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LOCAL GOVERNMENT ACT 1995

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**SHIRE OF MURRAY**

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**CONSOLIDATED LOCAL  
GOVERNMENT LOCAL LAWS**



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**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF MURRAY

**CONSOLIDATED LOCAL GOVERNMENT LOCAL LAWS**

In pursuance of the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the above mentioned Local Government hereby records having resolved on the 26 August 1999, to make the following Local Laws.

**PART 1—REVOCATION AND CITATION AND APPLICATION OF LOCAL LAWS****1.1 Revocation**

The following By-laws and all amendments thereto are hereby revoked—

- Bathing By-law published in the *Government Gazette* 13 March 1914
- Baths—Mandurah By-law published in the *Government Gazette* 14 June 1918
- Caravan Parks & Camping Ground By-law published in the *Government Gazette* 20 May 1977
- Caravans By-law published in the *Government Gazette* 1 February 1946
- Fencing By-law published in the *Government Gazette* 8 April 1988 General By-law published in the *Government Gazette* 24 November 1961
- Halls By-law published in the *Government Gazette* 18 October 1935
- Hawkers, Stallholders & Trading in a Public Place By-law published in the *Government Gazette* 10 July 1992
- Heavy Traffic By-law published in the *Government Gazette* 1 June 1951
- Holiday—accommodation By-law published in the *Government Gazette* 20 May 1925
- Holiday Cabins & Chalets By-law published in the *Government Gazette* 6 October 1970
- Jetties—Mooring of Boats By-law published in the *Government Gazette* 5 May 1944
- Long Service Leave By-law published in the *Government Gazette* 23 December 1949
- Metrication—Cemetery By-law published in the *Government Gazette* 23 July 1976
- Motels By-law published in the *Government Gazette* 9 February 1961
- Numbering of Houses, Buildings By-law published in the *Government Gazette* 2 March 1961
- Obstructing Animals & Vehicles By-law published in the *Government Gazette* 20 January 1966
- Old Refrigerators & Cabinets By-law published in the *Government Gazette* 8 November 1967
- Parking By-law published in the *Government Gazette* 9 July 1993
- Parking—Commercial Vehicles on Street Verges By-law published in the *Government Gazette* 24 February 1984
- Parking—George Street, Pinjarra By-law published in the *Government Gazette* 12 December 1956
- Petrol Pumps By-law published in the *Government Gazette* 20 December 1967
- Poundage Fees By-law published in the *Government Gazette* 24 September 1982
- Refuse Removal By-law published in the *Government Gazette* 22 January 1993
- Reserves, Public—Control By-law published in the *Government Gazette* 3 June 1977
- Road—Closure of part of River Road By-law published in the *Government Gazette* 31 August 1955
- Signs, Hoardings & Bill Posting By-law published in the *Government Gazette* 20 December 1967
- Sports Grounds—Control & Management By-law published in the *Government Gazette* 17 April 1958
- Squatters on Crown Land By-law published in the *Government Gazette* 23 October 1914
- Standing Orders published in the *Government Gazette* 23 April 1998
- Straying Stock By-law published in the *Government Gazette* 29 January 1926
- Street Lawns & Gardens By-law published in the *Government Gazette* 8 November 1967
- TV Masts & Antenna By-law published in the *Government Gazette* 8 April 1960

**1.2 Citation**

These Local Laws may be cited as “Shire of Murray Consolidated Local Laws”.

### 1.3 Read as a Whole

These Local laws shall be read as a whole and the treatment of a subject matter in one part does not exclude the treatment of the same subject matter in another part.

### 1.4 General Application

1.4.1 These Local Laws shall apply to the whole of the Local Government District of the Shire of Murray together with any place to which the Governor has given approval for the Local Laws or any part of them to apply as provided in section 3.6 of the Act.

1.4.2 These Local Laws incorporate all Local Laws of the Shire of Murray with the exception of planning schemes made under the Town Planning and Development Act 1928.

### 1.5 Adjoining Waters and Reserves

Part 3 of these Local Laws shall apply—

- (a) to rivers, water courses, tidal and non-tidal waters, in or outside but adjoining the District;
- (b) to the reserves specified by the Council from time to time for the purpose of this section; and
- (c) to any other public place or public reserve adjoining any of the places mentioned in paragraphs (a).

1.6.1 Local Laws made under the Local Government Act 1995, comes into operation on the fourteenth day after the day it is published in the *Government Gazette*, or on such a later day as may be specified in the Local Law.

## PART 2—GENERAL INTERPRETATION

### 2.1 Interpretation

2.1.1 In these Local Laws, unless the context otherwise requires—

“**Act**” means the *Local Government (Miscellaneous Provisions) Act 1960* or the *Local Government Act 1995* as the circumstances and context require;

“**1960 Act**” means the *Local Government (Miscellaneous Provisions) Act 1960*;

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

“**AS**” means Australian Standard published by the Standards Association of Australia;

“**animal**” means any animal other than a dog, cat or bird;

“**approved**” means approved by the Council of the Shire of Murray;

“**Authorised Officer**” means in respect of any Part of these Local Laws the CEO or other officer of the Shire of Murray authorised by the Council or the CEO (as appropriate) to administer that Part;

“**Authorised Person**” means the CEO, or an Authorised Officer, or any other employee appointed in writing by the CEO as an Authorised Person under these Local Laws, or a Police Officer having authority under the *Police Act 1892*;

“**boat**” means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel under water;

“**Building Code**” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information with that Code;

“**Building Surveyor**” means the Building Surveyor for the time being appointed by the Council pursuant to the Act and includes, in the absence of the Building Surveyor, the Acting Building Surveyor;

“**CEO**” means the Chief Executive Officer of the Shire, and includes in the absence of the Chief Executive Officer, the Deputy or Acting Chief Executive Officer of the Shire;

“**Council**” means the council of the Shire;

“**District**” means the Local Government District of the Shire;

“**Dividing Fences Act**” means the *Dividing Fences Act 1961*;

“**employee**” means an employee of the Shire;

“**Environmental Health Officer**” means an Environmental Health Officer appointed by the Council under the Act and includes an Acting or Assistant Environmental Health Officer;

“**gender and number**” in these local laws words denoting a gender or genders include each other and words in the singular number include the plural and words in the plural number include the singular;

“**Health Act**” means *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911*;

“**Licence**” means a licence issued pursuant to these Local Laws;

“**licensee**” means a person to whom a licence is granted under these Local Laws;

“**Livestock**” includes horses, mares, fillies, foals, geldings, colts, camels, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, lambs, goats, swine, deer, alpacas, llamas, emus, ostriches, kangaroos, or other livestock of a like kind;

“**Local Government**” where the context permits means the Local Government of the Shire;

“**Local Laws**” means these Local Laws;

**“lot”** has the meaning given to the term in the *Town Planning and Development Act 1928*;

**“member of the Police Force”** means a member of the Police Force of Western Australia;

**“Minister”** means the Minister for Local Government;

**“nuisance”** means—

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by one person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this provision;

**“person”** and words applying to any person or individual include a body corporate and in the plural a group of persons and a club association or other body of persons;

**“Principal Environmental Health Officer”** means an Environmental Health Officer appointed by the Council to the office of Principal Environmental Health Officer and includes an acting Principal Environmental Health Officer;

**“proprietor”** means the owner or occupier of the land on which a business is situated;

**“public place”** includes a street way or place which the public are allowed to use, whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the Shire of Murray;

**“Shire”** means the Shire of Murray;

**“street”** includes any highway, any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

**“town planning scheme”** means any town planning scheme for the time being applying zoning or classification to land within the District;

**“vehicle”** includes—

- (a) every conveyance, not being a train, vessel, aircraft, or wheelchair and every object capable of being or designed to be propelled or drawn on wheels or tracks by any means, whether used in that way or not; and
- (b) where the context permits, an animal driven or ridden, and whether currently licensed or not.

**2.1.2** Unless otherwise defined herein the terms and expressions used in these Local Laws shall have the meanings given to them in the Act, and where a term is defined in each the 1960 Act and the 1995 Act, the meaning given in the 1995 Act shall prevail.

**2.1.3** A reference to the Council having the power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any Authorised Officer of Authorised Person, or any other person, or any committee to whom or to which the Council has delegated the power or the doing of the thing exercising such discretion or forming such opinion.

**2.1.4** A reference to the CEO or any other employee of the Shire includes a person duly appointed to act or from time to time acting in the position of that employee.

**2.1.5** Where in these Local Laws, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

**2.1.6** Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

## PART 3—RIVERS, RESERVES AND JETTIES

### *Division 1—Preliminary*

#### **3.1 Interpretations**

In this Part, unless the context otherwise requires—

**“bathing”** includes entry into the river and emerging therefrom and includes the use of bathing appliances;

**“bathing appliances”** means a float of any material, surf ski, surf board, kick board, malibu board, boat or any other device used or for use in bathing;

**“function”** means and includes a carnival, show, fete, concert, exhibition, gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of five (5) or more persons, or a picnic for a gathering of more than ten (10) persons;

**“jetty”** means any jetty, pier, wharf or landing place which is—

- (a) in or adjacent to the sea or any lake, river or estuary; and
- (b) under the care, control or management of the Council;

“**owner**” means the person who is the lawful owner or the person entitled to possession of any vessel, vehicle, cargo, property or chattel;

“**vessel**” means any ship or watercraft whatsoever, and without limiting the generality of the foregoing, has the same meaning as is given to the terms “ship” and “vessel” in the *Western Australian Marine Act 1982*;

“**watercraft**” means any bathing appliance, canoe, boat or jet-ski.

### 3.2 Application

The provisions of this Part shall apply throughout the District and to those areas defined in section 1.5 of these Local Laws and to all property vested in or under the care control or management of the Shire of Murray unless stated otherwise in the provision.

#### *Division 2—Prohibited Areas and Activities*

### 3.3 Prohibited Areas

3.3.1 For the safety, decency, convenience or comfort of persons in respect of bathing and other recreational conduct, the Council may set aside specific localities wherein all or any of the following things are prohibited, or are prohibited without the prior approval of the Council in writing—

- (a) entry by persons;
- (b) entry by animals;
- (c) bathing;
- (d) fishing;
- (e) the use of any bathing appliances or any particular kind of bathing appliance;
- (f) the entry and use of vehicles;
- (g) the launching of vessels;
- (h) the playing of games; and
- (i) the selling or displaying for sale or hiring of goods and merchandise.

3.3.2 The Council may set aside a specified locality for the purpose of subsection 3.3.1 or section 3.6 for a particular period or until further notice by causing notices to that effect to be placed in the vicinity of the locality.

3.3.3 Without limiting the generality of subsection 3.3.1 and Authorised Officer or Authorised Person may set aside specific localities in which bathing is prohibited, by the placement of notices, flags or such other indicators as are from time to time provided or required by the Council.

### 3.4 Prohibited Activities

A person shall not on any foreshore or reserve to which this Part applies—

- (a) carry on any activity or do anything which contravenes any notice given pursuant to the provisions of subsections 3.3.1 or 3.3.3 hereof;
- (b) drive or take any watercraft into any place where persons are bathing in such a manner as to cause or be likely to cause annoyance or injury to any person bathing or about to bathe;
- (c) play games in such a way as to cause inconvenience or annoyance to persons bathing or using the foreshore or reserve;
- (d) fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks;
- (e) clean fish or leave or deposit fish offal;
- (f) destroy, damage, injure, cause harm to, catch, snare or take any animal;
- (g) remove or otherwise interfere with any notice, flag or specified indicator of the kind referred to in subsections 3.3.2 and 3.3.3;
- (h) create, commit or take part in any nuisance or disturbance behave in a disorderly or offensive manner or use indecent language or commit any act of indecency;
- (i) enter, look into or loiter outside any lavatory, dressing shed or building or portion of a building expressly reserved for the use of the opposite sex;
- (j) except to put on or remove a garments worn over a bathing costume, dress or undress or remove or disarrange any part of a bathing costume, in any place open to public view or in any building other than such as is specifically set aside by the Council for that purpose;
- (k) climb upon any wall, building or tree guard or over, under or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles;
- (l) enter any place that has been fenced off or otherwise closed to the public;
- (m) bathe, swim or wade in any sump, drain, fountain, pond or lake;
- (n) add any dye or chemical to the water of any sump, drain, fountain, pond or lake;
- (o) alter, cut, mutilate, deface or disfigure or damage any equipment building or structure of any kind;
- (p) damage, destroy, interfere with or remove any water pipe, tap, hose, hose fitting, sprinkler, irrigator, watering device, valve, pump, motor, controller or switchboard;

- (q) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind other than in receptacles provided for that purpose;
- (r) climb, injure, cut, break, deface, pull up, pick, remove or destroy any tree, tree guard, shrub, flowers, grass or plant of any kind or description or, without the written consent of the Council, plant any such thing or sow any seeds without the prior authority in writing of the Council—
  - (i) damage any sand dune or dune system, or remove or damage any vegetation on any sand dune or any fence or structure or thing placed on or in the vicinity of a sand dune for the purpose of restricting or controlling access or avoiding damage to the dune, or (without limiting the generality of the foregoing) remove sand from any sand dune);
  - (ii) drive or ride any vehicle on or over a sand dune, or engage in sand boarding or other similar activity;
- (s) consume any intoxicating liquor except on premises licensed under the Liquor Licensing Act 1988 or except with the written permission of the Council;
- (t) be disorderly or apparently under the influence of alcohol or other drugs, enter or remain in or fail to depart from any place in breach of an order by any Authorised Person;
- (u) throw or release any stone, arrow, or other missile, whether of the same kind or not, except in the course of a function being lawfully held;
- (v) carry or discharge any firearm, air-gun, or other missile discharging device, or throw or discharge any explosive device, firework, stone, spear or missile;
- (w) operate any musical instrument, radio, record or cassette player, radiogram, television, amplifying equipment or other sound producing, enhancing or amplifying electronic device at such volume as to cause a nuisance or annoyance to other persons in or near the locality;
- (x) use or operate any siren, starting gun or other device which causes a loud noise in such a manner as to cause a nuisance or annoyance to any person on or in the vicinity;
- (y) fly any mechanically operated model aeroplane;
- (z) charge any person for entry thereto or for entry to any function being held thereon;
- (aa) unlock or unfasten any gate or door unless authorised by the Council;
- (ab) without prejudice to any other provision of these Local Laws bring on or cause or allow or permit to be brought on or to remain on any land to which these Local Laws apply any vehicle, caravan, omnibus (whether in good order or derelict) or rubbish of any nature, except to park or deposit the same in a place on that land nominated by the Council for the parking of such vehicles or caravans or deposit such rubbish, without the written consent of the Council first had and obtained, complying with all other provisions of these Local Laws in all respects on each occasion and in the event of the Council being unable to find the owner of any such thing or article and/or of the person occupying the adjoining camping site or building denying the ownership thereof or refusing to supply the Council with the name and address of the owner thereof the Council shall be at liberty to remove such vehicle, caravan or omnibus from the land to a place where they can be impounded and to remove such rubbish from the land to the Council's rubbish tip;
- (ac) play or practise the game of golf or any similar game;
- (ad) practise or participate in archery of any kind;
- (ae) interfere with the conduct of any function for which a function licence has been issued;
- (af) release into any waterway upon or passing through a reserve under the control of the Shire any fish, animal or plant.

The prohibitions of this section shall not apply to an Authorised Officer or Person acting in the course of his or her duty.

### 3.5 Activities Requiring Permission

A person shall not without written permission granted by the Council on any foreshore or reserve to which this Part applies—

- (a) plant or sow any seeds for any tree, shrub, flowers, grass or plant of any kind or description;
  - (b) cut, collect or remove any timber, firewood, stone, sand or material;
  - (c) advertise anything by any means or display or distribute any notice, pamphlet, document, advertisement or message;
  - (d) except where permitted under the authority of any written law, permit any cattle under that person's control to enter or remain in any place to which this Part applies;
  - (e) organise, conduct or address a gathering or meeting of persons or organise or take part in a procession or demonstration or carry a placard or notice;
  - (f) in a public reserve, conduct or assist in the conduct of or take part in any function;
  - (g) take onto a public reserve any spirituous or intoxicating liquor;
  - (h) cause or allow to be ridden or driven any bicycle or other vehicle whether motorised or not (other than wheelchairs or other devices designed to assist the movement of persons with disabilities) except upon a carriageway, road, path or footpath designated for use by such vehicle;
- and a person shall not, otherwise than in accordance with the provisions of Part 12
- (i) carry on any trading activity; or

- (j) without limiting the generality of the foregoing paragraph, hire or offer for hire any vehicle, bicycle, watercraft, kite or other item or equipment for sport, entertainment or amusement;

### **3.6 Camping and Picnicking**

**3.6.1** A person shall not on any foreshore or reserve to which this Part applies without written permission granted by the Council and then only in a place where the council has resolved to permit camping and has caused a notice specifying the localities where camping is permitted to be given pursuant to subsection 3.3.2—

- (a) camp, lodge at night in or occupy as sleeping quarters or a dwelling any store, building, tent or structure of any kind; or
- (b) erect any tent, camp, hut or other structure other than a foreshore umbrella used during the hours of daylight; or
- (c) light a fire except in a fireplace or a barbecue facility provided for that purpose. Subject to complying with the Fire Conditions of the day.

**3.6.2** Subsection 3.6.1 shall not apply to any person who has been authorised in writing by the Council to occupy any reserve, nor shall that subsection apply to such part of any reserve as is specified from time to time by the Council for the purpose of this section.

### *Division 3—Safety and Decency*

### **3.7 Vehicles**

**3.7.1** A person shall not on any foreshore or reserve to which this Part applies drive or ride a motorised vehicle (other than wheelchairs or other devices designed to assist the movement of persons with a disability) on any footpath or area set aside for use by pedestrians or bicycles otherwise than on those parts of the reserve or public place set aside as roads, driveways or vehicle parking areas.

**3.7.2** A person shall not park or stand any vehicle except on areas set aside as parking areas.

- 3.7.3** (a) The Council may in special circumstances grant permission to allow a motorised vehicle to enter upon a public reserve for a specific purpose and the Council may apply such conditions as it thinks fit to such permission;
- (b) A person shall not park or stand any vehicle in breach of any such condition.

### **3.8 Modified Penalty**

A person contravening the provisions of subsection 3.7.2 or 3.7.3 may be served with an infringement notice and be subjected to the modified penalty provisions of Part 20 of these Local Laws.

### **3.9 Decency**

- 3.9.1** (a) Any person over the age of five (5) years bathing in water exposed to the public view or using a foreshore for sunbathing or any other activity in public view shall in order to secure the observance of decency, be properly and adequately clad;
- (b) A parent or other adult person who is a person on or in the near vicinity of the foreshore and is responsible for the custody, care or control of a child between the age of five (5) years and fifteen (15) years shall ensure that the child is properly and adequately clad in accordance with paragraph (a) of this subsection.

**3.9.2** Where an Authorised Officer or Person considers that the costume or other clothing of any person on land or water to which this Part applies is not proper and adequate to secure decency, the Authorised Officer or Person may order that person to put on adequate clothing and that person shall comply with such order forthwith.

### **3.10 Safety**

**3.10.1** An Authorised Officer may in or on any place where this Part applies, seize any bathing appliance is being used contrary to the provisions of this Part.

**3.10.2** Any bathing appliance seized under subsection 3.10.1 may be impounded after seizure for any period not exceeding three (3) months as may be specified by the Authorised Officer to the person having custody of such appliance immediately prior to the time of seizure.

**3.10.3** The Council may from time to time prescribe fees which it might charge on the impoundment of a bathing appliance in order to defray the expense of and incidental to the impoundment including the cost of the administrative time.

**3.10.4** Where such appliance is not claimed by the owner within two (2) months after the expiration of the period for which the appliance was impounded the appliance may be sold by the Council and the proceeds of such sale may be applied towards recouping the costs of and incidental to impounding it and any fee of impoundment.

**3.10.5** Where the proceeds of sale referred to in subsection 3.10.3 exceed the costs of the impoundment and fees then the excess shall be paid to the owner of the appliance or where the identity or whereabouts of that owner are unknown placed in a trust fund and dealt with in accordance with the provisions of section 6.9 of the Act.

### *Division 4—Permissions*

### **3.11 Permissions Under This Part**

**3.11.1** Every application for permission in this Part shall be in writing in the form prescribed by the Council (if any) and shall specify—

- (a) the name and address of the applicant who seeks the issue of a permit;

- (b) the reserve and the place on the reserve at or from which the applicant proposes to conduct the activities;
- (c) details of the activities the applicant proposes to conduct;
- (d) the day or days on which and the times during which the applicant proposes to conduct the activities.

**3.11.2** The Council may in its discretion grant permission or refuse to grant permission under this section or grant permission subject to such conditions as it thinks fit.

**3.11.3** Where permission has been granted by the Council under this section subject to conditions the person to whom the permission has been granted shall ensure that those conditions are observed at all times. If any such condition is not observed that person commits an offence against these Local Laws and the Council may by written notice cancel the permission.

**3.11.4** Every permission granted for a function pursuant to paragraph (f) of section 3.5 shall include the condition whether expressed in the permission or not that the person to whom permission has been granted shall ensure that persons obviously under the influence of alcohol or acting in a disorderly manner are excluded from attendance at the function.

### **3.12 Activities Specially Permitted**

**3.12.1** Horses may be led, ridden or exercised within the foreshores and reserves or parts thereof designated and published by the Council from time to time in a newspaper circulating in the District as horse exercise areas but not on any other foreshore or reserve.

**3.12.2** Dogs may be exercised without a leash within the foreshores and reserves or parts thereof gazetted by Council for this purpose.

**3.12.3** Dogs shall not be taken onto nor permitted to be or remain on any foreshore unless the foreshore is marked by a clearly legible sign as a dog area.

### *Division 5—Jetties*

#### **3.13 Jetties**

##### **3.13.1 Use of Jetty or Bridge**

- (a) A person shall not land at, use or enter a jetty or bridge except in accordance with these Local Laws.
- (b) A person shall not land at, use or enter a jetty which is—
  - (i) under construction or repair; or
  - (ii) closed under section 6 of the Jetties Act 1926 or any other written law, unless that person is engaged in the construction or repair of that jetty in accordance with the written authorisation of the Council.

