



PERTH, FRIDAY, 13 FEBRUARY 2004 No. 27 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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LOCAL GOVERNMENT ACT 1995

SHIRE OF SERPENTINE-JARRAHDAL

**LOCAL LAW RELATING TO KENNEL AND CATTERY
ESTABLISHMENTS**

LOCAL LAW RELATING TO THE KEEPING OF DOGS

**LOCAL LAW RELATING TO LIVESTOCK IN PUBLIC
PLACES AND WANDERING AT LARGE**

PARKING FACILITIES LOCAL LAW

**LOCAL LAW RELATING TO UNSIGHTLY LAND AND
REFUSE, RUBBISH OR DISUSED MATERIALS ON LAND**

LOCAL GOVERNMENT ACT 1995**SHIRE OF SERPENTINE-JARRAHDALÉ****LOCAL LAW RELATING TO KENNEL AND CATTERY ESTABLISHMENTS**

In pursuance of the powers conferred upon it by the *Local Government Act 1995* as amended and the *Dog Act 1976* as amended, and under all other powers enabling it, the Shire of Serpentine-Jarrahdale resolved on the 27th of January 2004 to make this local law.

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the Shire of Serpentine-Jarrahdale “Local Law relating to Kennel and Cattery Establishments”. Councils previous “Local Law relating to the Keeping of Dogs” dated the 12th of September 1988 is hereby revoked.

2. Definitions

In this local law unless the context otherwise requires—

- “Act” means the *Local Government Act 1995* as amended;
- “Local Government” means the Shire of Serpentine-Jarrahdale;
- “TPS” means Council’s Town Planning Scheme amended;
- “Applicant” means the person who makes an application for an approved kennel or cattery establishment licence;
- “approved kennel or cattery establishment” means the kennel, cattery, yards, module and premises which has an approved kennel or cattery licence;
- “kennel or cattery licence” means a license granted by the Local Government to an applicant;
- “licencee” mean a person who holds a licence to operate a kennel or cattery establishment;
- “module” means the fixed compartment or secured area in which a cat is contained and kept;
- “yards” means the area in which modules are kept or a secure area in which dogs or cats are exercised, kept or contained.

PART 2—KEEPING OF DOGS AND CATS**3. Numbers of Dogs Kept**

The owner or occupier of any land within the district shall not, unless the premises have been granted exemption under section 26(3) of the *Dog Act 1976* as amended, keep, or permit to keep more than two dogs over the age of three months and the young of those dogs under that age unless such premises are—

- (a) situated within the zone approved for the establishment of a kennel under the Local Government TPS; and
- (b) licenced as an approved kennel establishment pursuant to these Local laws.

4. Numbers of Cats Kept

The owner or occupier of any premises within the district shall not keep more than three (3) cats or allow to be kept, cats for the purpose of boarding, breeding or commercial activities relating to the keeping of cats, unless such premises are—

- (a) situated within the zone approved for the establishment of catteries under the Local Government Town Planning Scheme; and
- (b) licenced as an approved cattery establishment pursuant to these Local Laws

5. Application for a Kennel or Cattery Licence

Application is to be made to the Local Government to licence and operate a Kennel or a Cattery Establishment—

- (a) an application for a licence and to operate kennel or cattery establishment shall be submitted in writing in the form of the First Schedule of this Local Law;
- (b) the applicant shall submit plans showing the specifications of the kennels, modules and yards and to include the distance of the kennels, modules and yards to the property boundaries and other information as the Local Government may require;

- (c) the Local government must be in receipt of a Development Application in accordance with the TPS;
- (d) no person shall erect a kennel or cattery establishment until plans, specifications and location plan showing the proposed site for such a kennel or cattery establishment have been approved by Council in their entirety;
- (e) the Local Government may not approve or licence a kennel or cattery until the applicant has advertised in a public newspaper the intention to establish a kennel or cattery upon the property or premises and the Local Government has considered any objection raised in relation to the application.

6. Approval of a Kennel or Cattery Establishment and Licence

- (a) On the granting of the Development Application and the Kennel or Cattery Licence, and subject to compliance with the conditions required by this Local Law and the Development Application, the kennel or cattery establishment shall be deemed to be licenced and the licensee shall thereafter cause to be paid to the Local Government an annual licence renewal fee in the amount prescribed in the Schedule of Fees and Charges as determined annually;
- (b) the licensee shall, before payment of the annual licence fee, have the kennel or cattery establishment inspected by an officer of the Local Government and make written application for a renewal for a kennel or cattery establishment licence as prescribed in the Third Schedule of this Local Law;
- (c) subject to the provisions of the *Dog Act 1976*, Town Planning Act and the Local Government Local Law and Town Planning Scheme, the Local Government may grant or refuse a kennel or cattery establishment licence and if approved the Local Government shall issue a Kennel or Cattery Licence to the applicant in the form set out in the Second Schedule of this Local Law;
- (d) the Local Government shall not permit the establishment or maintenance of a kennel establishment in any area if in the opinion of the Local Government such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to adjoining residents and land.

