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LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY LOCAL LAWS

STANDING ORDERS

DOGS

DOG KENNELS AND THE KEEPING OF DOGS

RESERVES, FORESHORES AND BEACHES

**CONTROL AND MANAGEMENT OF PARKING
STATIONS AND MANAGEMENT AND OPERATION
OF PARKING FACILITIES**

**DEPOSITING AND REMOVAL OF REFUSE, RUBBISH
AND DISUSED MATERIALS**

LOCAL GOVERNMENT ACT 1995
(Section 3.12)

CITY OF BUNBURY

“STANDING ORDERS” LOCAL LAW

The Council of the City of Bunbury hereby records having resolved to amend the Standing Orders Local Law at a meeting held 23 December 1997, as follows:

MODIFICATION TO CITY OF BUNBURY “STANDING ORDERS”

Clause 5.1(e)

Delete the words “*statements or*” and “*and*” from the first sentence of the clause. The amended clause will read—

- “(e) Reception of public questions limited to a total of fifteen minutes of duration, except by consent of the Mayor. Each speaker will be limited to three minutes duration to speak except by consent of the Mayor.”

Clause 11.2

Add the following new sentence to the end of the clause: “*Seat allocation may be changed by agreement between two councillors occupying those seats.*” The amended clause will read—

- “11.2 At the first meeting attended by a councillor after election the Chief Executive Officer shall allot by random draw, a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council. Seat allocation may be changed by agreement between two councillors occupying those seats.”

Clause 11.3.2

Insert the word “*minute*” before the word “*clerk*” in the first line of the clause. The amended clause will read—

- “11.3.2 Any member of council may require the minute clerk to take down any particular words used by a member immediately upon their being used.”

Clause 13.2

Delete the words at the end of the clause “*except in council committees where clause 20.3 applies*”.

Clause 13.4

Delete the following sub-clauses—

- “(f) a speaker against the motion
- “(g) a speaker for the motion
- “(h) other speakers against”

Existing sub-clause (i) then becomes sub-clause (f).

Clause 15.4

Insert a new sub-clause as follows—

- “15.4.1 A member of the council who has not already spoken on the question may at the conclusion of the speech of any other member, move without notice and without comment, that ‘the question under consideration be now put’ and upon that motion being formally seconded, it shall be immediately put without debate.”

The existing sub-clauses 15.4.1, 15.4.2 and 15.4.3 to be re-numbered to make way for the new sub-clause 15.4.1, accordingly.

Clause 16.20

Delete the words “*unless a division is called, as provided for in clause 16.19 of these standing orders*”. The amended clause will read as follows—

- “16.20 If a decision is not clear or in doubt, the Mayor shall put the question as often as necessary to determine the decision from a show of hands before declaring the decision which shall be final.”

Clause 16.21

Substitute the word "*resolution*" for the words "*substantive motion*". The amended clause to read as follows—

"16.21 A member may request that there be recorded;

- (a) his or her vote; or
- (b) the vote of all members present;

on a resolution and the Chief Executive Officer shall ensure that the vote or votes as the case may be, are recorded in the minutes."

Clause 20.17

Re-number the existing clause 20.17 as new sub-clause 20.17.1 and substitute the following wording for the new sub-clause 20.17.1—

"20.17.1 Any member of the committee bringing up a report may move the adoption of each item of the report, unless having previously indicated disagreement with it, or unless the member of the committee is the Mayor."

Insert a new clause as sub-clause 20.17.2 as follows—

"20.17.2 The recommendation of a committee must be moved prior to any alternative motion on the matter being considered."

Dated the 19th day of January 1998.

THE COMMON SEAL OF The City of Bunbury was hereunto affixed by authority of a resolution of Council in the presence of—

JOHN CASTRILLI, Mayor.
MR G. P. BRENNAN, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

LOCAL LAWS RELATING TO DOGS

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on the 23rd day of December, 1997 to repeal the Local Laws relating to Dogs published in the *Government Gazette* on the 12th day of February, 1993 and to make the following Local Law:

Repeal

All other local laws relating to Dogs are hereby repealed.

Citation

These local laws shall be cited as the City of Bunbury Dog local laws.

Definitions

In these local laws unless the context otherwise requires—

“**Act**” shall mean the Dog Act 1976 and amendments and regulations appurtenant thereto.

“**Authorised Person**” shall mean a person authorised by the Council to perform duties in accordance with these local laws, and includes a “Ranger” or “Poundkeeper”.

“**Council**” shall mean the Bunbury City Council.

“**District**” shall mean the District of the City of Bunbury.

“**Pound**” shall mean any land including any enclosures or structures thereon, established or maintained by Council pursuant to the Dog Act 1976.

“**Schedule**” shall mean a schedule of these local laws.

Impounding Dogs

(1) The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act 1976 or these local laws.

(2) The pound to be used by Council is established on part of Bunbury Lot 521, Robertson Drive, Bunbury and is an approved pound situated within the Council area.

(3) A dog seized by a Police Officer or by an Authorised Person of the Council may be placed in the pound.

(4) An Authorised Person shall be in attendance at the pound for the release of dogs at such time on such days of the week as shall from time to time be determined by the Council.

(5) Where a dog has been seized or placed in a pound an Authorised Person shall, in accordance with section 29(8)(a) of the Act, if the dog is wearing a registration tag or the owner is otherwise readily identifiable, forthwith notify such person that the dog has been impounded.

(6) Any person applying for the release of a dog seized or impounded shall provide to the satisfaction of an Authorised Person, evidence of the ownership of the dog and his authority to take delivery of it. An Authorised Person may accept such proof as he considers satisfactory and no persons shall have any right of action against him or the Council in respect of the delivery of a dog in good faith.

(7) If the owner or person apparently acting on behalf of the owner of a dog impounded shall claim such dog, then upon payment of the fees specified in the First Schedule hereto (“the said fees”) the dog shall be released to such person.

(8) If the Council arranges destruction of a dog at the request of its owner, then whether such dog shall have been seized or not, the owner shall pay to Council the fees specified in the First Schedule hereto.

(9) If a dog shall not be claimed and the said fees paid within 72 hours of its being seized, or if a dog having a collar around its neck with a registration label for the current year affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the registered owner, an Authorised Person may sell such dog.

(10) Upon sale of a dog the proceeds of sale shall be the property of the Council and may be disposed of in such a manner as the Council thinks fit. The owner of a dog sold pursuant to these local laws shall have no claim against the Council in respect of the proceeds thereof.

(11) If within the times mentioned in local law 9 hereof or at any time before the destruction of a dog, the dog has not been claimed as aforesaid, and the said fees paid, and if no offer has been received for its purchase, the dog may be destroyed.

(12) Notwithstanding anything herein contained, but subject to the provisions of section 29(12) of the Act, any dog seized or impounded, which is, in the opinion of an Authorised Person suffering from injury, disease or sickness to such an extent that it is impracticable to maintain the dog, may be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner or health surveyor.

(13) The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to a penalty under the Dog Act Regulations or these local laws.

(14) No person shall—

- (a) unless an Authorised Person release or attempt to release a dog from a pound;
- (b) destroy, break into, damage, or in any way interfere with or render not dog-proof any pound;
- (c) destroy, break into, damage, or in any way interfere with or render not dog-proof any vehicle or container used for the purpose of catching, holding or conveying dogs which have been seized.

(15) Any person who shall commit a breach of local law 14 shall, upon conviction, be liable to a penalty not exceeding the maximum set down in section 43(1) of the Act.

Prohibited Areas

(16) (1) The owner or person liable for the control of a dog, other than a person accompanied by a guide dog, shall prevent that dog from entering or being in any of the following places—

- (a) A public building.
- (b) A theatre or picture gardens.
- (c) A house of worship.
- (d) A shop or other public business premises.
- (e) PT Reserve 9997.

The areas of public beach delineated by the Western boundary of Ocean Drive northerly to the prolongation of the southern boundary of Clifton Street, the low water mark of the Indian Ocean to the west and southerly to the prolongation of the northern boundary of William Street; from 1 October to 30 April each year.

- (f) PT Reserves 9997 and Reserve 18574, PT Lot 670 Endowment Land. The areas of public beach delineated by the western boundary of Ocean Drive northerly to the prolongation of the southern boundary of Hayward Street, the low water mark of the Indian Ocean to the west, and southerly to a point 150 metres from the northern boundary of Hastie Street; from 1 October to 30 April each year.
- (g) That portion of Koombana Bay from the low water mark and extending south in a foreshore corridor 100 metres wide from the western boundary of Reserve 27297 easterly to the eastern boundary of Reserve 41411; from 1 October to 30 April each year.

Dog Exercise Areas

(17) The land specified in the 3rd Schedule to these local laws is designated as dog exercise areas for the purposes of the Act. The exercising of dogs in dog exercise areas shall be subject to the provisions of the Act.

Limitations-Number of Dogs

(18) The owner or occupier of any premises within the District shall not keep, permit or suffer to remain thereon more than two dogs over the age of three months unless such premises are situated within that area of the district where kennels are permitted under the City of Bunbury Town Planning Scheme as amended and unless such premises are licensed as an approved kennel establishment.

(19) A person wishing to keep more than two dogs but not more than six dogs on any premises may seek, upon application to Council, exemption for those provisions under section 26(3) of the Act.

General

(20) The owner or occupier of premises within the City of Bunbury on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to the portion and in accordance with the provisions of this local law. Any owner or occupier failing to comply with this requirement commits an offence.

- (a) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog prevents the dog from passing over, under around or through the fence.
- (b) If there is a gate in the fence, the gate shall be kept closed at all times except when the dog is not kept on the premises, but nothing in this local law prevents a person from opening the gate, in order to enter or leave the premises.

(21) A person liable for the control of a dog which excretes on any street or public place or on private property within the City of Bunbury without the consent of the owner or occupier commits an offence unless the excreta is removed forthwith and disposed of on private land with the consent of the owner or occupier.

(22) No person shall obstruct or hinder an Authorised Person or a member of the Police Force in the performance of anything authorised by the provisions of the Act or these local laws.

Penalties etc

(23) (1) Any person who commits a breach of any of the provisions of these local laws commits an offence and shall upon conviction in a court of competent jurisdiction be liable to a penalty not exceeding \$1000.

- (2) (a) The offences described in column two of the Second Schedule are prescribed pursuant to the respective local laws as offences in relation to which modified penalties apply and the amount appearing in column three of that Schedule directly opposite an offence is the modified penalty payable in respect of that offence if dealt with pursuant to section 45A of the Act.
- (b) Infringement notices issued pursuant to these local laws shall be in the form depicted Form (1) Second Schedule of these local laws and a record of the infringement notice shall be in the form depicted Form (2) Second Schedule of these local laws.
- (c) Where an Authorised Person has reason to believe, upon reasonable grounds, that a person has committed any such offence against these local laws as is prescribed by these local laws, he may serve on that person an infringement notice informing the person that if he does not wish to have a complaint of the alleged offence heard and determined by a Court, he may pay to the Council, within the time therein specified, the amount prescribed as the modified penalty.
- (d) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by Council pursuant to the Act.
- (e) Where a person who received an infringement notice fails to pay the prescribed penalty within the specified time in the notice, or within such further time as may in any particular case be allowed, he is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (f) An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon issue an acknowledgment accordingly.
- (g) Withdrawal of infringement notices issued under this Local Law shall be in the form depicted in Form 8 of the First Schedule to the Dog Act Regulations 1976.