##### **3.13.2 Vehicles on Jetties**

A person shall not—

- (a) drive or allow a vehicle to remain on a jetty (other than a boat ramp) without the prior written consent of the Council; or
- (b) ride a bicycle, or allow a bicycle to remain, on a jetty;

##### **3.13.3 Fishing From Jetties and Bridges**

A person shall not—

- (a) fish from a jetty or bridge so as to obstruct or interfere with the free movement of a vessel approaching or leaving the jetty or bridge or so as to cause a nuisance on or near the jetty or bridge; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or bridge.

##### **3.13.4 Nuisance on Jetties or Bridges**

A person shall not—

- (a) without the prior written consent of the Council offer for sale or sell goods or services on a jetty or bridge;
- (b) by any means, on or near a jetty or bridge, tout or solicit anyone to proceed as a passenger on any vessel or vehicle;
- (c) without the prior written consent of the Council display any sign or advertisement or use any loud speaking device on a jetty or bridge;
- (d) interfere with free movement of others entering or leaving a jetty or bridge; or
- (e) dive from a jetty or bridge.

##### **3.13.5 Material Not to be Removed**

A person shall not remove or cause to be removed from a jetty or from its approaches any gravel, stone, timber, trees, shrubs, grasses or other material without the prior written permission of the Council.

##### **3.13.6 Damage to Jetties**

- (a) A person shall not tip or deposit any thing onto a jetty so as to cause damage to the jetty or to pollute the surrounding area.
- (b) Where damage is caused to a jetty, whether by a vessel or a vehicle or otherwise, the Council may repair the damage and the costs of the repair shall be a debt due to the Shire.

- (c) The debt is payable—
  - (i) where the damage is caused by a vessel or vehicle, by the person responsible for the control of the vessel or vehicle; or
  - (ii) where the damage is not caused by a vessel or vehicle, by the person or persons who caused the damage.
- (d) The debt may be recovered by the Shire in a court of competent jurisdiction.

**3.13.7 Cargo on Jetties**

- (a) Property intended for shipment onto a vessel shall—
  - (i) not be stored or placed on a jetty unless and until the vessel is alongside the jetty; and
  - (ii) be removed from the jetty as soon as practicable.
- (b) A person unloading property from a vessel onto a jetty shall cause it to be removed from the jetty as soon as practicable or upon demand by an Authorised Officer and in any event not later than 6.00pm on the day on which it was placed on the jetty.
- (c) An Authorised Officer may direct a person apparently in charge of property which remains on a jetty contrary to these Local Laws to remove the property from the jetty.
- (d) A person who, without reasonable cause, fails to comply with a direction of an Authorised Officer under subsection (3) commits an offence.
- (e) An Authorised Officer may remove and, if he or she considers it to be appropriate, store property which has been left on a jetty contrary to these Local Laws.
- (f) The cost of removal and of any subsequent storage of the property shall be a debt due to the Shire by the owner of the property.
- (g) The debt may be recovered in a court of competent jurisdiction.

**3.13.8 Bulk Cargoes on Jetties**

Except with the prior written consent of the Council, a person shall not tip or deposit bulk cargo from a vehicle or vessel onto a jetty.

**3.13.9 Loading or Discharging of Cargo**

Except with the prior written consent of the Council, a person in control of a vessel shall not permit it to remain alongside a jetty for the purpose of loading or discharging cargo between 6.00pm on any day and 6.00am the next day.

**3.13.10 How a Vessel is to be Moored**

A person shall not—

- (a) moor or make fast a vessel to a jetty or any part of the jetty except to such mooring piles, ring bolts or other fastenings as are provided; or
- (b) permit a vessel to remain alongside a jetty unless the vessel is so moored or fastened.

**3.13.11 Mooring Time Limits**

- (a) Subject to paragraph (b) and subsection 3.13.12 a person shall not moor a vessel or permit it to be moored to a jetty for more than 4 hours unless he or she has—
  - (i) applied to, and obtained written consent of, the Council in the form prescribed by the Council for that purpose from time to time; and
  - (ii) paid to the Shire any fee set by the Council from time to time for the purpose.
- (b) The owner, or a person in control of a vessel which is moored to a jetty shall remove the vessel forthwith when so directed by an Authorised Officer.
- (c) The Council may not consent to a vessel being moored at a jetty for more than seven (7) consecutive days.

**3.13.12 Mooring for Maintenance and Repairs**

- (a) A person shall not moor a vessel to a jetty for the purpose of effecting repairs to the vessel unless—
  - (i) the vessel is in distress;
  - (ii) the vessel is moored for no longer than would reasonably be required to effect the minimum repairs necessary to enable the vessel to be moved elsewhere; and
  - (iii) if the vessel is, or is to be, moored for more than four (4) hours, the consent of an Authorised Officer has to be obtained.
- (b) A person shall not moor a vessel to a jetty for the purpose of effecting maintenance to that or any other vessel.

**3.13.13 Obstruction of Jetties or Officer**

- (a) A person shall not, without the written permission of the Council, cause, or place, or cause to be placed, on a jetty any obstruction.
- (b) A person shall not obstruct or hinder—
  - (i) any representative or employee of the Council or any other person whatsoever engaged in the construction or repair of any jetty; or
  - (ii) any Authorised Officer acting in the course of his or her duties.
- (c) A person shall not cause any obstruction on or to any public steps or landing place for passengers on or at a jetty, or impede the free passage of other persons on or along such steps or places.

**3.13.14 General**

A person shall not on or near any jetty—

- (a) except in a receptacle provided for that purpose, deposit any litter;
- (b) light, place or keep a fire that might endanger the jetty;
- (c) except for the purpose of fishing, throw or impel any stone or other missile;
- (d) permit an animal to remain;
- (e) be in a state of intoxication or in possession of any intoxicating substance unless such intoxicating substance is cargo or medical supply carried for lawful purpose;
- (f) do anything which may destroy, damage or deface the jetty or any part of it;
- (g) behave in a disorderly manner, or create or take part in any disturbance or use any foul or indecent language or commit an act of indecency;
- (h) throw, place or deposit any offensive, noxious or dangerous substances;
- (i) post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter; or
- (j) fix or place any receptacle capable of holding water and providing a breeding site for mosquitoes or other insects.

**3.13.15 Launching of Vessels**

A person shall not launch or permit the launching of a vessel from or over any jetty (other than a boat ramp) unless he or she has—

- (a) applied to, and obtained the written consent of, the Council in the form (if any) prescribed by the Council for any purpose; and
- (b) paid to the Shire any fee set by the Council from time to time for the purpose.

**3.13.16 Reduction or Waiver of Fees**

The Council may, if it considers it to be in the public interest, reduce or waive the fees that would otherwise be payable in relation to an application for consent to moor a vessel or to launch a vessel under these Local Laws.

**PART 4—COUNCIL PROPERTY PUBLIC POOLS AND RECREATION FACILITIES***Division 1—Preliminary***4.1 Interpretations**

**4.1.1** In this Part, unless the context otherwise requires—

“**Attendant**” means an employee of the Council authorised to perform duties in connection with a public swimming pool or other recreation facility under the control and management of the Council;

“**building**” has the same meaning as is given to the term in section 6 of the 1960 Act but without limiting the generality of the term for the purpose of this Part specifically includes a hall or room, or a corridor, stairway or annexe of any hall or room owned by or under the care, control or management of the Council;

“**Manager**” means the person for the time being employed by the Council to control and manage a public swimming pool or other recreation facility under the control and management of the Council and includes the person’s assistant or deputy;

“**premises**” includes each of the public swimming pools and other recreation facilities owned by or for the time being under the control and management of the Council, and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of such a swimming pool or other recreation facility or used in connection therewith;

“**recreation facility**” includes spa bath, solarium, sauna, gymnasium and kiosk, stadium, squash court and function room.

**4.1.2** Terms and expressions used in this Part—

- (a) shall have the meaning given in subsection 4.1.1 which shall prevail over any other conflicting definition; and
- (b) otherwise shall be interpreted in accordance with section 2.1

*Division 2—Public Swimming Pools and Other Recreation Facilities***4.2 Public Swimming Pools and Other Recreation Facilities**

The provisions of this section relate to any public swimming pool or other recreational facility under the care control and management of the Council.

**4.2.1** (i) Any premises shall be open for admission to the public during the hours and periods the Council from time to time determines.

(ii) The premises or any part of them and any facility or equipment therein may at any time at the discretion of the Manager with the written approval of the CEO be set aside for the use of certain persons to the exclusion of others.

**4.2.2** The Council may refuse a person admission to any premises at any time.

**4.2.3** Every person using premises shall obey all reasonable directions of the Manager or Attendant with regard to such use.

**4.2.4** The Manager or Attendant may temporarily suspend admission to or remove from the premises or any part thereof all or any persons if, in his or her opinion that action is necessary or desirable, in the interest of the comfort and convenience of the users generally of the premises and the preservation of the premises or its contents.

**4.2.5** If a person appears in public who in the opinion of the Manager or Attendant is indecently or insufficiently clad, the Manager or Attendant may direct that person forthwith to resume the person's ordinary clothing and the person shall forthwith comply with that direction.

**4.2.6** (i) It is the duty of the Manager or Attendant, who is hereby so empowered and directed, to refuse admission to or remove or cause to be removed from the premises a person who, in the opinion of the Manager or Attendant—

- (a) is a child under the age of eight (8) years and is unaccompanied by a responsible person over the age of fourteen (14) years;
- (b) is guilty of a breach of any of the provisions of these Local Laws;
- (c) is by his or her past or present conduct within or about the premises undesirable;
- (d) is visibly affected by alcohol or drugs;
- (e) is apparently suffering from a contagious, infectious or offensive disease, skin complaint, or wounds.

(ii) Any such person when requested by the Manager or Attendant to withdraw from the premises shall immediately do so quietly and peaceably.

(iii) Any person banned or refused entry to any premises shall be given formal notification of reasons as determined by the Manager.

**4.2.7** (i) A person who has been refused admission to any premises or has been requested to leave any premises and who feels aggrieved by the action of the Manager or an Attendant may appeal to the Council by letter addressed to the CEO against that action.

(ii) The Council shall consider the appeal and give such direction in the matter as it thinks fit.

(iii) The right of appeal given by these Local Laws does not imply any right of action for damages or other remedy against the Council or Manager or an Attendant arising out of any refusal of admission or direction to leave any premises.

**4.2.8** (i) A person shall not for profit teach, coach or train another person in any premises unless with the prior written consent of the Council or the Manager which may be given subject to any conditions the Council or Manager as the case may be thinks fit.

(ii) Consent under paragraph (1) may be withdrawn at any time.

**4.2.9** (i) A person, club, organiser or association shall not conduct any controlled swimming or diving event, carnival or competition without the prior written consent of the Manager.

(ii) The Manager may grant consent subject to any conditions the Manager thinks fit and may, at any time, withdraw that consent.

(iii) A person, club, association or organisation conducting any event, carnival or competition at any premises is responsible for the conduct and safety of the competitors, officials and spectators during the events, carnival or competition and shall prevent overcrowding and ensure that no damage is done to the buildings, or fencing or any other portion of the premises and that these Local Laws are observed by all competitors, officials and spectators.

**4.2.10** (i) A person who finds within any premises and article which may have been left or lost therein shall immediately deliver it to the Manager or Attendant who shall thereupon register a description of the article and all particulars relating thereto in a book to be kept for that purpose.

**4.2.11** All articles left in any premises and not claimed within a period of three (3) calendar months, shall be dealt with by the Council according to law.

**4.2.12** A person shall not—

- (a) enter any portion of any premises set apart exclusively for the opposite sex except a person under the age of six (6) years;
- (b) without the consent of the occupier, enter or attempt to enter any bathroom or dressing box or other compartment which is already occupied;
- (c) in any way interfere with any other person in or upon any premises or with another person's use thereof nor throw or push, or attempt to throw or push over another person into a swimming pool, spa, sauna or throw any stone, stick or any other matter or thing to the annoyance of another person using the premises;
- (d) play a ball game except with the consent of the Manager or the Attendant, or do anything which in any way limits the enjoyment of the users of the premises, but nothing herein contained applies to the playing of any games or aquatic sports organised and conducted on any premises by a club, association, organisation or other person at a time and in a manner approved by the Council;
- (e) permit an animal of which the person is liable for the control to enter or remain in or about any premises;
- (f) enter any premises without having first paid to the Manager or Attendant the proper charge for admission (in cash or by the production of a pre-purchased pass or membership card) unless that person is an officer or employee of the Council in the course of the person's duties or an official of a club currently using the premises with the authority of the Manager;

- (g) obstruct the Manager or Attendant in carrying out their duties;
- (h) enter or depart from any part of any premises except by means of the respective entrances or exits set apart for that purpose;
- (i) dress or undress or remove any part of the person's bathing costume except in a dressing or change room enclosure provided for that purpose;
- (j) appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;
- (k) enter or be in any premises while affected by alcohol or drugs;
- (l) take into any premises, or have in the person's possession therein, intoxicating liquor, or a glass or metal container, or any illegal drug;
- (m) climb up or upon a roof, fence, wall or partition of any premises;
- (n) in any part of any premises behave in an unseemly, improper, disorderly, riotous or indecent manner or swear or use indecent, obscene, offensive or abusive language or gamble or commit any other misconduct;
- (o) bring onto to deposit any filth or rubbish in any part of any premises except in a place set aside for that purpose;
- (p) consume food or drink in any specific area in which consumption is prohibited by notice;
- (q) wastefully use the water or leave a tap dripping in a dressing room or elsewhere in any premises;
- (r) spit or expectorate in a swimming pool or on any part of any premises or in any way commit any nuisance on or in any part of the premises;
- (s) use a substance or preparation whereby the water of a swimming pool or spa may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers;
- (t) foul or pollute the water in a shower, bath or swimming pool, or soil, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing room, closet, compartment or other part of any premises or any furniture or other article of equipment therein;
- (u) damage, improperly use or interfere with a tap, valve, locker or other fitting or appliance in or about any premises;
- (v) whilst suffering from any contagious, infectious or cutaneous disease, or whilst in an unclean condition, enter or use or attempt to enter or use any swimming pool or spa or any other part of any premises;
- (w) soil, defile or damage a towel or bathing costume;
- (x) break, injure, damage or destroy life-saving or other equipment or a locker key or any property of the Council;
- (y) enter or attempt to enter any premises if the Council has refused the person permission to do so.

**4.2.13** A person shall not pay nor shall the Manager or Attendant or any other officer or employee of the Council receive any fee for admission to or the use of any facility in any premises except the fee prescribed by these Local Laws.

**4.2.14** A person shall, when leaving the premises incorporating a swimming pool or spa, if requested to do so, produce the person's bag costume or towel for inspection by the Manager or Attendant.

**4.2.15** Pre-purchased tickets or membership cards shall be presented to the Manager or Attendant at the time of entry to any premises and provided that the purchaser adheres to the provisions of these Local Laws any such item shall be returned to the person when the person exits.

**4.2.16** Neither the Council nor the Manager or Attendant or other officer or employee of the Council is in any way responsible for any article or money lost or stolen from a person whilst in any premises or for any article damaged or destroyed while in or about the premises.

#### *Division 3—Council Property (Management and Control)*

##### **4.3.1 Saving of Long Term Leasing Power**

Nothing in this Part shall be construed to limit the power of the Council to enter into long term leasing of buildings, halls or rooms subject to the Act, in such manner and on such terms as it sees fit.

##### **4.3.2 Permissions**

A person shall not, without permission to hire granted by the Council, use any building or use or borrow the furniture, plant, fittings, effects, cutlery, crockery, glassware or other utensils or property of any kind within or on any building.

##### **4.3.3 Application**

Every application for permission to hire under section 4.3.2 shall be made to the CEO in writing at least 24 hours before the time that such building, furniture or other property are required and shall specify—

- (a) the name and place of abode of the applicant who seeks to hire a building, furniture or other property specified in section 4.3.2;
- (b) the purpose for which the building, furniture or other property is required.

##### **4.3.4 Discretion**

The Council may in its discretion grant permission to hire or refuse to grant permission to hire or grant permission subject to such conditions as it thinks fit.

#### 4.3.5 Conflicting Applications

In the event of two or more applications being made for the hire of any building and furniture for the same date and time, the Council shall grant the application to the applicant who is first recorded in the register kept by the Council of such applications or the diary of bookings for the building or equipment if no such register is kept.

#### 4.3.6 Conditions

Every permission to hire shall contain the following conditions whether expressed in the permission or not—

- (a) the applicant shall, prior to the commencement of the hiring and in addition to any deposit the Council may require as an advance payment of the hiring fee, lodge a bond for an amount estimated by the Council to cover—
  - (i) any damage that might occur during the term of the engagement; and
  - (ii) any cleaning of Council property which is required following the term of engagement;provided that the bond shall be repayable upon the termination of the hiring except to the extent the Council makes any deduction under subsection 4.3.11;
- (b) no furniture or other property shall be removed, except with the permission of the CEO and under the supervision of the caretaker or other person appointed by the Council;
- (c) the applicant shall comply with the provisions of the Health Act, 1911 and any other written law and policy in force for the time being applicable to the hiring and use of the building;
- (d) the Council may at any time cancel any permission to hire without giving the applicant any reason for so doing.

#### 4.3.7 Times

A building, furniture or other property shall be hired for the period stipulated in the permission but if no period is stipulated the hiring shall be for a period of eight (8) hours.

#### 4.3.8 Fees

The fees to be charged for an application for permission to hire, for hiring of any building, furniture or other property shall be those set by the Council from time to time for the purpose. No permission to hire is valid until the fees have been paid.

#### 4.3.9 Cancellation

In the event of the permission to hire being cancelled by reason of any default on the part of the applicant or any other person associated with the hire, or if the applicant cancels the application, the whole or any part of any fee or deposit as may be determined by the Council (with the exception of the cleaning deposit) shall be forfeited and any deposit or such portion of any deposit that is not forfeited under this section shall be repaid by the Council to the applicant.

#### 4.3.10 Conduct in Hired Building

No person in any building shall—

- (a) enter or be allowed to enter while affected by alcohol or drugs;
- (b) use profane or improper language;
- (c) be guilty of any misbehaviour whatsoever;
- (d) damage, mark or deface any wall or other part of the building;
- (e) drive nails, tacks, pins or screws into any of the woodwork or walls of the hall without the permission of the Council;
- (f) erect internal or external decorations without permission in writing from the Council;
- (g) remove any piano from the floor of the Main hall to the stage, or vice versa, without the permission of the Council;
- (h) stand, loiter or cause any obstruction whatsoever in the entrance halls, exits, or passageways of any buildings;
- (i) perform offensive impersonations or representations of living persons, or anything calculated to produce a disturbance, riot or breach of the peace;
- (j) smoke in any area of the building.

#### 4.3.11 Recovery of Costs

The Council may recover the cost of cleaning or making good any damage to any building or its property therein from a person who caused or contributed to the damage or the need for cleaning. The cost of cleaning or making good the damage may be deducted from any bond or deposit paid by the hirer of the building or property and the whole amount or excess over the amount of the bond or deposit may be recovered by the Council—

- (a) in proceedings against a person for a breach of this section; or
- (b) at the discretion of the Council in a Court of competent civil jurisdiction.

#### 4.3.12 Obligations of Permit Holder

The holder of permission to hire any building, furniture or other property shall—

- (a) maintain and keep such building, furniture or other property in good order;
- (b) be solely and entirely responsible for the carrying out of the provisions of this Part;
- (c) be solely responsible for any damage done to the building, furniture or other property;

- (d) pay such damages as shall be assessed by the Council and furniture or other property damaged or not accounted for shall be paid for at current replacement cost or the actual cost of repair if that is greater;
- (e) allow the CEO or any employee seeking to enforce these Local Laws or any other written law or otherwise acting in accordance with any written law and any member of the Police Force free ingress to the building, hall or room;
- (f) if the hirer fails to allow ingress to the building in accordance with the provisions of paragraph (e) of this section, the Council may at any time prior to or during the term of hire forbid and prevent the use or continued use of the building in addition to any other action the Council may take for the breach of this Part, and the Council shall not be held responsible to the hirer for any loss or damage incurred as a consequence;
- (g) in addition to any action taken against the hirer in accordance with paragraph (f) of this section, a hirer in breach of the provisions of this section may be required by the Council to forfeit any fee bond or deposit or any portion thereof in relation to the hiring of the building, furniture or other property;
- (h) if intending as part of the use of the building or reserve to allow—
- (i) the consumption of alcohol within the building or reserve, in addition to the permission to hire, obtain a permit from the Shire or to consume liquor.
- (ii) the sale of alcohol within the building or reserve in addition to the permission to hire, obtain an appropriated licence under the *Liquor Licensing Act 1988*, together with approval from the Shire to consume liquor.

## PART 5—ANIMALS IN PUBLIC PLACES

### *Division 1—Animals Generally*

#### 5.1 Unattended Animals

**5.1.1** The provisions of this Part shall not affect the operation of Part 20 of the *Local Government (Miscellaneous Provisions) Act 1960*, and in the event of any inconsistency between the provisions of this Section and the provisions of Council's Local Laws relating to dogs the provisions of the Local Laws relating to dogs shall prevail.

**5.1.2** Subject to the provisions of subsection 5.1.3 a person shall not permit an animal to remain unattended in a public place.

**5.1.3** An animal may be secured in any portion of a public place wherein animals may lawfully be secured for the purposes of these Local Laws but only if secured for a period not exceeding one (1) hour unless the consent in writing of the CEO is first obtained.

#### 5.1.4 Impounding

Where an Authorised Person or a member of the Police Force finds an animal unattended in a public place, contrary to the provisions of subsections 5.1.2 or 5.1.3 of this Part, he or she may remove the animal therefrom and shall thereupon place it in a pound in accordance with the provisions of Council's Local Laws relating to dogs if it is a dog or in accordance with Part 20 of the *Local Government (Miscellaneous Provisions) Act 1960* if it is another animal.

#### 5.1.5 Fencing

The yard or place in which any cattle is kept shall be surrounded by fencing to at least the standard prescribed by the Council from time to time for rural fencing, but in any event shall be and be maintained to a standard adequate to contain the cattle so kept in all circumstances.