7. Conditions Applied to a Kennel Establishment and Licence

The applicant and licensee shall ensure that the approved kennel establishment complies with the following conditions and to the satisfaction of the Local Government—

- (a) each kennel shall have a yard appurtenant thereto;
- (b) each kennel and each yard and every part thereof shall not be at any less distance than 9 metres from the boundaries of the land in the occupation of the owner;
- (c) each kennel and each yard and every part thereof shall not be at any less distance than 14 metres from any road or street;
- (d) each kennel and each yard and every part thereof shall not be any less distance than 18 metres from any dwelling, house, church, schoolroom, hall or factory;
- (e) the walls shall be rigid, impervious and structurally sound;
- (f) the roof shall be constructed of approved impervious materials;
- (g) all untreated external surfaces of kennels shall be painted and kept painted with good quality paint;
- (h) the lowest internal height shall be at least 1.8 metres from the floor;
- (i) each yard shall be securely fenced and kept securely fenced with a fence not less than 1.8 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
- (j) all gates shall be provided with proper catches or means of fastening;
- (k) the upper surface of the floor of each kennel shall be set at least 100 mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the Health requirements of the Council;
- (l) the floor of any yard which is floored shall be constructed in the same manner as the floor of any kennel as provided in the preceding subsection (k);
- (m) for each dog kept therein every kennel shall have not less than 1.8m² of floor space and every yard not less than 2.3m²;
- (n) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and regularly cleaned and disinfected or when so ordered by an Officer of Council.

8. Conditions Applied to a Cattery Establishment and Licence

The applicant and licensee shall ensure that the approved cattery establishment complies with the following conditions and to the satisfaction of the Local Government—

- (a) cats shall be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens. Cats must be housed singly except in the case of compatible cats from the same household with the written agreement of the owner.
- (b) walk-in modules must have a minimum floor area of 1.5 square metres and contain at least two levels including raised sleeping quarters. This size is for one cat only and an additional

- one square metre floor space is required for a second cat. No more than two cats may be housed together in this type of accommodation;
- (c) cats may be multiple housed in colony pens. Each cat shall have a floor area of two square metres plus an individual sleeping area. Only desexed compatible cats should be housed in this type of accommodation;
 - (d) each module and every part thereof shall not be at any less distance than nine metres from the boundaries of the land in the occupation of the owner;
 - (e) each module and each yard and every part thereof shall be behind the house line;
 - (f) the walls shall be rigid, impervious and structurally sound;
 - (g) the roof shall be constructed of approved impervious materials;
 - (h) all untreated external surfaces of cattery shall be well maintained and aesthetically suitable as not to detract from the local environment and amenity;
 - (i) the lowest internal height shall be at least 1.65 metres from the floor;
 - (j) each yard shall be securely fenced and kept securely fenced with a fence not less than 1.65 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
 - (k) all doors shall be provided with proper catches or means of fastening;
 - (l) the upper surface of the floor shall be set at least 75mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100. All modules and yards shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the Health requirements of the Council;
 - (m) the floor of any yard shall be established and maintained to ensure a safe and hygienic environment;
 - (n) all modules and yards and all feeding and drinking vessels shall be maintained in a clean condition and regularly cleaned and disinfected or when so ordered by an officer of Council.

PART 3—GENERAL CONDITIONS

9. Licence

Where the Council grants approval to a kennel or cattery establishment, the following provisions shall apply—

- (a) the approval shall be to the applicant and licensee and shall not be transferred to or assigned to any other person;
- (b) the approval shall not run with the land in respect of which it was granted;
- (c) the person to whom approval is given by the Local Government to carry on a kennel or cattery use shall not carry on that use at any premises other than the land in respect of which the approval is granted;
- (d) if a kennel or cattery use has been carried on with the approval of the Local Government and if in the opinion of the Local Government such use is causing a nuisance or annoyance to adjoining land owners or occupiers, the Local Government may refuse, withdraw or not renew an approval or license;
- (e) where a combined kennel and cattery exists, the facilities shall be physically separated by sufficient distance as to minimise the possibility of the spread of disease or parasite infestation. Change of staff outer garments should be available at each facility, in addition a facilities shall be available to disinfect footwear.

10. Penalties

Any person failing to comply with the provisions of this Local Law or the *Dog Act 1976* as amended, commits an offence and shall upon substantiation of an offence may be liable for a penalty—

- (a) as prescribed by the *Dog Act 1976* as amended; and
- (b) cancellation or withdrawal of the kennel or cattery licence.

11. Refusal of an Application

Subject to the provisions of the *Dog Act 1976* as amended and Local Government Local Law, the Local Government may refuse an application. If an application has been refused by the Local Government, the applicant may lodge a written objection to the Chief Executive Officer of the Local Government within 28 days of notification of the decision in accordance with Section 26 (5) of the *Dog Act 1976* as amended.

First Schedule

APPLICATION FOR KENNEL / CATTERY ESTABLISHMENT LICENCE

Type of Licence: Kennel / Cattery / Combined (tick as applicable)

Applicant's name:

Applicant's address:

.....

Location, lot number and street name:

.....

Area of land:

Proposed number of dogs / cats:

Number and type of buildings:

Effluent disposal system:

Facilities for handlers:

.....

I/We undertake to comply with the provisions of Council's Local Law Relating to Kennel and Cattery Establishments (copy attached)

Signature/s:

.....

NOTE: Site plan to be enclosed.

Second Schedule

APPROVED KENNEL / CATTERY ESTABLISHMENT LICENCE

Licence number:

Date:

This is to certify that:

Has been granted a licence in respect of those premises situated at:

.....

as an approved kennel or cattery establishment for the keeping of a maximum of dogs / cats

For the period of:..... to

Chief Executive Officer:..... Date

Third Schedule

APPLICATION FOR KENNEL / CATTERY ESTABLISHMENT LICENCE RENEWAL

Applicant's name;

Applicant's address:

.....

Location, lot number and street name:

.....

Telephone number:

Area of land:

Date of initial approval:

Number of Dogs or Cats licensed

* Pups or Kittens under the age of three months need not be counted

I wish to apply for an amended license to allow keeping of (number) dogs or cats

I certify that facilities provided are adequate to prevent dogs or cats from escaping from the property.

The Council Ranger may inspect the kennel or cattery at the date/time listed below:

.....