First Schedule

FEES

For the seizure and/or impounding of a dog	\$30.00
For the sustenance and maintenance of a dog in the pound (per day)	\$20.00
For the destruction of a dog	\$30.00

Second Schedule

MODIFIED PENALTIES

Local Law	Nature of Offence	Modified Penalty
Column 1	Column 2	Column 3
16	Permitting a dog to be in a prohibited area	\$100.00
20	Failure of an owner/occupier to provide fencing capable of confining a dog	\$100.00
21	Permitting a dog to excrete on a street or public place or other land and failing to remove and dispose of such excreta in an approved manner without the written consent of the occupier of that land	\$100.00

Second Schedule

Form (1)

INFRINGEMENT NOTICE

City of Bunbury Infringement Notice

FAILURE TO PAY IN 28 DAYS WILL INCUR ADDITIONAL COSTS.
PLEASE MAKE CHEQUES PAYABLE TO THE CITY OF BUNBURY.

It is alleged that an offence was committed in accordance with the details indicated below.

Dog Act 1976

Dog Infringement

INFRINGEMENT NO.:
TIME: DATE:
OFFICER ID:
LOC:
OFFENCE:
CITY OF BUNBURY DOG LOCAL LAW
PENALTY:
DATE DUE:
OFFENDER:
ANIMAL:
OFF TIME: OFF DATE:

Officer's
Signature.....

If you intend paying the penalty WITHIN 28 DAYS, of the date of this notice, payment, whether posted or delivered, must reach the Chief Executive Officer, City of Bunbury, P.O. Box 21, Bunbury, 6231.

See over

(Back of Form 1)

CITY OF BUNBURY

Infringement Notice

You may dispose of this matter either—

- (a) By payment of the penalty as shown within 28 days of the date of this notice to the City of Bunbury Council between the hours of 9:30 a.m. and 3.30 p.m. Monday to Friday.
- (b) By having it dealt with by a Court.

IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COSTS WILL ALSO BE PAYABLE.

IF YOU CHANGE ADDRESS it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Date Signature.....

Address.....

.....

Second Schedule

Form (2)

Bunbury City Council

Dog Infringement Hard Copy Print Out..... generated on at.....
(date) (time)

Dog Act 1976

Dog Infringement

INFRINGEMENT NO.:
TIME: DATE:
OFFICER ID:
LOC:
OFFENCE:

CITY OF BUNBURY DOG LOCAL LAW

PENALTY:

DATE DUE:

OFFENDER:

ANIMAL:

OFF TIME: OFF DATE:

-----NON-PRINTED FIELDS-----

Officer:

Area:

Offence:

Note 1:

Note 2:

Between:

And

Side of Street:

Dist from (Meters):

Traffic Conditions:

Mark Time:

Time To:

Sign Time From:

Sign Time To:

Letters Covered:

Reg Cat:

Sign:

Sign Exemption:

Issue Mode:

*Third Schedule***BUNBURY TOWNSITE—DOG EXERCISE AREAS**

Reserve 32722	Armanta Drive except those areas set aside as children's playgrounds
Reserve 28621	Brockman Park
Reserve 40573	Pennant Road
Reserve 3-0601	Parade Road
Reserve 26975	Melaleuca Park except those areas set aside as a children's playground
Reserve 24093	Steere Crescent
Reserve 27794	Hartley Anderson Park
Pt Reserve 25362	Kelly Park except that part leased by the City of Bunbury to the Carey Park Football Club as identified in the lease documents and only between the hours of 6.00 pm to 8.00am except when the area is being used for sporting or other activities as authorised by Council from time to time.
Reserve 28174	Mangles Street
Pt Lot 3	Big Swamp Park location bounded by Carob and Constitution Streets and Prince Phillip Drive
Lot 56	Cantwell Court
Reserve 28304	Forster Street
Reserve 27961	Richmond Street
Pt Reserve 9997	The area of public beach delineated by western boundary of Ocean Drive northerly to the prolongation of the northern boundary of Carey Street, the low water mark of the Indian Ocean to the west, and the prolongation of the southern boundary of Clifton Street.
Hands Memorial Oval	Except that part leased by the City of Bunbury to the South Bunbury Football Club as identified in the lease documents and only between the hours of 6:00pm and 8:00am except when the area is being used for sporting or other activities as authorised by Council from time to time.
Payne Park Pt Reserve	Except that part leased by the City of Bunbury to the Bunbury Football Club as identified in lease documents and only between the hours of 6:00pm and 8:00am except when the area is being used for sporting or other activities as authorised by Council from time to time.

*Third Schedule—continued***BUNBURY TOWNSITE—DOG EXERCISE AREAS—continued**

Forrest Park Lot 73	Except that part leased by the City of Bunbury to various clubs and organisations as identified in lease documents and only between the hours of 6:00pm and 8:00am except when the area is being used for sporting or other activities as authorised by council from time to time.
Hay Park	Except that part known as the "Bunbury Recreation Centre". Except that part leased by the City of Bunbury to various clubs and organisations as identified in lease documents and only between the hours of 6:00pm and 8:00am except when the area is being used for sporting or other activities as authorised by council from time to time.
Lot 655 and 608	Poinciana Place/Hester Place except those areas set aside as children's playgrounds.
Pt Reserve 18574	The area of public beach delineated by the western boundary of Ocean Drive, northerly to the prolongation of the northern boundary of William Street, the low water mark of the Indian Ocean to the west, and the prolongation of the southern boundary of Hayward Street.
PT Lot 670 Endowment Land	The area of land delineated by the western boundary of Ocean Drive, northerly to a point 150 metres south of the southern boundary of Hastie Street, the low water mark of the Indian Ocean to the west, and the southern boundary of the district.

Dated 19th day of January 1998.

The Common Seal of the City of Bunbury was herein affixed in the presence of—

JOHN CASTRILLI, Mayor.
G. P. BRENNAN, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

**LOCAL LAWS RELATING DOG KENNELS
AND THE KEEPING OF DOGS**

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on the 23rd day of December, 1997 to repeal the Local Laws relating to Dog Kennels and the Keeping of Dogs published in the *Government Gazette* on the 16th day of April, 1987 and to make the following Local Law:

Repeal

All previous local laws relating to dog kennels and the keeping of dogs are hereby repealed.

Citation

These local laws shall be cited as the City of Bunbury Dog Kennels and the Keeping of Dogs local laws.

Definitions

1. In this part of the following interpretation shall apply—
 - “**Applicant**” shall mean a person who makes an application for an approved kennel establishment licence;
 - “**Approved Kennel Establishment**” shall mean the kennel or kennels and yards appurtenant thereto which are subject of an application for an approved kennel establishment licence as prescribed by Clause 3;
 - “**Licensee**” shall mean a person who holds an approved kennel establishment licence.
2.
 - (a) The occupier of premises shall not keep, or have, or permit, or suffer to be kept, or to remain thereon at any one time more than two dogs unless such premises are licensed as an approved kennel establishment.
 - (b) A person wishing to keep more than two dogs but not more than six dogs on any premises may seek exemption for those premises under section 26(3) of the Dog Act.
3.
 - (a) Any application for a licence to keep an approved kennel establishment shall be submitted in writing in the form of or substantially in the form of the First Schedule of this local law and shall be supported by evidence that due notice of the proposed application has been given to persons in the locality.
 - (b) Unless the Council otherwise resolves, an applicant for a licence shall give notice by—
 - (i) Advertisement in a newspaper circulating in the District giving one month's notice of intention to apply.
 - (ii) Giving written notice to owners and occupiers of all adjoining properties advising of intention to apply.
 - (c) The application shall be submitted with three copies of a plan showing the specifications of the kennels and yards appurtenant thereto with the relationship of the kennels and yards to the boundaries of the lots and other information as the Council may require.
4. Subject to the provisions of the Dog Act the Council may grant or refuse an approved kennel establishment licence and if granting an approved kennel licence shall forthwith issue to the Applicant an approved kennel establishment licence in or substantially in the form set out in the Second Schedule hereto.
5. On granting of the approved kennel establishment licence the approved kennel establishment shall be deemed to be licensed upon the Licensee causing to be paid to the Council an annual licence fee of one hundred dollars (\$100).
6. No person shall erect a kennel establishment unless and until plans, specifications and a location plan showing the proposed site for such kennel establishment and of the yards appurtenant thereto have been approved by the Council.
7. The licensee or occupier of an approved kennel establishment shall ensure that the establishment complies with the following conditions—
 - (a) Each kennel shall have a yard appurtenant thereto.
 - (b) Each kennel and each yard and every part thereof shall not be at any less distance than 18 metres from any road reserve boundary.

- (c) Each kennel and each yard and every part thereof shall not be at any less distance than nine metres from any dwelling house, church, schoolroom, hall, shop or factory and no less than 15 metres from any food preparation area and shall in no circumstances be of less distance than eighteen metres from any boundary.
 - (d) Each kennel shall have walls constructed of concrete, brick, stone, timber, fibrocement sheeting or such other materials as the Council shall approve.
 - (e) The roof shall be constructed of an impervious material.
 - (f) All untreated external surfaces of kennels shall be painted and kept painted with good quality paint unless Council grants an exemption from this clause.
 - (g) The lowest internal height shall be at least 1.8 metres from the floor.
 - (h) Each yard shall be securely fenced and kept securely fenced with a fence not less than 1.8 metres in height constructed of approved materials of galvanised iron, timber or galvanised steel link mesh.
 - (i) All gates shall be provided with proper catches or means of secure fastening.
 - (j) The upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface. It shall have a fall of not less than 1 in 100 to a drain which shall be properly laid, ventilated and trapped. The floor shall have a covered upstand at the junction of the floor and the internal wall surface and in the case of a wooden framed building, the bottom plate shall rest on a coved concrete upstand 75mm above the floor level and the internal wall sheeting shall finish a minimum of 25mm below the bottom of the floor plate. All floor washing's shall pass through the aforementioned drain and shall be disposed of in accordance with the Health requirements of the Council.
 - (k) The floor of any yard which is floored shall be constructed in the same manner as the floor of any kennel and as provided in the next proceeding paragraph.
 - (l) For each dog kept therein every kennel shall have not less than 1.8 square metres of floor space and every yard not less than 2.25 square metres.
 - (m) All kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleansed and disinfected when so ordered by an Authorised Person of the Council.
8. The licensee or occupier of any premises of an approved kennel establishment shall not allow, permit or suffer any dog to be at large or roam outside the kennel and yard.
9. A licensee shall not keep or permit dogs to be kept on premises on which there is an approved kennel unless he ensures that a person in charge of the dogs either resides on such premises or within reasonably close proximity so as to enable such persons to have control over the dogs.
10. The licensee shall maintain any area of those premises frequented or occupied by a dog in clean condition. Refuse, dog faeces and food wastes must be disposed of daily in an approved manner. Odours, flies and other vermin must be effectively controlled.
11. Any person who shall commit a breach of any of these local laws shall, upon conviction be liable to a penalty not exceeding one thousand dollars (\$1000.00) and a daily penalty of one hundred dollars (\$100.00).

