



Western Australia

Local Government Model By-law (Prevention of Damage to Streets) No. 15

Compare between:

[18 Feb 1965, 00-a0-02] and [17 Oct 2005, 00-b0-05]

Western Australia

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1960

**Local Government Model By-law (Prevention of
Damage to Streets) No. 15**

Local Government Department,
Perth, 8th February, 1965.

L.G. 4/65.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased to cause the draft model by-law set out in the schedule hereto to be prepared and published, in substitution for the *Local Government Model By-law (Prevention of Damage to Streets) No. 1*, published in the *Government Gazette* on the 7th July, 1961.

2. Councils of municipalities proposing to adopt the draft model by-law now published should, where they have adopted the former (No. 1) Model By-law, resolve to substitute the new by-law for that previously adopted.

3. Councils of the municipalities of towns and cities, if adopting the draft model by-law, should resolve to substitute the word, "Mayor," for the word, "President," wherever appearing in the by-law.

A.E. WHITE,
Secretary for Local Government

1. Citation

This by-law may be cited as the *Local Government Model By-law (Prevention of Damage to Streets) No. 15*.

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2. Streets may be closed due to rain

Where the President and the Clerk are of opinion that, by reason of heavy rain, a street or portion of a street, would be, or is likely to be, damaged by the passage of traffic generally or traffic of any particular class, they may, subject to this by-law, authorise the closure of that street or portion of that street, to —

- (a) traffic generally; or
- (b) traffic of any particular class;

and may from time to time authorise the re-opening of that street or portion of street, to traffic generally or to traffic of any particular class.

3. Time limit for closure of street

The President and Clerk shall not, without the consent of the Minister, authorise a street or portion of a street to be closed to traffic, under this by-law, for any continuous period of more than 28 days, or for periods aggregating more than 28 days in the space of one year, but may, with that consent, authorise the closure for any greater period or periods.

4. Notification of closure of street

When, pursuant to this by-law, the President and Clerk authorise the closing of any street or portion of a street, the Clerk shall —

- (a) notify the public of that event —
 - (i) by causing a copy of the authority to be affixed to the ordinary or usual notice board of the Council;
 - (ii) by broadcasting from a radio broadcasting station which gives radio broadcasting coverage to the Shire of the Council, a summary of the authority; and
 - (iii) by placing or erecting in conspicuous positions in or near the street or portion of street to be closed,

such notices or signs as may be reasonably necessary, in the circumstances;

- (b) wherever reasonably practicable cause fences or barriers to be placed across either end of the street or portion of street to be closed; and
- (c) where fences or barriers are placed across a street or portion of street closed, cause such lights, reflectors or reflectorised notices to be affixed to those fences or barriers, during the hours of darkness, as shall be reasonably sufficient warning to users of the road of the existence, and the position, of the fences or barriers.

5. Duration of closure of street

Every closure of a street or portion of a street, pursuant to this by-law, ceases to have effect —

- (a) when the President and Clerk re-open the street or portion of street;
- (b) on the date, if any, stated in the notice of closure;
- (c) where no date is stated in the notice of closure, after 28 days from the date on which it was given; or
- (d) where the consent of the Minister has been given to extend the period of the closure, at the termination of the period so extended,

but notwithstanding that the street has been closed to traffic generally, the President and Clerk may open the Street to traffic of any specified class.

6. Driving on closed street prohibited

Every person who drives a vehicle or animal or causes a vehicle or animal to be driven on a street or portion of a street that is closed to traffic, generally, or who drives a vehicle or animal of any class, or causes a vehicle or animal of any class to be driven, on a street or portion of a street that is closed to that class of vehicle or animal, commits an offence.

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Penalty: Fifty Pounds.

Notes

- ¹ This is a compilation of the *Local Government Model By-law (Prevention of Damage to Streets) No. 15*, and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government Model By-law (Prevention of Damage to Streets) No. 15.</i>	18 Feb 1965 p. 570-71	18 Feb 1965
<u>Superseded by Local Laws made under the <i>Local Government Act 1995</i></u>		