NOTE: All inspections to be completed prior to 1st December

The Annual License fee is due and payable 1st November is enclosed.

Signature/s:

.....

Date:

Return to: Chief Executive Officer, Shire of Serpentine-Jarrahdale.

Dated the 30th day of January in the year 2004.

The Common Seal of the Shire of Serpentine-Jarrahdale was hereto affixed by the authority of a resolution of the Council in the presence of—

D. L. NEEDHAM, Shire President.
 D. E. PRICE, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995
DOG ACT 1976**

SHIRE OF SERPENTINE-JARRAHDALÉ

LOCAL LAW RELATING TO THE KEEPING OF DOGS

PART 1—PRELIMINARY

In pursuance of the powers conferred upon it by the *Dog Act 1976* as amended and under all other powers enabling it, the Shire of Serpentine-Jarrahdale hereby resolved on the 27th of January 2004 to make this Local Law.

1. Citation

This local law may be cited as the Shire of Serpentine—Jarrahdale Local Law relating to the Keeping of Dogs. The previous “Local Laws relating to the Keeping of Dogs” dated the 12th of September 1988 is hereby revoked.

2. Definitions

In this local law unless the context otherwise requires—

- “act” means the *Local Government Act 1995* as amended;
- “local government” means the Shire of Serpentine-Jarrahdale;
- “schedule of fees and charges” as amended by the Local Government annually;
- “applicant” means a person who makes an application to keep more than two (2) registered dogs on a premises or property;
- “Owner” means—
 - (i) a person who by legal definition “is in ownership” of the dog or dogs;
 - (ii) a person in control or possession of the dog or dogs;
 - (iii) a person who ordinarily occupies the land where the dog or dogs are permitted to stay or reside.

PART 2—IMPOUNDING OF DOGS

3. Impound of Dogs

- (i) The Council may establish and maintain a pound or pounds for the impound of dogs seized pursuant to the provisions of the *Dog Act 1976* as amended;
- (ii) a dog may be seized by a Police Officer, Ranger or by a person authorised by the Local Government and may be placed in a pound;
- (iii) the charges payable in relation to the seizure and impounding of a dog and maintenance are specified in the Local Government Schedule of Fees and Charges;
- (iv) if the owner or person acting on behalf of the owner of a seized or impounded dog claims such a dog, then upon payment of the prescribed fees as specified in the Local Government Schedule of Fees and Charges, the dog shall be released to such a person, providing satisfactory evidence of ownership or authority to take delivery of the dog is provided. The Ranger, Pound Keeper, or person authorised by the Council may accept such proof as is considered satisfactory, and no person shall have the right of appeal or action against such persons or the Local Government in respect of the delivery of a dog in good faith;
- (v) the Pound Keeper shall be in attendance at the pound for the release of dogs at such times and such days of the week as shall from time to time be determined by the Local Government;
- (vi) if the Local Government destroys a dog at the request of its owner, that owner shall pay fees as specified in the Local Government Schedule of Fees and Charges. This charge is payable regardless of whether the dog has been detained, impounded or not;
- (vii) the payment of fees in respect of the care, detention or euthanasia of a dog, shall not relieve the owner of liability to a penalty under any of the provisions of the *Dog Act 1976* as amended or this Local Law;
- (viii) no person shall—
 - (a) unless a Pound Keeper, a Ranger or an officer duly authorised by the Local Government, release or attempt to release a dog from a pound;
 - (b) destroy, break into, damage or in any way interfere with or render not dog proof an impound facility;
 - (c) destroy, break into, damage or in any way interfere with any dog, cart, vehicle or container used for the purpose of catching, holding or conveying dogs which have been seized.

PART 3—KEEPING OF MORE THAN TWO REGISTERED DOGS**4. Application to keep more than Two Dogs**

- (a) Any application for an approval to keep more than two (2) registered dogs and six (6) dogs or less shall be submitted in writing;
- (b) the applicant shall submit plans showing the specifications and location of fencing and yards in relation to the boundaries and dwellings and proximity to the adjoining properties and other information as the Council may require.

Any application relating to the following circumstances will be considered a Kennel and will require a Development Application and Planning approval in accordance with Councils Local Law Relating to Kennels and Catteries and Town Planning Scheme 2—

- (i) keeping of more than six dogs;
- (ii) keeping more than two (2) dogs for the purpose of breeding or commercial gain or enterprise;
- (iii) where in the same ownership, within the Shire of Serpentine-Jarrahdale or another municipality, the number of dogs registered with the same ownership, joint ownership, business, kennel establishment, company or affiliation exceeds the number of dogs permitted, being six (6) registered dogs.

5. Conditions

Where the Council grants approval to keep more than two registered dogs on a premises or property, the following conditions and provisions apply, the applicant shall comply with the following conditions and any other conditions and or provisions as determined by the Local Government—

- (a) the approval shall be to the applicant and is not be transferred to or assigned to any other person, company or organisation;
- (b) that the applicant comply with provisions of the *Dog Act 1976*, *Dog Regulations 1976* (as amended) and Local Law;
- (c) the person to whom approval is given by the Local Government shall not carry on that approval at any premises other than the land in respect of which the Local Government approval is granted.

6. Refusal of an Application

Subject to the provisions of the *Dog Act 1976* as amended and Local Government Local Law, Local Government may refuse an application. If an application has been refused by the Local Government, the applicant may lodge a written objection to the Chief Executive Officer of the Local Government within 28 days of notification of the decision in accordance with Section 26 (5) of the *Dog Act 1976* as amended.

