

Western Australia

**Local Government Model By-laws (Removal and
Disposal of Obstructing Animals or Vehicles)
No. 7**

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Western Australia

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Disposal of Obstructing Animals or Vehicles)
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NOTES

Western Australia

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1960

**Local Government Model By-laws (Removal and
Disposal of Obstructing Animals or Vehicles)
No. 7**

Local Government Department,
Perth, 23rd July, 1962

L.G. 928/61.

HIS Excellency the Lieutenant Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960* has been pleased to make the draft model by-laws set out in the schedule hereto.

A.E. WHITE,
Secretary for Local Government.

1. Citation

These by-laws may be cited as the *Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7*.

2. Interpretation

(1) In these by-laws —

“**Act**” means the *Local Government Act 1960*;

“**appointed place**” means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed, pursuant to these by-laws;

bl. 3

“authorised person” means a person appointed by the Council to seize animals or vehicles, pursuant to these by-laws;

“public place” has the meaning given it by the Act.

- (2) An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, for the purposes of these by-laws, unless, in the case of an animal, it is so secured for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty-four hours, without the consent in writing of the Clerk of the Council.

3. Animals or vehicles not to obstruct public place

A person shall not leave an animal or vehicle in a public place so as to obstruct any portion of that place.

4. Offence

A person who leaves an animal or vehicle in a public place, contrary to the provisions of by-law 3 of these by-laws commits an offence.

5. Authorised persons

The Council may appoint a person as an authorised person for the purposes of these by-laws.

6. Places to which vehicles may be removed

The Council may appoint a yard or other piece of land as a place to which vehicles may be removed pursuant to these by-laws and shall give notice in the *Gazette* and in a newspaper circulating within its district of the situation of any appointed place.

7. Removal of animals or vehicles

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 by-law 3 of these by-laws, he may remove the animal or vehicle therefrom and shall, thereupon —

- (a) in the case of an animal, place it in a public pound;
- (b) in the case of a vehicle, place it in an appointed place.

8. Animals in public pounds

Where an authorised person places an animal in a public pound, pursuant to by-law 7 of these by-laws, the animal shall thereafter be dealt with according to law.

9. Register of seized vehicles

Where an authorised person places a vehicle in an appointed place, pursuant to by-law 7 of these by-laws, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed; and shall notify the Clerk of the Council.

10. Notice of seized vehicles

The Clerk of the Council shall exhibit on the Notice Board of the Council a notification that a vehicle therein described has been placed in the appointed place and shall, unless the vehicle is sooner recovered, keep that notification exhibited for a period of not less than seven days.

11. Recovery of seized vehicles

- (1) A person may recover a seized vehicle from an appointed place, by paying to the Clerk of the Council —
 - (a) the cost incurred by the Council in removing the vehicle thereto; and

bl. 12

- (b) the sum of ten shillings per day for each day or part of a day that the vehicle has remained in the appointed place; and upon payment of that cost and charge the Clerk, if satisfied that the person is the owner of the vehicle or is a person entitled to possession of the vehicle, shall permit him to remove it.
- (2) Every person who removes a vehicle from an appointed place without the authority of the Clerk commits an offence.

[By-law 11 amended by Gazette 6 November 1964 p.3680.]

12. Sale of uncollected vehicles

Where a vehicle, placed in an appointed place, in accordance with the provisions of these by-laws, has not been recovered by the owner or a person entitled thereto within one month from the day upon which it was there placed, the Council may cause the vehicle 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, the Council may cause it to be destroyed.

13. Exclusion of liability

A person is not entitled to any claim, by way of damages or otherwise, against the authorised person, member of the Police Force, or the Council in respect of any vehicle or animal seized and dealt with under the provisions of these by-laws or against any person who purchases a vehicle sold by a Council under the provisions of by-law 12 of these by-laws.

14. Proceeds of sale

- (1) The proceeds of the sale of a vehicle under the provisions of by-law 12 of these by-laws shall be applied by the Council —
 - (a) firstly, in meeting the costs of the sale; and

- (b) secondly, in meeting the cost of removal of the vehicle to the appointed place, and a sum of ten shillings for each day or part of a day that the vehicle remained in that place; and those sums shall be paid into the Municipal Fund.
- (2) Any surplus of the proceeds of the sale shall be paid by the Council into its trust fund, and may be paid within ten years, to any person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.
- (3) Any surplus of the proceeds of the sale may, if not paid to the owner within ten years, be paid into the Municipal Fund.

14A. Recovery of costs

Where the proceeds of the sale of any animal or vehicle under the provisions of by-law 12 of these by-laws after deduction of the monies authorised to be applied by the Council thereto by by-law 14 does not cover the costs of the removal, custody and disposal of that animal or vehicle, the Council may recover the balance of these costs from the owner of that animal or vehicle in a court of competent jurisdiction.

[By-law 14A inserted by Gazette 26 August 1977 p.3034.]

15. Penalty for breach of by-laws

A person committing a breach of these by-laws is liable to a penalty not exceeding twenty pounds.

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Notes

- ^{1.} This is a compilation of the *Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7</i>	1 Aug 1962 p. 2079-80	1 Aug 1962
	6 Nov 1964 p. 3680	
	26 Aug 1977 p. 3034	