#### 5.1.6 Diseased Animals

A person shall not drive or ride or permit the driving or riding of an animal having a contagious or infectious disease in a street or other public place.

**5.1.7** The Council may cause any animal which is certified by a qualified veterinary surgeon or other suitably qualified person as having a contagious or infectious disease and which is in a street or other public place to be killed and its carcass disposed of at the expense of the person having the custody of the animal and to recover the expense from that person in a court of competent jurisdiction.

## PART 6—STREETS AND PUBLIC PLACES

### *Division 1—Preliminary*

#### 6.1 Interpretation

In this Part, unless the context otherwise requires—

“**carriageway**” means a portion of road that is improved, designed or ordinarily used for vehicles 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 those portions, separately;

“**commercial vehicle**” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of person, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

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

- (a) 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
- (b) 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;

**“garden”** means any part of a street planted developed or treated, otherwise than as a lawn, with any tree, plant or shrub;

**“intersection”** means that part of a street comprised within imaginary straight lines joining the points of transection of the street alignments of two or more streets that meet each other. If the street alignments are curved where the streets meet then the point of transection is the point on the curve nearest to the point at which those street alignments would meet if straight;

**“junction”** means that part of a street comprised within imaginary straight lines a right angles to the street commencing from the points of transection of the street alignment of the street with the street alignments of the land which abuts thereon. If the street alignments are curved at any corner then the point of transection is the point at which those street alignments would meet if straight;

**“kerb”** means and includes the kerb or edge of the portion of a road paved for the use of vehicular traffic where any kerb exists at the edge of the paved road whether any footpath has been constructed or not;

**“lawn”** means any part of a street which is planted only with grass and with any tree or shrub planted by the Council;

**“motor vehicle”** in this part means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

**“omnibus”** means a motor vehicle equipped to carry more than eight (8) adult passengers;

**“stand”** in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law when the vehicle is being driven, and ‘standing’ and ‘stood’ have correlative meanings;

**“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;

**“street”** means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land lying between the property lines including the street verge and footpath;

**“street verge”** means the portion of a road which lies between the boundary of a carriageway and the adjacent property line.

#### **6.1.1** Terms and expressions used in this Part—

- (a) shall have the meaning given in subsection 6.1.1 which shall prevail over any other conflicting definition;
- (b) subject to paragraph (a) shall be interpreted in accordance with Section 2.1.

#### **6.2** Application

Nothing in this Part shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council carrying out his or her normal and lawful duties.

#### *Division 2—Activities on Streets and Public Places*

#### **6.3** A person shall not—

- (a) stand a vehicle or permit a vehicle to stand so that any part of the vehicle is on the verge of any part of the road, that is to say, between the edge of the carriageway of that part of the road and the boundary of the road nearest to that edge, provided that the prohibition in this paragraph shall not apply to the occupier of premises adjacent to the verge or any part of a road or to a person authorised by the occupier of those premises to stand a vehicle on that verge unless by a sign adjacent or referable to that verge the standing of vehicles on that verge is prohibited but nothing in this paragraph shall authorise an occupier of premises adjacent to the verge of any part of a road or a person authorised by the occupier of those premises to stand any portion of a vehicle on or over a footpath;
- (b) park a commercial vehicle or a caravan, omnibus or trailer on a street verge for more than four (4) hours consecutively or for more than four (4) hours in a day unless in between each period that the commercial vehicle or caravan, omnibus or trailer is parked or allowed to remain stationary on the street verge has been removed from the street verge for at least two (2) hours;
- (c) on a street verge repair, service or clean any vehicle;
- (d) plant a lawn or garden or permit a garden or lawn to grow on or over any footpath or carriageway;
- (e) grow or maintain any tree, shrub or plant on any part of a street which is thorny or which is or may be injurious to health;
- (f) water a lawn or garden in a manner or at any time as will or may occasion inconvenience or obstruction to any person using a carriageway or footpath;

- (g) plant any tree, shrub or plant, exceeding 0.75 metres in height or of a variety likely to exceed 0.75 metres in height in any part of a street situated within 6 metres of a junction or intersection;
- (h) except as otherwise authorised in this Part damage a lawn or garden or any part thereof or, if other than the owner or occupier or a person authorised by the owner or occupier of land abutting on part of a street in which a garden is planted, remove any flower, plant or shrub from that garden;
- (i) plant anything other than grass on any part of a street within 2 metres of the carriageway;
- (j) drive or stand a vehicle or animal on any lawn or garden unless with the consent of the owner or occupier of the land abutting that part of the street; or
- (k) place any household rubbish or garden waste of any kind in a "litter" bin provided by the Council for the use of the public.

For the purposes of this section, the verge of any part of a road in relation to an occupier of premises adjacent to that verge means that part of the road which lies between a boundary of those premises and the edge of the carriageway of that road.

#### **6.4 Activities Needing Permission**

A person shall not, without the permission of the Council—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) drive any vehicle over or across a kerb or footpath except at a specially constructed crossing place;
- (c) drive a vehicle or permit a vehicle to be driven across a kerb or footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the kerb or the paving of the footpath;
- (d) commit any of the following acts—
  - (i) leave an animal or vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place except, that an animal secured in any public place wherein animals may lawfully be secured, and a vehicle parked in a public place wherein vehicles may lawfully be parked, is not obstructing for the purposes of this section unless, in the case of an animal it is secured for any period exceeding one (1) hour unless the consent in writing of an Authorised Officer has first been obtained and, in the case of a vehicle (notwithstanding paragraphs (a) and (b) of section 6.3), it is so parked for any period exceeding twentyfour (24) hours;
  - (ii) throw, place or deposit any obstruction, box, case, crate, bottle, coal, timber, brick, or other material on or in any public place;
  - (iii) cause any obstruction to or prevent vehicles or persons having the free unhindered use of any street, way or footpath;
  - (iv) break up, damage, or destroy any street, way, footpath or other public place;
  - (v) throw, place or deposit any rubbish, vegetable substance, garden clippings or any offensive noxious or dangerous substance or utensils or glass or any litter on any public place;
  - (vi) light any fire or burn any rubbish or material on any public place; or
  - (vii) fell any tree on or across any public place;
- (e) cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians;
- (f) in a street plant or maintain a lawn or a garden or plant a tree except that the owner or occupier of land abutting any part of a street may plant a lawn in the part of the street if such lawn does not form part of a garden;
- (g) lay pipes under or provide taps in any street verge for watering a garden or lawn; or
- (h) deposit, place or install any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing wood chips, bark, sawdust or any other thing, whether of the same kind as, or a different kind from those here specified, on any part of a street.

#### **6.5 Application**

Every application for the permission of the Council under section 6.4 shall be in writing and shall provide all the information that Council requires, and shall—

- (a) in the case of paragraph (f) of section 6.4 be made in the name of the owner or occupier of the land abutting the garden and shall be accompanied by a plan depicting, the proposed lawn and garden or tree and in the case of a garden, setting out details of all trees, shrubs and plants, and the positions thereof in relation to the street alignment and the carriageway and to any footpath;
- (b) in the case of paragraph (h) of section 6.4 be made by the owner or occupier of the land abutting on that part of the street upon which the thing referred to in paragraph (h) of section 6.4 is proposed to be deposited, placed or installed and shall be accommodated by a plan depicting the location and details of any thing proposed to be deposited, placed or installed in a street;
- (c) in the case of paragraphs (b) or (c) of section 6.4 specify the place at which such crossing is to be made and with the application pay to the Council a deposit in the amount prescribed by the Council from time to time; and
- (d) specify the name of the owner or occupier and such other information as is relevant and as the Council may request and any deposit requested to be lodged with the Council.

### 6.6 Discretion

The Council may under this Part in its discretion give or refuse to give any permission or give any permission subject to such conditions as it thinks fit.

### 6.7 Permission with Conditions

Where permission has been granted by the Council under this Part subject to conditions, the person to whom the permission has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these Local Laws and the Council may by written notice cancel the permission.

### 6.8 Conditions for Pipe

Any permission to lay pipes pursuant to paragraph (g) of section 6.4 is subject to the following conditions, whether expressed in the permission or not, that the pipe—

- (a) is laid beneath the surface of the street to a depth of not more than 0.3 metres or less than 0.15 metres and so that any fitting connected to the pipe or pipes does not project above the surface of the street and any lawn;
- (b) if connected to a public water supply, is laid to comply with the requirements of the body constituted for and having the control of that supply; and
- (c) if connected to a private supply is constructed of galvanised iron, cast iron, PVC, copper or other material approved by the Council.

### 6.9 Conditions for Footpaths Etc.

Any permission for the purpose of paragraphs (b) or (c) of section 6.4 is subject to the following conditions whether expressed in the permission or not to be performed by the applicant;

- (a) if the paved portion of the footpath is constructed of concrete slabs the applicant shall carefully remove them from the footpath for a width of 4.8 metres at the proposed crossing and neatly stack them on the adjoining land;
- (b) if the kerbing at the edge of the paved road is constructed of concrete kerbing blocks the applicant shall carefully remove them from the kerb for a width of 4.8 metres at the proposed crossing and neatly stack them on the adjoining land so as not to cause an obstruction;
- (c) the applicant shall place in the position from which the slabs have been removed temporary crossing of 4.8 metres in width and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks at least 200 millimetres wide and 50 millimetres thick of which the ends shall be chamfered downwards and securely nailed together with hoop iron straps at 1.2 metre centres. The planking shall be firmly bedded and laid true to the level of the original footpath;
- (d) the applicant shall place in the position from which concrete kerbing has been removed a temporary crossing of 4.8 metres wide and at least one metre in length. The temporary crossing shall be constructed of hardwood planks of at least 200 millimetres long and 50 millimetres wide of which the ends shall be chamfered downward and securely nailed together with hoop iron straps at 1.2 metre centres. The said planking shall be firmly bedded and laid true to the level of the edge of the paved road and shall be held in position by pegs inserted sufficiently far into the soil as to prevent movement of the temporary crossing away from the abutting edge of the paved road;
- (e) when the necessity no longer exists for the temporary crossing referred to in paragraphs (c) and (d) of this section or when called upon to do so by notice in writing from the Council, the applicant shall remove the planking, replace the slabs or kerbing in a proper workmanlike manner to the Council's satisfaction and shall replace with new slabs or kerbing of equal quality and size any slabs which have been lost, damaged or broken;
- (f) in the case of a footpath constructed in total or part of bitumen surfaced gravel, gravel, limestone, concrete or crushed metal he or she shall place in position where the crossing is to be made a temporary crossing 4.8 metres wide and of a length equal to the width of the paved portion of the footpath;  
The temporary crossing shall be constructed of hardwood planks of at least 200 millimetres long and 50 millimetres wide of which the ends shall be chamfered downwards to the existing footpath surface and securely nailed together with hoop iron straps at 1.2 metre centres. The said planking shall be firmly bedded and laid true;
- (g) when the necessity no longer exists for the temporary crossing referred to in paragraph (f) or when called upon to do so by notice in writing from the Council the applicant shall remove the planking and clean off the footpath;
- (h) the applicant shall make good all damage caused to the footpath and the kerbing, guttering and paved road during the whole of the time the works are in progress and in the event that damage shall have occurred and shall not have been made good, the Council may make good such damage and deduct the cost from the deposit;
- (i) if the cost of making good the damage referred to in paragraph (h) of this section exceeds the amount of the deposit the applicant shall pay to the Council on demand the amount by which the costs exceeds the amount of the deposit held, and in default of payment the Council may recover the excess in a Court of competent jurisdiction; and
- (j) if no damage has been caused or if the damage has been made good to the satisfaction of the Council, the Council shall repay the deposit or the portion remaining after the costs incurred by the Council have been paid.

*Division 3—Removal of Animals, Vehicles and Other Things***6.10 In Public Places**

**6.10.1** The provisions of this section shall not affect the operation of any other provision in the Act which latter provisions shall prevail in the case of any inconsistency.

**6.10.2** Where an Authorised Person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of this Part that person may removed the animal or vehicle therefrom and shall thereupon—

- (a) in the case of an animal, place it in a public pound and deal with it according to law;
- (b) in the case of a vehicle, an authorised person—
  - (i) may remove the vehicle and place it in an appointed place, and
  - (ii) may use such force as is necessary to enter the vehicle for the purpose of removing it.

**6.11 Obstructions**

Where any tree, rubbish, bottle, clippings, or other material of any kind has been deposited on, or any excavation has been made in or on, or any injury has been caused to the surface of, or any obstruction has been caused to prevent vehicles or persons having the free or unhindered use of any street, way, footpath, or other public place in contravention of this Part the Council may remove such deposit or obstruction and/or may reinstate such street, way, footpath or other public place at the expense of the person or persons responsible for such deposit, excavation or injury and may recover the amount of the expense from such person or persons in a Court of competent jurisdiction in addition to any penalty for which such person or persons may be liable under the Part.

*Division 4—Shopping Trolleys***6.12 Abandoned Shopping Trolleys**

**6.12.1** A shopping trolley which has been left unattended shall for the purpose of this section be deemed to be abandoned.

**6.12.2** Subject to the provisions of the Act, the Council may seize any shopping trolley which has been abandoned for a period in excess of fifteen (15) minutes in any street or way or other place under the care, control and management of the Council.

**6.12.3** Any shopping trolley seized under this Part shall not be released to the owner thereof until the cost of removing it and all other costs incidental thereto shall first have been paid by the owner or on the owner's behalf.

**6.12.4** Where the owner of the shopping trolley is known the CEO shall cause written notification of the seizure of the same to be forwarded to the owner and the owner given not less than fourteen (14) days' notice within which to recover the trolley.

**6.12.5** If the owner thereof is not known the CEO shall exhibit on the notice board at the Council a notice describing the shopping trolley and the place at which it was seized and the place at which it is being kept, and unless the shopping trolley is sooner recovered shall keep the notification exhibited for a period of not less than fourteen (14) days.

**6.12.6** A shopping trolley seized by the Council under section 6.12 which is not recovered by the owner or any other person lawfully entitled thereto within fourteen (14) days after the notice referred to in the preceding subsection has been exhibited, may be disposed of in such manner and under such conditions as the Council may deem fit.

**6.12.7** The proceeds of sale of any such shopping trolley shall—

- (a) be applied first to meet the cost of removal and sale and the balance paid into the Council's Trust Fund;
- (b) be transferred to the Council's Local Government Fund after the expiration of ten (10) years; and
- (c) at any time the Council shall pay such balance of moneys to any person claiming and establishing their right to the repayment.

*Division 5—Infringement Notices***6.13 Infringement Notice may be given**

An infringement notice in respect of an offence under paragraphs (a) (b) (c) or (j) of section 6.3 may be given in accordance with Part 9 of the Act and Part 20 of these Local Laws.

**PART 7—STREET NUMBERS FOR HOUSES****Interpretation**

**7.1** In these Local Laws—

“**Number**” means a Number with or without an alphabetical suffix indicating the address of Land as assigned by the Shire pursuant to these Local Laws from time to time.

“**District**” means the District of the Shire of Murray

“**Land**” means property in the District and includes houses, buildings, works and structures, in or upon the land.

“**The Act**” means the *Local Government Act 1995* as amended from time to time.

**7.2** The Shire may assign a Number to Land in a street or way in a District and may, from time to time, assign another Number to Land instead of that previously assigned.

**7.3** In the case of all occupied Land situated within the District, a Number shall be placed in a prominent position on the Land to which the Number refers.

**7.4** The owner or occupier of the Land referred to in Local Law 7.3 shall paint or affix and maintain the current Number upon a conspicuous place on the front of a building on the Land or on the fence or gate adjoining the street fronting the Land, within fourteen (14) days after a written Notice signed by an Authorised Person has been served on him, requiring him to do so.

**7.5** A Number shall not be placed in a way which, in the opinion of an Authorised Person, is misleading.

**7.6** Where, in the opinion of an Authorised Person, a Number is placed in a way which is misleading, a Notice signed by an Authorised Person may be served by the Shire on the owner or occupier of the Land to which the Number refers, specifying the location or locations where the Number may be displayed.

**7.7** The notice referred to in Local Law 7.6 shall include reasons for its issue and shall notify the recipient of the recipient's right of appeal pursuant to Part 9 Division 1 of the Act.

**7.8** Where the notice referred to in Local Law 7.6 is served on a person other than the owner of the Land the subject of the notice, a copy of the Notice shall also be sent to the owner of the Land.

**7.9** An Authorised Person may, from time to time, authorise a person or persons to enter Land to which a Number has been assigned, for the purpose of replacing an existing Number with another Number either in the same location or in a different location on the Land, as specified in Schedule 3.1 Division 1 Rule 2 of the Act and a person so authorised may lawfully enter the Land and act in accordance with the authorisation from time to time as occasion requires and the Shire may recover all expenses from the owner of the Land.

### **Penalties**

**7.10** The penalties for a breach of a provision in this Part shall be set out in Part 20, (20.18)

## **PART 8—VERGE TREATMENTS**

### **8.1 Interpretation**

**8.1.1** In this Part, unless the context otherwise requires—

“**acceptable material**” means brick, brick-paving, bitumen, concrete, concrete blocks and slabs;

“**verge treatment**” means any one of the three treatments permitted by these Local Laws and shall include any reticulation pipes and sprinklers.

**8.1.2** Terms and expressions used in this Part—

- (a) shall have the meaning given in section 6.1 and subsection 8.1.1 which shall prevail over any other conflicting definition;
- (b) subject to paragraph (a) shall be interpreted in accordance with section 2.1.

### **8.2 Permissible Treatments**

**8.2.1** The owner or occupier of land abutting onto a street may on the street in front of such land install any one of the following three treatments—

**(1) Treatment One**

Plant and maintain a lawn

**(2) Treatment Two**

Plant and maintain a garden provided that—

- (a) Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of Council.
- (b) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard; and
- (c) At all times pedestrians must have 2 metres safe access along the verge adjacent to the kerb.

**(3) Treatment Three**

Install a hard verge over no more than one third of the area of the verge (excluding any crossover) with an acceptable material and plant and maintain either a lawn or a garden on the balance provided that—

- (a) In the event that a garden is planted and maintained on the balance no person shall park on that balance.
- (b) Clear sight visibility must be maintained at all times for pedestrians and motorists in the vicinity of intersection corners and bends in the roadway. Landscaping inhibiting visibility may be removed at the discretion of Council.
- (c) No plant or other vegetation making up the garden is of a thorny or poisonous nature or may otherwise create a hazard; and
- (d) At all times pedestrians must have 2 metres safe access along the verge adjacent to the kerb.

**8.2.2** An owner or occupier who installs and maintains a verge treatment shall—

- (a) Indemnify the Council against all or any damage or injury caused to any person or thing including any street, pavement, footpath or crossing of any pipe or cable and shall make good at such owner's or occupier's expense all such damage caused.
- (b) Keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or a lawn that no obstruction of any sort is caused to any footpath, pavement or street.
- (c) Lay, install or pave a hard surface with an acceptable material only.
- (d) Not place any obstruction on or around any verge treatment.
- (e) Not water or maintain a verge treatment in such a manner as to cause a nuisance or inconvenience to any other person and in particular any person using any street or footpath or accessway adjoining the verge.

### **8.3 Council's Powers of Enforcement**

**8.3.1** The Council may by notice require the owner or occupier of any land to make good in the time period specified in the said notice any breach of these Local Laws and failure to do so shall be an offence.

**8.3.2** Where an owner or occupier who has been served with a notice pursuant to these Local Laws fails to make good the breach complained of then the Council may at the sole cost of the owner or occupier, itself make good the breach and recover the costs involved from the owner or occupier in a court of competent jurisdiction.

### **8.4 Powers To Carry Out Public Works On Verges**

**8.4.1** For the purpose of carrying out any works for the purpose of making good any breach of these Local Laws the Council or any other authority empowered by law to dig up a street, may, without being liable to compensate any person, dig up all or any part of a street and disturb any verge treatment placed thereon by an owner or occupier.

**8.4.2** Where pursuant to this Local Law a street verge treatment is dug up or disturbed, Council shall use its best endeavours to—

- (a) replace and restore any reticulation pipes and sprinklers; and
- (b) backfill with sand any garden or lawn, but otherwise shall not be liable to replace or restore any verge treatment and in particular any plant or other vegetation or any hard surface, and Council shall in any event not be liable to any person for any damage or disturbance so caused.

### **8.5 Penalty**

The penalties for a breach of a provision in this Part shall be as set out in Part 20.

## **PART 9—FENCING**

### *Division 1—Preliminary*

#### **Definitions**

**9.1** In this Part, unless the context otherwise requires—

“**Building Surveyor**” means the Building Surveyor of the Council;

“**Commercial Zone**” means any part of the district classified as a Commercial, Town Centre, Service Commercial, or similar Zone under the provisions of a Town Planning Scheme of the Shire of Murray and used for the purposes of a business or trade;

“**Dangerous**”, in relation to any fence, means a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground levels or any other cause whatsoever;

“**Dividing Fence**” means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;

“**Dividing Fences Act**” means the *Dividing Fences Act 1961*;

“**Fence**” means any fence or wall and includes a retaining wall;

“**Height**” in relation to a fence means the distance between the top of a fence at any point and the ground immediately below that point;

“**Industrial Zone**” means any part of the district classified as an Industrial Zone under the provisions of a Town Planning Scheme of the Shire of Murray;

“**Residential Zone**” means any part of the district classified as a Residential Zone under the provisions of a Town Planning Scheme or, in the absence of any Town Planning Scheme, means land in a street of which the majority of lots are occupied by houses;

“**Rural-Residential Zone**” means any part of the district classified as a Special Rural, Hills Landscape Protection, Farmlet, or similar Zone under the provisions of a Town Planning Scheme of the Shire of Murray;

“**Special Residential Zone**” means any part of the district classified as a special residential zone under the provisions of a Town Planning Scheme of the Shire of Murray;

“**Rural Zone**” means any part of the district classified as a Rural Zone under the provisions of a Town Planning Scheme of the Shire of Murray, and includes any land within the Shire used solely or predominantly for rural purposes;

**"Special Use Zone"** means any part of the district classified as a Special Use Zone under the provisions of a Town Planning Scheme of the Shire of Murray;

**"Sufficient Fence"** means a sufficient fence relating to dividing fences on boundaries between lots or other holdings and may be more particularly prescribed by the Council from time to time.