PART 4—PERMITTED NUMBERS AND RESTRICTIONS IN CERTAIN AREAS**7. Permitted Numbers in Certain Areas**

The permitted number of dogs in certain areas without approval of Council—

- (a) areas zoned urban development, residential, commercial, industrial, showroom, warehouse, special residential, special rural, rural living A & B, farmlet, special use zone and conservation zone—up to a maximum of two (2) registered dogs permitted;
- (b) areas zoned rural and in receipt of Urban Farmland Concession and of one (1) kilometre from a townsite or an urban area—up to a maximum of four (4) registered dogs permitted.

8. Restrictions in Certain Areas

The owner or person liable for control of a dog, with the exception of State or Federal Police Dogs or bona fide guide dogs for the blind or partially blind, hearing dogs, and guide or hearing dogs accompanied by their trainers, shall prevent that dog entering or being in or upon any of the following—

- (a) a public building;
- (b) a theatre or picture garden;
- (c) a house of worship;
- (d) a shop or other public business premises;
- (e) a reserve which is enclosed fully by fencing so as to restrict access by attending public;
- (f) any public or private area prohibiting dogs;
- (g) any Local Government Reserve when there is an organized function or where posted signs indicate a restriction on use.

PART 5—GENERAL CONDITIONS AND PENALTIES**9. General Conditions and Penalties**

Any person in ownership of a dog is subject to the provisions of the *Dog Act 1976* as amended, *Dog Regulations 1976* as amended and Local Government, Local Law Relating to the Keeping of Dogs and are therefore liable for any breach or offence relating provisions of this Act, Regulation or Law and may be subject to the prescribed penalties as defined and amended.

10. Court and Enforcement Proceedings

- (i) A person who has received an infringement, penalty or notice from the Local Government has the option to contest the penalty in the Local Court and should advise the Local Government in writing within 28 days of the issue of the penalty or notice;
- (ii) failure to pay an infringement or penalty within 28 days of the date of issue will result in the matter being referred to the Fines Enforcement Registry and may also result in Local Court proceedings being undertaken the by Local Government.

11. Withdrawal of an Infringement Notice Penalty

An Owner may request the withdrawal of infringement notice or prescribed penalty, the request is to be in writing to the Chief Executive Officer of the Local Government.

Dated the 30th day of January in the year 2004.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by the authority of a resolution of the Council in the presence of—

D. L. NEEDHAM, Shire President.
D. E. PRICE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF SERPENTINE-JARRAHDALÉ

**LOCAL LAW RELATING TO LIVESTOCK IN PUBLIC PLACES
AND WANDERING AT LARGE**

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Serpentine-Jarrahdale resolved on the 27th of January 2004 to make this Local Law.

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the Shire of Serpentine-Jarrahdale “Local Law relating to Livestock in Public Places and Wandering at Large”.

2. Definitions

In this local law unless the context otherwise requires—

“act” means the *Local Government Act 1995* as amended;

“local government” means the Shire of Serpentine-Jarrahdale;

“public place” means any land or lands which are vested or within the management or control of the Local Authority which is accessed by the public: being facilities, reserves, road reserves, public accessways, public open space or other lands as designated or determined by Council, Council’s Town Planning Scheme 2 as amended;

“livestock” means any animal determined as Livestock by the *Stock (Identification) Act 1970* as amended and shall include all cattle, horses, pigs, sheep, goats, camels, alpaca, llama, ostrich and other breeds as determined by this Act;

“Owner” means—

- (i) a person who by legal definition “is in ownership” of the livestock;
- (ii) a person in possession of the livestock;
- (iii) a person in control of the livestock;
- (iv) a person who ordinarily occupies the Land where the livestock is permitted to stay.

PART 2—GENERAL**3. An owner shall not—**

- (1) allow any animal which has a contagious or infectious disease, parasitic infection to be in any public place at any time or to come from any quarantined premises, property or district without veterinary clearance;
- (2) train or race any animal in a thoroughfare or public place that has not been designated, vested or leased for that purpose;
- (3) allow livestock to be tethered in any public place without written approval from the local government;
- (4) allow livestock to be tethered or kept in any thoroughfare or accessway;
- (5) allow livestock to be unsupervised in any public place;
- (6) allow livestock to wander at large: Which shall mean, knowingly or willingly set animals free or by creating a means or opportunity for which livestock is able to wander at large;
- (7) cause livestock to wander at large: Which shall mean, failing to provide adequate fencing or gates, or by failing to repair or keep in good condition fencing or gates required to contain livestock within a property boundary.

4. Exemptions to Part 2 Section 3 of this Local Law are—

Droving of livestock is permitted under certain conditions—

- (i) in accordance with the *Local Government (Miscellaneous Provisions) Act 1960* as amended;
- (ii) in accordance with regulation 1702A and 1703 of the *Road Traffic Code 2000*.

Grazing of livestock may be permitted where written approval has been granted by the Local Government to tether or fence livestock to graze certain public lands during daylight hours and will be subject to the following condition—

- (iii) that the subject land is not a thoroughfare or accessway;
- (iv) that the subject land is not classified for conservation;
- (v) subject livestock does not exceed the prescribed stocking limit;
- (vi) subject livestock is compatible with land subject of the application;
- (vii) a Local Government officer may withdraw or cancel an approval to graze or tether livestock in public places immediately and without notice;
- (viii) the grazing or tethering of livestock in public places may only occur during daylight hours, being between the hours of 0630 and 1730. The subject livestock shall be placed within the owners property boundary at all other times.

PART 3—PENALTIES

5. Breach for allowing Livestock to Wander at Large

An owner commits a breach if livestock is allowed to wander at large or be in a public place without consent of the Local Government.

Penalty—

- (1) \$200; and
- (2) offending livestock being impounded by the Local Government.