First Schedule

**APPLICATION FOR AN APPROVED KENNEL
ESTABLISHMENT LICENCE**

Application No.

Chief Executive Officer
City of Bunbury
PO Box 21
BUNBURY WA 6231

I,.....
of.....
hereby make application for consent to the establishment of a dog kennel upon premises described hereunder:

Lot or Location No

Owner (Name and Address).....

Occupier (Name and Address).....

Purpose of which Kennel is to be used

Distance of Kennel from Dwellings

Distance of Kennel from rear and side boundaries

Number of Dogs Kept

Male Female.....

Breed of Dogs

Name and Addresses of Occupiers within the Immediate Vicinity who have been notified of intention to apply for an Approved Kennel Establishment Licence:

Name

Address

Name

Address

Name

Address

Date of Advertisement in Newspaper Circulating the District (Newspaper Cutting attached)

Signature of Applicant Date of Application

Second Schedule

APPROVED KENNEL ESTABLISHMENT LICENCE

Licence No

Date

This is to Certify that

has been granted a licence in respect of those premises situated at

.....

as an approved kennel establishment for the keeping of a maximum of dogs.

For the period to

.....
AUTHORISED OFFICER

Dated 19th day of January 1998.

The Common Seal of the City of Bunbury was herein affixed in the presence of—

JOHN CASTRILLI, Mayor.
G. P. BRENNAN, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

**LOCAL LAWS RELATING TO RESERVES,
FORESHORES AND BEACHES**

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on the 23rd day of December, 1997 to repeal the Local Laws relating to Reserves, Foreshores and Beaches published in the *Government Gazette* on the 25th day of January, 1991 and to make the following Local Law:

Repeal

All other local laws relating to Reserves, Foreshores and Beaches are hereby revoked.

Citation

These local laws shall be cited as the City of Bunbury Reserves, Foreshores and Beaches local laws.

Definitions

1. In these local laws unless the context otherwise requires—

“**Act**” means the Local Government Act 1995.

“**Authorised Person**” means a person appointed by the Council to perform the duties in accordance with these local laws and to serve notices under Sections 9.13 and 9.16 of the Act;

“**Boat**” has the same meaning as given to the word “vessel” in the Western Australian Marine Act 1982 as amended from time to time.

“**Chief Executive Officer**” shall mean the Chief Executive Officer of the City of Bunbury;

“**Council**” means the Council of the City of Bunbury.

“**Driver**” means any person driving or in control of or in charge of a vehicle or any person driving, leading or in control of any animal.

“**Foreshore and Beach**” means—

- (a) All rivers, water courses, tidal and non-tidal waters in or outside but adjoining the District.
- (b) The area which adjoins the District and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides.
- (c) All public places and public reserves adjoining the places mentioned in paragraphs (a) and (b) of this local law and which are under the care, control and management of the Council.

“**Owner**” in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act 1974 in respect of that vehicle or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;

“**Reserve**” means parklands, squares, reserves, street reserves, and other lands, included in the City of Bunbury and set apart for the use and enjoyment of the inhabitants of the City and which are vested in or under the care, control or management of the City of Bunbury;

“**Surf Life Saving Club**” means a Life Saving Club affiliated with the Western Australian State Centre of the Surf Life Saving Association of Australia or any branch thereof and which Club has its main sphere of activity within the District.

“**Vehicle**” has the same meaning as is given to that word in the Road Traffic Act as amended from time to time, and includes skateboard, sandboard, trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but excludes a wheel chair being used by a physically impaired person.

Bathing areas, Dangerous Areas

2. No person shall bathe in an area indicated by a notice or notices erected by the Council and bearing the words “Danger, Bathing Prohibited”.

3. (1) Council, from time to time may set aside an area for the purpose of “Nude Bathing.” Council shall erect signs to define the area and the signs shall be of not less than 600mm in diameter and when erected shall not be less than 2.1 metres nor more than 3 metres above ground level.

(2) Any person bathing outside a defined area in water exposed to the public view or using the beach for any other purpose in the public view, shall, in order to secure the observance of decency, be properly and adequately clad.

(3) Where an Authorised Person considers that the costume or other clothing of any person using an area outside a defined area is not proper or adequate to secure decency, the Authorised Person may order that person to put on proper or adequate clothing, and if that person refuses, he may be removed from the area by the Authorised Person.

Restricted Bathing Areas

4. (1) The Council may from time to time erect, move, replace and remove or cause to be erected, moved, replaced and removed, flags of at least 760mm square coloured red and yellow, or signs painted red and yellow bearing in black lettering at least 75mm height the words "Bathe Between Signs". The said signs shall be of not less than 600mm in diameter and when erected shall not be less than 2.1 metres nor more than 3 metres above ground level.

(2) The said flags and signs may also be erected, moved, replaced and removed from time to time by an Authorised Person or by an office bearer or a member of a patrol then on duty of a Surf Life Saving Club.

(3) If the said flags or signs have been erected by a member of a Surf Life Saving Club the Club shall so long as the flags or signs remain in position maintain a surf life saving patrol at the area indicated by the flags or signs.

Dangerous Conditions

5. (1) If at any time the weather conditions are sufficiently dangerous to warrant the action, the Council, an Authorised Person or an office bearer or a member of patrol then on duty of a Surf Life Saving Club may erect a notice of at least 900mm by 600mm bearing the red lettering at least 75mm high the words "Beach Closed. Surf Dangerous".

(2) The said notice may be removed by any of the persons mentioned in the preceding paragraph when the weather conditions justify such action.

(3) No person shall bathe at any place or in the vicinity thereof where the said notice is erected.

Shark Alarms

6. (1) If it is suspected that a shark be in the vicinity of a beach an Authorised Person or a member of a Surf Life Saving Club may cause a shark alarm to be given and may when the danger is believed not to exist cause that all clear signal to be given.

(2) The following shall be shark alarm signals—

- (a) A prolonged ringing of a bell;
- (b) A long blast of a siren or whistle;
- (c) The hoisting of a red and white quarter flag;
- (d) From a surfboat at sea— the waving of a red and white quartered flag or the raising of oars;

(3) The following shall be "all clear" signals—

- (a) A series of short rings of a bell;
- (b) A series of short blasts of a siren or whistle;
- (c) The removal of the red and white quartered flag.

(4) No person shall bathe at any place or in the vicinity thereof after a shark alarm has been given and before the all clear signal has been given.

Surf Riding

7. (1) The Council, an Authorised Person, or an office bearer or member of a patrol then on duty of a Surf Life Saving Club, may mark by the erection of notices places where surf riding with surf boards is forbidden and may similarly mark places where surf riding may be practised without restriction or with restriction as to the nature and size of the surf boards and may from time to time alter those places or any of them by moving a notice or notices to a different location or locations.

(2) No person shall use a surf ski, surf board, malibu board or boat or any other device for surf riding in an area marked by notices as one in which the use of such surf board or other device is forbidden.

(3) Where an area is marked by notices as one in which the use of a surf board of a restricted nature or size only is permitted no person shall use a surf board of a nature or size other than that permitted.

(4) An Authorised Person may seize and impound for a period not exceeding three months any surf ski, surf board, malibu board or boat or any other device used for surf riding contrary to the provisions or these local laws.

(5) If any such surf board or other device mentioned in the previous paragraph shall have been impounded and shall not have been claimed by the owner thereof within two months after the expiration of the period for which it was impounded it may be sold or disposed of in such manner as the Council shall direct.

Life Saving Equipment

8. (1) An Authorised Person or an office bearer or a member of a patrol then on duty of a Surf Life Saving Club may—

- (a) Place any life saving equipment, gear, appliance or boat on or near a beach.
- (b) Set aside a roped enclosure not greater than 3.7 square metres in area for the exclusive use of a life saving patrol.

(2) A Life Saving Club shall not, except in such manner as may be approved by the Council, construct any tower or permanent structure.

(3) No unauthorised person shall touch, use or interfere with any life saving equipment, wear, appliance or boat or tower, or enter an area set aside for the exclusive use of a life saving patrol.

Rescues and Patrols

9. (1) No unauthorised person shall hinder any person carrying out a rescue or a beach patrol.
- (2) All persons not engaged in rescue operations shall keep clear of any persons engaged in rescue operations in order to give such person ample space to carry out the rescue.
- (3) Each member of a life saving patrol shall whilst on duty wear a red and yellow quartered swimming cap.

Surf Life Saving Competitions and Carnivals

10. (1) The Council may from time to time and for such period and upon such conditions as may be determined by the Council authorise a Surf Life Saving Club to—
- (a) Set apart an area for a competition or carnival;
 - (b) Enclose the area or part thereof so set apart;
 - (c) Divide the area so set apart into areas to which the public may be admitted and areas reserved for use by competitors and officials;
 - (d) Designate the said areas by means of notices;
 - (e) Prescribe the terms and conditions of entry to the said areas and define the terms and conditions of entry by notices erected at such entrance;
- (2) No person shall—
- (a) Enter upon or remain within an area set apart as aforesaid except upon compliance with the conditions indicated by the said notices.
 - (b) Unless duly authorised interfere with or interrupt the competition or carnival.

Boats

11. (1) The Council may set aside areas for the launching and beaching of boats and may indicate those areas by means of notices.
- (2) The Council may erect notices prohibiting the launching and beaching of boats (other than boats owned by a Surf Life Saving Club) in any particular area or other than at an area set aside for that purpose.
- (3) The Council may set aside areas where boats may be left and may indicate those areas by notices.
- (4) The Council may erect notices prohibiting the leaving of boats (other than boats owned by a Surf Life Saving Club) in any particular area or other than at an area set aside for that purpose.
- (5) No person shall launch or beach or leave a boat (other than a boat owned by a Surf Life Saving Club) in any area where the launching, beaching or leaving of a boat is prohibited by notice erected by the Council as aforesaid.
12. No person shall, unless carrying out rescue operations or unless within a navigation channel, propel or cause to be propelled any boat (other than a boat owned by a Surf Life Saving Club) in the sea or in a river among bathers or within 50 metres of any person bathing or in any manner in which the boat, its wash or anything towed by it, shall cause inconvenience, danger or injury to a person bathing.
13. No person shall bathe in a navigation channel.
14. No person shall within the area in which these local laws apply release or discharge into the water effluent, rubbish, refuse or litter of any kind from any boat or vessel.

Vehicles

15. A person other than an employee of the Council executing his normal duties shall not without the consent of the Council:
- (1) Drive or ride or bring any vehicle onto a reserve foreshore or beach or permit any person to drive or ride or bring any vehicle onto a reserve foreshore or beach except on such parts of the reserve foreshore or beach as are set aside as roads or carriageways.
 - (2) Park or stand any vehicle on a reserve, foreshore or beach except in an area set aside for that purpose.
 - (3) Park or stand a vehicle on a reserve, foreshore or beach except in the course of launching or recovering a boat, on a boat ramp set aside by the Council for the launching or recovering of boats.
 - (4) An Authorised Person may seize and impound for a period not exceeding two (2) months any skateboard, sandboard or any other device used contrary to the provisions of these local laws.
 - (5) If any such skateboard, sandboard or device shall have been impounded and shall not have been claimed by the owner thereof it may be sold or disposed of in such manner as the Council shall direct.

