

Western Australia

**Local Government Model By-laws (Petrol
Pumps) No. 10**

As at 21 Jun 1974

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Local Government Model By-laws (Petrol Pumps) No. 10

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NOTES

Western Australia

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1960

**Local Government Model By-laws (Petrol
Pumps) No. 10**

Local Government Department,
Perth, 21st February 1966.

L.G. 407/65.

HIS Excellency the Lieutenant-Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased —

- (a) to revoke the draft model by-laws cited as the *Local Government Model By-laws (Petrol Pumps) No. 10* published in the *Government Gazette* of the 16th January 1963, and amended from time to time thereafter by draft model by-laws published in the *Government Gazettes* of the 7th February 1963, and the 1st October 1964; and
- (b) to approve of the preparation of the draft model by-laws set out in the Schedule hereto.

2. Councils of municipalities proposing to adopt the draft model by-laws now published should, where they have adopted the former model by-laws resolve to substitute the new by-laws for those previously adopted.

R. C. PAUST,
Secretary for Local Government.

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1. Citation

These by-laws may be cited as the *Local Government Model By-laws (Petrol Pumps) No. 10*.

2. Interpretation

In these by-laws, unless the context otherwise requires —

“**inspector**” means a person, other than the Minister, authorised to enter and inspect buildings, under the provisions of section 420 of the Act;

“**owner**”, in relation to a petrol pump, includes the lessee or licensee of a petrol pump;

“**petrol pump**” means any mechanical device, whether fixed or movable, used, or designed to be used, for dispensing petrol, and includes all tanks and equipment ancillary thereto;

“**the Act**” means the *Local Government Act 1960*, and words and expressions have the same meaning as they have in the Act.

3. Installation of petrol pumps

A person shall not install a petrol pump —

- (a) in a street or public place;
- (b) on land adjoining a street or public place, within 3.7 metres of the street or public place or, where a new street alignment has been fixed for the street or public place, within 3.7 metres of that new street alignment;
- (c) within 7.6 metres of the boundary of any adjoining premises, unless those premises are occupied by the person occupying the premises on which the petrol pump is to be installed; or
- (d) in any place, for the sale of petrol to the public, unless by authority of a license issued by the council.

*[By-law 3 amended by Gazette 31 August 1970 p.2806;
21 June 1974 p.2094.]*

4. Existing petrol pumps in streets and public places

A person, being, at the commencement of these by-laws, the owner of a petrol pump, shall not, after one month from that commencement —

- (a) suffer or permit the petrol pump to remain upon a street or public place; or
- (b) suffer or permit the sale of petrol to the public from that pump;

except with the approval of, and by virtue of a licence issued by, the council.

5. Installation of petrol pumps contrary to zoning

- (1) The council shall not issue a licence to a person to install a petrol pump in any place other than such as has been set aside in a town planning scheme made under any Act or by zoning by-laws made under section two hundred and forty-eight of the Act, as a site for a petrol station or petrol pump or to keep a petrol pump installed for the sale of petrol to the public in a street, public place or any place other than such as has been so set aside unless —
 - (a) the Minister consents in writing to that place being used, as a site for a petrol pump;
 - (b) the petrol pump is installed in or on any place specified in a licence issued by the council authorising the installation of the petrol pump in that place;
 - (c) the owner or proposed owner of the petrol pump shall make written application to the council for the licence;
 - (d) the owner or proposed owner of the petrol pump shall give written notice of his application specifying the place to which it relates in a newspaper circulating in the district where it is proposed to install the petrol pump;

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- (e) the council shall cause a notice of the application for the licence to be exhibited on its notice board, advising that objections (if any) to the application shall be lodged with the council within twenty-one days after the notice is first exhibited; and
 - (f) the council shall consider the objections (if any) to the application being issued and shall have resolved by an absolute majority, to recommend the issue of the licence.
- (2) Before a licence to install a petrol pump in any place is issued by the council, the council shall be satisfied that the petrol pump, when installed, will be properly ventilated and will not constitute a danger to the public.
- (3) The application for a licence to install a petrol pump shall be accompanied by —
- (a) a plan setting out —
the dimensions and boundaries of the land to which the application relates; the lot and location number of the land, the position on the land of every existing, and any proposed, buildings; the proposed position on the land of every petrol pump and of the storage tanks comprised therein, together with details of all pipes connecting pumps to the storage tanks; and the proposed positions of entrance and exits over footpaths; and
 - (b) a specification detailing the type and construction of every pump and every delivery pump,
- together, in the event of the applicant not being already the holder of a licence for a petrol pump, with an amount of two dollars, being the licence fee for a period of one year.
- (4) Where the council has issued a licence, pursuant to this by-law, for the keeping of a petrol pump in a street, public place or a place that is not comprised in land set aside, in a town planning scheme or by Zoning By-laws, as a site for a petrol station, that licence shall be valid for the period of one year only, from the

date of issue, but the council may, upon the expiration of the licence, renew it for a further period of one year and so on, from year to year; and, where the council resolves not to renew the licence, it shall give to the licence holder three months' notice in writing of its intention in that regard.