6. Contravention leading to Impound and Recovery of Charges, Fees and Costs

Contravention of this Local Law may result in offending Livestock being impounded by the Local Government, the owner is responsible for Charges, Fees and other reasonable Costs for the impound, maintenance and sustenance of the Livestock in accordance with the Local Government Schedule of Fees and Charges as amended annually.

Dated the 30th day of January in the year 2004.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by the authority of a resolution of the Council in the presence of—

D. L. NEEDHAM, Shire President.
D. E. PRICE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF SERPENTINE-JARRAHDALÉ

PARKING FACILITIES LOCAL LAW

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and all other powers enabling it, the Shire of Serpentine-Jarrahdale resolved on the 27th of January 2004, to make this local law.

PART 1—PRELIMINARY

1. Citation

This local law may be cited as the Shire of Serpentine-Jarrahdale Parking Facilities Local Law. Councils previous "Parking Facilities Local Law" dated the 30th of September 1997 is hereby revoked.

2. Definition

In this local law unless the context requires otherwise—

- "Act" means the *Local Government Act 1995* as amended;
- "appointed place" means a place appointed by the Council to which vehicles causing an obstruction may be removed;
- "AS" means Australian Standard published by the Standards Association of Australia;
- "authorised person" means a person appointed by the Council to administer the local law;
- "authorised vehicle" means a vehicle authorised by the Council or an authorised person to stand or park on a road, which is designated by signs to be used for parking by authorised vehicles only;
- "bicycle" means any 2 or 3 wheeled vehicle that is designed to be propelled—
 - (a) solely by human power, or
 - (b) a 2-wheeled or 3-wheeled vehicle that is a power assisted pedal cycle;
- "carriageway" means a portion of the road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles. Where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately;
- "CEO" means the Chief Executive Officer of the Shire of Serpentine-Jarrahdale;
- "Council" means the Council of the Shire of Serpentine-Jarrahdale;
- "driver" means any person driving or in control of, a vehicle or animal;
- "emergency access way" means a clearway for the use of emergency vehicles;
- "footpath" includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
- "median strip" means—
 - (a) any physical provision, dividing a road to separate vehicular traffic proceeding in opposite directions;
 - (b) any physical provision, including a traffic island designed to separate parked vehicles from vehicular movement areas;
- "member of the Police Service" means a member of the Police Service of Western Australia;
- "Minister" means the Minister for Local Government;
- "Notice" means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to clauses 25-27 inclusive of this local law;
- "owner" of a vehicle means the person who is the holder of the requisite vehicle license under the Road Traffic Act in respect of that vehicle, or the person who is entitled to the possession of the vehicle;
- "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 correlative meaning;
- "parking facilities" includes land, buildings, shelters, parking spaces and any other facilities open to the public generally for the parking of vehicles with or without signs used in conjunction with those things;

“parking region” means the whole of the Shire of Serpentine-Jarrahdale excluding the following portions—

- (a) prohibition areas applicable to all bridges and subways;
- (b) any roads which come under the control of the Commissioner of Main Roads;

“parking space” means a section or part of a road, reserve which is marked or defined by painted lines, by metallic studs or by similar devices for the purpose of indicating where vehicles may stand or park whether on payment of a fee or charge or otherwise;

“reserve” means any land, other than street reserves, owned by, vested in or otherwise under the care, control or management of the local government;

“reserve car park” means any portion of a reserve set aside by the Shire for the purpose of the standing or parking of vehicles whether on payment of a fee or charge or otherwise;

“road” means any road, street, land, thoroughfare or similar place within the parking region and includes all of the land lying between the property lines including street verge and footpath;

“Road Traffic Code” means the *Road Traffic Code 2000* as amended;

“Shire” means the Shire of Serpentine-Jarrahdale;

“sign” means a traffic sign, mark or structure, symbol or device placed, erected on or near a road, or a reserve for the purpose of regulating, directing or guiding parking of vehicles;

“stand” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law and “standing” has a correlative meaning;

“street” has the same meaning as road;

“symbol” means a letter, figure or other character or mark or combination of letters or such like, without limiting the generality of the foregoing includes any symbol issued or specified by the Australian Standard 1742.11-1989 for use in the regulation of parking;

“vehicle” includes—

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

3. Application of Local Law

This local law shall apply to all parking facilities in the parking region. However, the provisions of this local law shall not apply to any parking facility—

- (a) which is not owned, controlled, nor occupied by the Shire, or
- (b) which although owned by the Shire is leased to another person.

4. Vehicle Classification

For the purpose of this local law, vehicles are—

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

5. Application of Signs

(1) Where the standing or parking of vehicles in a street is regulated by a sign, then the sign shall for the purpose of the local law apply to that part of the street which—

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

(2) For the purpose of this local law a sign may prohibit or regulate parking or standing by the use of any symbol or other traffic control device in accordance with AS.1742.11.

PART 2—PARKING ON ROADS

6. Establishing and Amending Parking Provisions

The Council may by resolution constitute, determine, vary and indicate by signs—

- (a) prohibitions;
- (b) regulations; and
- (c) restrictions

on the parking and standing of vehicles in all roads, specified roads or specified parts of roads in the parking region.

7. Parking Contrary to Signs

(1) A person shall not stand a vehicle on a road or part of a road—

- (a) upon which the standing of vehicles is prohibited at all times by a sign;
- or
- (b) upon which the standing of vehicles is prohibited at that time by a sign.

