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LOCAL GOVERNMENT ACT 1995

SHIRE OF IRWIN

**LOCAL LAW RELATING TO
AERODROMES**

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SHIRE OF IRWIN

LOCAL LAW RELATING TO AERODROMES

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Irwin hereby records having resolved on the 3rd day of February 1998 to make the following Local Law.

1. Citation

This Local Law shall be cited as the Shire of Irwin Local Law Relating to Aerodromes.

2. Application

This Local Law shall apply to and be in force within the whole of the district of the Shire of Irwin.

3. Definition

In this Local Law unless the context requires otherwise:

"Aerodrome" means any area of land under the control of or vested in the Council for the purpose of an aerial landing ground.

"Aerodrome Manager" means any person appointed by the Council to control and supervise the use of any Aerodrome.

"Authorised Person" means any person authorised by the Council to enforce the provisions of this Local Law or a Police Officer.

"Council" means the Council of the Shire of Irwin.

"Landing Strip" means that part of any Aerodrome used for the landing and departure of aircraft.

"Leased Area" means that part of those parts of any Aerodrome leased to any person by the Council, and which part or parts may be fenced and/or designated by a sign as being leased.

"Local Government Act" means the *Local Government Act 1995* as in force from time to time, or any Act enacted in substitution therefor.

"Owner", in relation to an aircraft, includes a lessee, charterer, or person for the time being in control of that aircraft.

"Regulations" means the *Local Government (Functions and General) Regulations 1996* as amended or substituted from time to time.

"Special Occasion" includes any aerial pageant or event of public interest.

4. Use by Aircraft

The Owner of any aircraft shall be entitled, upon and subject to compliance with these Local Laws, to use any Aerodrome for the landing, servicing and departure of that aircraft and the embarkment and disembarkment of aerial passengers and freight.

5. Landing Strip

(1) Only the following uses may be made of the Landing Strip:

- (a) the landing and departure of aircraft;
- (b) the embarkment and disembarkment of passengers on and from aircraft;
- (c) the loading and unloading of freight on and from aircraft;
- (d) the carrying out of works to the Landing Strip by any person or persons authorised to do so, and for that purpose, the use of any vehicles and equipment necessary for the completion of those works; and
- (e) any use authorised by the Aerodrome Manager or by the Council.

(2) A person who makes use of or has made use of a Landing Strip otherwise than in accordance with sub-clause 5(1) of this Local Law, commits an offence, and is liable to a penalty not exceeding \$5,000.

6. Erection and Use of Buildings and Aerodrome

(1) The Council may grant to any person, upon application, permission to erect buildings, refuelling sites, or any other structure or thing consistent with the use of the land as an Aerodrome, subject to, if the Council considers fit, the payment of a rental for the use of the land upon which such buildings, refuelling sites, or other structure or thing is erected. Such permission may be granted by the Council subject to such terms and conditions as it may deem fit.

(2) The Council, may from time to time set apart any building or any part of a building, upon such terms and conditions as the Council may stipulate, for the conduct of any business considered by the Council to be an amenity or operation of benefit to any Aerodrome, and may similarly set apart any portion of any Aerodrome for the conduct of any such business and permit the erection thereon of any building or structure.

(3) Except in accordance with an authority granted under sub-clause 6(2) of this Local Law, a person shall not within an Aerodrome either personally or by a servant or agent, or as a servant or agent of another person:

- (a) sell or supply any goods or services to any person;
- (b) carry on or solicit for any business; or
- (c) erect, display or distribute or communicate any advertisement or public notice.

7. Right of Entry to Aerodrome

(1) Save as provided in this clause, a person other than:

- (a) a person lawfully employed upon duties in or about the supervision and control of any Aerodrome or in or about the arrival, departure, servicing of or other attention upon aircraft lawfully using any Aerodrome; or
- (b) a passenger or intending passenger by aircraft lawfully using any Aerodrome,

shall not enter or be upon any Aerodrome or any part thereof.

(2) The Council may from time to time set apart any specified part or parts of any Aerodrome:

- (a) to which persons, other than those mentioned in paragraphs (a) and (b) sub-clause 7(1), shall not be admitted; and/or
- (b) to which the general public or any limited class or classes of the general public may be admitted, either at all times or at specified times, or for limited periods and generally upon such terms and conditions as the Council may determine; and/or
- (c) to which no vehicle may be admitted or to which vehicles may be admitted only on such terms and conditions as the Council considers fit.

(3) Suitable notices shall be placed by Council indicating the limits of any part of any Aerodrome set apart for any special or limited use under this clause.

(4) Notwithstanding the provisions of this clause, the Council may on Special Occasions make such arrangements for the control of any Aerodrome and charge such fees for participation and for admission as it considers fit.

(5) No person shall bring, or permit to stray, on to any Aerodrome any animal without the authority of the Council. Any animals on any Aerodrome without authority may be removed by any officer or employee of the Council, by the Aerodrome Manager or by any Authorised Person. Any person bringing, or permitting any such animal to stray on to any Aerodrome without authority commits an offence, and is liable to a penalty not exceeding \$5,000.

(6) No person shall enter upon any Leased Area unless authorised to do by the lessee of the particular Leased Area.

(7) It shall be an offence, punishable by a penalty not exceeding \$5,000 for any person in breach of any clause of this Local Law to enter or be upon any part of any Aerodrome.