#### *Division 2—Construction of Fences*

**9.2** Subject to Section 9.4, 9.7 and 9.8 of these Local Laws a person shall not commence to erect, proceed with the erection, rebuild, reconstruct or alter any fence, pergola or hood attached to any gateway or fence if it is situated within 9 metres of a street alignment and exceeds 1.2 metres in height unless and until he has lodged with the Council two copies of the plan and specifications of the proposed fence or the proposed rebuilding, reconstruction, or alteration, and the Council has approved a copy of the plan and specifications.

**9.3** A person shall not commence to erect, proceed with the erection, rebuild, reconstruct or alter any fence exceeding 1.8 metres in height on the boundary of an allotment unless and until he has lodged with the Council two copies of the plan and specifications of the proposed fence or the proposed rebuilding, reconstruction or alteration and the Council has approved a copy of the plan and specifications.

**9.4** A person shall not erect a fence exceeding 0.75 metres in height on any frontage of an allotment which is situated at the intersection of two or more streets within a distance of 6 metres from the point of intersection of the lines obtained by producing the streets alignments fronting the allotment provided however than on an allotment being lawfully used for industrial purposes the Council may permit a link mesh fence to be erected to a greater height if the Council is satisfied that any such fence would not materially affect the visibility of drivers of vehicles approaching the intersection.

**9.5** A person shall not erect a fence exceeding 1.0 metres in height within 12 metres of the natural waterfront boundary of lots as set out in the Seventh Schedule.

**9.6** A person shall not erect or affix or allow to remain on any fence bounding an allotment owned or occupied by him in a Residential or Commercial Zone, barbed or other wire with spiked or jagged projections nor shall any person erect or affix or allow to remain on any fence bounding an allotment owned or occupied by him in an Industrial Zone, any barbed or other wire with spiked or jagged projections unless the wire is carried on posts bent back into the allotment from the boundary at an angle of 45 degrees, nor unless the bottom row of wire is set back 150 mm from the face of the fence and is not nearer than 2.1 metres to the ground.

**9.7** (i) The owner or occupier of a fence on land within a Rural Zone may place or fix barbed wire thereon provided that where a fence to which such wire is fixed is adjacent to a road or other place open to the public such wire shall be fixed to the side of the fence posts furthest from such road or other place.

(ii) Within a Rural Zone or Rural-Residential Zone a fence which is parallel to and within 7.5 metres of a street may be constructed to a height of not more than 1.5 metres.

**9.8** A wire mesh fence of not more than 1.8 metres in height may be erected on land within a Commercial Zone.

**9.9** A person shall not affix to or allow to remain upon any fence on an allotment owned or occupied by him in a Residential or Commercial Zone any broken glass, nor shall a person affix to or allow to remain upon any fence which is erected upon an allotment owned or occupied by him in such zones and which abuts onto any street or public place any broken glass.

**9.10** A person shall not construct any fence with second hand galvanised steel sheet or other second hand material unless he shall previously have obtained the written consent of the Council, which consent the Council may in its absolute discretion refuse or grant upon such terms and conditions as it deems fit.

**9.11** A person shall not construct any fence with any material other than approved recognised new durable building products or other material approved by the Council.

**9.12** A person shall not erect or commence to erect an electric fence in the district except in the case of an electric fence erected or to be erected in compliance with AS3129/1981 in a Rural Zone or Rural-Residential Zone for the purpose of controlling stock.

#### *Division 3—Maintenance of Fences*

**9.13** The owner or occupier of any land shall maintain all fences erected thereon in good condition and so as to prevent them from becoming dilapidated, dangerous, unsightly or prejudicial to the property or the inhabitants of the neighbourhood.

**9.14** The Council may give notice in writing to the owner or occupier of any land upon which there exists a fence that has not been maintained in accordance with Section 9.13 of these Local Laws, requiring such owner or occupier to repair, paint or maintain such fence within the time stipulated in the notice.

**9.15** A person who fails to comply with a notice given to him pursuant to Section 9.14 commits an offence.

**9.16** If an owner or occupier of land who has been given notice pursuant to Section 9.14 fails to comply therewith the Council may enter upon such land and maintain the fence and recover the amount of the expenses thereof from the owner in a court of competent jurisdiction and may prosecute the owner for committing a breach of Section 9.13.

*Division 4—Fencing Specifications***9.17 Fencing Specifications**

- (a) A fence must be constructed in a Residential Zone in accordance with the specifications set out in the First Schedule.
- (b) A fence must be constructed in a Rural Zone in accordance with the specifications set out in the Second Schedule.
- (c) A fence must be constructed in a Rural-Residential Zone in accordance with the specifications set out in the Third Schedule.
- (d) A fence must be constructed in an Industrial and a Commercial Zone in accordance with the specifications set out in the Fourth Schedule.
- (e) A fence must be constructed in a Special Residential Zone in accordance with the specifications set out in the Fifth Schedule.
- (f) A fence to be constructed in a Special Use Zone shall be constructed in accordance with specifications determined by Council from the First to Fifth Schedules inclusive.

**9.18 Sufficient fences**

- (a) A fence constructed in accordance with the specifications set out in Schedules One to Four is hereby prescribed as a sufficient fence for the purposes of the Dividing Fences Act 1961.
- (b) Where a fence is erected on the boundary between a Residential Zone and another zone other than a Rural or Rural-Residential Zone, a sufficient fence is that prescribed for a Residential Zone.
- (c) Where a fence is erected on the boundary between a Residential Zone and a Rural Zone or Rural-Residential Zone, a sufficient fence is that prescribed for a Rural Zone or Rural-Residential Zone.
- (d) Where a fence is erected on the boundary between differing zones, neither of which is a Residential Zone, the Council shall determine which Zone shall apply.
- (e) Where a fence is erected on the boundary between land zoned Special Use and land zoned other than Residential, the Council shall determine which Zone shall apply.
- (f) Where a fence is erected on the boundary between lots zoned Special Use, the Council shall determine which Zone shall apply.

**9.19** Any person who does anything in contravention of any of the provisions of these Local Laws or who fails to carry out any duty or requirements imposed upon him by these Local Laws commits an offence and shall be liable, on conviction, to a maximum penalty of \$500 and in addition to a maximum daily penalty of \$50 per day for every day during which the offence continues.

*Division 5—Schedules for Zones***First Schedule****Fences in Residential Zones**

- (i) A fence shall be constructed of any new, durable, sound, recognised building product, fixed and supported in accordance with the Australian Standards appropriate to the material used.
- (ii) River frontages: on land with frontage to rivers, for a distance of 12 metres from the riverside lot boundary, fences shall comply with the requirements of Section 9.5.
- (iii) Where all or portion of the side boundary of one lot forms all or portion of the rear boundary of another lot, the provisions relating to rear boundaries shall apply to such boundary or portion thereof.

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**Second Schedule****Fences in Rural Zones**

A fence shall be constructed to comply with the following—

- 1. Posts are to be—
  - (a) either—
    - (i) standard iron star pickets; or
    - (ii) timber posts that are—
      - sawn, split or round;
      - treated effectively against termites and with an adequate fungicide; and
      - cut not less than 1800mm long x 100mm diameter at the small end if round or 125mm x 75mm if split or sawn;
  - (b) set 600mm in the ground and 1200mm out of the ground;
  - (c) spaced 3500mm apart; and
  - (d) bored with 5 suitably spaced holes of 5mm diameter to be threaded with 5 plain high tensile steel galvanised wires each of which is to be 2.5mm in diameter;

Strainer posts are to be—

- (a) either—
    - (i) cut from timber being not less than 150mm in diameter at the small end; or
    - (ii) tubular steel having a nominal bore of 80mm and an outside diameter of 88mm;
  - (b) 2300mm long;
  - (c) sunk in the ground a minimum of 1000mm and, where the strainer posts are of tubular steel, encased in concrete having a minimum diameter of 300mm;
  - (d) strutted or braced;
  - (e) wrapped with plain high tensile steel galvanised wire and strained tightly; and
  - (f) set at all corners, gateways and fence line angles but not exceeding 200m apart;
- Where the fence fronts a road, any barbed wire is to be affixed to the inside of the posts.

**OR**

- 2. Concrete posts to Australian Standard N36-1964, with not less than six suitably spaced high tensile galvanised steel wires of not less than 2.5 mm in diameter. A barbed wire may be affixed along the top of the fence or on the inside of such fence.

**OR**

- 3. Steel posts and wire to such specifications as may be from time to time approved by the Council, provided that such specifications shall provide for a standard of fencing generally compatible with alternatives (1) and (2).

A fence may be erected with a combination of timber, concrete or steel posts provided that the general standards are adhered to and that the specifications of such fence are approved in writing by the Council.

Wire netting or "ringlock" type fencing may be used in place of or in conjunction with plain wires provided specifications are approved in writing by the Council.

**OR**

- 4. a suitably constructed electric fence with a minimum of three (3) live wires at a sufficient spacing to be an electric barrier;

**OR**

- 5. Any other material and of a specification approved by Council.

### *Third Schedule*

#### **Fences in Rural-Residential and Special Residential Zones**

A fence shall be constructed to comply with the following—

Post are to be—

- (a) either—
  - (i) standard iron star pickets; or
  - (ii) timber posts that are—
    - sawn, split or round;
    - treated effectively against termites and with an adequate fungicide; and
    - cut not less than 1800mm long x 100mm diameter at the small end if round or 125mm x 75mm if split or sawn;
- (b) set 600mm in the ground and 1200mm out of the ground;
- (c) spaced 3500mm apart; and
- (d) bored with 5 suitably spaced holes of 5mm diameter to be threaded with 5 plain high tensile steel galvanised wires each of which is to be 2.5mm in diameter;

Strainer posts are to be—

- (a) either—
  - (i) cut from timber being not less than 150mm in diameter at the small end; or
  - (ii) tubular steel having a nominal bore of 80mm and an outside diameter of 88mm;
- (b) 2300mm long;
- (c) sunk in the ground a minimum of 1000mm and, where the strainer posts are of tubular steel, encased in concrete having a minimum diameter of 300mm;
- (d) strutted or braced;
- (e) wrapped with plain high tensile steel galvanised wire and strained tightly; and
- (f) set at all corners, gateways and fence line angles but not exceeding 200m apart;

Where the fence fronts a road, any barbed wire is to be affixed to the inside of the posts.

**OR**

Any other material and of a specification approved by the Council.

*Fourth Schedule***Fences in Industrial and Light Industrial Zones**

- (i) Corner posts shall have not less than two struts at right angles to each other, and gate posts not less than one strut.
- (ii) Intermediate posts shall be constructed of galvanised steel tubing having an internal diameter of not less than 40 mm and shall have caps to tops and be set into concrete blocks having a depth of not less than 450 mm and sides of a width not less than 225 mm spaced at not more than 3.6 metres.
- (iii) Cables shall be affixed to the top, centre and bottom of all posts and shall consist of two or more 3.15 mm wires twisted together.
- (iv) Galvanised steel link mesh shall be not less than 1.8 metres high and constructed of 50 mm mesh 2.5 mm galvanised iron wire and shall be strained neatly, secured and laced to the posts and affixed to the cables.
- (v) Gates shall provide an opening of not less than 3.5 metres and shall be constructed of 25 mm tubular galvanised steel framework with one horizontal and one vertical stay constructed of 18 mm piping, and shall be covered with 50 mm mesh 2.5 mm galvanised link mesh strained and laced to framework. Gates shall be fitted with a drop bolt and locking attachment.
- (vi) Dividing fences along side or rear boundaries: Corner and gate posts shall be constructed of galvanised steel tubing having an internal diameter of not less than 50 mm and shall have caps to tops and be set into concrete blocks having a depth of not less than 750 mm and sides of a width of not less than 225 mm.

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*Fifth Schedule***Fences in Specified Area—North Yunderup****Section 9.5**

Residential Zone fencing specifications as set out in Schedule One hereto shall apply to the undermentioned localities—

From Part Location 182 to Lot 52 of Part Location 186 Culeenup Road, North Yunderup, inclusive, as defined on Plan Numbers 4970, 4841 and 5503, Lands and Surveys Lithographs Murray 3 and 5.

**PART 10—STANDING ORDERS***Division 1—Interpretations and Standing Orders***10.1.1 Proceedings Conducted According to Standing Orders**

The proceedings and business of the Council shall be conducted in accordance with the Act, Regulations and this Local Law, the clauses of which shall be referred to as “the Standing Orders”.

**10.1.2 All Meetings Governed by Standing Orders**

The proceedings of all Council meetings, committee meetings and other meetings of the Council as described in the Act shall be governed by these standing orders except where specific exceptions apply either in the Act, its regulations or in the standing orders.

**10.1.3 Interpretations**

The following interpretations should be used in these standing orders, unless the context otherwise requires—

“**Act**” means the “*Local Government Act 1995*, and amendments and successors;

“**Clause**” means a clause of these standing orders;

“**Committee**” means any Committee appointed in accordance with the provisions of the Act;

“**Council**” means the Council of the Shire of Murray;

“**President**” includes the deputy President, in the absence of the President, and any Councillor chosen to preside at any meeting of the Council in the manner prescribed by the Act;

“**Meeting**” includes any Ordinary or Special Meeting of the Council or any other meeting held in accordance with the Act and properly convened as the Act requires;

“**Member**” means the President, or a Councillor of the Council;

“**Officer**” is an employed member of the staff of the Council;

“**Chief Executive Officer**” means the chief non-elected officer of the Shire or other officer who, for the time being, is acting in that capacity;

“**Absolute majority**” is more than 50% of the current number of elected Council positions whether they are vacant or not regardless of the number actually present;

“**Simple majority**” is more than 50% of the Councillors present and voting;

“**75 % majority**” means a majority comprising enough of the members for the time being of the Council for their number to be at least 75% of the number of offices (whether vacant or not) of member of the Council;

“**Special majority**” means that if there are more than 11 offices of member of the Council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the Council; **or** if there are not more than 11 offices of member of the Council, the power can be exercised by, or in accordance with a decision of an absolute majority of Council;

“**Delivered**” means delivery by person, post, or electronic means.

*Division 2—Meetings—Notice and Business***10.2.1 Notice of Meetings—Members to Receive Notice**

Notice of all ordinary and special meetings shall be given by the Chief Executive Officer in accordance with the Act.

In the case of special meetings, members may be contacted directly by telephone or facsimile and advised of the time, place and purpose of the meeting.

**10.2.2 Business to be Specified on Notice Paper**

No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the President or the approval of the majority of Councillors present determined by vote.

**10.2.3 Specified Papers**

Any member may, in writing addressed to the Chief Executive Officer and delivered to the office of the Chief Executive Officer at least two working days before any meeting of the Council, or of any committee of the Council, request that any specified papers be laid upon the table at any meeting to be named, and the papers shall be laid upon the table accordingly.

**10.2.4 Papers Relating to Matter Under Discussion**

At any meeting of the Council, or of any committee of the Council, the President or any member may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in the preceding clause shall be given. In the event of notice not having been given, the proceedings of the Council shall not be unreasonably delayed while documents are obtained.

(1) No papers produced as described in Clause 10.2.4 shall be deemed to be public unless otherwise ordered by resolution of the Council.

**10.2.5 Objectionable Business**

If the President at any meeting of the Council is of the opinion that any motion or business proposed is of an objectionable nature, the President may, either before or after the matter is brought forward, declare that it shall not be considered.

(1) Any member of the Council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

*Division 3—Meetings—Quorum***10.3.1 Quorum at Meetings**

In accordance with the Act, the quorum at all meetings of Council and its committees shall be a minimum of 50% of the total number of places whether vacant or not.

**10.3.2 Count-out/Adjournment**

At any time during any meeting of the Council any Councillor or the Chief Executive Officer may call the attention of the President to the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

**10.3.3 Absence of Quorum—Record in Minute Book**

At all meetings of the Council when the Council is counted out, and an absence of quorum noted, the circumstances, together with the names of the members present, shall be recorded in the Minute Book.

*Division 4—Meetings—Minutes***10.4.1 Recording of Minutes**

(1) Binding or pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes.

(2) Minutes of each Council and Committee Meeting are to be kept, confirmed or amended at the next ordinary meeting of the Council or Committee, as the case requires, and signed and certified by the person presiding.

*Division 5—Meetings—Order of Business***10.5.1 Ordinary Meeting—Order of Business**

The order of business of an ordinary meeting of Council shall be—

- (a) Apologies and leave of absence;
- (b) Question time from the public shall be a minimum of fifteen minutes duration. The President shall close question time when appropriate. Each speaker will be limited to three minutes duration to speak, except by consent of the President;
- (c) Confirmation of the minutes;
- (d) Announcements by the President without discussion;

- (e) Announcements by Councillors without discussion;
- (f) Declarations of Interest;
- (g) Questions of which due notice has been given without discussion;
- (h) Correspondence;
- (i) Petitions and memorials;
- (j) Reception of minutes and recommendations of Committees held since the previous meeting of Council;
- (k) Reports of Officers;
- (l) Business left over from the previous meeting and any business that the Presiding Member may think desirable to bring under the Notice of the Council and may have directed to be entered as an Order of the day;
- (m) Motions of which previous notice has been given;
- (n) Notice of Motions for consideration at the following meeting;
- (o) Any other business the reception of which has been approved by the President or Council.

#### **10.5.2 Public Question Time**

Members of the public wishing to ask questions under item 10.5.1(b) must give his/her name and address prior to asking a question. Questions are to be directed through the Chair with the Presiding Member having the right to either nominate a Councillor or Officer to answer the question or to decline to answer at this time. If a question raised is unable to be answered at the meeting it is to be dealt with in accordance with normal Council procedures.

### *Division 6—Meetings—Public Conduct*

#### **10.6.1 Admission and Removal of the Public**

- (1) The public is admitted to the Council chamber on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the Council chamber. This direction by the President may not be challenged by moving dissent with the ruling and the President's ruling is final.
- (2) Any person, not being a member of the Council, who interrupts the orderly conduct of the business of the Council who does not withdraw immediately upon being called by the President to withdraw from the Council chamber may, by order of the President, be removed from the Council chamber.

### *Division 7—Role of President*

#### **10.7.1 Directions by the President**

- (1) At any meeting of the Council the President shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.
- (2) Any Councillor may move that a change in order of business proposed by the President not be accepted and if carried by a majority of Councillors present, the proposed change in order will not take place.

#### **10.7.2 The President to Take Part in Debates**

Subject to the provisions of these standing orders, the President may take part in a discussion upon any question before the Council, provided that like other Councillors in accordance with these standing orders, the President may only speak once and provided that this is done before the right of reply is exercised.

#### **10.7.3 Precedence of President**

When the President rises during the progress of a debate, any member of the Council then speaking, or offering to speak, shall immediately cease speaking and every member of the Council present shall preserve strict silence so that the President may be heard without interruption. This clause may not be used by the President to exercise the right provided in Clause 10.7.2, but should be used to preserve order.

#### **10.7.4 Dissent With the President's Ruling**

Except where expressly denied in these standing orders or the Act, a member of the Council may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

### *Division 8—Questions*

#### **10.8.1 Questions of Which Due Notice Has to be Given**

- (1) Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 4 working hours before the commencement of the meeting.
- (2) All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

**10.8.2 Questions Not to Involve Argument or Opinion**

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

**Division 9—Petitions****10.9.1 Petitions and Memorials—Petitions to be in Writing**

Any petition to be submitted to the Council shall be in writing or typewritten, and be authenticated by the signature of the person submitting it.

**10.9.2 Presentation of Petitions**

A member of the Council or the Chief Executive Officer may present a petition but shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the prayer.

**10.9.3 Responsibility of Member Presenting Petition**

It shall be incumbent on a member of the Council or Chief Executive Officer presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the Council.

**10.9.4 Procedure of Petitions**

The only question which shall be considered by the Council on the presentation of any petition shall be—

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full Council.

*Division 10—Deputations***10.10.1 Procedure to Follow**

Deputations wishing to wait on Council must make application to the Chief Executive Officer to do so. In the first instance the deputation is to meet with the appropriate Committee and if the Committee deems it necessary the deputation may be invited to wait upon the Council, however if special circumstances arise the President instead of the Committee, may approve a deputation meeting with Council.

**10.10.2 The Chief Executive Officer may authorise attendance at Committee**

Notwithstanding the provisions of Clause 10.10.1 of this division, the Chief Executive Officer may invite or allow a person or persons to make a deputation to a Committee. A refusal by the Chief Executive Officer may be arbitrated by the Shire President.

**10.10.3 Number that may be included in Deputation**

A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a Committee of the Council, except in reply to questions from members of the Council or Committee, and the matter shall not be further considered or discussed by the Council or the Committee until the deputation has withdrawn.

*Division 11—Notices of Motion***10.11.1 Notices of Motion—Ordinary and Extraordinary Business**

Councillors may bring forward business in the form of a written motion, of which notice shall be given in writing to the Chief Executive Officer, at least four (4) clear working days prior to commencement of the meeting.

**10.11.2 Relevance of Notice**

Every notice of motion shall be relevant to some question affecting the administration or condition of the district.

**10.11.3 Motion to Lapse**

A motion shall lapse unless the member who gave notice is present, unless another Councillor is willing to move the motion when it is called.

**10.11.4 Unopposed Notices of Motion**

The President may call the notices of motion appearing on the business paper in the order in which they are written. In the event of there being no objection, the motions shall be put without discussion.

**10.11.5 Amendments to Notice of Motion**

Where notice of an amendment to a notice of motion is received by the Chief Executive Officer, it shall be dealt with immediately after the notice of motion it proposes to amend, but before the right of reply is taken by the mover of the motion on notice.

**10.11.6 Exclusion or Amendment of Notice**

The Chief Executive Officer, after consultation with the President, may exclude from the Council business paper any notice of motion which may be technically out of order. Clerical alterations or amendments which will bring the notice of motion into due form may be made by the Chief Executive Officer, but no notice shall be deemed invalid on the basis of the policy involved being considered objectionable, or because it relates to a matter not within the scope of the ordinary work of the Council so long as, in the opinion of the President or the Chief Executive Officer, the matter is one of public interest, utility or importance.