- (2) A person shall not park a vehicle on a road or part of a road—
- (a) upon which the parking of vehicles is prohibited at all times by a sign;
 - or
 - (b) upon which the standing of vehicles is prohibited at that time by a sign.
- (3) Subject to clause 13, a person shall not stand or park a vehicle on any part of a road whether or not that part is marked as a parking space, for more than 24 hours or a time specified by signage.
- (4) A person shall not stand or park a vehicle or permit a vehicle to stand in a street or reserve car park—
- (a) which is by any sign thereon or adjacent thereto set apart for the standing or parking of vehicles of a different class;
 - (b) if by any sign the standing of vehicles is prohibited or restricted during any period or periods, during such period or periods;
 - (c) which is by any sign designated “Authorised Vehicles Only” or “Council Vehicles Only”, unless the person first obtains the permission of the Council, the Chief Executive officer or an authorised person.

8. Occupied Parking Spaces

A person shall not stand or park or attempt to stand or park a vehicle in a parking space on which another vehicle is standing or parking.

9. Median Strip and Traffic Islands

A person shall not stand or park a vehicle on any part of a road so that any portion of the vehicle is—

- (a) on a median strip;
- (b) adjacent to a median strip otherwise than in a parking space.

10. Parking Position on Road

(1) A person shall not park or stand a vehicle or permit a vehicle to stand or park on any road otherwise than—

- (a) parallel to and as close to the kerb as practical;
- (b) headed in the direction of the movement of the traffic on the part of the road on which the vehicle is parked;
- (c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

(2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

11. Traffic Obstructions

A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) in front of a right of way, passage or private driveway or so close as to deny vehicles reasonable access or egress from said right of way, passage or private driveway;
- (b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersection carriageway;
- (c) on or over a footpath, disabled access to a footpath or place of refuge for pedestrians;
- (d) in front of a footpath or bridle trail constructed across a reserve;
- (e) on or over any footpath or bridle trail, emergency access way or pedestrian crossing;
- (f) within 2 metres of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or a fire plug;
- (g) obstructing a right of way, passage or private drive or carriageway or so close to as to deny vehicles reasonable access to or egress from the right of way, passage or private drive or carriageway;
- (h) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box;
- (i) within 6 metres of the nearer property line of any street intersecting the street on the side on which the vehicle is standing.

12. Double Park

A person shall not stand or park a vehicle on a road so that portion of the vehicle is between any vehicle parked or standing on a carriageway of that road and the centre of that road.

13. Verge Parking

- (a) A person shall not stand or park a vehicle on a street verge where signs prohibit the standing or parking of vehicles on that verge;
- (b) clause 13(a) shall not apply to a vehicle driven or parked on a crossover or other usual accessway to land adjoining a carriageway provided that such vehicle is driven or parked at right angles to the carriageway and not parked on or near a footway so as to cause an obstruction;

- (c) clause 13(a) shall not apply to the owner or occupier of the adjoining property or if the vehicle's owner has the permission of the property owner or occupier, provided that—
- (i) a private vehicle is not parked on the street verge for more than 24 hours without being moved;
 - (ii) a vehicle is not parked on the verge to be wrecked.

14. Direction to Move Vehicle

A person shall not permit a vehicle to stand or park in any part of a street, if any authorised person or member of the Police Service directs the driver of such vehicle to move it.

15. Repairs to and Sale of Vehicles

A person shall not park on any portion of a street—

- (a) for the purpose of effecting repairs to it, other than the minimum repairs required to enable the vehicle to be moved to a place other than a road;
- (b) if the vehicle is exposed for sale.

PART 3—STANDING AND PARKING GENERALLY

16. Bicycle Parking

A person shall not park or stand a bicycle in a parking space.

17. Private Property

A person shall not stand or park or permit to park or stand on land which is not part of a road or parking facility without consent of the owner or person in occupation of such land.

18. Overlength Vehicle

A person shall not stand or park a vehicle or any combination of vehicles that, together with anything in or on that vehicle is more than 8 metres in length on a carriageway for any period exceeding 24 hours.

19. Parking on Reserves

A person shall not stand or park a vehicle on a public reserve, other than within a reserve car park on that reserve, without the permission of the Council or an authorised person, or a member of the Police Service.

20. Camping

A person shall not cause a vehicle to be parked in such a manner as to be used in whole or part as a camping facility on roads or on reserves under control of the Shire other than in those areas designated for use as camping areas.

PART 4—MISCELLANEOUS

21. Affixing Signs and Notices

A person shall not without permission of the Council affix any board, sign, placard, notice or other thing to or paint or write on any part of a parking sign or parking facility.

22. Appointment of Authorised Person

- (a) The Council may appoint a person as an authorised person for the purpose of the enabling of this local law to be given full force and effect;
- (b) an authorised person shall be furnished with a certificate of appointment in a form determined by the Chief Executive Officer from time to time.

23. Impersonation of Authorised Person

A person who is not an authorised person shall not in any way assume the duties of an authorised person.

24. Obstruction of Authorised Person

- (a) A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this local law;
- (b) an authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his or her duties and powers and a person shall not remove such a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated;
- (c) an authorised person who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law may demand from that person his or her name and place of abode;
- (d) a person who refuses a demand from an authorised person to state his or her name or place of abode, or who states a false name or place of abode, commits an offence against this local law.

25. Form 1—Original Notice

An infringement notice served under section 9.16 of the Act in respect of an offence against this local law shall be in or to the effect of Form 1 of Schedule 2 of this local law.

26. Form 2—Notice to Identify Driver

A notice served under section 9.13 (3) of the Act in respect of an offence alleged to have been committed against this local law shall be in or to the effect of Form 2 of Schedule 1 of this local law.

27. Form 3—Withdrawal Notice

A notice sent under section 9.20 of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against this local law shall be in or to the effect of Form 3 of Schedule 1 of this local law.

28. Removal of Notice

A person other than the driver or owner of a vehicle shall not remove from that vehicle any notice affixed to or on it by an authorised person or a member of the Police Service.