8. Conduct of Person on Aerodromes

(1) Every person admitted to or being upon any Aerodrome shall not cause any annoyance or inconvenience to any other person lawfully thereon, and shall obey any directions given to her or him by the Aerodrome Manager or by any Authorised Person, for the purpose of preserving order or promoting or facilitating the lawful use and enjoyment of any Aerodrome.

(2) Any person breaching sub-clause 8(1) commits an offence and is liable to a penalty not exceeding \$5,000.

(3) All passengers and intending passengers by an aircraft shall, while upon any Aerodrome, obey the directions of the Aerodrome Manager and any signs of the Aerodrome as to their conduct and movement.

(4) Any person, whether or not a passenger or intending passenger by an aircraft, whom the Aerodrome Manager considers to be intoxicated or so under the influence of alcohol or any drug as to make her or his presence on any Aerodrome dangerous to herself or himself or to others, or offensive to others, or otherwise undesirable, may be refused admission to any Aerodrome, or if upon any Aerodrome may be removed by the Aerodrome Manager or any person acting under the direction of the Aerodrome Manager.

(5) A person shall not use any building, structure, convenience or amenity provided upon any Aerodrome for any purpose other than that for which it is provided or intended, or destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for the direction, guidance, warning or information or persons using any Aerodrome.

9. Provision of Name and Address on Demand

(1) The Aerodrome Manager or any Authorised Person may upon finding a person committing, or on reasonable grounds suspecting a person of having committed an offence against this Local Law, demand from the person the person's name and place of residence.

(2) A person from whom information is demanded in accordance with sub-clause 9(1) commits an offence if the person—

- (a) refuses without lawful excuse to give the information; or
- (b) gives information that is false or misleading in any material particular.

10. General

(1) A person who contravenes any clause of this Local Law commits an offence, and where no penalty is mentioned in respect of an offence, is liable on conviction to a penalty not exceeding \$5,000.

(2) All offences against this Local Law are prescribed offences for the purposes of section 9.16 of the *Local Government Act*.

(3) An infringement notice in the form of Form 2 of the Regulations may be issued by the Aerodrome Manager or any Authorised Person in respect of any offence against this Local Law, and the modified penalty shall be at 10% of the penalty specified for the particular offence.

(4) Any person contravening a clause of this Local Law may be summarily removed from any Aerodrome by the Aerodrome Manager, any Authorised Person or by any police officer.

Schedule 1
Shire of Irwin
Aerodromes Permit

Fees for Aerodrome Permits—NIL

Schedule 2
Shire of Irwin
Local Law Relating to Aerodromes

Cash/Cheque
Received the amount printed hereon
Chief Executive Officer

This document is not a Receipt until the
amount paid is printed by the Cash Register

Form 2
INFRINGEMENT NOTICE

Alleged Offender	<i>Family Name:</i>		
	<i>Other Names:</i>		
	<i>Last Registered Address</i>	<i>No:</i>	<i>Street Name:</i>
	<i>Suburb:</i>		<i>Postcode:</i>
<i>Vehicle No:</i>			

Alleged Offence	<i>Section of the Act:</i> <i>Or</i> <i>Provision of the Regulations:</i>
	<i>Description of alleged offence:</i>
	<i>Where & When:</i>

Amount of modified penalty	\$500.00
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Authorised person who issued this notice	<i>Name:</i>
	<i>Signature:</i>
	<i>Date:</i>
	<i>Time:</i>

Notes

What You Must Do	<p><i>If you do not wish to have a complaint of the above offence heard and determined by a Court, you may pay the modified penalty within twenty one days after the date of the service of this notice. Unless within twenty-one days after the date of the service of this Notice:</i></p> <p><i>(a) The modified penalty is paid or</i></p> <p><i>(b) You:</i></p> <p><i>(i) Inform the Chief Executive Officer of the Shire of Irwin or the Aerodrome Supervisor 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 above offence: or</i></p> <p><i>(ii) Satisfy the Chief Executive Officer of the Shire of Irwin that the above vehicle has been stolen or was being unlawfully used</i></p> <p><i>at the time of the above offence, you will in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.</i></p> <p><i>Payment may be made either by posting this form together with amount mentioned above to the Chief Executive Officer of the Shire of Irwin or by delivering this form and paying the amount at the Municipal Office, Waldeck Street, Dongara between the hours of 9 am and 4 pm Monday to Friday.</i></p>
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Name:

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Address:

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If your name and address do not appear on this notice, please complete the above to enable a receipt to be forwarded. IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVERS 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 ADDRESSES 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.

Original - White, Office Copy 1 - Yellow, Office Copy 2 - Blue

Schedule 3
Shire of Irwin
Local Law Relating to Aerodromes
Modified Penalties

Item No	Section	Nature Of Offence	Modified Penalty \$
1	5(1)	Landing Strip Offence	500
2	6(3)(A)	Sell/Supply Goods etc	500
3	6(3)(B)	Solicit Business	500
4	6(3)(C)	Erect Advertising etc	500
5	7(1)	Right of Entry— <i>Person</i>	500
	7(2)	— <i>Vehicle</i>	500
	7(5)	— <i>Animal</i>	500
	7(6)	— <i>Unauthorise</i>	500
6	8(1)	Conduct of Person on Aerodrome	500
7	9(1)	Refuse to Supply Name and Address	500

The common seal of the Shire of Irwin was hereunto affixed by authority of a resolution of the Council in the presence of—

G. C. BASS, President.
J. L. MERRICK, Chief Executive Officer.