Fishing

16. (1) The Council or an Authorised Person may mark by the erection of notice—
- (a) Places where fishing is forbidden.
 - (b) Places where fishing is forbidden except during certain hours.
- (2) No person shall fish at any place contrary to the terms of a notice erected as aforesaid.
- (3) No person shall—
- (a) Clean fish or cut bait on any seat or handrail.
 - (b) Leave or deposit fish offal on any beach or in the sea or a river within 200 metres of any portion of a beach where the public customarily bathe.
 - (c) Fish by the use of set or buoyed lines or use blood or any other bait or lure which might attract sharks.

- (d) Load or discharge any spear gun except under water.
- (e) Load or discharge any spear gun within 50 metres of any person bathing.

Use of Dressing Enclosures or Training Rooms

17. (1) A dressing enclosure shall be used for dressing and undressing only. A person shall not play games or without reasonable excuse loiter in or in the vicinity of any such enclosure.

(2) A person shall not use any dressing enclosure or training room or use any locker therein for any other purpose other than that stated in sub-local law 17(1) of these local laws unless authorised by the Council to do so.

(3) A person shall not bring or deposit any filth or rubbish in any such enclosure or training room.

(4) A male over the age of four years other than an Authorised Person or Council employee executing his normal duties, shall not enter any dressing enclosure or training room set aside for females.

(5) A female over the age of four years other than an Authorised Person or Council employee executing her normal duties, shall not enter any dressing enclosure or training room set aside for males.

(6) The Council may charge or authorise a lessee or licensee to charge for the use of dressing or training accommodation and requisites or for the safe custody of valuables or for entry to and use of a dressing enclosure or training room, such fee as shall from time to time be fixed by the Council.

(7) Every person shall pay the appropriate fee before entering or attempting to enter any bathing or dressing accommodation enclosure or training room for the use of which fees have been fixed by the Council.

(8) Every person suffering, or appearing to an Authorised Person, the lessee, licensee or persons in charge of a dressing enclosure or training room to be suffering from any infectious, contagious or offensive disease or skin complaint, shall not visit or use any dressing enclosure or training room.

Animals

18. (1) In this local law reference to an "animal" does not include a dog.

(2) An Authorised Person may, when in his opinion inconvenience may be caused to the public by the bathing of animals, order any person in charge of any animal not to send or drive such animal into the water, or permit such animal to enter the water, at any place where the public are bathing.

(3) An Authorised Person may order any person in charge of any animal to remove such animal from a beach if such animal's presence on the beach causes inconvenience or danger to the public.

(4) The Council may set aside a reserve, foreshore or beach, or portion of a reserve, foreshore or beach as an area upon which a person may ride or drive an animal or into which a person may bring an animal.

(5) A person shall not ride or drive or bring an animal onto any reserve, foreshore or beach or any part thereof that has not been set aside for that purpose pursuant to sub local law (4) of this local law.

(6) A person shall not ride, drive, exercise, train or race an animal on any part of a reserve, foreshore or beach set aside under sub local law (4) of this local law in a manner so as to create or become a nuisance.

Conduct Generally

19. On a reserve, foreshore or beach a person shall not—

- (1) Wilfully obstruct, disturb, interrupt or annoy any other person in the proper use thereof or wilfully obstruct in the execution of his duty or insult or neglect to obey the lawful directions of any caretaker, Authorised Person, office bearer or member or a patrol then on duty of a Surf Life Saving Club, or other servant of the Council.
- (2) Unless authorised in that behalf by the Council, bring, carry or take into or have in his possession or under his control in any reserve, foreshore or beach, any fermented or spirituous liquors nor consume or drink the same therein, provided that this clause shall not apply to any person lawfully exercising or taking advantage of the privileges of a registered club for which is held a current licence granted under the provisions of the Licensing Act 1911, as amended, with the approval of the Council.
- (3) Commit or cause a nuisance.
- (4) Be in a state of intoxication.
- (5) Behave in a disorderly manner, create, or take part in a disturbance, use foul or indecent language or commit any act of indecency.
- (6) Sell any commodity, food or drink or let or hire any commodity, tent, umbrella, surf board or other facility of device without a licence from the Council or other wise than in accordance with the terms of the licence.
- (7) Enter, pry or look into or loiter outside any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the opposite sex.
- (8) Unless he be an Authorised Person, an office bearer or a member of a patrol then on duty of a Surf Life Saving Club, or Council employee acting in the course of his duty, climb on or over any building or structure, including a fence or gate.
- (9) Alter, mutilate, deface or damage any building or structure.
- (10) Break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, paper, broken glass, china or litter of any kind except in receptacles provided for that purpose.
- (11) Destroy, damage or interfere with any tree, tree guard, shrub, flower, plant, fence building, seat, waterpipe, hose, hose fitting, soil, grass, surface or other property owned by or vested in the Council.

- (12) Play games in such a way as to cause inconvenience and annoyance to persons bathing or using the reserve, foreshore or beach.
 - (13) Interfere with, move or damage any flag or notice unless authorised to do so.
 - (14) Place any clothing, towel or any other object, matter or thing on any notice, life saving gear or appliance.
 - (15) Unless he is a member of a life saving patrol on duty, wear a red and yellow quartered cap in or upon any bathing area.
 - (16) Throw or discharge any stone, arrow, bullet, pronged spear or gidge or other missile to the injury, danger or annoyance of any other person.
 - (17) Carry firearms or shoot, snare, injure or destroy any bird, or animal.
20. On a reserve, foreshore or beach, a person shall not without the consent of the Council—
- (1) Play or practice at golf or strike a golf ball except on an area set aside for that purpose.
 - (2) Take part in a procession or demonstration.
 - (3) Stamp, pencil, affix, construct or erect or cause to be stamped, stencilled, affixed, constructed or erected any signboard, hoarding placard, hand bill, notice, advertisement or document whatsoever.
 - (4) Light a fire other than in a fire place provided for the purpose.
 - (5) Camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight.
 - (6) Erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise.
 - (7) Bet or offer to bet publicly or conduct or take part in any gambling game or contest.
 - (8) Engage in any public speaking or conduct any meeting or entertainment.
 - (9) Operate any broadcasting or public address system or apparatus other than those employed or used by a Life Saving Club in the performance of its functions as such.
 - (10) Advertise by any means anything whatsoever or display or distribute any notice, pamphlet or document.
 - (11) Operate any radio, record player or radiogram at such volume as to cause annoyance to other users of the defined area.
 - (12) Cut, collect or remove any stone, sand, vegetation or other materials except seaweed or refuse.
 - (13) Unlock or fasten a gate, unless authorised by the Council to do so.
 - (14) Climb any tree.

Model Aeroplanes

21. (1) The Council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as an area on which persons may fly mechanically operated model aeroplanes and the Council may define or limit the hours and days during which such model aeroplanes may be flown.

(2) A person shall not fly a mechanically operated model aeroplane on a reserve, foreshore or a beach, or portion of a reserve, foreshore and beach that has not been set aside pursuant to sub local law (1) of this local law or at a time or on a day defined or limited by the Council under sub local law (1) of this local law.

Playgrounds

22. (1) The Council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as a children's playground.

(2) The Council may limit the ages of persons who are permitted to use a playground set aside under sub local law (1) of this clause and may erect a notice to that effect on the playground.

(3) A person over the age specified in a notice erected on a playground set aside under sub local law (1) of this clause, other than a person having the charge of a child or children in that playground, shall not enter or use that playground, or interfere with the use of it by a child or children.

Honorary Rangers

23. (1) The Council may appoint a person as an "honorary ranger" under these local laws; provided that a person so appointed shall not prosecute any person for a breach of any of these local laws but shall report all breaches to the Council or to an Authorised Person.

(2) Every member of the Police Force shall have the powers of an Authorised Person under these local laws.

Penalties

24. (1) A person who does not do a thing, which by or under these local laws he is required or directed to do, or a person who does a thing which by or under these local laws is prohibited from doing, commits an offence.

A person who commits an offence against these local laws is liable on conviction, to a maximum penalty not exceeding Five Thousand Dollars (\$5000) provided that—

- (a) the minimum penalty for a first offence is \$250;
- (b) the minimum penalty for a second offence is \$500, and;
- (c) the minimum penalty for a subsequent offence is \$1,000.

Modified Penalties

(2) The modified penalty for an offence against these local laws; 15(1), (2), (3), 18(5), 19(2) and 20(1), (4), (5) if dealt with under Section 9.16 of the Act is Eighty Dollars (\$80.00).

(3) In any other case—\$50.00

(4) An infringement notice served under Section 9.16 of the Act in respect of an offence against these local laws shall be substantially in or to the effect of Form 1 or Form 2 of the First Schedule of these local laws.

(5) A notice served under section 9.13 of the Act in respect of an offence against these local laws shall be substantially in or to the effect of Form 1 of the Second Schedule of these local laws.

First Schedule

FORM 1

**CITY OF BUNBURY
INFRINGEMENT NOTICE**

FAILURE TO PAY IN 28 DAYS WILL INCUR ADDITIONAL COSTS.

PLEASE MAKE CHEQUES PAYABLE TO THE CITY OF BUNBURY.

It is alleged that an offence was committed in accordance with the details indicated below.

Local Government Act 1995

Reserves Foreshores and Beaches Local Laws

INFRINGEMENT NO.:

TIME DATE:

OFFICER ID:

LOC:

OFFENCE:

PENALTY:

DATE DUE:

Vehicle:

Affixed:

Payment may be made at Ranger Services

Officer's

Signature.....

If you intend paying the penalty WITHIN 28 days, of the date of this notice, payment, whether posted or delivered, must reach the Chief Executive Officer, City of Bunbury, PO Box 21, Bunbury, 6231.

See overleaf

(Back of Form 1)

**CITY OF BUNBURY
Infringement notice**

You may dispose of this matter either—

(a) By payment of the penalty as shown within 28 days of the date of this notice to the City of Bunbury Council between the hours of 9:30am and 3:30pm Monday to Friday.

(b) By having it dealt with by a Court.

IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COSTS WILL ALSO BE PAYABLE.

IF YOU CHANGE ADDRESS it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Date.....Signature.....

Address.....

.....

.....

For Parking Offences only—

TAKE NOTICE that pursuant to Section 9.13 of the Local Government Act 1995 you will be deemed to be the person who committed the offence unless within 28 days of the date on which this notice was served by attaching it to the vehicle or leaving it in or on the vehicle you inform the CEO or an authorised officer in writing of the identity and address of the offender or furnish information to the CEO from which the CEO is satisfied that the vehicle had been stolen or unlawfully taken, or was unlawfully used at the time the offence was alleged to have been committed or the modified penalty prescribed for the offence is paid to the Council.

First Schedule

FORM 2

Bunbury City Council

Traffic Infringements Hard Copy Print Out..... generated on..... at.....