**10.11.7 Notices Abandoned**

If a motion, notice of which is specified on the business paper, is not moved either by the member of the Council who has given the notice of motion, or by some other Councillor, or if the motion is not seconded, it shall be considered as abandoned and shall not again be introduced without subsequent notice of motion being given to the Chief Executive Officer.

**10.11.8 Repetition of Lost Motions**

A motion which has the same specific intent to one which has been lost at a previous meeting held within the preceding three months shall not be moved unless it is presented as a notice of motion and the notice is signed by one third of the offices of member of Council, whether present or not.

*Division 12—Conduct of Members***10.12.1 Official Titles to be Used**

Members of the Council shall speak of each other in the Council during the transaction of business by their respective titles of President or Councillor. Members of the Council, in speaking of or addressing officers, shall designate them by their respective official titles.

**10.12.2 Leaving Meetings**

After a meeting of the Council has been formally constituted, and the business commenced, no member shall enter, leave or withdraw from the meeting without first seeking leave from the Presiding Member.

**10.12.3 Debate—Maintenance of Order—Imputations—Offensive Expressions**

No member of Council may impute motives or use offensive or objectionable expressions in reference to any member, officer of the Council, or any other person.

**10.12.4 Alcohol**

Consumption of alcohol in Council or committee meetings is prohibited.

**10.12.5 Smoking**

Smoking in Council or committee meetings is prohibited.

*Division 13—Conduct of Members During Debate***10.13.1 Members to Indicate Wish to Speak**

Every member of the Council wishing to speak shall indicate by show of a hand or other method agreed upon by the Council. When invited by the President to speak, members shall address the Council through the President.

**10.13.2 Priority**

In the event of two or more members of the Council wishing to speak at the same time, the President shall decide which member is entitled to be heard. The decision shall not be open to discussion or dissent.

**10.13.3 Relevance**

Every member of the Council shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

**10.13.4 Limitation of Number of Speeches**

No member of the Council shall address the full Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation. This clause does not apply to Committee Meetings.

**10.13.5 Limitation of Duration of Speeches**

All addresses shall be limited to a maximum of ten minutes. Extension of time is permissible only with the agreement of the majority of Councillors present.

**10.13.6 Members Not to Speak After Conclusion of Debates**

No member of the Council may speak to any question after it has been put by the chair.

**10.13.7 Irrelevance, Repetition, Imputations, Offensive Expressions**

- (1) The President may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the Council, and may direct the Councillor, if speaking to discontinue the speech, and the Councillor shall then cease speaking.
- (2) A Councillor may call the attention of the President to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the Council, and may call upon the President to direct the Councillor to cease speaking.
- (3) If after a Councillor has drawn the attention of the President according to Clause 10.13.7(2), a Councillor continues without alteration, a Councillor may move that the Councillor ceases to speak. Upon moving this motion the President must immediately call for a seconder, but there shall be no debate. If carried by a majority of Councillors present, the Councillor may take no further part in debate on the question before the meeting.

**10.13.8 Members Not to Interrupt**

No member of the Council shall interrupt another member of the Council whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum.

**10.13.9 Re-Opening Discussion on Resolutions**

No member of the Council shall re-open discussion on any resolution of the Council, except for the purpose of moving that the resolution be revoked or changed.

**10.13.10 President's Right to Adjourn Without Explanation to Regain Order**

If a meeting ceases to operate in an orderly manner, the President may use discretion to adjourn the meeting for a period of up to fifteen (15) minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any member of Council. Upon resumption, debate will continue at the point at which the meeting was adjourned. If, at any one meeting, the President has cause to adjourn the meeting on two occasions, the President has the right to adjourn the meeting for a period of no longer than seven (7) days.

*Division 14—Procedures for Debate of Motions***10.14.1 Motions To be in Writing if required**

Any member of the Council who intends to move a substantive motion or amendment to a substantive motion shall, if required by the President submit the motion in writing.

**10.14.2 To be Seconded**

No motion or amendment shall be in order, or be open to debate until it has been seconded. Motions or amendments moved at Committee Meetings are not required to be seconded.

**10.14.3 Only One Substantive Motion Considered**

When a substantive motion is under debate at any meeting of the Council, no further substantive motion shall be accepted.

**10.14.4 Order of Call in Debate**

The President will call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

This clause does not apply to Committee Meetings

**10.14.5 Limit of Debate**

The President may offer the right of reply and put the motion to the vote if the President believes sufficient discussion has taken place even though all Councillors may not have spoken.

**10.14.6 Secunder Requesting Right To Speak**

A seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, or any amendment to the substantive motion is carried will automatically deny the seconder the right to speak to the substantive motion.

**10.14.7 Foreshadowed Motions**

A member may, during the course of a debate on a substantive motion or amendment, give verbal notice of his intention to move a further motion or amendment immediately the motion or amendment under discussion has been voted upon.

*Division 15—Procedural Motions***10.15.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a Councillor to move the following procedural motions—

- (a) That the Council proceed to the next business;
- (b) That the debate be adjourned;
- (c) That the Council do now adjourn;
- (d) That the motion be now put;
- (e) That the Council moves into a committee of the whole;
- (f) That the Councillor be no longer heard;
- (g) That the ruling of the President (or person chairing the meeting) be disagreed with;
- (h) That the motion lie on the table;
- (i) That the Council meet behind closed doors.

**10.15.2 Procedural Motions—Recording in Minutes**

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

**10.15.3 Procedural Motions—Majority Required**

Any procedural motion shall be carried upon the majority of Councillors present voting in the affirmative.

**10.15.4 Procedural Motions—Closing Debate—Who May Move**

No person who has moved, seconded, or spoken for or against the substantive motion, may move any procedural motion which, once moved, would deny others the right to speak or, if carried, would close the debate on the substantive motion or amendment.

**10.15.5 Procedural Motions—Right of Reply**

There shall be no right of reply on any procedural motion.

**10.15.6 Procedural Motions—Right of Reply on Substantive Motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment will not deny the right of reply, to the mover of the substantive motion.

*Division 16—Effect of Procedural Motions***10.16.1 That the Council Proceed to the Next Business—Effect of Motion**

This motion, having been carried, will cause the debate to cease immediately and for the Council to move to the next item on the Agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

**10.16.2 That the Debate be Adjourned—Effect of Motion**

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

**10.16.3 That the Council do Now Adjourn—Effect of Motion**

This motion, having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the President or the majority of Councillors upon vote, determine otherwise.

**10.16.4 That the Motion be Now Put—Effect of Motion**

- (1) This motion, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.
- (2) This motion, having been carried during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.
- (3) This motion, having been lost, will allow debate to continue.

**10.16.5 That the Council Move Into a Committee Of The Whole—Effect of Motion**

This motion, having been carried, will allow free and open discussion on the matter before the meeting. There will be no restrictions on the number of times each Councillor may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the Council sits in committee of the whole must be formally agreed by a substantive motion when the Council moves out of committee of the whole.

**10.16.6 That The Councillor be No Longer Heard—Effect of Motion**

This motion, having been carried, will cause the President to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

**10.16.7 That the Ruling of the President be Disagreed With—Effect of Motion**

- (1) This motion, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
- (2) Where the President has given a ruling in strict accordance with the Act, this motion may not be moved.
- (3) Where the President has adjourned the meeting in accordance with Clause 10.13.10 of these standing orders, this motion may not be moved.

**10.16.8 That the Motion Lie on the Table—Effect of Motion**

- (1) This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.
- (2) Any Councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.
- (3) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these standing orders.

**10.16.9 That the Council Meets Behind Closed Doors—Effect of Motion**

In accordance with the Act, this motion, if carried, will cause the general public and any officers or employees the Council determines, to leave the room.

*Division 17—Decision Making Procedures***10.17.1 Voting and Decisions—Majority to Determine**

All acts of the Council, and all questions coming before the Council, may be decided by a simple majority of the members of the Council present within the Council chamber, and voting, at a properly constituted meeting, unless otherwise provided for in these standing orders or the Act.

**10.17.2 Member May Require Motions to be Read**

Any member of the Council may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**10.17.3 Order of Amendments**

Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

**10.17.4 Substantive Motion**

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the Council upon which any member may speak and any further amendment may be moved.

**10.17.5 Repetition of Motions**

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of the Council, except by agreement of the majority of Councillors present.

**10.17.6 Consent of Seconder Required to Accept Alteration of Wording**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**10.17.7 Withdrawal of Motion and Amendments**

Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of Council, the motion or amendment shall be withdrawn.

**10.17.8 Limitation of Withdrawal**

Where an amendment has been proposed to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the majority of members of the Council present, until the amendment proposed has been withdrawn or lost.

**10.17.9 Authority for Withdrawal**

A motion or amendment to a motion shall not be withdrawn in the absence of any member of the Council who proposed it, except with their written authority.

**10.17.10 Right of Reply**

- (1) The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member of the Council shall speak on the question.
- (2) The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

**10.17.11 Right of Reply Provisions**

The right of reply shall be governed by the following provisions—

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion.
- (b) If there is an amendment, the mover of the substantive motion shall take the right of reply at the conclusion of the vote on any amendments.
- (c) The mover of any amendment does not have a right of reply.
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

**10.17.12 Amendments to be Relevant**

Every amendment shall be relevant to the motion upon which it is moved, and be framed to show precisely which words need to be deleted, added or altered.

**10.17.13 Amendments Must Not Negate Original Motion**

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

**10.17.14 Mover of Motion May Speak on Amendment**

On an amendment being moved, any member may speak to the amendment, including the person who moved the substantive motion who is also entitled to a right of reply to the original motion.

**10.17.15 Motion—When Put**

When the debate upon any motion is concluded and the right of reply has been exercised the President shall immediately put the question to the Council, and, if so desired by any member of the Council, shall again state it.

**10.17.16 Motion—Method of Putting**

If a decision is not clear or in doubt, the President shall put the motion as often as necessary to determine the decision from a show of hands or other method agreed upon by Council as determined by clause 10.17.1 before declaring the decision which shall be final unless a call for a recording of votes is received, as provided for in Clause 10.17.17 of these standing orders.

**10.17.17 Recording of How Members Vote**

The numerical voting of all Council and Committee decisions shall be recorded in the Minutes.

If a member of Council or a Committee specifically requests that there be recorded—

- (a) how he or she voted; or
- (b) how other members present voted;

on a matter voted on at a meeting of Council or a Committee, then the names of each member and how they voted shall be recorded in the Minutes.

#### **10.17.18 Revoking Decisions—When This Can Occur**

(1) A substantive motion that has been previously carried in the affirmative may be revoked—

- (a) at the same meeting during the agenda item “Any other business the reception of which has been approved by the President or Council” or
- (b) at a subsequent meeting provided that no action in relation to the resolution being rescinded has already occurred.

(2) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported—

- (a) in the case where an attempt to revoke or change the decision has been made within the previous three months but had failed, by an absolute majority; or
- (b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or committee,

inclusive of the mover.

(3) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

(4) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

### *Division 18—Points of Order*

#### **10.18.1 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of a debate, any member of the Council may raise a point of order including interrupting the speaker. Any member of the Council who is speaking when a point of order is raised, shall immediately cease speaking while the President listens to the point of order.

#### **10.18.2 Points of Order—Definitions**

Expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a point of order, but the following shall be recognised as valid points of order—

- (a) That the discussion is of a motion not before the Council.
- (b) That offensive or insulting language is being used.
- (c) Drawing attention to the violation of any local law or standing order of the Council, providing that the member raising to the point of order shall state the local law or standing order believed to be breached.

#### **10.18.3 Points Of Order—Ruling**

The President shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

#### **10.18.4 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved**

The ruling of the President upon any question of order shall be final, unless a majority of the members of the Council support a motion of dissent with the ruling.

#### **10.18.5 Points of Order—Motion Against Ruling Procedure**

An objection having been taken to the ruling of the President, the Councillor so objecting may immediately move dissent with the ruling. Should the motion be seconded, it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the Council.

#### **10.18.6 Points of Order Take Precedence**

Notwithstanding anything contained in these standing orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other question.

### *Division 19—Adjournment of Meeting*

#### **10.19.1 Meeting May be Adjourned**

The Council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of the adjournment.

#### **10.19.2 Notice of Adjourned Meeting**

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in the manner provided in Clause 10.2.

**10.19.3 Business at Adjourned Meeting**

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

**10.19.4 Limit to Moving Adjournment of Council**

No member of the Council shall be allowed to move or second more than one motion of adjournment during the same sitting of the Council.

**10.19.5 Unopposed Business—Motion for Adjournment of Council**

On a motion for the adjournment of the Council, the President, before putting the motion, may seek leave of the Council to proceed to the transaction of unopposed business.

**10.19.6 Withdrawal of Motion for Adjournment of Council**

A motion or an amendment relating to the adjournment of the Council may be withdrawn by the mover, with the consent of the seconder, except that if any Councillor objects to the withdrawal, the motion must continue to be debated.

*Division 20—Personal Explanation***10.20.1 Personal Explanation**

No member of the Council shall speak, except upon the question before the Council, unless it is to make a personal explanation. Any member of the Council who is permitted to speak under these circumstances must confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council rises to explain, no reference shall be made to matters unnecessary for that purpose.

**10.20.2 Personal Explanation—When Heard**

A member of the Council wishing to make a personal explanation of matters referred to by any member of the Council then speaking shall be entitled to be heard immediately, if the member of the Council then speaking consents at the time, but if the member of the Council who is speaking declines to give way, the explanation must be offered at the conclusion of that speech.

**10.20.3 Ruling on Questions of Personal Explanation**

The ruling of the President on the admissibility of a personal explanation shall be final unless a motion of dissent with the ruling is moved before any other business proceeds.

*Division 21—Committees of Council***10.21.1 Committees**

Committees of the Council shall operate in accordance with the Act and its regulations.

**10.21.2 Members may attend Committee Meetings as Observers**

Members may attend as observers any meeting of any Committee appointed by Council. Members may also be permitted by the Presiding Member to speak on any matter under consideration but shall not be permitted to vote.

**10.21.3 Reports of Committees to be taken as Read**

The reports and recommendations of every Committee shall, when presented to the Council, be taken as read.

**10.21.4 Withdrawal of Recommendations**

Any member or officer may signify his/her wish to have any recommendation of a Committee withdrawn to be specifically debated by Council. Any recommendation so withdrawn may be moved as presented or as determined by any member.

**10.21.5 Recommendations Adopted by One Resolution**

When all withdrawn recommendations have been dealt with by the Council all remaining recommendations may be adopted by one resolution of the Council.

**10.21.6 Recommendations become Resolutions of Council**

Recommendations of any Committee that are adopted by the Council become resolutions of the Council.

*Division 22—Electors Meetings***10.22.1 Standing Orders to Apply**

The Standing Orders apply, so far as is practicable, to any meeting of ratepayers or electors convened in accordance with the Act.

**10.22.2 Restriction on Voting and Speaking**

- (1) No person shall vote at a meeting of ratepayers or electors unless his or her name is on the current electoral roll.
- (2) Any person who is not a ratepayer or an elector may not take part in any discussion at that meeting unless the President or the meeting by a Motion requests him or her to do so.
- (3) The President may request any questions or motions to be submitted in writing.
- (4) Subject to the Act and this Local Law the conduct of a meeting of ratepayers or electors convened in accordance with the Act is at the sole discretion of the President.

*Division 23—Administrative Matters***10.23.1 Motions Affecting Expenditure**

Where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to its Corporate Services Committee.

**10.23.2 Confidential Business**

- (1) All business conducted by the Council behind closed doors is
  - (i) to be treated as strictly confidential and
  - (ii) not, without the authority of the Council, to be disclosed to any person other than
    - (a) the Members, or
    - (b) officers of the Council but only to the extent necessary for the purpose of carrying out their duties prior to the discussion of that matter at a meeting of the Council held with open doors.
- (2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Chief Executive Officer of a confidential nature may at his discretion be marked as such and
  - (i) then shall be treated as strictly confidential and
  - (ii) is not, without the authority of the Council to be disclosed to any person other than the Members or the Officers of the Council referred to in paragraph 1.(ii)(b).

**10.23.3 Copies of Standing Orders to Members of the Council**

The Chief Executive Officer shall provide to each member of the Council as soon as convenient after being elected to office, a copy of the local laws relating to Standing Orders.

**10.23.4 Custody and Use of Common Seal**

The Chief Executive Officer shall have charge of the common seal of the Council, and shall be responsible for the safe custody and proper use of it.

**10.23.5 Seal Not to be Improperly Used**

Except as required by law, or in the exercise of the express authority of the Council, the Chief Executive Officer shall not use the common seal of the Council.

**10.23.6 Custody of Corporate Property**

The custody of all property whatsoever belonging to, or held in trust by the Council shall be in the Chief Executive Officer, who shall be responsible to the Council therefore.

**10.23.7 Suspension of Standing Orders**

- (1) The mover of a motion to suspend any Standing Order or Orders shall state the clause or clauses of the Standing Order or Orders to be suspended.
- (2) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the Council must be seconded, but the motion need not be presented in writing.

**10.23.8 Cases not Provided for in Standing Orders**

In cases of procedure where these standing orders and the Act are silent, rulings shall be determined according to a recognised authoritative book on meeting procedure as determined by the Council from time to time. The President shall decide all other questions of order, procedure, debate or otherwise where the approved authority has no provision, or insufficient provision.

**10.23.9 Penalty for Breach of Standing Orders**

Any person guilty of any breach of these standing orders or any of the provisions hereof, shall be liable to a penalty not exceeding \$1,000.00.

**10.23.10 Council may take Action**

The Council may take action under Part 9 of the Act against any person committing a breach of these Standing Orders.

**10.23.11 Duty of Chief Executive Officer**

It is the duty of the Chief Executive Officer to draw the attention of the Council to any breach or likely breach of these standing orders even if it requires interrupting any person speaking, including the President.

**PART 11—RUBBISH, LITTER, MATERIAL, THINGS & VEHICLES****Interpretation**

“**building sites**” means any lot where a structural alteration, addition or building is being undertaken;

“**disused motor vehicle**” means a vehicle not registered under the *Road Traffic Act 1974* as amended;

“**litter**” includes all kinds of rubbish, refuse, junk, garbage or scrap;

“**material**” means the substance of which things are made or composed; component or constituent matter;

“**occupier**” has the same meaning as the Local Government Act;

“**owner**” has the same meaning as the Local Government Act;

“**rubbish**” has the same meaning as litter;

“**suitable receptacle**” means a container which is designed to contain all rubbish stored within it.

“**things**” means objects that cannot or need not be precisely named;

“**vehicle**” means any vehicle which comes within the interpretation of that expressed in the *Road Traffic Act 1974*, as amended.

**11.1** A person shall not on any land within the District—

Deposit, store or keep refuse, rubbish, litter, material, things or vehicles, including trees, scrub or undergrowth on a property, which in the opinion of Council, is likely to affect adversely the value of the adjoining property or the health, comfort, convenience or amenity of the inhabitants thereof.

The Council may cause a notice under the hand of the CEO to be served on the owner or occupier of such land, requiring that person, within the time specified in such notice to clear the land of such refuse, rubbish, litter, material, things, vehicles, trees, scrub or undergrowth from such land.

**11.2** Every owner or occupier of land upon whom a notice is served under Section 11.1 shall comply with such notice within the time specified or in that time give satisfactory reason why the notice should not be complied with or why extra time should not be given to comply. Any owner or occupier of land who fails to comply with the terms of the notice so served or the notice as varied commits an offence.

**11.3 Old Refrigerators**

A person shall not place in, or about any rubbish depot, tip, transfer station, any refrigerator, ice chest, ice box, furniture, trunk or other things, that has in it a compartment of a capacity of 0.04 cubic metres or more, unless, before so placing it, he or she removes from the compartment every door, lid, lock and hinge thereof or otherwise renders such door or lid incapable of being fastened.

**11.4 Old Vehicles and Machinery**

A person shall not on any land within the District—

- (a) store, dismantle or break up a disused motor vehicle, an old motor vehicle body, or any old or disused machinery unless inside a building or within an area enclosed by a fence, a wall, trees or shrubs, not less than 1.8 metres in height and of such a nature as to screen all things stored, dismantled or broken up thereon and the parts thereof from any adjacent street and from any adjoining property;
- (b) dispose of, abandon or leave for more than 48 hours continuously any substantial part of a disused motor vehicle, an old motor vehicle body, or a motor vehicle wreck, or any old machinery or appliance except at a public place set aside or approved of by the Council for that purpose or on land where such a use is lawful under all written laws relating to land use; or
- (c) stand, park or leave the body of a motor vehicle, any substantial part of a disused motor vehicle, an old motor vehicle, or a motor vehicle on or in a road otherwise than in accordance with Parts 16 and 17 hereof.

**11.5 Nuisance**

A person shall not—

- (a) engage in any undertaking or activity or conduct any business in such a manner as to cause or permit the emission of dust, fumes, light, liquid waste, noise, odour, smoke or vibrations; or
- (b) do any other practice

so as to create a nuisance.

**11.6 Building Site Refuse**

All building sites shall have on site at all times a suitable receptacle for the storage of rubbish including rubble, sand, cement, plaster bags, food packaging and food scraps.

**11.7** Where the owner or occupier does not clear the land of such refuse, rubbish, litter, material, things, vehicles, trees, scrub or undergrowth as required by the notice given by Council, the Council is authorised without payment of any compensation in respect thereof to remove it and dispose of it at the owners or occupiers expense and recover in a Court of competent jurisdiction the amount of the expenses from the owner or occupier to whom the notice was given.

**11.8** Any person who commits an offence under Part 20.7.1 is liable upon conviction to the penalty set out in Part 20.7.2

**11.9** Any person who continues to fail to comply with the notice served under Part 20.7.1 after conviction of an offence under section 11.1, 11.3, 11.4, 11.5 in respect of a failure to comply with that notice commits a further offence and is liable to the daily penalty set out in Part 20.7.3 for every day or part of a day during which the offence continues.