29. Offence

Any person who contravenes or fails to comply with the provisions of the local law commits an offence and is liable upon conviction to a penalty not exceeding \$1,000.00.

30. Modified Penalties

The amount appearing in column 4 of Schedule 2 is the modified penalty for an offence if the offence is dealt with under section 9.21 of the Act.

31. Recovery of Penalties

A penalty, other than a modified penalty, for an offence against this local law, may be recovered by the Shire from the alleged offender by use of either the Fines Enforcement Registry or through proceedings in a Court of Petty Sessions.

Dated the 30th day of January in the year 2004.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by the authority of resolution of Council in the presence of—

D. L. NEEDHAM, Shire President.
D. E. PRICE, Chief Executive Officer.

Schedule 1

Form 1

SHIRE OF SERPENTINE-JARRAHDALÉ

Local Government Act 1995

Parking Facilities Local Law

INFRINGEMENT NOTICE UNDER SECTION 9.16

Infringement Number

To the owner/driver of vehicle registration No. Make
Model You are hereby notified that it is alleged that on
..... 20..... at about you did commit a breach of the
Shire of Serpentine-Jarrahdale Parking Facility local law as indicated by a cross or crosses in a box or
boxes below—

Nature of Offence**Modified Penalty**

- | | | |
|--|---------|------------------|
| • *Standing in a No Standing area | \$60.00 | [Clause 7(1)(a)] |
| • *Parking in a No Parking area | \$60.00 | [Clause 7(2)(a)] |
| • *Parking across a right of way or private driveway | \$60.00 | [Clause 11(a)] |
| • *Parking on or over a footpath | \$60.00 | [Clause 11(c)] |
| • *Parking on a public reserve | \$60.00 | [Clause 19] |
| • *Other | \$60.00 | |

If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the modified penalty within 28 days after the day of service of this notice.

Payment may be made either by posting this form, together with the amount of \$....., to the Shire of Serpentine-Jarrahdale, 6 Paterson Street, Mundijong, WA 6123, or in person by delivering this form and paying the above amount to the Shire offices between the hours of 8.30am and 4.30pm Monday to Friday.

Unless within 28 days after service of this notice—

- (a) the modified penalty is paid; or
- (b) you inform the Chief Executive Officer of the Shire of Serpentine-Jarrahdale of the identity and address of the person who was driving or the person in charge of the above vehicle at the time of the above alleged offence; or
- (c) you apply under section 9.19 of the *Local Government Act 1995* for an extension of time; or

- (d) you satisfy the Chief Executive Officer of the Shire of Serpentine-Jarrahdale that the above vehicle had been stolen or was being unlawfully used at the time of the above alleged offence, you will, in the absence of proof to the contrary, be deemed to have committed the above alleged offence and court proceedings may be instituted against you.

.....
 Signature of Authorised Person Date

Schedule 1
 Form 2
 SHIRE OF SERPENTINE-JARRAHDALÉ
Local Government Act 1995
 Parking Facilities Local Law

To:

You are hereby notified that it is alleged that the driver or person in charge of the vehicle did in contravention of the Shire of Serpentine-Jarrahdale's Parking Facilities local law, commit the offence shown below on the date and time shown.

Infringement Number
 Date Time
 Offence Clause Code
 Plate Number
 Vehicle Make Vehicle Model

In accordance with section 9.13 of the *Local Government Act 1995*, you will, in the absence of proof to the contrary, be deemed to have committed the offence detailed hereunder and court proceedings may be instituted against you, unless within twenty-eight (28) days after the date of service of this notice you—

- (a) Finalise the infringement notice through the payment of the amount.
- (b) Inform the Chief Executive Officer of the Shire of Serpentine-Jarrahdale IN WRITING as to the identity of the person who was the person or driver in charge of the above vehicle at the time of the alleged offence.
- (c) Apply to the Chief Executive Officer of the Shire of Serpentine-Jarrahdale for an extension of time under section 9.19 of the *Local Government Act 1995*.
- (d) Satisfy the Chief Executive Officer of the Shire of Serpentine-Jarrahdale IN WRITING that the above vehicle had been stolen or was being unlawfully used at the time of the alleged offence.

Infringement details:

Offence description
 Place, Street
 Penalty \$.....
 Amount due \$.....
 Date due

.....
 Signature of Authorised Person Date

Schedule 1
 Form 3
 SHIRE OF SERPENTINE-JARRAHDALÉ
Local Government Act 1995
 Parking Facilities Local Law
NOTICE OF WITHDRAWAL

To:

Dear Sir/Madam
 Notice of withdrawal of proceedings under section 9.20 of the Act.

Infringement Number
 Date Time
 Offence Clause Code
 Plate Number
 Vehicle Make Vehicle Model
 Description Location

Take notice that I, being authorised to do so, hereby withdraw proceedings in relation to the infringement notice issued for the above offence.

.....
 Signature of Authorised Person

.....
 Date

Schedule 2

SHIRE OF SERPENTINE-JARRAHDALÉ

Parking Facilities Local Law

MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty \$
1	7(1)(a)	Standing in a No Standing area	60
2	7(2)(a)	Parking in a No Parking area	60
3	8	Standing or parking in an occupied space	60
4	9	Standing or parking on or adjacent to a median strip	60
5	10(1)(c)	Parking outside parking space marked on road	60
6	11(a)	Parking in front of a driveway	60
7	11(b)	Parking on/in an intersection	60
8	11(c)	Parking on/over a footpath or disabled persons access to a footpath or pedestrian refuge	60
9	11(d)-(i)	Parking causing a traffic obstruction	60
10	13	Standing or parking on a verge contrary to signs or without consent	60
11	14	Failing to move vehicle after direction	60
12	15(a)	Parking a vehicle on a street to repair it	60
13	15(b)	Unauthorised parking for sale exposure	60
14	17	Standing or parking on private property without consent	60
15	18	Standing or parking a vehicle in excess of 8m on a carriageway for a period exceeding 24 hours	60
16	19	Parking on a reserve	60
17	20	Parking and use of a vehicle for camping on road\reserve not designated for camping purposes	60
18		All other offences not classified in which the use, driving, standing or leaving of a vehicle is an element	60

LOCAL GOVERNMENT ACT 1995

SHIRE OF SERPENTINE-JARRAHDALÉ

**LOCAL LAW RELATING TO UNSIGHTLY LAND AND REFUSE,
RUBBISH OR DISUSED MATERIALS ON LAND**

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Serpentine-Jarrahdale resolved on 27th of January 2004 to make the following local law.