- (5) A person is not entitled to compensation, by reason of a refusal to issue, or to renew, a licence for a petrol pump or by reason of a defect in, or the failure to give, any notice, in that regard.

6. Limit on number of licences

The council shall refuse to grant a licence pursuant to these by-laws in any case where, in the opinion of the council, a sufficient number of petrol pumps are already installed in the district to satisfy the existing reasonable requirements thereof.

7. Prevention of leaks from pipes and fittings

All fittings and pipes connecting any petrol pump with the supply tank, and all other pipes or fittings through which petrol flows, shall be constructed and maintained in such a manner that there shall be no escape therefrom of petrol, in the form of liquid or vapour.

8. Ventilation pipes

Every tank used to supply petrol to pumps shall be fitted with a ventilating pipe, which shall be carried to an approved position in the open air, not less than 3.7 metres above the ground, and shall there terminate in one or more bends, and have the opening in the end of the vent pipe covered with brass wire gauze of not less than eleven meshes to the lineal centimetre secured in such manner that the gauze may be removed for examination and cleaning.

[By-law 8 amended by Gazette 21 June 1974 p.2094.]

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9. Delivery of petrol near streets

Where the intake of a tank comprised in a petrol pump is situated near any street or way, petrol shall not be delivered to that tank, except through an approved pipe designed to prevent, and capable of preventing, the escape of petrol or vapour.

10. Petrol not to remain in measuring container

Petrol shall not be allowed to remain in the visible (or measuring) container of any petrol pump, where the pump is of that type, except at such times as the container is in actual operation of being filled or discharged.

11. Engines to be turned off

A person shall not deliver petrol, or permit petrol to be delivered, from any pump to the fuel tank of any motor vehicle whilst the engine of that motor vehicle is running.

12. Prevention of fire

A person shall not use a petrol pump whilst there is any light capable of igniting petrol vapour, within three metres of the container into which petrol is being delivered from that pump.

[By-law 12 amended by Gazette 21 June 1974 p.2094.]

13. Escape of petrol into public place

A person shall not permit petrol to escape from a discharge or delivery pipe attached to a petrol pump, into any street or other public place.

14. Prevention of injury or damage

Every operator of a petrol pump shall, at all times, take all reasonable precautions to protect persons and property from injury or damage.

15. Inspection

An inspector may at all reasonable times, make an inspection of pumps licensed by the council, to ascertain whether these by-laws are being observed.

16. Annual fee

Every owner of a petrol pump shall pay to the council an annual fee of two dollars, in respect of the licence for one pump; and, upon payment of that fee, no charge shall be made by the council in respect of the licence for any other petrol pump situate on the same premises as that in respect of which the licence fee has been paid.

17. Cancellation of licence

The council may, at any time, cancel a licence or may refuse to issue or renew a licence, if the holder of the licence or the applicant for, or for the renewal of, a licence fails to comply with any of these by-laws.

18. Fire extinguishers

The holder of a licence for a petrol pump shall install and keep in good working order, in a convenient position not more than six metres from the petrol pump a fire extinguisher that has been approved by the Western Australian Fire Brigades Board.

[By-law 18 amended by Gazette 21 June 1974 p.2094.]

19. Removal of pumps

Where a petrol pump is installed or kept contrary to this by-law or a licence for a petrol pump is cancelled or not renewed, the council may, by notice in writing, order the owner to remove the pump so installed or kept or in respect of which the licence was issued, within seven (7) days of the receipt of the notice by him; and, in default of compliance with that notice, the council may remove the pumps, tanks, cisterns, pipes and installations and

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recover, from the owner, the cost of the removal, in any court of competent jurisdiction.

20. Penalty for breach of by-laws

Every person committing an offence against these by-laws is liable to a penalty of one hundred dollars and where the offence is a continuing one, to a daily penalty of ten dollars for each day that the offence continues, after conviction.

21. Industrial or commercial pumps

The provisions of paragraphs (b), (c) and (d) of by-law 3, paragraph (b) of by-law 4, by-laws 5, 6 and 15 to 18, inclusive, of these by-laws, do not apply to industrial or commercial pumps that are not used for the sale of petrol to the public.

Notes

- ^{1.} This is a compilation of the *Local Government Model By-laws (Petrol Pumps) No. 10* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government Model By-laws (Petrol Pumps) No. 10</i>	9 Mar 1966 p. 630	
	31 Aug 1970 p. 2806	
	21 Jun 1974 p. 2093	