## **PART 12—HAWKERS, STALLHOLDERS TRADING IN A PUBLIC PLACE**

### *Division 1—Preliminary*

**12.1 Interpretation**

In this part unless the context otherwise requires—

“**charitable organisation**” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof;

**“hawker”** means a salesman, vendor, pedlar or other person who, with or without any vehicle, travels and trades and goes from place to place or to other persons’ houses soliciting orders for or carrying to sell or exposing for sale any goods, wares or merchandise, but does not include—

- (a) commercial travellers or other persons selling or seeking orders for goods, wares or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers;
- (b) sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals;
- (c) persons selling or exposing for sale goods, wares, or merchandise in any public market or fair lawfully established, or upon any racecourse, agricultural showground, or public recreation ground;
- (d) sellers of goods of their own manufacture; or
- (e) persons representing a manufacturer whose goods are sold direct to consumers only and not through the medium of a shop;

**“stallholder”** means a person in charge of a stall;

**“Stall”** means a moveable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise or services are sold, hired or offered for sale or hire, and includes stationary food vans, fruit stalls, flower stalls, hardware stalls or similar businesses operating in a public place.

**12.1.2** Unless otherwise defined herein the terms and expressions used in this Local Law shall have the same meanings given to them in the Act.

**12.1.3** In this Local Law a reference to the Council having power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any officer or committee to whom the Council has delegated the power or the doing of the thing exercising such discretion or forming such opinion.

#### *Division 2—Licences*

##### **12.2.1 Hawkers**

A person shall not hawk any goods, wares or merchandise within the district unless that person holds a current hawker’s licence issued pursuant to this Local Law.

##### **12.2.2 Application (Hawkers)**

Every application for a hawker’s licence shall be in the form provided by the Council for the purpose and shall specify—

- (a) the full name and address of the applicant who seeks the licence;
- (b) the kind of goods, wares or merchandise which the applicant requires to hawk;
- (c) the type of vehicle, conveyance or means of carriage to be employed in hawking;
- (d) the period for which the licence is required;
- (e) where the licence is required for part of the district, the part of the district to which it will apply.

**12.2.3** Every application for a hawker’s licence (other than a renewal) must be accompanied by a Police Clearance.

**12.2.4** A licence granted to a hawker is valid for the hawking of the goods, wares, merchandise or services therein described only, and in the case of a licence limited to a part of the district, is valid for that part of the district only.

##### **12.3.1 Stallholders**

A person shall not conduct a stall for the sale of goods, wares or merchandise within the District unless that person holds a current licence issued pursuant to these Local Laws except where such goods are the produce of the property of that stallholder. Should the stallholder be the owner or lessee of more than one lot within the District, that person may sell produce grown on those other lots through the stall permitted under this section provided that the property upon which the stall is located exceeds 4,000 square metres in area.

**12.3.2** A person shall be exempt from applying for a stallholders licence provided—

- (a) The property at which the stall is located is zoned rural in accordance with the Shire of Murray Town Planning Scheme.
- (b) The owner or lessee of the property has grown the produce on the property. Should the stallholder be the owner or lessee of more than one lot zoned rural within the district, that person may sell produce grown on those other lots through the stall permitted under this section provided that the property upon which the stall is located exceeds 4,000 square metres in area.
- (c) The stall is located wholly on the owners property, and if the property is leased, with the owners permission.
- (d) The stall is not greater in area than sixteen (16) square metres or as approved by Council.
- (e) The produce on sale is handled in accordance with the requirements of the *Health Act 1911*

##### **12.3.3 Application (Stallholders)**

Every application for a stallholder’s licence shall be in the form provided by the Council for the purpose and shall specify—

- (a) the full name and address of the applicant;

- (b) the proposed number and names and addresses of assistants to be engaged by the applicant in conducting the stall pursuant to the licence;
- (c) the location for which the licence is sought;
- (d) the period for which the licence is sought;
- (e) the proposed goods, wares, merchandise or service to be sold or hired from the stall; and
- (f) be accompanied by an accurate plan and description of any proposed stall which may be used for the selling or hiring of goods.

#### **12.4 Selling of Newspapers**

The requirement for a valid licence to be held pursuant to this Local Law shall not apply to the selling or offering for sale of newspapers.

##### **12.5.1 Discretion**

The Council may in its discretion under this Division grant a licence or refuse to grant a licence or grant a licence subject to such conditions as it thinks fit and for a period of twelve (12) months or less, but not less than one (1) month.

**12.5.2** The Council may refuse to issue a licence and may cancel a licence if the applicant or licensee—

- (a) has been twice convicted during the preceding five (5) years, or is twice convicted in the space of five (5) years of an offence against the Local Laws of any Local government relating to Hawkers, Stallholders trading in a public place or
- (b) does not conform with the requirements of the *Health Act 1911*.

**12.5.3** The Council may refuse to issue a licence if—

- (a) in its opinion the needs of the district or the portion thereof for which the licence is sought are adequately catered for by established shops or by persons to whom licences have been issued;
- (b) the proposed activity or place of trading is in the opinion of Council undesirable;
- (c) the proposed stand, table, structure or vehicle is in the opinion of Council unsuitable in any respect to the location for which the licence is sought;
- (d) the gathering of customers would impede pedestrian or vehicle movements, or cause conflict with other activities;
- (e) the trading location is not provided with sufficient off-road parking so as to prevent a traffic hazard or danger to the public.

**12.5.4** Notwithstanding the provisions of section 12.5.3 a licence may not be issued to trade in a public place that is located in any part of a controlled access highway, major highway or important regional road within the district as defined by the Shire of Murray Town Planning Scheme No. 4.

**12.5.5** Where a licensee by reason of illness, accident or other cause is unable to comply with this Local Law, Council may at the request of that licensee issue a permit in writing authorising a person named in the permit to be a nominee to occupy the period of the licensee's inability to comply with the licence or until the expiration of the term of the licence whichever is earlier.

**12.5.6** Notwithstanding the provisions of any other Act, Regulation or Local Law none of the provisions of this Local Law shall preclude any person from complying with the provisions of the Shire of Murray Town Planning Scheme No. 4.

#### **12.6 Conditions**

Where a licence has been granted by the Council under this Part subject to conditions, the person to whom the licence has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these Local Laws and the Council additionally or in the alternative to any Court action it undertakes in respect of such offence may exercise the power in section 12.13.1 to cancel the licence.

#### **12.7 Licence Certificate**

The Council shall issue to every licensee a licence certificate in the form provided or prescribed by the Council for the purpose for which the licensee shall pay the fee prescribed by the Council from time to time which shall be displayed by the licensee hawking or conducting a stall as the case may be and while that person is the holder of a hawkers or stallholders licence under this Part but not otherwise.

#### **12.8 Transfer of Licence**

The holder of a licence issued under this Part may apply to the Council to transfer the licence in the form provided or prescribed by the Council for the purpose and the Councils shall determine the application for transfer upon consideration of the matters set out in Section 12.5.3 and 12.5.4 to the extent that they are applicable.

#### **12.9 Length of Licence**

A licence under this Part shall be valid until the 30th day of June next after it is granted or such lesser period as specified in the licence except where the licence is granted in the months of May or June when it shall extend to the 30th day of June in the year next following or such lesser period as specified.

#### **12.10 Annual Renewal**

Every application for the renewal of a licence for twelve (12) months shall be made annually during the month of June and every application for renewal of a licence for a period of less than twelve (12) months shall be made two (2) weeks prior to the expiration date and shall be in writing accompanied by the licence then in force.

**12.11 Fees**

The fees to be charged for an application for registration and for every renewal, thereof and for an application to transfer a registration shall be those prescribed by the Council from time to time. No licence is valid until the fees have been paid.

**12.12 Exemption**

Notwithstanding section 12.11 the Council may grant without fee or charge, a licence to conduct a stall or to carry out trading in any street or way or on any land for any period specified in such licence if the stall or trading is conducted by a charitable organisation or if the trading is carried on in a portion of a street or public place adjoining the normal place of business of the licence holder.

Any granting of a licence under this section would be subject to the produce on sale being handled in accordance with the requirements of the *Health Act 1911*.

**12.13.1 Cancellation**

The Council may by written notice cancel any licence issued under this Part for any of the reasons set out in section 12.5.2 or on the grounds—

- (a) that the licensee is not conducting the business the subject of the licence in a respectable or sober manner;
- (b) that the licensee has assigned the licence without Council permission or no longer carries on the business the subject of the licence;
- (c) that the licensee is not regularly carrying on the business for which the licence was granted, or
- (d) that the licensee has breached a condition of the licence.

**12.13.2** Upon cancellation of a licence the holder thereof shall forthwith return the licence certificate issued pursuant to section 12.7 to the CEO and shall forfeit fees paid in respect of the licence.

*Division 3—Conduct*

**12.14.1** A hawker while hawking, a stallholder while conducting a stall or a person carrying out trading shall—

- (a) display the licence certificate in a conspicuous place on the vehicle or temporary structure (in the case of a hawker) or on the stall (in the case of a stallholder);
- (b) have the name of the stallholder (or his or her assistant where appropriate), or hawker displayed on the vehicle or stall;
- (c) in the case of a stallholder, maintain the stall in good order and condition.

**12.14.2** A hawker or stallholder shall not—

- (a) hawk, conduct a stall or carry on trading between 1900 hours and 0700 hours the next day, or any Christmas Day or Good Friday without obtaining the written consent of the Council;
- (b) attempt to conduct business within a distance of 200 metres of any shop or permanent place of business that has for sale any goods, wares, merchandise or services of the kind being hawked or offered for sale by the stallholder. Council may exempt charitable organisations from this clause;
- (c) call the licensee's wares or cause or make any outcry noise or disturbance likely to be a nuisance or cause annoyance to any person in that vicinity;
- (d) deposit or store any box or basket containing goods, wares or merchandise under the vehicle of the licensee or upon the roadway or footpath;
- (e) obstruct the free passage of pedestrians or vehicles on any footpath or roadway;
- (f) act in an offensive manner; or
- (g) in the case of a stallholder, conduct a stall on private property unless there is adequate provision on the private property adjacent to the stall for the parking of customers' vehicles.

**12.14.3** A person shall not display a licence certificate without being the holder of a valid licence under this Part.

**PART 13—EATING AREAS IN STREETS AND OTHER PUBLIC PLACES***Division 1—Preliminary***13.1 Interpretation**

**13.1.1** In this Part, unless the context otherwise requires—

“**eating area**” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public;

“**eating hours**” has the meaning given to it in and for the purposes of the *Health Act 1911*;

“**Health Act**” means the *Health Act 1911* and all written laws made under the authority of that Act;

“**licence**” means a licence issued by the Council under these Local Laws to establish and conduct an eating area;

“**licence plan**” means a plan attached to and forming part of a licence depicting those areas of a street or public place within which an eating area may be established and conducted;

**“proprietor”—**

- (a) has the same meaning given to it in and for the purposes of Division 3 of Part V of the Health Act 1911 where the premises in question are registered as an eating house under the Act; or
- (b) means the holder of a licence granted under the *Liquor Licensing Act 1988* where the premises in question are the subject of an hotel licence, a limited hotel licence or a restaurant licence granted under the Act;

**“public facility”** means any structure, item or fitting whether in a street or public place that is the property of or has been provided by a Government Department, instrumentality of the Crown or the Council.

**13.1.2 Except where—**

- (a) express provision is made to the contrary; or
- (b) the context requires otherwise,

words and expressions used in this Part have the same meanings as are given to them in the Act and the Health Act.

**13.2 Application**

These Local Laws—

- (a) apply and have force and effect throughout the whole of the district, but
- (b) do not apply to any eating area set up or conducted in or on a place which is on private property notwithstanding that the public are allowed to use that place.

**13.3 Prohibition**

A person shall not establish or conduct an eating area in a street or public place—

- (a) other than in a portion of a street or public place adjoining an eating house;
- (b) unless the person is the proprietor of the eating house referred to in paragraph (a);
- (c) unless the person is the holder of a valid and current licence issued under these Local Laws; and
- (d) otherwise than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of the licence.

**13.4 Applications for Licence**

The proprietor of an eating house seeking the issue of a licence to establish and conduct an eating area in a street or public place shall make application in the form provided or prescribed by the council for the purpose and forward the application to the CEO together with—

- (a) the fee and the charge prescribed by the Council from time to time;
- (b) two copies of a plan and specifications of the proposed eating area on a scale of 1:50 showing—
  - (i) the location and dimensions of the proposed eating area and the means by which the eating area is to be separated from the balance of the street or public place; and
  - (ii) the position of all tables, chairs and other structures proposed in the eating area and which of such items, if any, are to be retained within the eating area at all times;
- (c) a colour photograph or photographs, or colour brochures of the tables, chairs and other structures to be set up in the eating area;
- (d) a written statement of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within, the eating area;
- (e) written particulars of arrangements made in respect of public liability insurance of not less than \$10,000,000.00; and
- (f) any other information that the Council considers necessary in the circumstances of the case.

**13.5 Determination of Application**

**13.5.1** The Council may refuse to consider an application for a licence which does not comply with the requirements of section 13.4.

**13.5.2** The Council may in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

**13.5.3** Where the Council approves an application for a licence, it shall—

- (a) issue a licence in the form prescribed by the Council for the purpose; and
- (b) cause to be attached to the licence a licence plan showing the area of a street or public place within which the eating area may be set up and conducted.

**13.5.4** For the purposes of these Local Laws, a licence plan attached to a licence shall be deemed to form part of that licence.

**13.5.5** A licence issued by the Council under these Local Laws is valid until the 30th of June of each year of issue unless it is sooner cancelled under these Local Laws.

**13.6 Variation of Licence Conditions**

A licensee may apply in writing to the Council to vary or remove any of the terms and conditions of the licence.

**13.7 Renewal of Licence**

**13.7.1** A licensee may apply in writing to the Council by the 1st of July in each year for the renewal of the licence and shall submit with the application for renewal—

- (a) the fee and the charge prescribed by the Council from time to time; and
- (b) written confirmation that the public liability insurance required under section 13.4(e) has been or will be effected for the renewal period.

**13.7.2** Upon receipt of an application for the renewal of a licence, the Council, subject to subsection 13.7.3, may—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

**13.7.3** If an application for the renewal of a licence is not received by the Council by the 1st of July in the year prior to which the licence has been sought the Council may refuse to consider the application.

**13.8 Transfer of Licence**

**13.8.1** An application for the transfer of a licence shall—

- (a) be made in writing;
- (b) be signed by the Licensee and the proposed transferee of the licence;
- (c) include any information that the Council may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with the fee prescribed by the Council from time to time.

**13.8.2** Upon receipt of an application for the transfer of a licence, the Council may

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

**13.8.3** Where the Council approves the application for transfer of a licence, the Council shall transfer the licence by—

- (a) an endorsement on the licence to that effect signed by the CEO, and
- (b) the issue of its consent prescribed by the Council for the purpose.

**13.8.4** Where the Council approves the transfer of a licence it shall not be required to refund any part of the fee or charge paid by the former licensee.

**13.9 Cancellation of Licence**

**13.9.1** The Council may cancel a licence where the licensee has—

- (a) been convicted of an offence against—
  - (i) these Local Laws
  - (ii) the Health Act; or
  - (iii) any other law relating to the setting up or conducting of eating areas; or
- (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the Council

**13.9.2** Where the Council cancels a licence under this section—

- (a) the Council shall advise the Licensee in writing of the cancellation;
- (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
- (c) the Council shall not be required to refund any part of the fee or charge paid by the licensee in respect of the cancelled licence.

**13.10 Obligations of the Proprietor**

**13.10.1** A proprietor shall—

- (a) ensure that the eating area is conducted at all times in accordance with the provisions of these Local Laws;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures set up in the eating area in good and serviceable conditions at all times;
- (d) comply with all relevant Health legislation prescribed in the Health Act and associated regulations and Local Laws; and
- (e) display the licence in a conspicuous place in the adjoining eating house and whenever requested by an Environmental Health Officer to do so shall produce to him or her the licence.

**13.10.2** Whenever, in the opinion of the Council, any work is required to be carried out as a result of the setting or conduct of an eating area, the Council may give notice to the proprietor of that eating area to carry out that work within the time limited by the notice.

**13.10.3** A proprietor who neglects or refuses to comply with a notice given under subsection 13.10.2 commits an offence.

**13.10.4** Where a proprietor neglects or refuses to comply with a notice given under these Local Laws, the Council may do the work required by the notice to be done and recover from the proprietor, in a court of competent jurisdiction, the expense incurred by it in so doing.

**13.10.5** In this Part, “**work**” includes the removal, alteration, repair, reinstatement or construction of a street or footpath or any part of a street or footpath arising from or in connection with the setting up or conduct of an eating area.

### **13.11 Delegation**

The Council may pursuant to section 5.42 of the Act delegate to the CEO any power or duty under this Part which could be considered a power or duty conferred on the Council under the Act.

## **PART 14—SIGNS, HOARDINGS, BILL POSTING**

### *Division 1—Preliminary*

#### **14.1 Interpretation**

In these Local Laws, unless the context otherwise requires—

“**direction sign**” means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the council or a road direction sign erected or affixed by a duly incorporated association, or union, of motorists, authorised in that regard by the Minister for Transport—

“**hoarding**” means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the Act;

“**illuminated sign**” means a sign that is so arranged as to be capable of being lighted, either from within or without the sign by artificial light provided, or mainly provided, for that purpose;

“**pylon sign**” means a sign supported by one or more piers and not attached to a building;

“**residential area**” means an area that has been so designated under a Town Planning Scheme or in Zoning Laws or, where not so designated, a lot not exceeding 2000 metres square in area;

“**sale sign**” means a sign indicating that the premises whereon it is affixed are for sale or for letting;

“**semaphore sign**” means a sign affixed and supported at, or by, one of its ends, only and includes a flag;

“**sign**” includes a signboard and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;

“**surveyor**” means the council’s building surveyor appointed pursuant to the Act;

“**tower sign**” means a sign affixed to, or placed on, a chimney stack or an open structural mast or tower; and

words and expressions used have the same respective meanings as are given them in, and for the purposes of the Act.

### *Division 2—Signs*

#### **Signs Generally**

##### **14.2.1 License Required for Certain Signs**

- (a) A person shall not erect or maintain a sign, and the owner or occupier of premises shall not suffer or permit a sign to remain on those premises, within 30m of a street or other public place, except pursuant to a license issued under these Local Laws.
- (b) Nothing in this Local Laws relates to a sign erected or maintained pursuant to any Act having operation within the State or to a sign that is—
  - (i) a sale sign;
  - (ii) a plate, not exceeding 200mm square in area, erected, or affixed, on the street alignment, or between that alignment and the building line, to indicate the names and occupation or profession of the occupier of the premises;
  - (iii) of an area not exceeding 400mm square and is affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation.

##### **14.2.2 Fixing of Signs**

Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the surveyor, and shall be safely maintained.

##### **14.2.3 Glass in Signs**

Glass shall not be used in any sign, other than in an illuminated sign.

##### **14.2.4 Readily Combustible Material**

Except in the case of posters securely affixed to a sign board or hoarding, paper, cardboard, cloth or other readily combustible materials shall not form part of, or be attached to, any sign.

##### **14.2.5 Signs to be Kept Clean**

Every sign shall be kept clean and free from unsightly matter.

**14.2.6 Illuminated Signs**

- (a) Every illuminated sign shall—
- (i) have any boxing or casing in which it is enclosed constructed of incombustible material;
  - (ii) where comprising glass (other than fluorescent tubing), have the glass so protected as to prevent its falling into a public place, in the event of breakage;
  - (iii) have its electrical installation constructed and maintained to the satisfaction of the State Electricity Commission or the appropriate electric supply authority and in accordance with the AS300-1991.;
  - (iv) be maintained to operate as an illuminated sign;
  - (v) not have a light of such intensity as to cause annoyance to the public; and
  - (vi) display one or more of the following, namely—
    - (aa) The name of one or more of the occupiers of the premises;
    - (bb) The business or businesses carried on in the premises; and
    - (cc) The goods sold in the premises, to which it is affixed.
- (b) The provisions of paragraph (vi) of Subsection 14.2.6(a) of these Local laws do not apply to a roof sign that is an illuminated sign.

**14.2.7 Certain Signs Prohibited or Restricted**

A sign shall not be erected or maintained—

- (a) so as to obstruct the view, from a street or public place, of traffic in the same street or public place;
- (b) so as to be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the *Road Traffic Act 1974* or the Traffic Regulations;
- (c) except with the specific approval of the council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
- (d) on any land that is classified in a Town Planning Scheme or Zoning Law as residential or for flats;
- (e) on any building of which the stability is, in the opinion of the surveyor likely to be affected by the sign;
- (f) as a movable or portable sign, in a street or public place, un-affixed to a building; or
- (g) in any position wherein it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty.

**Particular Signs****14.2.8 Signs Above Verandah Fascias**

Signs comprising free standing lettering only may be erected above the outer fascia of a verandah, parallel to the kerb, if the lettering does not exceed 75mm and is mounted on a base of at least 400mm in width.

**14.2.9 Signs on Verandah Fascias**

A sign fixed to the outer or return fascia of a verandah—

- (a) shall not exceed 600mm in depth;
- (b) shall not project beyond the outer metal frame, or surround of the fascia; and
- (c) if an illuminated sign, may be of changing colours, but shall not emit a flashing light.

**14.2.10 Signs Under Verandahs**

A sign under a verandah shall—

- (a) afford a headway of at least 2.4 metres;
- (b) not exceed 2.4 metres in length, 900mm square in area or 600mm in width;
- (c) not weigh more than 55kg;
- (d) not, if it exceeds 300mm in width, be within 1.4 metres, or where it does not exceed 300mm in width, be within 900mm of the side wall of the building, measured along the front of the building, before which it is erected;
- (e) not, if it exceeds 300mm in width, be within 2.8 metres, or, where it does not exceed 300mm in width, be within 1.8 metres, of another sign under that verandah;
- (f) be fixed at right angles to the front wall of the building before which it is erected, except on a corner of a building at a street intersection, where the sign may be placed at an angle with the wall, so as to be visible from both streets;
- (g) bear, at its outer end, its licence number in figures clearly legible from the footway; and
- (h) be so placed that the centre of its base, longitudinally, is equi-distant from the outer edge of the verandah and the edge of the street nearest to the building to which such verandah is attached.