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the Shire of Serpentine-Jarrahdale Local Law relating to Unsightly Land and Refuse, Rubbish Disused Materials on Land.

2. Definitions

(1) In this local law, unless the context otherwise requires—

“abandoned” means being left on the Land without being moved or used for its original purpose for a period longer than 6 months;

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

“CEO” means the Chief Executive Officer of the local government;

“district” means the district of the local government;

“deposited” means placed onto the Land and not used for its original purpose for a period longer than 6 months;

“local government” means the Shire of Serpentine-Jarrahdale;

“unsightly” has the same meaning as defined in schedule 3.1 of the *Local Government Act 1995* as amended;

“material” means the substance of which things are composed and includes organic and inorganic matter;

“refuse, rubbish or disused material” includes—

- (i) any abandoned or unwanted object, material or thing, whether it has any present value or not, placed on the Land;
- (ii) any motor vehicle, motor vehicle part, caravan, trailer, boat or other thing or machinery which has been parked, deposited or stored on any Land, notwithstanding that it may have a value, being visible from the road or adjoining Land, which in the opinion of the Local government Officer, is unsightly;
- (iii) any wood, timber, lumber or cuttings, logs or remnants of trees, or chopped, split or chipped wood, and any like material notwithstanding that it may have a value; or
- (iv) anything placed on the Land that in the opinion of a Local Government Officer is—
 1. unsightly;
 2. is likely to adversely affect the value of any other Land;
 3. is likely to adversely affect the health, safety, comfort, convenience or amenity of the inhabitants of that Land or any other Land or is likely to cause damage to that Land or any other Land; or
 4. results in that Land having an appearance which does not conform with the general appearance of other Land in the locality;

“placed” means stored, deposited or put;

“serve” has the same meaning as defined in section 75 and 76 of the *Interpretation Act 1984*;

“stored” means placed onto the Land and not used for its original purpose.

(2) Where in these local laws a duty of liability is imposed on an owner or occupier of land, the duty of liability is imposed jointly and severally on each of the owners or occupiers.

3. Object

The object and purpose of this Local Law is to ensure owners or occupiers maintain their Land in a condition free of Refuse, Rubbish or Disused material that is Unsightly.

PART 2—GENERAL**4. Notices**

If there is on any land, vacant or otherwise within the district, any Refuse, Rubbish or Disused Material a Local Government officer may issue and serve a notice signed by the Chief Executive Officer—

- (1) requiring the owner or occupier to—
 - (i) clean up,
 - (ii) clear away,
 - (iii) remove,
 - (iv) shield from view by the construction of a fence or screen to the satisfaction of the Local Government,
 - (v) carry out any other works to achieve the object of the Local Law;
- (2) requiring the owner or occupier to dispose of any Refuse, Rubbish or Disused material;
- (3) advise the owner or occupier that they have 28 days in which to lodge a notice of objection with the Chief Executive Officer of the Local Government;
- (4) advise the owner or occupier that the failure to comply with the notice may result in Court action proceeding without further notice;
- (5) advise the owner or occupier that failure to comply with a notice may result in the Local Government carrying out the work set out in the notice, the costs of which will be recovered from the owner or occupier of the Land.

5. Objection by Owner or Occupier

The owner or occupier of Land having been served with notice under this Local Law is deemed to be an affected person under the Act, and may within 28 days of being served with a notice, lodge a notice of objection, in writing, addressed to the Chief Executive Officer.

(Part 9 Division 1 of the Act)

PART 3—PENALTIES**6. Breach for Failure to Comply with a Notice**

An owner or occupier, having been served with a notice, who fails to comply with the terms of the notice within the prescribed time, commits an offence.

Penalty—

- (i) \$5,000; and
- (ii) a daily penalty of \$500.00

7. Entry and Disposal of Refuse, Rubbish or Disused Materials

Where an owner or occupier fails to comply with the terms of a notice, and refuses to give the Local Government written permission to enter onto the Land to carry out the work specified in the notice, the Local Government may, at the time of conviction for a breach of this Local Law make application to the Court for—

- (i) a Warrant to enter onto the Land to carry out the work specified in the notice; (Section 3.33 of the Act); and
- (ii) an order that Refuse, Rubbish or Disused materials removed and impounded be confiscated and disposed of. (Section 3.43, Section 3.47 of the Act).

8. Contravention Leading to Impounding

The contravention of this Local Law is a Contravention that can lead to impounding.

(Section 3.37 of the Act)

9. Recovery of Costs

The Local Government may recover the cost of work that an owner or occupier fails to carry out prescribed by a notice under this Local Law as a debt due from the owner or occupier.

(Section 3.26 (3) and 3.48 of the Act)

Dated the 30th day of January in the year 2004.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by authority of a resolution of the Council in the presence of—

D. L. NEEDHAM, Shire President.
D. E. PRICE, Chief Executive Officer.