Local Government Act 1995

(date)

(time)

Parking Infringement

INFRINGEMENT NO.:

Time: Date:

OFFICER ID:

LOC:

OFFENCE:

PENALTY:

DATE DUE:

VEHICLE:

AFFIXED:

Payment may be made at Ranger Services

-----NON-PRINTED FIELDS-----

PREFIX:

OFFICER:

AREA:

REG EXPIRY:

OFFENCE NO:

NOTE 1:

NOTE 2:

BETWEEN:

AND

SIDE OF STREET:

TRAFFIC CONDITIONS:

DIST FROM (METERS):

MARK TIME:

TIME TO:

SIGN TIME FROM::

SIGN TIME TO::

LETTER COVERED:

REG CAT:

SIGN:

SIGN EXEMPTION:

ISSUE MODE:

PARKING SPACE AVAIL?

Second Schedule

FORM 1

FINAL DEMAND

CITY OF BUNBURY
 MUNICIPAL OFFICES
 4 STEPHEN STREET, BUNBURY
 WESTERN AUSTRALIA
 P.O. BOX 21, BUNBURY, 6231
 TELEPHONE: 097 808 263
 FACSIMILE: 097 217 509

INFRINGEMENT NO.	VEHICLE NO.	PENALTY AGENCY COSTS	AMOUNT DUE	DATE DUE
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Cheques and money orders shall be crossed and marked "not negotiable". If a cheque is not honoured upon presentation, payment shall be deemed not to have been made.

Enforcement Agency:

Location: CITY OF BUNBURY
MUNICIPAL OFFICES
 4 STEPHEN STREET, BUNBURY
 WESTERN AUSTRALIA

Postal Address: **P.O. BOX 21, BUNBURY, 6231**

Hours of Business: 8.30a.m. to 4.00p.m. Monday to Friday
 TELEPHONE: 097 808 263
 FACSIMILE: 097 21 7509

Infringement No.:

To: Date:
 Time:
 Offence:
 Vehicle Make:
 Vehicle No.:

You were recently issued with an infringement notice and our records show that you have not paid the prescribed penalty. Payment is overdue and you now have to pay additional costs.

Before the due date you must:

1. Pay the **amount due** to us. (If posting— send a “not negotiable” cheque or money order with this letter. **Do not send cash.**)
 OR
2. Elect to have the matter dealt with by a court. To do this, fill in and return the election on the other side of this page. **IF THE ABOVE ADDRESS IS NOT YOUR CURRENT ADDRESS, OR IF YOU CHANGE ADDRESS, IT IS IMPORTANT THAT YOU ADVISE US IMMEDIATELY. FAILURE TO DO SO MAY RESULT IN YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE YOU HOLD BEING SUSPENDED WITHOUT YOUR KNOWLEDGE. IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COST WILL ALSO BE PAYABLE.**

Description:

Place; Street:

PENALTY:\$ AMOUNT DUE:\$

AGENCY COST:\$ DATE DUE:

(Back of form 1)

ELECTION TO HAVE THE MATTER DEALT WITH BY A COURT

I want to have this matter dealt with by a court. I understand that I may receive a summons for this offence.

My address for the service of a summons is:

.....
Date:...../...../.....

Signature:.....

Name (Print):.....

Please send to: CITY OF BUNBURY, P.O. BOX 21, BUNBURY, 6231.

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
- 105 St. George's Terrace, PERTH 6000

Italian

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
- 105 St. George's Terrace, PERTH 6000

*Spanish***IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
- 105 St. George's Terrace, PERTH 6000

*Vietnamese***IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
- 105 St. George's Terrace, PERTH 6000

*Polish***IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
- 105 St. George's Terrace, PERTH 6000

*Chinese***IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
- 105 St. George's Terrace, PERTH 6000

Dated 19th day of January, 1998.

The Common Seal of the City of Bunbury was herein affixed in the presence of:

JOHN CASTRILLI, Mayor.
G. P. BRENNAN, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

LOCAL LAWS RELATING TO THE CONTROL AND MANAGEMENT OF PARKING STATIONS AND MANAGEMENT AND OPERATION OF PARKING FACILITIES

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on the 23rd day of December, 1997 to repeal the Local Laws relating to the Control and Management of Parking Stations and Management and Operation of Parking Facilities published in the *Government Gazette* on the 17th day of February, 1989 and to make the following Local Law:

PART 1—PRELIMINARY**Repeal**

All previous local laws relating to parking facilities and parking stations are hereby repealed.

Citation

1. These local laws shall be cited as the *City of Bunbury Parking local laws*.

Definitions

2. In these local laws unless the context otherwise requires—

“**Act**” means the Local Government Act 1995.

“**Authorised Person**” means a person appointed by the Council to perform duties in accordance with these local laws, and may include “Ranger”.

“**Authorised vehicle**” means a vehicle authorised by the Council, Authorised Person, Ranger or by any written law to stand on a road or parking station.

“**Omnibus**” has the same meaning as that expression in the Road Traffic Act.

“**Carriageway**” includes a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embayments, at the side or centre of the carriageway, used for the standing or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of these portions, separately.

“**Children’s crossing**” means a portion of a carriageway between two parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than five metres apart marked across, or partly across the carriage way and near which a pictorial fluorescent or other sign bearing the words, “CHILDREN CROSSING” is displayed and, where the lines are so marked partly across a carriageway and includes the portion of the carriageway between the prolongation’s of those lines.

“**Commercial vehicle**” means a vehicle which comes within the description of a motor wagon in the First Schedule to the Road Traffic Act and includes any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for the conveyance therein or thereon of goods.

“**Council**” means the Council of the City of Bunbury.

“**Driver**” means any person driving or in control of or in charge of a vehicle or any person driving, leading, or in control of or in charge of any animal.

“**Footway**” includes every footpath, lane or other place—

- (1) intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or-
- (2) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles.

“**Loading Zone**” means a parking stall designated for use by commercial vehicles.

“**Motor Cycle**” means a motor vehicle designed to travel on two wheels but shall not include a motor vehicle to which a side car is attached.

“**Median Strip**” means any strip of any kind whatsoever which divides a road into two or more portions.

“**No Parking Area**” means a portion of carriageway that lies—

- (1) between two consecutive signs inscribed with the words “No Parking”, in lettering, and each with an arrow pointing generally towards the other of them or,

- (2) between a sign, inscribed with the words "No Parking", and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign.

"No Standing Area" means a portion of a carriageway that lies—

- (1) between two consecutive signs inscribed with the words "No Standing" and each with an arrow pointing generally towards the other of them; or
- (2) between a sign inscribed with the words "No Standing" and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign and is that half of the carriageway nearest to the sign.

"Notice" means a notice in the form or substantially in the form of Form 1 or Form 2 of the Second Schedule issued pursuant to local law 36 of these local laws.

"Owner" of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of the vehicle, or, if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession.

"Park" means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law, or of immediately taking up or setting down persons or goods.

"Parking area" means a portion of a carriageway—

- (1) between two consecutive signs, inscribed with the words "Parking", each with an arrow pointing generally towards the other of them;
- (2) extending, from a sign inscribed with the word, "Parking" in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Standing" or to a dead end or an area in which the parking or standing of vehicles is prohibited and is in that half of the carriageway nearest to the sign.

"Parking bay" has the same meaning as parking stall.

"Parking facilities" includes land, buildings, shelters, signs, notices and other facilities open to the public generally for the parking of vehicles with or without charge.

"Parking fee" means those fees set by Council from time to time in accordance with the provisions of the Act.

"Parking region" means the whole of the district of the Council of the City of Bunbury excluding the following portions of the district—

- (1) any road proclaimed to be a main road under provisions of the Main Roads Act 1930;
- (2) the approach and departure prohibition areas of all traffic signal installations; and
- (3) prohibition areas applicable to all bridges and subways.

"Parking stall" means any part of a parking facility or parking station that is marked or designated by a sign indicating where a vehicle is permitted to be parked with or without payment of a fee.

"Parking station" means the area of land described as a car park in the First Schedule of these local laws and any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a private garage.

"Parking voucher" means a voucher which is purchased from the Council and which authorises the parking of a vehicle in a parking stall, parking station or part of a parking station.

"Pedestrian Crossing" means a portion of carriageway defined—

- (1) by alternate black and white stripes.
- (2) by white or yellow stripes (according to colour of the carriageway) and the portions of the carriageway lying between those stripes,

in such a manner that each stripe is approximately parallel to the centre of the carriageway.

"Property line" means the lateral boundary of a road.

"Public Reserve" includes park lands, squares, reserves, beaches, and other lands, included in or adjoining a district, and set apart for the use and enjoyment of the inhabitance of the district and includes parks and other lands acquired for public purposes, and vested in or under the care, control, or management of the Council.

"Road" has the same meaning as street.

"Road Traffic Act" means the Road Traffic Act 1974 as amended.

"Road Traffic Code" means the Road Traffic Code 1975.

"Schedule" means a schedule to these local laws.

"Sign" means a traffic sign, mark, painted line, structure or any device of any kind whatsoever approved by the council, placed or erected on or near a road surface or reserve for the purpose of regulating, guiding, or directing traffic.

"Stand" in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law.

"Street" includes a highway, road, lane, thoroughfare, carriageway or similar place, or part thereof, which is within the parking region of the Council, which the public are allowed to use and includes every part of the highway, lane, thoroughfare or similar place and other things including bridges and culverts appurtenant to it.

“**Street verge**” means a portion of a road which lies between the boundary of a carriageway and the property line adjacent thereto, and includes any park or reserve or any other land proclaimed by the Council for any purpose whatsoever and which lies adjacent to the boundaries of any carriageway.

“**Taxi**” has the same meaning as that expression in the Road Traffic Code.

“**Vehicle**” includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden.

“**Traffic island**” means any physical provision, other than lines marked on a carriageway, to guide vehicular traffic.

“**Ticket issuing machine**” means any equipment, installed from time to time by the Council, at any place, which upon the placing therein of a prescribed coin, coins, or a token, pass, card, key or device issues a ticket indicating the period of parking permitted.

Application of local law

3. (1) These local laws apply to the parking region and all parking stations and parking facilities in the parking region and include a parking facility or parking station that—

- (a) is not owned, controlled or occupied by the Council; or
- (b) is owned by the Council but is leased to another person, persons or company.

(2) Any sign that—

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of these local laws within the council; and
- (b) relates to the parking or standing of vehicles within the parking region,

shall be deemed, for the purposes of these local laws, to have been erected by the Council under the authority of these local laws.

Class Of Vehicles

(3) For the purpose of these local laws vehicles are divided into classes as follows—

- (a) Buses.
- (b) Commercial vehicles including any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for conveyance therein or thereon of goods.
- (c) Motorcycles and bicycles.
- (d) Taxis.
- (e) All other vehicles not otherwise classified, which includes motor cycles with sidecars attached.

Application of Signs

4. Where under these local laws the standing or parking of vehicles in a street is controlled by a sign such sign shall be read as applying to that part of the street which—

- (1) lies beyond the sign; and
- (2) lies between the sign and the next sign beyond that sign; and
- (3) is that side of the carriageway of the street nearest to the sign.
- (4) For the purposes of these local laws a sign may—
 - (a) prohibit or regulate parking and standing;
 - (b) specify maximum times; or
 - (c) specify permitted classes of vehicles,

by the use of any symbol or other traffic control device in accordance with AS 1742.11

PART 2— STANDING AND PARKING GENERALLY

5. (1) No person shall park or stand a vehicle on any street otherwise than parallel to the kerb and as close thereto as practicable and headed in the direction of the movement of traffic on the side of the road on which the vehicle is parked unless such road is provided with parking stalls set at an angle to the kerb.

