

action in a court of competent jurisdiction, recover from the alleged offender —

- (a) if the goods are not sold under section 3.47, the expenses incurred by the local government in removing and impounding them and in disposing of them if they are disposed of under section 3.47; and
- (b) if the goods are confiscated and sold under section 3.47, the amount, if any, by which the money received from the sale and credited to the municipal fund under section 3.47(6) is insufficient to meet expenses incurred by the local government in removing, impounding, and selling them; and
- (c) if the goods are not confiscated but are sold under section 3.47, the amount, if any, by which the money received from the sale is insufficient to meet the costs and expenses referred to in section 3.47(4) or (5), as the case requires.

*[Section 3.48 amended: No. 64 of 1998 s. 13.]*

#### **Subdivision 5 — Certain provisions about thoroughfares**

*[3.49. Deleted: No. 64 of 1998 s. 14(1).]*

#### **3.50. Closing certain thoroughfares to vehicles**

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

*[(3) deleted]*

**Local Government Act 1995**

**Part 3** Functions of local governments

**Division 3** Executive functions of local governments

**s. 3.50**

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- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
  - (b) give written notice to each person who —
    - (i) is prescribed for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section;and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the *Main Roads Act 1930* a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- [(7) *deleted*]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

*[Section 3.50 amended: No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]*

**3.50A. Partial closure of thoroughfare for repairs or maintenance**

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) is for the purpose of carrying out repairs or maintenance; and
- (b) is unlikely to have a significant adverse effect on users of the thoroughfare.

*[Section 3.50A inserted: No. 64 of 1998 s. 16.]*

**3.51. Affected owners to be notified of certain proposals**

- (1) In this section —

*person having an interest*, in relation to doing anything, means a person who —

- (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or
- (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
- (c) is prescribed for the purposes of this section.

- (2) This section applies to —

- (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
- (b) draining water from a public thoroughfare or other public place onto adjoining land.

- (3) Before doing anything to which this section applies, a local government is to —

- (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and