the prosecutor contained in the complaint that an official traffic sign or a notice, sign or device was exhibited or caused to be exhibited under and in accordance with a provision of this Chapter shall, in the absence of proof to the contrary, be deemed to be proved. Allegations

(2.) In any prosecution for an offence against any provision of this Chapter the allegation of the prosecutor contained in the complaint that a notice, sign or other device is or was an official traffic sign shall, in the absence of proof to the contrary, be deemed to be proved.

13.28. Except as otherwise provided in these by-laws where an offence is committed in relation to the parking of any vehicle, the person who at the time of the breach was the registered owner of the vehicle is deemed to have committed that offence and may be proceeded against and is punishable accordingly. Liability for parking offences

13.29. Proof that the name and address of a person were shown upon the outside of a vehicle or that in or upon a vehicle there was otherwise shown the name and address of a person purporting to be the name and address of the registered owner of that vehicle, is evidence that at the time when such name and address were so shown, the person whose name and address were so shown was the registered owner of that vehicle. Evidence of ownership

13.30 (1.) Whenever a vehicle or motor vehicle is found parked in contravention of a provision of this Chapter the officer finding such vehicle may affix on such vehicle or motor vehicle in a conspicuous position or hand to the registered owner or driver thereof a notice in writing, in accordance with the next succeeding clause. Notice of alleged offence

(2.) The notice referred to in the last preceding clause shall—

- (a) be identified by a serial number;
- (b) be addressed to the registered owner of such vehicle by name, or, if the name of the registered owner is not known, be addressed to the registered owner of such vehicle by the registration of such vehicle, as shown upon the registration label issued pursuant to the *Motor Vehicles Ordinance 1949-1962* and affixed to that vehicle;
- (c) describe the vehicle the subject of the alleged offence;
- (d) notify that it is alleged that an offence has been committed in respect of the parking of that vehicle;
- (e) state in general terms the offence which it is alleged has been committed;
- (f) inform the registered owner in general terms that he has the right to decline to be dealt with in the manner described in paragraph (g) hereof and to require that the alleged offence be prosecuted in a court of summary jurisdiction—
  - (i) if he desires to contest the question whether the offence alleged was in fact committed;

- (ii) if he wishes to submit to the Court matters in extenuation of penalty; or
- (iii) for any other reason he may regard as sufficient;
- (g) inform the registered owner in general terms that if he does not desire the matter to be dealt with by a court of summary jurisdiction he may complete the form annexed to or endorsed or written upon such notice and forward or deliver it to the Town Clerk (or officer nominated in that behalf and named therein) on or before the date and time specified in the notice (which shall not be less than ten days from the date of giving thereof), together with the sum of One Pound (£1) by way of penalty; and
- (h) inform the registered owner in general terms of the provisions of clause 3 of the next succeeding by-law of these by-laws.

(3.) Upon receipt by the Town Clerk of a report wherein it is alleged that a vehicle has been parked in contravention of a provision of this Chapter in any case where a notice has not been affixed to the vehicle or given to the registered owner or driver thereof by an officer pursuant to clause (1.) of this by-law, the Town Clerk may give to the registered owner or driver of that vehicle a notice, in writing, to the like effect as the notice referred to in clause (1.) of this by-law.

**Prosecution for breach**

13.31 (1.) Subject to clause (3.) of this by-law where a notice in writing shall have been affixed on a vehicle or given to the registered owner or driver thereof pursuant to the provisions of the last preceding by-law and the sum of money by way of penalty shall not have been paid to the Town Clerk or officer nominated in that behalf and named in such notice on or before the date and time specified therein for such payment, the alleged offence may, notwithstanding any other provision of this Chapter be prosecuted upon the complaint of the Town Clerk or of any other person authorised by him, and either against the registered owner or any other person whomsoever alleged to be guilty thereof.

(2.) For the purposes of any such prosecution the signature of the Town Clerk shall be judicially noticed.

(3.) Notwithstanding the preceding provisions of these by-laws, a registered owner of a vehicle shall not, by virtue of that by-law, be deemed guilty of an offence not actually committed by him if not later than ten days after the date of the service of a summons for that offence—

- (a) he supplies to the Town Clerk a statement in writing, verified upon oath or by statutory declaration, stating facts which prove to the satisfaction of the Town Clerk that some other person actually committed the offence and stating the name of that other person and the address at which he may be found; or
- (b) he supplies to the Town Clerk a statement in writing, verified upon oath or by statutory declaration, stating facts which prove to the satisfaction of the Town Clerk that he has sold such vehicle on a date before the time when the offence was committed and stating the name of the person to whom the vehicle was sold and the address at which such person may be found, the date of the sale, and the name and address of the agent, if any, who made the sale on his behalf; or

- (c) he proved to the satisfaction of the Town Clerk that, at the time of the offence, the vehicle was stolen or being used unlawfully without his consent.

**CERTIFICATE**

WE CERTIFY that the above written by-laws were passed at a Meeting of the Corporation of the City of Darwin at which the Mayor and seven Aldermen were present, this being more than two-thirds of the members as provided in Section 350 of the *Local Government Ordinance* 1954-1964. The Meeting at which the by-laws were approved was held on the Sixteenth day of November in the year 1964, and further amended and approved at a Meeting of the Corporation of the City of Darwin at which the Mayor and seven Aldermen were present on Twenty-first day of June in the year 1965, and finally amended and approved at a Meeting of the Corporation of the City of Darwin at which the Mayor and seven Aldermen were present on the Twentieth day of September in the year 1965, this being more than two-thirds of the members as provided in Section 350 of the *Local Government Ordinance* 1954-1964.

N. H. COOPER, Mayor

W. J. SULLIVAN, Town Clerk