(2) A person parking a vehicle on a street shall park it—

- (a) so that at least 3 metres of the width of the street is available for the passage of other vehicles;
- (b) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle or a bicycle parked in accordance with these laws;
- (c) so that it is entirely within any parking stall marked on the street;
- (d) so that it does not cause any undue obstruction on the street.

6. (1) A person shall not stand a vehicle or permit a vehicle to stand in a street or parking station—

- (a) which is by any sign thereon or adjacent thereto set apart for the standing of vehicles of a different class; or
- (b) if by any sign the standing of vehicles is prohibited or restricted during any periods or period, during such period or periods; or
- (c) if by any sign the standing of vehicles is permitted for a specified period, for longer than such period; or

- (d) which is by any sign designated "Authorised Vehicles Only" or "Council Vehicles Only" unless the person first obtains the permission of the Council Chief Executive Officer, Authorised Person; or
 - (e) which is partly within and partly outside a parking area or parking stall; or
 - (f) whether or not any part be marked as a parking stall if an Authorised Person or member of the Police Force directs the driver of such vehicle to remove it.
- (2) A person shall not stand a vehicle or permit a vehicle to stand—
- (a) in a No Standing area; or
 - (b) in a parking area, other than in the manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as is provided in these local laws; or
 - (c) in a parking area contrary to any limitation in respect of days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area; or
 - (d) in a parking stall with the sign "M/C" or "MOTORCYCLE", unless it is a motorcycle without a side car, or a bicycle.
 - (e) on land which is not a road, without the consent of the owner or occupier of the land.
- (3) A person shall not park a vehicle in a No Parking area.
- (4) A person shall not park a vehicle in a parking station, street or on a street verge—
- (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a parking station, street or street verge, or
 - (b) if the vehicle is exposed for sale.
- (5) Unless directed by an Authorised Person, a person shall not park a vehicle in a parking station unless it is parked wholly within a parking stall.
7. (1) A person shall not park or stand a vehicle in a street so that any portion of the vehicle is—
- (a) between any other standing vehicle and the centre of the carriageway; or
 - (b) adjacent to or on a median strip; or
 - (c) in front of a right-of-way, passage or private drive or carriageway or so close thereto as to deny vehicles access to or egress there from; or
 - (d) in front of a footway constructed across a reserve; or
 - (e) alongside, or opposite, any excavation in, or obstruction on, the street, if the vehicle would thereby obstruct traffic, or
 - (f) on any footway or pedestrian crossing; or
 - (g) upon a bridge or other elevated structure; or
 - (h) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line; or
 - (i) upon an intersection of two streets; or
 - (j) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
 - (k) within 3 metres of public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box; or
 - (l) within 6 metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing; or
- (m) within 9 metres of the departure side of—
- (i) a sign inscribed with the words "Bus Stop", or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers; or
 - (ii) a children's crossing established on a two-way carriageway.
- (n) within 18 metres of—
- (i) the approach side of a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers; or
 - (ii) the approach side of a pedestrian crossing or children's crossing; or
 - (iii) the nearest rail of a railway level crossing.
- (2) The provisions of paragraphs (c) and (f) of sub local law (1) of this local law do not apply to an authorised vehicle that stands in a bus stand marked on the carriageway, for the purposes of setting down or taking up passengers.
- (3) The provisions of sub local law (l) to (n) of sub local law (1) do not apply to a vehicle standing or parking in a parking stall, established by the Council, nor to a bicycle parked in a bicycle rack established by the Council.

No Parking Within One Hour

8. Where—

- (1) parking on a street is restricted as to time; and

(2) a vehicle has been parked in that street, a person shall not park that vehicle again in the street unless—

- (a) the vehicle has been removed from the street for at least one hour; or
- (b) there is between the place where the vehicle has been parked and the place where the vehicle is subsequently parked another street that meets or intersects that street.

9. Where a parking stall is marked in a street or parking station no person unless directed by an Authorised Person shall park a vehicle partly within and partly outside such stall.

10. A person shall not permit a vehicle to remain parked in a parking station for a longer period than that for which the parking fee has been paid.

11. (1) Unless otherwise indicated by a sign, the driver of a vehicle parked in a parking station equipped with a ticket issuing machine commits an offence if—

- (a) forthwith upon parking that vehicle in that parking station he does not place—
 - (i) a parking voucher validated for that day by the Council; or
 - (ii) an issued ticket or issued tickets which may be used in that parking station on that day in that vehicle.

in such a position on the dashboard or on the windscreen in that vehicle that the day, date and time of validation or issue, as the case may be, printed on such voucher, ticket or tickets are at all times whilst the vehicle is so parked clearly visible to an Authorised Person requiring to read that day, date and time from outside that vehicle;

- (b) a parking voucher or issued ticket visible from outside the vehicle has not been validated for the day on which it is read by an Authorised Person;
- (c) the period for which an issued ticket is displayed in the vehicle has expired;
- (d) a parking voucher is displayed in the vehicle when that voucher has already been used on all the days to which the voucher extends;
- (e) a parking voucher or an issued ticket is displayed in the vehicle which is, or the printing on which is, defaced, altered, added to, erased, obliterated, or interfered with.

(2) A person shall not attempt to remove, damage, deface, misuse or interfere with any—

- (a) ticket issuing machine;
- (b) parking station or any part thereof;
- (c) sign.

12. Where a street is provided with parking stalls set at an angle to the kerb no person shall stand a vehicle or permit a vehicle to stand on such street otherwise than wholly within a parking stall and as close to the kerb as is practicable.

13. No person shall park a vehicle exceeding 3 tonne gross in a parking area or parking stall where parking in that area or stall is regulated by a sign inscribed with the words "ANGLE PARKING".

Motor Cycle Parking

14. (1) A person shall not stand or permit to stand in a parking stall—

- (a) a motor cycle without a side car; or
- (b) a bicycle

unless the parking stall is marked with the sign "M/C" or "MOTORCYCLE".

(2) A person shall not stand or permit to stand a bicycle or a motorcycle without a side car in a street without parking stalls unless it is parked parallel to the kerb and as close thereto as practicable.

15. No person shall park or permit to park a vehicle on a street verge where a sign prohibits the parking of vehicles on such street verge.

Loading Zones

16. (1) No person shall stand a vehicle or permit a vehicle to stand in a loading zone unless that vehicle is a commercial vehicle; and

(2) No person shall stand a commercial vehicle or permit a commercial vehicle to stand in a loading zone set aside for use by commercial vehicles unless some person is actively engaged in loading or unloading goods to or from such vehicle and in any case for not longer than the following periods—

Tare weight of vehicle under 1000kg—10 minute limit.

Tare weight of vehicle over 1000kg—20 minute limit.

17. No person shall stand a vehicle or permit a vehicle to stand in a parking stall which is set aside for use by buses.

18. (1) A discretionary authority is conferred on the Council to enable the Council by formal resolution to constitute, determine and vary, and also indicate by sign, from time to time—

- (a) parking stalls;
- (b) permitted times and conditions of parking in parking stalls depending on and varying with locality;
- (c) permitted classes of vehicles to park in parking stalls;
- (d) the manner of parking in parking stalls.

(2) Subject to local law 12 of these local laws, no person shall stand a vehicle or permit a vehicle to stand in a parking stall in a street otherwise than parallel to the kerb and as close thereto as practicable and wholly within such stall and headed in the direction of the movement of traffic on the side of the street on which the vehicle is standing.

Appointment of Authorised Person

19. (1) The Council may appoint a permanent or temporary Authorised Person.

(2) Any person appointed shall have power to perform the duties for which they are employed with respect to the management and operation of parking facilities and parking stations.

(3) The Council shall furnish the appointed person with a written certificate of his appointment wherever possible, but failure of the person to have the certificate of appointment with him or the failure of the Council to give him the written certificate of appointment shall not detract from the power conferred on the person by sub local laws (2) hereof.

Personation of an Authorised Person

(4) A person who in any way assumes the duties of an Authorised Person commits an offence.

Obstruction of an Authorised Person

(5) No person shall wilfully obstruct, insult or neglect to obey the lawful directions of an Authorised Person acting in the execution of his duty.

Marking Tyres

20. (1) An Authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of the carrying out or exercise of his duties and powers.

Persons Removing Chalk Mark

(2) A person who removes or attempts to remove or causes to be removed a mark made on the tyres of a parked vehicle by an Authorised Person in the execution of his duty before the vehicle is removed from the parking area or parking stall commits an offence.

Inscription On Signs

21. An inscription on a sign operates and has effect according to its tenor and a person contravening a direction of a sign commits an offence.

22. The first three letters of any day of the week when used on a sign indicates that day of the week.

23. Signs which give direction or directions in respect of No Parking areas, No Standing areas, parking areas or a sign of any kind referred to in these local laws is limited in its operation and effect in respect of days, periods of the day, classes of persons, classes of vehicles to the extent, if any, shown on the sign.

Authorised Persons Authority

24. Persons, permanent or temporary, appointed in writing by the Council from time to time are authorised—

- (1) to take all such reasonable necessary steps to enable these local laws to be given full force and effect;
- (2) to institute and conduct prosecutions as directed by the council or the Chief Executive Officer of the Council from time to time.

Exemption When Complying With Directions

25. The Council, Chief Executive Officer, Authorised Person in their sole and unfettered discretion may permit a person who by reason of urgent essential or official duties, to use a portion of a parking area or a parking stall in an area where a sign permits the standing of vehicles for limited time only to occupy the portion of the parking area or parking stall with a vehicle for a longer period than the maximum period prescribed by any sign and may prohibit the use of a portion of parking area or parking stall by any other person during the extended period.

Obstruction to Parking Station or Street.

26. No person shall stand his vehicle so that it unduly obstructs any other vehicle in the parking station or street.

Council Legal Representation

27. The Council or the Chief Executive Officer may from time to time authorise any barrister or solicitor of the State of Western Australia to conduct prosecutions in terms of these local laws.

PART 3—RESIDENTIAL PARKING**Definitions**

28. In this part of these local laws unless the context otherwise requires—

“**Dwelling unit**” means a building or part of a building used for self-contained living quarters;

“**Eligible person**” means a single house occupier, a unit occupier or a unit owner;

“**Residential parking permit**” means a permit issued by the Council pursuant to local law 30 (1).

“**Residential unit**” means a dwelling unit in a building which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto which is adjacent to a metered space and which contains—

- (1) two or more dwelling units; or
- (2) in addition to the dwelling unit, one or more non-residential uses;

“**Single house**” means a dwelling unit constructed on its own lot and used for self contained living quarters and which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto or which is adjacent to a metered space;

“**Unit occupier**” means a person who is an owner and occupier of a residential unit but does not include a unit owner.

“**Unit owner**” means a person who is an owner and occupier of a residential unit.

Exemption for permit holders

29. (1) Where the standing of a vehicle on any part of a road is prohibited for more than a period specified by a sign referable thereto the holder of a residential parking permit is exempted from such prohibition.