**14.2.11 Horizontal Signs**

- (a) A horizontal sign shall—
- (i) afford a minimum headway of 2.4 metres;
  - (ii) be fixed parallel to the wall of the building to which it is attached and with the bottom of the sign contiguous to the wall;
  - (iii) conform, as to the depth, to the following table—
- | Minimum Distance of Sign Above Street                          | Maximum Depth of Sign |
|--|-----------------------|
| Less than 7.5 metres   | 600mm                 |
| 7.5 metres to 9 metres   | 720mm                 |
| 9.5 metres to 12 metres  | 900mm                 |
| More than 12 metres (if there is no roof sign on the building) | 4.5 metres            |
- (iv) not project more than 600mm from the wall to which it is attached; and
  - (v) not be within 600mm of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 200mm wide and projects at least 25mm in front of, and 75mm above and below, the sign.
- (b) Notwithstanding the provisions of paragraph (iii) of Subsection 14.2.11(a) of this Local Law, the Council may permit an increase of not more than 50% of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.
- (c) There shall be not more than one line of horizontal signs facing at one street on any storey of a building.
- (d) The name of the building, owner or occupier may be placed on the facade of a building, but—
- (i) unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
  - (ii) the letters of the name shall not exceed 1.2 metres in depth;
  - (iii) the letters shall be of metal or other incombustible material; and
  - (iv) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Council.

**14.2.12 Vertical Signs**

- (a) A vertical sign shall—
- (i) afford a minimum headway of 3 metres;
  - (ii) subject to Subsection (b) of this Local Law, not project more than 900mm from the face of the building to which it is attached;
  - (iii) subject to Subsection 14.2.12(c) of this Local Law, not be within 1.8 metres of either end of the wall to which it is attached;
  - (iv) not project more than 2.4 metres above the top of the wall on which it is attached nor more than 1.5 metres back from the face of that wall;
  - (v) be of a height at least twice its width;
  - (vi) not be within 3.6 metres of another vertical sign on the same building;
  - (vii) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls, so as to be visible from both streets; and
  - (viii) not exceed 900mm in width.
- (b) Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 3 metres of it, the sign may project 600mm further than the distance prescribed by paragraph (ii) of 14.2.12(a) of this Local Law or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.
- (c) Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right-of-way, the council may authorise the affixing of the sign at a lesser distance from the end of the wall than that prescribed by paragraph (iii) of 14.2.12(a) of this Local Law.

**14.2.13 Semaphore Signs**

- (a) A semaphore sign shall—
- (i) afford a minimum headway of 2.7 metres;
  - (ii) be fixed at right angles to the wall to which it is attached;
  - (iii) not project more than 900mm from the point of attachment, nor be of a greater height at any point than 1 metre;
  - (iv) be fixed over, or adjacent to, the entrance to a building; and
  - (v) not be fixed over or under a verandah.
- (b) Not more than one semaphore sign shall be fixed over, or adjacent to, any one entrance to a building;

**14.2.14 Direction Signs on Street Poles**

A direction sign attached to a pole in a street shall not exceed 150mm in depth or 700mm in length.

**14.2.15 Roof Signs**

- (a) Approval for the erection of a sign on a roof of a building shall be granted by resolution of the Council at an ordinary meeting only, and where approval has been so granted, a roof sign shall—

- (i) not at any part be within 3.6 metres of the ground;
- (ii) not extend laterally beyond the external walls of the building;
- (iii) comply, as regards height above ground and height of sign, with the following table—

Height of Main Building above Ground Level at Point where Sign is to be Erected	Maximum Height of Sign
3.6 metres and under 4.5 metres	1.2 metres
4.5 metres and under 6 metres	1.8metres
6 metres and under 12 metres	3 metres
12 metres and under 18 metres	4.5 metres
18 metres and upwards	6 metres

- (iv) not be at any part more than 45.7 metres above the ground.
- (b) The Council shall not approve the erection of a roof sign unless the building surveyor certifies that in his opinion the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.
- (c) When ascertaining the height of the main building above ground level for the purposes of this Local Law, any part of the roof, at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

**14.2.16 Pylon Signs**

- (a) A pylon sign shall—

- (i) not have any part thereof less than 2.7 metres or more than 6 metres above the level of the ground immediately below it—
- (ii) not exceed 2 metres measured in any direction across the face of the sign or have a greater superficial area than 4 metres square;
- (iii) not project more than 900mm over any street;
- (iv) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (v) not, as to any part thereof, project over any street at a height of less than 2.7 metres;
- (vi) subject to Subsection 14.2.16(b) of this Local Law, not be within 1.8 metres of the side boundaries of the lot on which it is erected;
- (vii) not have any part thereof less than 6 metres from any part of another sign erected on the same lot.

- (b) Where a lot on which a pylon sign is to be erected abuts on an intersecting street or right-of-way, the Council may authorise the erection of the sign at a lesser distance from the side boundaries than that prescribed by paragraph (vi) of 14.2.16(a) of this Local Laws.

- (c) Where a pylon sign is supported on two or more piers or columns, the space between the piers or columns shall not be wholly or partly filled in with any material.

**14.2.17 Clocks**

- (a) A clock shall—

- (i) if suspended under a verandah, have its centre coinciding with the centre line of the footway thereunder;
- (ii) comply as regards size, with the following table—

Height of Bottom of Clock above Footway	Maximum Diameter of Width of Clock Face and Depth of Clock including Lettering
2.7metres and under 3.6 metres	450mm
3.6 metres and under 6 metres	750mm
6 metres and under 12 metres	1 metres
12 metres and over	1.5 metres

- (iii) be fixed either parallel with, or at right angles to, the wall to which it is attached;
- (iv) not project from the wall to which it is attached—
  - (aa) If parallel to the wall, more than 300mm; or
  - (bb) If at right angles to the wall, more than 1.8 metres;
- (v) afford a minimum headway of 2.7 metres;
- (vi) be maintained so as to show the correct time;
- (vii) be illuminated from sunset to midnight; and
- (viii) not be permitted to strike between midnight and seven o'clock in the morning.
- (b) Notwithstanding the provisions of Subsection 14.2.17(a) of this Local Law, a clock suspended in an arcade, may be suspended over the centre of the arcade.

**14.2.18 Tower Signs**

A tower sign shall not—

- (i) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (ii) if illuminated, be a flashing sign;
- (iii) exceed, in height, one sixth of the height of the mast, tower or chimney stack on which it is placed;
- (iv) exceed, in width, the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (v) extend, laterally, beyond any part of the mast, tower, or chimney stack on which it is placed.

**14.2.19 Sale Signs**

Where erected in a residential area, a sale sign shall not exceed 400mm square in area.

**14.2.20 Institutional Signs**

Signs erected or placed on any land, building, fence or other structure used for, or in connection with, a surgery, clinic, hospital, rest home, home for the aged or other institution or place of a similar nature, shall not exceed 600mm square in area.

**14.2.21 Signs on Fences or Vacant Lots**

Signs may, with the approval of the Council, be painted or erected on the side or rear fence of lots on which there are no buildings, and which are used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground, or exceed 900mm in depth.

*Division 3—Hoardings***14.3.1 Prohibition or Restriction of Hoardings**

- (a) A person shall not erect or maintain a hoarding except pursuant to a licence issued by the Council for that purpose.
- (b) Subject to the Act, the Council may in its absolute discretion grant or refuse a licence for the erection or maintenance of a hoarding.
- (c) Except with specific approval of the Council, a hoarding shall not be erected within 15.00m of any street or other public place.
- (d) A hoarding shall not be of a greater area, than 22 metres square.

*Division 4—Bill Posting etc.***14.4.1 Bill Posting**

- (a) Subject to 14.4.1(b) of these Local Laws, a person shall not post any bill, or paint, stencil, place or affix any advertisement on any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning in, or within 15 metres of any street.
- (b) This Local Law does not apply to—
  - (i) signs or hoardings for which a licence is in force under these Local Laws.
  - (ii) advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein;
  - (iii) the name and occupation of any occupier of business premises painted on a window or wall of those premises; or
  - (iv) signs within a building.

*Division 5—Licences***14.5.1 Objectionable Signs and Hoardings**

Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these Local Laws and without limiting the provisions of Subsection 14.3.1(b) of these Local Laws, the Council may refuse a licence therefore, if the sign or hoarding would, in its opinion, be injurious to the amenity or natural beauty of the area.

**14.5.2 Licence to be Subject to Local Laws**

Every licence shall be granted, and shall continue only in accordance with the provisions of these Local Laws.

**14.5.3 Revocation of Licences**

Where anything purporting to be done pursuant to a licence issued under these Local Laws is not done in conformity with the licence or with these Local Laws or where the licensee is guilty of an offence against these Local Laws the Council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the licence.

**14.5.4 Licences to be Produced**

**14.5.5 Applications for Licences**

- (a) An application for a licence under this Part of these Local Laws shall be made in the form of application prescribed or provided by the Council for that purpose.
- (b) An application for the first issue of a licence, in respect of—
  - (i) an illuminated sign;
  - (ii) a pylon sign;
  - (iii) a clock; or
  - (iv) a hoarding;shall be accompanied by a plan drawn to a scale of not less than 1mm to 200mm, showing the position, design and method of construction of the thing for which the licence is sought.
- (c) An application for the first issue of a licence, in respect of a roof sign, shall be accompanied by a certificate from an architect or structural engineer certifying that the building upon which it is proposed to erect the sign is, in all respects, of sufficient strength to support the sign, under all conditions and that the sign is itself of structurally sound design.
- (d) Every applicant for a licence shall furnish, in writing, such further particulars as may be required by the surveyor.

**14.5.6 Licences**

- (a) Subject to 14.5.6(b) of this Local Law a licence issued pursuant to these Local Laws remains valid until any alteration is made to the sign in respect of which it issued, and in that event the licensee shall apply for a new licence.
- (b) A licence issued in respect of a hoarding is valid for the period of one year only.
- (c) A licence shall be in the form provided by the Council for that purpose.

**14.5.7 Licence Fees**

A licence shall be issued upon payment of the fee prescribed by the Council from time to time for a sign or hoarding of the kind applied for, but the payment of a licence fee pursuant to any Local Laws that were in operation prior to the coming into operation of these Local Laws is deemed to be a payment for the purposes of this section.

**14.5.8 Special Permits**

- (a) Notwithstanding anything contained in these Local Laws, the Council may, by permit under the hand of the surveyor, allow the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings, or other matters of public interest, upon such terms, and for such period, as the Council may, in each case, decide.
- (b) The Council may revoke any such permit at any time without assigning any reason therefor.
- (c) Upon the expiration or revocation of a permit issued under this Local Law, the person to whom it was issued shall forthwith remove the advertisement to which it relates.

*Division 6—General***14.6.1 No Obstruction to Doors, etc.**

A sign shall be not so erected as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.

**14.6.2 Licence Number**

Every advertising device shall bear on its face, in figures legible from the nearest street, the number of the licence under which it is erected or displayed.

**14.6.3 Offences**

- (a) Every person who erects a sign that does not comply with, or erects a sign in a manner contrary to, the provisions of these Local Laws commits an offence.
- (b) Every person who maintains a sign without a licence or in respect of which the licence has expired or been cancelled commits an offence.
- (c) Without prejudice to the provisions of 14.6.3(a) & (b) of this Local Law, the Council may serve on the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to these Local Laws; notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this Local Law commits an offence.

**14.6.4 Removal and Disposal of Signs Unlawfully Displayed**

- (a) The Council may remove any sign placed or erected, contrary to the provisions of these Local Laws, on any street or land vested in, or under the care or control of the Council and may, without incurring any liability therefore dispose of any sign so removed, in such manner as it thinks fit.
- (b) Where, in exercise of the power conferred by Subsection 14.6.4(a) of this Local Law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal, in any court of competent jurisdiction, from the person responsible for the placing or erecting of the sign.

#### 14.6.5 Penalties

Any person who is guilty of an offence against these Local Laws is liable to a penalty as prescribed by Council from time to time.

### PART 16—PARKING AND PARKING FACILITIES

#### *Division 1—Preliminary*

#### 16.1 Interpretation

16.1.1 In this Part unless the context otherwise requires—

“**Authorised Person**” means a person authorised by the Local Government under Section 9.10 of the Act, to perform the functions referred to in clause 16.33;

“**Authorised vehicle**” means a vehicle authorised by the Local Government, CEO, Authorised Person or by any written law to stand or park on a road or parking facility;

“**bicycle**” means any wheeled vehicle that is designed to be propelled solely by human power;

“**bus**” means an omnibus as defined by the *Road Traffic Act 1974*;

“**bus embayment**” has the meaning given to it in the Code;

“**caravan**” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“**carriageway**” means a portion of road that is improved, designed or ordinarily used for vehicles 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 those portions, separately;

“**centre**” in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

“**children’s crossing**” has the meaning given to it in the Code;

“**clause**” means a clause of this Local Law;

“**Code**” means the *Road Traffic Code 1975*;

“**commercial vehicle**” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of person, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“**driver**” means any person driving or in control of a vehicle;

“**emergency vehicle**” has the meaning given to it in the Code;

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

- (a) 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
- (b) 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 which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;

“**median strip**” has the meaning given to it in the Code;

“**motorcycle**” means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;

“**motor vehicle**” means a self-propelled vehicle that is not operated on rails, and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

“**no parking area**” means a portion of a carriageway that lies—

- (a) between two consecutive signs inscribed with the words “no Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking 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—

- (a) between two consecutive signs inscribed with the words “No Standing” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words “No Standing” or with an equivalent symbol depicting this purpose and the end of the carriageway in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“**obstruct**” means to interfere with or impede or hinder the passage of any vehicle or person and ‘obstruction’ has a corresponding meaning;

**“occupier”** has the meaning given to it in the Act;

**“owner”** where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act 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; and where used in relation to land has the meaning given to it by the Act;

**“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; and **“parking”** has a corresponding meaning;

**“parking area”** means a portion of a carriageway—

- (a) between two consecutive signs inscribed with the word “Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) extending from a sign inscribed with the word “Parking” or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing” or with an equivalent symbol depicting these purposes, or to the end of the carriageway or an area in which the parking or standing of vehicles is prohibited, and is on that side of the carriageway of the road nearest the sign;

**“parking facilities”** includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles but does not include a private garage;

**“parking region”** means that portion of the district which is specified in the Part 22 Schedule 16.1;

**“parking stall”** means a section or part of a street or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may stand or be parked;

**“parking station”** means any land, building or other structure provided for the purpose of accommodating vehicles, but does not include a private garage;

**“pedestrian crossing”** has the meaning given to it in the Code;

**“property line”** means a lateral boundary of a road;

**“public place”** means any place to which the public has access whether or not that place is on private property;

**“reserve”** includes any land vested in or any land under the care, control and management of the Local Government;

**“road”** means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land lying between the property lines including the street verge and footpath;

**“Road Traffic Act”** means the *Road Traffic Act 1974*;

**“Schedule”** means a Schedule to this Local Law;

**“sign”** includes a traffic sign, inscription, mark, structure or device approved by the Local Government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a road or within a parking station or reserve under the care, control or management of the Local Government, for the purpose of prohibiting, regulating, guiding, directing or restricting the standing or parking of vehicles;

**“special purpose vehicle”** means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Force, a motor breakdown service vehicle or a vehicle being used by a government authority or a Local Government in connection with its functions, but does not include an emergency vehicle;

**“stand”** in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law when the vehicle is being driven, and **“standing”** and **“stood”** have correlative meanings;

**“street”** has the same meaning as **“road”**;

**“street verge”** means the portion of a road which lies between the boundary of a carriageway and the adjacent property line;

**“symbol”** includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

**“taxi”** has the same meaning as **“taxi-car”** in section 47Z of the *Transport Co-ordination Act 1966*;

**“trailer”** means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

**“vehicle”** includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means.

**16.1.2** For the purposes of the application of the definitions **“no parking area”**, **“no standing area”** and **“parking area”** an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

**16.1.3** Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

**16.2.1** This Local Law applies to the parking region, including all parking stations and parking facilities in the parking region other than a parking facility or parking station that—

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

**16.2.2** A sign that—

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this Local Law within the district; and
- (b) relates to the parking or standing of vehicles within the parking region; shall be deemed for the purposes of this Local Law to have been erected by the Local Government under the authority of this Local Law.

**16.3** For the purpose of this Local law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis;
- (e) all other vehicles

**16.4** Where under this Local Law the standing or parking of vehicles in a street is controlled by a sign, the sign shall be read as applying to that part of the street which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the street nearest to the sign.

#### *Division 2—Parking Stalls and Parking Stations*

**16.5** The Local Government may by resolution constitute, determine and vary and also indicate by signs, from time to time—

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

**16.6.1** Subject to clause 16.6.2 a person shall not stand a vehicle in a parking stall in a street otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the street in which the stall is situated.

**16.6.2** Where a parking stall in a street is set out otherwise than parallel to the kerb, then a person must stand a vehicle in that stall wholly within it.

**16.7** Subject to clause 16.8, a person shall not park a vehicle or permit a vehicle to remain parked in any parking station that is set aside for vehicles of a different class.

**16.8** The Local Government may by resolution declare that the provisions of clause 16.7 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

**16.9** Unless otherwise directed by an Authorised Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

**16.10.1** A person shall not—

- (a) stand a vehicle so as to obstruct an entrance to, or an exit from a parking station, or a roadway within a parking station;
- (b) except with the permission of the Local Government or an Authorised Person stand a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to stand on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
- (d) stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with clause 16.10.4.

**16.10.2** In a Loading Zone, a person shall not—

- (a) stand a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or

- (b) stand a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.

**16.10.3** In paragraph (b) of 16.10.2 “goods” means an article or collection of articles weighing at least 13.6 kg and of which the cubic measurement is not less than 0.17m<sup>3</sup>

**16.10.4** No person shall stand or permit to stand any bicycle—

- (a) in a parking stall other than in a stall marked “M/C”; and
- (b) in such stall other than against the kerb.

*Division 3—Standing and Parking Generally*

**16.11** The Local Government may by resolution prohibit or regulate by signs or otherwise the parking and standing of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

**16.12.1** A person shall not stand a vehicle in a street or part of a street, or part of a parking station—

- (a) if by a sign it is set apart for the standing of vehicles of a different class;
- (b) if by a sign it is set apart for the standing of vehicles by persons of a different class; or
- (c) during any period when the standing of vehicles is prohibited by a sign.

**16.12.2** A person shall not stand a vehicle—

- (a) in a no standing area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
- (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

**16.12.3** A person shall not park a vehicle in a no parking area.

**16.12.4** A person shall not stand a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

**16.12.5** A person shall not, without the prior permission of the Local Government, the CEO, or an Authorised Person, stand a vehicle in an area designated by signs stating “Authorised Vehicles Only”.

**16.13** Subject to the provisions of Clauses 16.14 and 16.15, a person standing a vehicle on a carriageway shall stand it—

**16.13.1** In the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing.

**16.13.2** In the case of one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing.

**16.13.3** So that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle standing on the farther side of the carriageway.

**16.13.4** So that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law.

**16.13.5** So that it does not obstruct any vehicle on the carriageway.

**16.13.6** So that it is entirely within the confines of any parking stall marked on the carriageway.

**16.14** A person shall not stand a vehicle partly within and partly outside a parking area.

**16.15** Where the traffic sign or signs associated with the parking area are not inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to stand in a different position—

- (a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practical to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it at approximately right angles to the centre of the carriageway.

**16.16.1** This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person standing either a motor cycle without a trailer or a bicycle.

**16.16.2** Where a sign associated with a parking area is inscribed the words “angle parking” (or with an equivalent symbol depicting this purpose), a person standing a vehicle in the area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription of the parking sign or by marks on the carriageway.

**16.17.1** (a) This clause does not apply to a vehicle standing or parking in a metered space or a parking stall established by the Local Government, nor to a bicycle in a bicycle rack established by the Local Government;

- (b) Paragraphs (c), (e) and (g) of 16.17.2 do not apply to a vehicle which stands or parks in a bus embayment.

**16.17.2** A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny vehicles reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 9 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) on a bridge or other elevated structure or within a tunnel or underpass;
- (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 a 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;
- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.

**16.17.3** A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) 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
- (b) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box.

**16.17.4** A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) within 6 metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing or parked; or
- (b) alongside any excavation, works, hoarding, scaffolding or obstruction on the carriageway.

**16.17.5** A person shall not stand or park a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” or with equivalent symbols depicting these purposes unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children’s crossing established on a two-way carriageway; or
- (c) the nearest rail of a railway level crossing.

**16.17.6** A person shall not stand or park a vehicle so that any portion of the vehicle is within 18 metres of the approach side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” or with equivalent symbols depicting these purposes unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing or children’s crossing; or
- (c) the nearest rail of a railway level crossing.

**16.18.1** This clause does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials, collected from or delivered to the premises adjacent to the portion of the street verge on which the commercial vehicle is standing, but the commercial vehicle, by standing on the verge must not create a hazard for traffic or pedestrians.

**16.18.2** A person shall not—

- (a) stand or park or allow to stand or be parked a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle, so that any portion of it is on the street verge; or
- (b) stand a vehicle so that any portion of that vehicle is on a street verge during any period when the standing or parking of vehicles on that street verge is prohibited by a sign adjacent and referable to that street verge.

**16.18.3** Subject to clause 16.18.2, a person shall not stand a vehicle if any portion of the vehicle is on the street verge unless he or she is the owner or occupier of the premises adjacent to that street verge, or is a person authorised by the occupier of those premises to do so.

**16.19** The driver of a vehicle shall not stand that vehicle on any part of a street in contravention of this Local Law after an Authorised Person has directed the driver to move it.

**16.20.1** An Authorised Person may mark the types of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

**16.20.2** A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

**16.21.1** Where the standing or parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of standing or parking exceeds the maximum time allowed for standing or parking in the parking facility.

**16.21.2** Where the parking of vehicles in a street is permitted for a limited time, a person shall not move a vehicle along that street so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the street for at least two hours.

**16.22** A person shall not park a vehicle on any portion of a street—

- (a) if the vehicle is exposed for sale;
- (b) if that vehicle is not licensed under the *Road Traffic Act 1974*;
- (c) if that vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) 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 street.

**16.23.1** In this clause a reference to “land” means land that is not a street or parking facility.

**16.23.2** A person shall not park or stand a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked or standing.

**16.23.3** Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the standing or parking of vehicles of a specified class or classes on the land for a limited period, a person shall not stand or park or permit a vehicle to stand or be parked on the land otherwise than in accordance with the consent.

**16.24.1** No person other than an employee of the Local Government in the course of his or her duties or a person authorised by the Local Government shall drive, park or stand a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

**16.24.2** A person shall not park or stand a vehicle unless authorised by the Local Government—

- (a) on any part of a reserve, for the purposes of conducting a business; or
- (b) in front of or over any footpath constructed across a reserve.

**16.25.1** Where by a sign the standing of vehicles is permitted for a limited time on a portion of a street or parking facility, the Local Government, the CEO or an Authorised Person may, subject to the Code, permit a person to stand a vehicle in that portion of the street or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

**16.25.2** Where permission is granted under clause 16.25.1 the Local Government, the CEO or an Authorised Person may prohibit the use by any other vehicle on that portion of the street or parking facility to which the permission relates, for the duration of that permission.

#### *Division 4—Miscellaneous*

**16.26** An Authorised Person shall be furnished with a certificate of his or her appointment in a form determined by the Local Government from time to time.

**16.27** A person who is not an Authorised Person shall not in any way assume the duties of an Authorised Person.

**16.28** A person shall not in any way obstruct or hinder an Authorised Person in the execution of his or her duties.

**16.29** A person, other than the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

**16.30** A person shall not without the authority of the Local Government—

- (a) Mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the Local Government under this Local Law;
- (b) Remove, deface or misuse a sign or property, set up by the Local Government under this Local Law or attempt to do any such acts.
- (c) Affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up by the Local Government under this Local Law.

**16.31** An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under this Local Law.

**16.32.1** A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary presumed to be a sign marked, set up, erected, established or displayed under the authority of this Local Law.

**16.32.2** The first three letters of any day of the week when used on a sign indicate that day of the week.

**16.33** An Authorised Person may and is authorised by the Local Government to—

- (a) carry into effect the provisions of this Local Law;
- (b) report to the Local Government on the working effectiveness of this Local Law;
- (c) make inquiries and investigations concerning any alleged, purported, or actual offence against any of the provisions of this Local Law, with power to interview, question and obtain the full name and place of residence from persons wheresoever living in respect of offences and suspected offences within the district;
- (d) institute and conduct prosecutions for offences against this Local Law; and
- (e) issue any Infringement Notice.

**16.34** Notwithstanding anything to the contrary in this Local Law—

- (a) the driver of a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, stand or park the vehicle in any place, at any time; and
- (b) the driver of an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, stand or park the vehicle at any place, at any time.

*Division 5—Penalties*

**16.35.1** Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

**16.35.2** An offence against any provision of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.

**16.35.3** Any person who commits an offence under this Part of the Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

**16.36** For the purposes of this Local Law—

- (a) the form of the notice referred to in Section 9.13 of the Act is that of Form 1 in Part 22 Schedule 16.2;
- (b) the form of the infringement notice referred to in Section 9.17 of the Act is that of Form 2 in Part 22 Schedule 16.2;
- (c) the form of the infringement notice referred to in Section 9.17 of the Act which incorporates the notice referred to in Section 9.13 of the Act, is that of Form 3 in Part 22 Schedule 16.2;
- (d) the form of the notice referred to in Section 9.20 of the act is that of Form 4 in Part 22 Schedule 16.2.

**16.37** The amount appearing in the final column of Part 20.6.1 and 20.6.2 directly opposite an offence described in that Part is the modified penalty for that offence.

**16.38** A penalty for an offence against this Local Law (not being a modified penalty) may be recovered by the Local Government by taking proceedings against the alleged offender in a Court of Petty Sessions.

**16.39** The Local Government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

**PART 20—ENFORCEMENT OF LOCAL LAWS/PENALTIES***Division 1—Appointed Officers and Persons*

**20.1** It shall be a breach of these local laws for any person to hinder or interfere with an Authorised Person or an Authorised Officer acting in the course of a duty, power or function under these Local Laws.

**20.2 Identification**

An Authorised Person or an Authorised Officer shall on demand show an identification of that person as such.

*Division 2—Impounding*

**20.3** Where a Authorised Person places an animal or vehicle in a Local Government depot, public pound, or other place appointed for that purpose, the animal or vehicle shall thereafter be dealt with according to law.

**20.4.1** Every animal or vehicle seized under these Local Laws shall be entered into a register, provided by the Council for that purpose—

- (a) details of the time and date;
- (b) a description of the animal or vehicle; and
- (c) the place from which it was removed.

**20.4.2** An authorised person shall then notify, in writing, the last known owner of the vehicle that the vehicle can be collected during such hours as may be specified in the said notice, if no owner is known, notice detailing the particulars specified in Section 20.4.1 shall be exhibited for not less than seven (7) days on a public notice board at the Council.

**20.5.1** If the vehicle which has been removed to an appointed place is not collected within a period of two (2) months after the notice referred to in Section 20.4.2 was given, the vehicle may not be collected unless the costs incurred by Council in removing the vehicle to an appointed place and the holding of such vehicle in the appointed place, are paid.

**20.5.2** A person who removes a vehicle from an appointed place without complying with the provisions of Section 20.5.1, commits an offence.

**20.6** Where a vehicle or animal, which has been removed to an appointed place, has not been recovered by the owner or a person entitled thereto within two (2) months from the day notice was given in accordance with Section 20.4.2 of these Local Laws, the Council may cause the vehicle or animal to be offered for sale by public auction or by public tender and thereupon accept the best offer made, and where no offer is made for the purchase of the vehicle or animal the Council may cause it to be destroyed or otherwise disposed of to the best possible advantage.

**20.7** The proceeds of the sale of a vehicle or animal under the provisions of section 20.6 of this Part shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the cost of taking and maintaining the vehicle or animal in custody, and the daily rate specified by Council from time to time for each day or part of a day that the vehicle or animal remains in that place; and those sums shall be paid into the Local Government Fund.

**20.8 Surplus Moneys**

**20.8.1** Any surplus of the proceeds of the sale shall be paid by the Council into its Trust Fund, and may be paid within ten (10) years to any person who satisfies the Council that that person was the owner of the vehicle or animal at the time of its sale by the Council.

**20.8.2** Any surplus of the proceeds of the sale may, if not paid to the owners within ten (10) years, be paid into the Local Government Fund on the condition that the Council shall repay if from that Fund to a person claiming and establishing his or her right to the repayment.

**20.9** A person is not entitled to any claim, by way of damages or otherwise against an Authorised Person, a member of the Police Service, the Council or the Local Government in respect of any vehicle or animal seized and dealt with under the provisions of these Local Laws or against any person who purchases a vehicle or animal sold by the Council under the provisions of section 20.6.

*Division 3—Infringement Notices***20.10 Definitions**

For the purpose of this Division, the terms "Authorised Person" and "owner" have the meanings given to them in section 9.15 of the Act.

**20.11** These provisions for Infringement Notices apply only to such of these Local Laws as are made under the Act. Where Parts of these Local Laws are made under other statutes, any Infringement Notice provisions in those statutes shall apply to those Parts respectively.

**20.12** Notices and Infringement Notices issued pursuant to this Division shall be issued in the circumstances referred to in section 9.16(2) of the Act, and in accordance with the provisions of Part 9 Division 2 Subdivision 2 of the Act, and Part 5 of the Local Government (Functions and General) Regulations 1966, and the forms prescribed in the Regulations shall apply.

**20.13** Every breach of any of these Local Laws made under the Act is hereby prescribed as a breach in respect of which an infringement notice may be issued provided that the infringement notice procedure may only be adopted if the CEO or an Authorised Person under this Division is satisfied that the breach in the circumstances of the particular case has the characteristics referred to in paragraphs (a) and (b) of section 9.16 of the Act.

**20.14** An infringement notice may be withdrawn in the manner provided and subject to the provisions in section 9.20 of the Act and regulation 27 of the Local Government (Function and General) Regulations, and using the form prescribed in the Regulations.

**20.15** Where any Act allows an infringement notice to be issued in respect of an offence under these Local Laws and infringement notice may be issued in lieu of proceedings by way of Summons but upon failure of the offender to pay the modified penalty under the infringement notice proceedings may be commenced in Court without further notice.

**20.16** The amount of the penalty which may be provided in any infringement notice shall not exceed—

- (a) \$500 for an offence involving a breach of a Local Law made under the Act; and
- (b) the maximum amount permitted under the relevant Act in respect of any of these Local Laws made under the Act.

**20.17.1 Parking Local Laws Penalties** (*Local Government Act 1995*)

Item No.	Local Law	Parking Infringements—Nature of Offence	Modified Penalty
1	16.10(1)(a)	Obstruction in parking station	45
2	16.10(1)(b)	Stand contrary to sign in parking station	45
3	16.10(1)(c)	Park Contrary to Directions of Authorised Person	45
4	16.10(2)	Park in Loading Zone	40
5	16.12(1)(a)	Stand Wrong Class of Vehicle	35
6	16.12(1)(b)	Standing Vehicles of a Different Class	40
7	16.12(1)(c)	Standing During Prohibited Period	40
8	16.12(2)(a)	No Standing Anytime	45
9	16.12(2)(b)	Standing Contrary to Signs or Limitations	35
10	16.12(2)(c)	Stand Vehicle in Motor Cycle Only Area	35
11	16.12(3)	No Parking Anytime	40
12	16.13(1)	Fail to Park on the Left of Carriageway	35
13	16.13(2)	Fail to Park on Boundary of Carriageway	35
14	16.13(1)+(2)	Parking Against the Flow of Traffic	40
15	16.13(3)	Double Park	40
16	16.13(5)	Cause Obstruction	45
17	16.17(2)(a)	Double Park	40
18	16.17(2)(c)	Deny Access to Private Drive	40
19	16.17(2)(d)	Stand/Park beside obstruction so as to Obstruct Traffic	45
20	16.17(2)(e)	Stand/Park by Traffic Island	40
21	16.17(2)(f)	Stand/Park on Footpath/Pedestrian Crossing	45
22	16.17(2)(g)	Stand/Park on Bridge or in Tunnel	40
23	16.17(2)(i)	Stand/Park on Intersection	40
24	16.17(4)(a)	Stand/Park within 6 metres of Intersection	40

Item No.	Local Law	Parking Infringements—Nature of Offence	Modified Penalty
25	16.17(5)(a)	Stand/Park Vehicle within 9 metres of Departure Side of Bus Stop	45
26	16.17(6)(a)	Stand/Park Vehicle within 18 metres of Approach Side of Bus Stop	45
27	16.17(6)(b)	Stand/Park Vehicle within 18 metres of Approach Side of Pedestrian/Children's Crossing	45
28	16.18(2)(a)	Parking Commercial Vehicle on Verge	35
29	16.18(2)(b)	Parking on Verge	35
30	16.19	Refusal to Move Vehicle	45
31	16.22(c)	Parking a Trailer/Caravan on a Street	35
32	16.23(2)	Stand/Park on Land that is not a Parking Facility contrary to Owner's Consent	50
33	16.23(3)	Stand on Land not a Parking Facility	35
34	16.24(1)	Standing on Reserve	35
35	16.28	Hindering an Authorised Person	60
36		All other offences not specified	30

#### 20.17.2 Local Government *(Parking for Disabled) Persons Regulations 1988*

Item No.	Regulation	Parking for Disabled Infringements—Nature of Offence	Modified Penalty
1	3	Park or Stand a Vehicle in a Disabled Bay	60
2	7	Unauthorised use of an ACROD Sticker	70

#### 20.18 General Penalty Provision

	Local Law	General Infringements—Penalty of \$100.00 for each offence
<b>PART 3</b>		<b>Prohibited River or Reserve Activity</b>
1	3.3.1(d)	Fishing in prohibited area
2	3.4(r)(i)	Damage to dunes and environs
3	3.4(r)(ii)	Sandboarding or similar activity on dunes
4	3.4(ac)	Play or practice golf
5	3.6	Camp, erect a structure to sleep
6	3.6(c)	Light a fire
7	3.7	Drive, park or stand on a river or reserve
		<b>Jetties</b>
8	3.13.2	Drive and permit a vehicle to remain on a jetty (includes bicycle)
9	3.13.3	Fish from jetty or bridge to interfere with free movement of vessels, causing a nuisance
10	3.13.4(a)	Sell goods from jetty without consent
11	3.13.4(c)	Display a sign/advertisement or use of loud speaking device
12	3.13.4(e)	Dive/jump from a jetty/bridge
13	3.13.6	Deposit substance or object on jetty/bridge causing damage
14	3.13.10	Permitted vessel to remain alongside jetty without being moored or fastened
15	3.13.11(2)	Failed to remove vessel from a jetty
16	3.13.12	Moored a vessel to a jetty for repairs/maintenance without consent
17	3.13.14	Permit an animal to remain on/near a jetty
18	3.13.15	Launched or permit the launching of a vessel from a jetty
<b>PART 5</b>		<b>Stray Cattle</b>
19	5.1.2	Stray cattle in public place
20	5.1.5	Inadequate fencing to contain cattle
<b>PART 6</b>		<b>Streets and Public Places</b>
21	6.3(b)	Park a commercial vehicle, caravan, omni bus or trailer on street for more than 4 consecutive hours
22	6.3(c)	Repair, service a vehicle on a street verge
23	6.3(h)	Damage a lawn or garden on the street verge
24	6.4	Break up, damage any street, way, footpath
<b>PART 7</b>		<b>Street Numbers for Houses</b>
25	7.4	Failure to comply with requisition to paint, affix or maintain a street Number
26	7.6	Failure to comply with a notice specifying the location or locations of a street Number
27		All other breaches of Local Laws as described on the infringement

Local Law		General Infringements—Penalty of \$100.00 for each offence
<b>PART 11</b>		<b>Rubbish, Litter, Material, Things &amp; Vehicles</b>
28	11.2	Park, stood, leave, stored or disposed of a vehicle or part there-of, or machinery not in an approved area
<b>PART 12</b>		<b>Hawkers, Stallholders and Street Traders</b>
29	12.2	Operated as a Hawker without a licence
30	12.3	Operated as a Stallholder without a licence

**20.18.1** Any person failing to do any act directed to be done, or doing any act forbidden to be done by these Local Laws, or any notice or order under these Local Laws commits an offence.

**20.18.2** The maximum penalty in respect of—

- (a) an offence involving a breach of any of these Local laws made under the Act shall be \$5,000; and
- (b) an offence involving a breach of any of these Local Laws made under any other Act shall be the maximum penalty under that Act for a breach of Local Laws made under the authority of that Act.

**20.18.3** Subject to subsection 20.18.2 any person who commits a first offence under these Local Laws shall be liable, if no inconsistent penalty is provided by these Local Laws or any other law—

- (a) a minimum penalty of \$100.00 and a maximum penalty of \$1,000.00; and
- (b) in addition, if the Court thinks fit, a minimum daily penalty of \$10.00 per day and a maximum daily penalty of \$100.00 per day.

**20.18.4** Any minimum penalty or minimum daily penalty referred to in subsection 20.18.3 shall increase in severity by one-tenth for each successive breach of the same provision by the same offender but shall not in any event exceed the maximum provided in subsection 20.18.2.

**20.18.5** The imposition of any penalty pursuant to these Local Laws shall not be inconsistent with or repugnant to any of the provisions of the Act or any other law in force, and in the case of inconsistency the other law shall apply.

#### **20.19 Seizure of Articles Under Part 4**

An Authorised Person may in or on any place to which Part 3 applies, seize any device used for surf riding, including surf-ski, surf-board, malibu board, or boat where the device is being used contrary to the provisions of these Local Laws.

**20.20** Any device of the kind referred to in section 20.19 may be impounded after seizure for any period not exceeding 3 months as may be specified by the Authorised Officer to the person having the custody of such device immediately prior to the time of seizure.

**20.21** Where such device is not claimed by the owner thereof within to (2) months after the expiration of the period for which the device was impounded, the device may be sold by the Council and the proceeds of such sale may be applied towards recouping the costs of and incidental to impounding it.

**20.22** Where the costs referred to in section 20.21 exceed the cost of the impoundment then the excess shall be paid to the owner of the device or where the identity or whereabouts of that owner are unknown placed in a trust fund and dealt with in accordance with the relevant provisions of the Act.

#### *Division 5—General*

**20.23** No person shall, without the authority of the Council, mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these Local Laws.

**20.24** The Council shall not be liable or be held responsible for any injury, accident, loss, or damage whatsoever which occurs to or is sustained by any person, or any damaged or loss to any private property, while on any public park, land, or public reserve or other public place whatsoever under the care, control and management of the Council except in the case of negligence or breach of statutory duty by the Council.

### **PART 21—OBJECTIONS AND APPEALS AND MISCELLANEOUS**

#### **21.1 Rights Or Objections And Appeal**

**21.1.1** Where any provision is made for the granting issuing or giving of any licence, authorisation, registration, approval or consent or the like under these Local Laws, or for the refusal, refusal of renewal, or cancellation of the same, or for the imposition of conditions, then the rights of objection and appeal and the procedures associated with them provided for in Part 9 Division 1 of the Act shall apply, together with the relevant provision of the Local Government (Functions and General) Regulations 1996.

**21.1.2** The preceding subsection shall not apply to Part 6, except to the extent that there will be no inconsistency with the Acts under which those Parts are made, and to the extent that the rights of appeal provided by the Act are applicable.

#### **21.2 Forms**

Where provision is made for a form to be prescribed or provided, if none is prescribed or provided than a form appropriate to the circumstances will suffice if it provides information needed by the Council to perform its relevant function under these Local Laws.

**21.3 Fees**

Where provision is made for fees to be prescribed, if no fees are prescribed by the Council at the time the same fall due, the CEO shall assess a fee appropriate to cover the administrative expenses involved in the relevant Council function, and as soon as possible thereafter request the Council to prescribe the relevant fee or fees.

**21.4 Conditions**

If provision is made in these Local Laws for the granting or issuing of any licence, authorisation, registration, approval or consent or the like subject to conditions, the person to whom the same is granted issued or given and every other person operating under or within the terms of such licence, authorisation, registration, approval or consent or the like shall comply with such conditions and any failure to comply shall be a breach of this section and subject to the penalties applicable to the relevant Part of these Local Laws.

**PART 22—SCHEDULES*****Schedule 1.1*****GENERAL INFRINGEMENT NOTICE****SHIRE OF MURRAY**

Infringement No: .....

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

To: ..... Address: .....  
(surname) (given name)

Vehicle No: ..... Make: .....  
Model: .....

Place: .....

Date: ..... Time: ..... am / pm

It is alleged that you have committed the following offence—

of the Shire of Murray Consolidated Local Laws

Other breach: .....

Officer's name	Officer's signature	Modified Penalty	\$
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If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire Administration Centre, Shire of Murray, Pinjarra Road (PO Box 21, Pinjarra) 6208, within a period of 28 days after the giving of this notice.

If you take no action this infringement notice 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 matters is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your 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.

***Schedule 1.2*****GENERAL WITHDRAWAL OF INFRINGEMENT NOTICE****SHIRE OF MURRAY**

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

To: ..... Address: .....  
(surname) (given name)

Infringement  
Notice No: ..... in respect of

Vehicle No: ..... Make: .....  
Model: .....

Place: .....

Date: ..... Time: ..... am / pm

For the alleged offence of

of the Shire of Murray Consolidated Local Laws

**has been withdrawn.**

The modified penalty of

\* No further action will be taken

\* it is proposed to institute court proceedings for the alleged offence

\* **delete as appropriate**

**Authorised Officer**

Title: .....

Name: ..... Signature: .....

### ***Schedule 16.1***

*Parking and Parking Facilities Local Law*

#### **PARKING REGION**

The parking region is the whole of the district as altered from time to time under the Act, but excludes the following portions of the District—

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads; and
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the Local Government.

### ***Schedule 16.2***

Form 1

*Parking and Parking Facilities Local Law*

#### **NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

SHIRE OF MURRAY

Infringement No: .....

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

To: ..... Address: .....  
(surname) (given name)

Vehicle No: ..... Make: .....  
Model: .....

Place: .....  
Date: ..... Time: ..... am / pm

It is alleged that your vehicle was involved in the commission of the following offence—

of the Shire of Murray Consolidated Local Laws (Parking and Parking Facilities) **OR** (Parking for Disabled) Persons Regulation 1988

Details: .....  
.....

Officer's name	Officer's signature	<b>Modified Penalty</b>	<b>\$</b>
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You are required under Section 9.13 of the *Local Government Act 1995* 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.



It is alleged that you have committed the following offence—

of the Shire of Murray Consolidated Local Laws (Parking and Parking Facilities) **OR** (Parking for Disabled) Persons Regulation 1988

**Other breach:** .....

Officer's name	Officer's signatures	Modified Penalty	\$
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If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire Administration Centre, Shire of Murray, Pinjarra Road (PO Box 21, Pinjarra) 6208, within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice;

- (a) you pay the modified penalty; or
- (b) you—
  - (i) inform the Chief Executive Officer or another authorised officer of the Shire as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
  - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice 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 the above address is not your current address, or if you change your 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.

### **Schedule 16.2**

#### **Form 4**

#### *Parking and Parking Facilities Local Law*

#### **WITHDRAWAL INFRINGEMENT NOTICE**

#### **SHIRE OF MURRAY**

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

To: ..... Address: .....  
(surname) (given name)

#### **Infringement**

Notice No: ..... in respect of

Vehicle No: ..... Make: .....  
Model: .....

Place: .....

Date: ..... Time: ..... am / pm

For the alleged offence of

of the Shire of Murray Consolidated Local Laws (Parking and Parking Facilities)

**has been withdrawn.**

The modified penalty of

- \* No further action will be taken
- \* it is proposed to institute court proceedings for the alleged offence
- \* **delete as appropriate**

#### **Authorised Officer**

Title: .....

Name: ..... Signature: .....

The Common Seal of the Shire of Murray was hereunto affixed by authority of a resolution of Council in the presence of—

Dated 26 August, 1999.

NOEL H. NANCARROW, Shire President.  
N. G. LEACH, Chief Executive Officer.

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