(2) The exemption conferred by sub local law (1) hereof shall apply only—

- (a) to the road or the part of a road specified in the residential parking permit;
- (b) to the vehicle specified in the residential parking permit;
- (c) if the residential parking permit is so displayed in the vehicle specified in such permit or affixed to the windscreen thereof as to be clearly visible and readable by an Authorised Person requiring to examine the residential parking permit from outside the vehicle;
- (d) if the residential parking permit is valid.

(3) The exemption conferred by sub local law (1) hereof shall not apply during any period in which the standing of vehicles is prohibited in the road or the part of a road specified in the residential parking permit.

Issue of permits

30. (1) The Council may upon the written application of an eligible person and upon payment of the fee referred to in sub local law (2) hereof issue a residential parking permit.

(2) Residential parking permit fees may be set by Council from time to time in accordance with the provisions of the Act.

Restrictions on Issue of Permits to Single House Occupiers

31. Subject to local law 32 hereof—

- (1) the Council shall not issue more than two residential parking permits to any single house occupier where the single house is situated on land having no provision for parking.
- (2) the Council shall not issue more than one residential parking permit to any single house occupier where the single house is situated on land which has provision of parking of one vehicle only.
- (3) The Council shall not issue a residential parking permit to any single house occupier where the single house is situated on land having provision for parking of two or more vehicles;

Restrictions on Issue of Permits to Unit Owners

- (4) where no parking is available to a unit owner on the land upon which the residential unit is situated the Council shall not issue more than two residential parking permits to the unit owner;
- (5) where parking for one vehicle only is available to a unit owner on the land upon which the residential unit is situated the Council shall not issue more than one residential parking permit to the unit owner;
- (6) where parking for two or more vehicles is available to a unit owner on the land upon which the residential unit is situated the Council shall not issue a residential parking permit to the unit owner.

Restrictions on Issue of Permits to Unit Occupiers

- (7) Where parking for one or more vehicles can be provided to a unit occupier on the land upon which the residential unit is situated the Council shall not issue a residential parking permit to the unit occupier.

Restrictions on Number of Permits

32. The Council shall not issue more than two residential parking permits in respect of any single house or residential unit.

Validity of Permit

33. (1) Every residential parking permit shall cease to be valid—

- (a) upon the expiry of a period of 12 months from and including the date on which it is issued; or
- (b) upon the holder of such permit ceasing to be an eligible person.

(2) The holder of a residential parking permit shall forthwith upon such permit ceasing to be valid remove such permit from the vehicle in which it is displayed or to which it is affixed.

PART 4—PENALTIES

34. Every person failing to do any act directed to be done or doing any act prohibited to be done by these local laws commits an offence and upon conviction is liable to a fine not exceeding \$5,000.00

35. (1) Any owner of a vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted shall, if required by a member of the Police Force or an Authorised Person, give any information which it is in his power to give, which may lead to the identification of any person who was driving or who was in charge of a vehicle when an offence is alleged to have been committed.

(2) Where an offence is alleged to have been committed and the identity of the driver or person in charge of the vehicle in respect of which the allegation is made is not known and cannot immediately be ascertained an Authorised Person may, within 28 days after the date on which the offence is alleged to have been committed, serve on the owner of the vehicle a notice in the prescribed form containing particulars of the offence alleged to have been committed and requiring the owner to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

(3) Where, under the provisions of sub local law (2) hereof, notice is served on the owner of a vehicle within the time specified in that sub local law, then, unless within 28 days after the date of the service of the notice the owner of vehicle—

- (a) informs the Chief Executive Officer of the council or an Authorised Person in writing as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
- (b) satisfies the Chief Executive Officer of the council that the vehicle had been stolen or unlawfully used, at the time the offence is alleged to have been committed.

the owner is, deemed to have committed the offence.

(4) A person who receives an infringement notice may decline to be dealt with under the provisions of this local law and where he fails to pay the modified penalty within 28 days after the date of the service of the notice he is deemed to have declined to be dealt with under those provisions.

(5) An infringement notice may, whether or not the modified penalty has been paid, be withdrawn at any time within one year after it is served, by the sending of a notice signed by an Authorised Person, to the alleged offender advising the alleged offender that the infringement notice has been withdrawn, and in the event, the amount of any modified penalty that has been paid shall be refunded.

(6) Where a modified penalty has been paid pursuant to an infringement notice and the notice has not been withdrawn as provided by sub local law (5) hereof, proceedings shall not be brought against any person with respect to the offence alleged in the notice.

(7) A person, other than the owner, driver or person in charge of a vehicle in respect of which an offence is alleged to have been committed, shall not remove any infringement notice relating to the offence affixed to the vehicle or left in or on the vehicle by an Authorised Person.

Modified Penalties

36. Where an Authorised Person has reason to believe that a person has committed an offence in respect of which a modified penalty is prescribed, he may serve on the person a notice, in the prescribed form, (in this section called an "infringement notice") informing the person that, if he does not wish to have a complaint of the alleged offence heard and determined by a Court, he may pay the Council, within 28 days after the date of service of the notice, the amount of the modified penalty. The modified penalty shall be—

- (1) In the case of an offence under local law 6(1)(b); 6(2)(a); 6(2)(c); 6(1)(f); 6(2)(e); 20(2) \$50.00
- (2) In the case of an offence under local laws 5(2)(a), 5(1), 5(2)(d), 6(1)(a), 6(1)(d), 6(2)(e), 6(3), 7(1), 15, 16(1), 16(2), 17 and 26—\$40.00.
- (3) In the case of an offence under local law 6(1)(c) where the specified time referred to in the local law is one half hour or less;
 - (a) where the vehicle stands on that part of the road or parking station referred to in that local law for a period of one half hour or less in excess of the specified time—\$20.00
 - (b) where the vehicle stands on that part of the road or parking station referred to in that local law for a period of more than one half hour in excess of the specified time \$20.00, with respect to the first one half hour in excess and \$20.00 with respect to any time thereafter.
- (4) In the case of an offence under local law 6(1)(c) where the specified time referred to in that local law is one hour or more—
 - (a) where the vehicle stands on that part of the road or parking station referred to in that local law for a period of one hour or less in excess of the specified time—\$20.00;
 - (b) where the vehicle stands on that part of the road or parking station referred to in that local law for a period of more than one hour in excess of the specified time—\$20.00, with respect to the first hour in excess and \$20.00 with respect to anytime thereafter.
- (5) in any other case—\$20.00.
- (6) Notwithstanding the penalties described in this local law, where an Authorised Person has reason to believe that a person has committed an offence in respect of these local laws, for which a modified penalty is prescribed, he or she may serve on the person a notice in the prescribed form (in this section called an "infringement notice") and the amount of the modified penalty may be increased for each successive offence committed by the same person within a period of 90 consecutive days as described in the Third Schedule of these local laws.

37. The Council shall keep or cause to be kept records in which modified penalties have been imposed and received under these local laws.

38. The Council may at any time by resolution of the Council vary the days and hours for parking and the variations contained in the resolution will take effect immediately the variation is inscribed on a sign.

Special Event Parking

39. (1) The Council may by the use of signs set aside, for any period specified on the signs, any land, parking station or parking facility for the parking of vehicles.

(2) A person shall not park or stand a vehicle on land or in a parking station or parking facility set aside under sub local law (1) during the period for which it is set aside unless a ticket or voucher purchased from the council with respect to the special event is clearly visible to and readable by an Authorised Person from outside the vehicle.

(3) For the purpose of this local law a "special event" means any event or occurrence considered by the Council to be special and likely to attract or result in a substantial number of persons driving vehicles.

(4) During the period referred to in sub local law (1) the provisions of local laws 11 shall not apply to the land, parking station or parking facility.

Set or Vary Parking Fees and Hours of Operation

40. The Council may at any time by resolution of Council set or vary parking fees and hours of operation of any parking station or parking facility.

First Schedule

CAR PARK NO 1

The land comprised in:—

Portion of Leschenault Location 26 in Diagram 6510 of the subject certificate of Title Volume 1000, Folio 632.

Portion of each of Leschenault Location 26 and Wellington Location 1875 on Diagram 3367 the subject of Certificate of Title Volume 1036, Folio 910.

Portion of Leschenault Location 26 and being Lot 12 on Diagram 6510 the subject of Certificate of Title Volume 1017, Folio 886.

CAR PARK NO 2

Portion of land described in Certificate of Title Volume 1669, Folio 515, being Lot 5 bounded by Prinsep Street to the south and Wellington Street to the north.

CAR PARK NO 3

Portion of the land comprised in Reserve 15927 known as Queens Gardens Car Park and bounded in the east by Cobblestone Drive, in the west by Blair Street, in the south by the northern boundary of Lot 534 Stirling Street and in the north by the Leschenault Inlet.

CAR PARK NO 4

The land comprised in:—

Bunbury Lot 11, the subject of Certificate of Title Volume 1180, Folio 42.

Bunbury Town Lot 200 the subject of Certificate of Title Volume 1240, Folio 628.

Bunbury Lot 198, No Certificate of Title.

Bunbury Lot 199, No Certificate of Title.

CAR PARK NO 6

The land comprised in Reserve 30601 and known as the Bunbury Aquatic Centre Parking Area bordered by the Aquatic Centre in the east and the Tennis Courts in the west, the Badminton Centre in the south and the Caretaker's Cottage in the north.

CAR PARK NO 7

The land comprised in Portion of Bunbury Lot 678 and being Lot 3, the subject of Diagram 71675 and of Certificate of Title Volume 1764 Folio 153, bounded by Clifton, Blair, Symmons and Victoria Streets.

CAR PARK NO 8

The land comprised in Zoe Street, Bunbury, the subject of Certificate of Titles;

Lot 14: volume 1069 folio 904

Lot 15: volume 1569 folio 461

Lot 16: volume 1450 folio 244

CAR PARK NO 9

The land comprised in Bunbury Lot 78 Symmons Street the subject of Certificate of Title Volume 1721 Folio 175.

CARPARK NO 10

Portion of land comprised in Bunbury Reserve Lot 4, bounded by Koombana Drive, Blair Street and Leschenault Inlet.

CARPARK NO 11

The land comprised in Bunbury Lot 206 Ommaney Street, the subject of Certificate of Title Volume 2104 Folio 48.

Second Schedule

FORM 1

CITY OF BUNBURY

INFRINGEMENT NOTICE

FAILURE TO PAY IN 28 DAYS WILL INCUR ADDITIONAL COSTS. PLEASE MAKE CHEQUES PAYABLE TO THE CITY OF BUNBURY.

It is alleged that an offence was committed in accordance with the details indicated below.

Local Government Act 1995

Parking Infringement

INFRINGEMENT NO.:

TIME DATE:

OFFICER ID:

LOC:

OFFENCE:

PENALTY:

DATE DUE:

Vehicle:

Affixed:

Officer's Signature.....

If you intend paying the penalty WITHIN 28 days, of the date of this notice, payment, whether posted or delivered, must reach the Chief Executive Officer, City of Bunbury, PO Box 21, Bunbury, 6231.

See overleaf

(Back of Form 1)

CITY OF BUNBURY

Infringement Notice

You may dispose of this matter either—

- (a) By payment of the penalty as shown within 28 days of the date of this notice to the City of Bunbury Council between the hours of 9:30am and 3:30pm Monday to Friday.
- (b) By having it dealt with by a Court.

IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COSTS WILL ALSO BE PAYABLE.

IF YOU CHANGE ADDRESS it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Date.....Signature.....

Address.....

.....

.....

For Parking Offences only—

TAKE NOTICE that pursuant to Section 9.13 of the Local Government Act 1995 you will be deemed to be the person who committed the offence unless within 28 days of the date on which this notice was served by attaching it to the vehicle or leaving it in or on the vehicle you inform the CEO or an authorised officer in writing of the identity and address of the offender or furnish information to the CEO from which the CEO is satisfied that the vehicle had been stolen or unlawfully taken, or was unlawfully used at the time the offence was alleged to have been committed or the modified penalty prescribed for the offence is paid to the Council.

Second Schedule

FORM 2

Bunbury City Council

Traffic Infringements Hard Copy Print Out.....generated on..... at.....

Local Government Act 1995 (date) (time)

Parking Infringement

INFRINGEMENT NO.:

Time: Date:

OFFICER ID:

LOC:

OFFENCE:

PENALTY:
DATE DUE:
VEHICLE:
AFFIXED:

Payment may be made at Ranger Services

-----NON-PRINTED FIELDS-----

PREFIX:
OFFICER:
AREA:
REG EXPIRY:
OFFENCE NO:
NOTE 1:
NOTE 2:
BETWEEN:
AND
SIDE OF STREET:
TRAFFIC CONDITIONS:
DIST FROM (METERS):
MARK TIME:
TIME TO:
SIGN TIME FROM::
SIGN TIME TO::
LETTER COVERED:
REG CAT:
SIGN:
SIGN EXEMPTION:
ISSUE MODE:
PARKING SPACE AVAIL?

Second Schedule

FORM 3

REMITTANCE ADVICE

PLEASE DETACH ALONG PERFORATIONS AND FORWARD
THIS ADVICE WITH YOUR PAYMENT TO
CITY OF BUNBURY, P.O. BOX 21, BUNBURY 6231

NOTICE No.
DATE ISSUED
REGISTRATION No.
AMOUNT DUE

PLEASE NOTE: UNDER FINES ENFORCEMENT REGULATIONS, FURTHER NOTICES SENT WILL INCUR
AN ADDITIONAL PENALTY.

Fourth Schedule

FORM 1

CITY OF BUNBURY

4 STEPHEN STREET, BUNBURY 6230

LOCAL LAW RELATING TO PARKING FACILITIES

LOCAL GOVERNMENT ACT 1995 AND AMENDMENTS

TELEPHONE: 08 97808 263 FACSIMILE: 08 9721 7509

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER
(NOTE: IF YOU HAVE PAID THIS INFRINGEMENT, PLEASE IGNORE THIS NOTICE)

FINAL NOTICE

TO:

DATE:

The owner of Vehicle, Make
You are hereby notified that it is alleged that on the
at about , the driver or person in charge of the above vehicle did stand such vehicle
in contravention of the provision of Local Law No: of the City of Bunbury Parking Facilities Local
Laws.

INFRINGEMENT NO:

LOCATION:

AMOUNT DUE:

DATE DUE:

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMIT-
TED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

UNLESS WITHIN TWENTY EIGHT (28) DAYS AFTER THE DATE OF THE SERVICE OF THIS NOTICE YOU:

- A. Finalise the infringement through payment of the above amount. (If payment is being sent by mail, please attach cheque, money order made payable to the City of Bunbury to remittance advice.
- B. Inform the Chief Executive Officer or an Authorised Officer of the City of Bunbury IN WRITING as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the offence. (SEE Statutory Declaration overleaf)
or
- C. Satisfy the Chief Executive Officer of the City of Bunbury in writing that the above vehicle had been stolen or unlawfully taken, or was being unlawfully used at the time of the above offence.

PLEASE NOTE UNDER FINES ENFORCEMENT REGULATIONS, FURTHER NOTICES SENT WILL INCUR AN ADDITIONAL PENALTY.

All communications to be addressed to: Chief Executive Officer, PO Box 21, Bunbury 6231

(Back of Form 3)

WESTERN AUSTRALIA
THE EVIDENCE ACT, 1906
STATUTORY DECLARATION

I,
of
do solemnly and sincerely declare as follows:—

That I was not the driver of the vehicle at the time of the offence detailed overleaf.

The driver in charge of the vehicle was:

.....
SURNAME (Please use block letters) CHRISTIAN NAMES

.....
STREET

.....
SUBURB POSTCODE

.....
SIGNED

And I make this solemn declaration conscientiously believing the same to be true and by virtue of Section 106 of "The Evidence Act 1906".

DECLARED AT

In the Sate of Western Australia
this day of 19

Before me
SIGNATURE JUSTICE OF THE PEACE

.....
NAME

.....
ADDRESS

.....
STATE

.....
POSTCODE

Second Schedule
FORM 4

FINAL DEMAND

CITY OF BUNBURY
MINICIPAL OFFICES
4 STEPHEN STREET, BUNBURY
WESTERN AUSTRALIA
P.O. BOX 21, BUNBURY, 6231
TELEPHONE: 08 97808 263
FACSIMILE: 08 97217 509

INFRINGEMENT NO.	VEHICLE NO.	PENALTY AGENCY COSTS	AMOUNT DUE	DATE DUE

Cheques and money orders shall be crossed and marked "not negotiable". If a cheque is not honoured upon presentation, payment shall be deemed not to have been made.

Enforcement Agency: CITY OF BUNBURY
Location: MUNICIPAL OFFICES
 4 STEPHEN STREET, BUNBURY
 WESTERN AUSTRALIA
Postal Address: P.O. BOX 21, BUNBURY, 6231
Hours of Business: 8.30a.m. to 4.00p.m. Monday to Friday
 TELEPHONE: 097 808 263
 FACSIMILE: 097 21 7509

Infringement No.:

To: Date:
 Time:
 Offence:
 Vehicle Make:
 Vehicle No.:

You were recently issued with an infringement notice and our records show that you have not paid the prescribed penalty. Payment is overdue and you now have to pay additional costs.

Before the due date you must:

1. Pay the **amount due** to us. (If posting— send a “not negotiable” cheque or money order with this letter. **Do not send cash.**)
OR
2. Elect to have the matter dealt with by a court. To do this, fill in and return the election on the other side of this page. IF THE ABOVE ADDRESS IS NOT YOUR CURRENT ADDRESS, OR IF YOU CHANGE ADDRESS, IT IS IMPORTANT THAT YOU ADVISE US IMMEDIATELY. FAILURE TO DO SO MAY RESULT IN YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE YOU HOLD BEING SUSPENDED WITHOUT YOUR KNOWLEDGE. **IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COST WILL ALSO BE PAYABLE.**

Description:
 Place; Street:
 PENALTY:\$ AMOUNT DUE:\$
 AGENCY COST:\$ DATE DUE:

(Back of form 4)

ELECTION TO HAVE THE MATTER DEALT WITH BY A COURT

I want to have this matter dealt with by a court. I understand that I may receive a summons for this offence.

My address for the service of a summons is:

.....
 Date:...../...../.....

Signature:

Name(Print):

Please send to: CITY OF BUNBURY, P.O. BOX 21, BUNBURY, 6231.

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from:—

- Your local Clerk of Courts
- Legal Aid Commission
- A solicitor at your own expense
- 105 St. George's Terrace, PERTH 6000

Italian

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from:—

- Your local Clerk of Courts
- Legal Aid Commission
- A solicitor at your own expense
- 105 St. George's Terrace, PERTH 6000

Spanish

IMPORTANT: DO NOT IGNORE THIS DOCUMENT

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from:—

- Your local Clerk of Courts
- Legal Aid Commission
- A solicitor at your own expense
- 105 St. George's Terrace, PERTH 6000

Vietnamese**IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from:—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
105 St. George's Terrace, PERTH 6000

Polish**IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from:—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
105 St. George's Terrace, PERTH 6000

Chinese**IMPORTANT: DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from:—

- Your local Clerk of Courts
- A solicitor at your own expense
- Legal Aid Commission
105 St. George's Terrace, PERTH 6000

Third Schedule

Modified Penalties for Successive Offences by the same Person within any Period of 90 Consecutive Days.

	SECOND OFFENCE	THIRD OFFENCE	SUBSEQUENT OFFENCE
1. In the case of an offence under local laws 6(1)(b);6(2)(a);6(2)(c),20	\$60.00	\$70.00	\$80.00
2. In the case of an offence under local laws 5(2)(a);5(1);5(2)(d);6(1)(a);6(1)(d);6(2)(e);6(3);7(1);15;16(1);16(2);17 and 26	\$50.00	\$60.00	\$80.00
3. In any other case	\$30.00	\$40.00	\$50.00

Dated 19th day of January, 1998.

The Common Seal of the City of Bunbury was herein affixed in the presence of—

JOHN CASTRILLI, Mayor.
G. P. BRENNAN, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

LOCAL LAWS RELATING TO THE DEPOSITING AND REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIAL

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the above mentioned Local Government hereby records having resolved on the 23rd day of December, 1997 to repeal the Local Laws relating to the Depositing and Removal of Refuse, Rubbish and Disused Material published in the *Government Gazette* on the 26th day of September, 1986 and to make the following Local Law:

Repeal

All previous local laws relating to Depositing and Removal of Refuse, Rubbish and Disused Materials are hereby repealed.

Citation

These local laws shall be cited as the City of Bunbury Depositing and Removal of Refuse, Rubbish and Disused Materials local laws.

Definitions

1. In these local laws unless the context otherwise requires—
 - “**Act**” means the Local Government Act 1995
 - “**Authorised Person**” means a person appointed by the Council to perform duties in accordance with these local laws, and may include “Ranger”.
 - “**Council**” means the Council of the City of Bunbury.
 - “**District**” means the area within the boundaries of the City of Bunbury.
2. If there is—
 - (a) on any vacant land within the district any trees, scrub, undergrowth or rubbish; or
 - (b) on any land within the district any refuse, rubbish or disused material, whether of the same kind as, or a different kind from that here specified, which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof;

the Council may cause a notice under the hand of the Chief Executive Officer or Authorised Person to be served on the owner or occupier of such land requiring him, within the time specified in such notice to clear land of such trees, scrub, undergrowth, or remove such refuse, rubbish or disused material from such land.
3. Every owner or occupier of land upon whom a notice is served under local law 2 of the these local laws shall comply with such notice within the time therein specified.
4. If any owner or occupier does not within the required time, remove the refuse, rubbish or disused material specified in the notice served by the Council, the Council may, without payment of any compensation to the owner or occupier, in consequence of such action, cause it to be removed and disposed of. The costs thereof shall be at the expense of the owner or occupier upon whom notice was given and may be recovered by the Council in a Court of Competent Jurisdiction.
5. Any person committing an offence against these local laws shall on conviction be liable to—
 - (a) a maximum penalty not exceeding \$5000; and
 - (b) a maximum daily penalty during the breach of \$100 per day.

Dated 19th day of January, 1998.

The Common Seal of the City of Bunbury was herein affixed in the presence of—

JOHN CASTRILLI, Mayor.
G. P. BRENNAN, Chief Executive Officer.

