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LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

LOCAL LAWS RELATING TO FENCING

LOCAL LAWS RELATING TO PARKING

**LOCAL LAWS RELATING TO
SWIMMING POOLS**

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

LOCAL LAW RELATING TO PARKING

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the Twenty First day of May 1998 to make the following Local Laws.

PART 1—PRELIMINARY**Citation**

1. This Local Law shall be cited as the Shire of Exmouth Parking Local Law.

Arrangement and Definitions

2. This Local Law is divided into parts as follows—

PART I—PRELIMINARY

PART II—DELEGATED AUTHORITY

PART III—PARKING ON ROADS

PART IV—STANDING AND PARKING GENERALLY

PART V—DISABLED PARKING

PART VI—MISCELLANEOUS SCHEDULES

3. In this Local Law unless the context requires otherwise—

‘ACROD Authority’ means an authority issued by ACROD Limited (WA Division) for the purpose of identifying vehicles driven by or carrying a disabled person or persons;

‘Act’ means the Local Government Act 1995;

‘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 or in a parking facility, which is designated by signs to be used for parking by authorised vehicles only;

‘carriageway’ means a portion of a 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 median strip, the expression means each of those portions separately;

‘CEO’ means the Chief Executive Officer of the Shire of Exmouth;

‘commercial vehicle’ means a vehicle designed for or used for commercial purposes, exceeding the load capacity of one tonne and/or a vehicle designed for or used for industrial purposes;

‘Council’ means the Council of the Shire of Exmouth;

‘cycle’ means any wheeled vehicle including a skateboard that is designed to be propelled solely by human power;

‘disabled parking space’ means a part of the road, parking station or parking facility which is identified or marked out by painted lines, symbols, inscriptions or signs as a space either for or restricted to the parking of vehicles driven by or carrying a disabled person or persons.

‘driver’ means any person driving, or in control of, a vehicle or animal;

‘footpath’ includes a path used by, or set aside or intended for use by, pedestrians or both pedestrian and cyclists;

‘Local Government’ means the Shire of Exmouth;

‘median strip’ means—

- (a) any provision dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two (2) one-way carriageways for vehicles proceeding in opposing directions in parking stations;

- (b) any physical provision, including a traffic island, designed to separate parked cars from vehicle movement areas;

- “motor vehicle” means a motor vehicle designed to travel on two wheels and does not include a motorcycle to which a sidecar is attached;
- “No Parking Area” means a portion of a carriageway that lies-
- (a) between two (2) consecutive white signs inscribed with a symbol or the words “No Parking”, in red lettering and each with an arrow pointing generally towards the other of them;
 - (b) between a white sign inscribed with a symbol or the words “No Parking” in red lettering and a dead end 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 (2) consecutive white signs inscribed with a symbol or the words “No Parking”, in red lettering and each with an arrow pointing generally towards the other of them; or
 - (b) between a white sign inscribed with a symbol or the words “No Parking” in red lettering and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “notice” means a notice in form of Forms 1, 2 and 3 of Schedule 1 issued pursuant to this Local Law;
- “omnibus” means a passenger vehicle equipped to carry more than eight (8) adult persons and used to carry passengers for separate fares;
- “owner of a vehicle” means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession;
- “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 picking up or setting down persons or goods and “parking” has a correlative meaning.
- “parking facilities” includes land, buildings, shelters, ticket zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with those things;
- “parking region” means the whole of the Municipality of the Shire of Exmouth with the exception of—
- (a) all declared highways and main roads;
 - (b) the approach and departure prohibition areas of all traffic control signal installations;
 - (c) prohibition areas applicable to all bridges and subways;
 - (d) any road under the control of the Commissioner of Main Roads.
- “parking space” means a section or part of a road, reserve or a parking facility, which is marked or defined by painted lines or by metallic studs or by similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise;
- “property line” means the boundary between the land comprising a street and the land that abuts thereon;
- “public reserve” includes parklands, squares, reserves, beaches and other lands included in or adjoining a district and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes and vested in or under the care, control and management of the Council;
- “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 the street verge and foot-path;
- “Road Traffic Act” means the Road Traffic Act 1974;
- “service vehicle” means a vehicle specifically designed, constructed and used primarily for the conveyance of goods but does not include service type vehicles being used for private purposes;
- “sign” means a traffic sign, mark, structure, symbol or device placed or erected on or near a road or within a parking facility or a reserve for the purpose of regulating, guiding or directing, the parking of vehicles;
- “stand” in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law and “standing” has a correlative meaning;
- “street” has the same meaning as “road”.
- “street verge” means that portion of a street which lies between the portion of a street that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line;
- “symbol” includes any symbol specified by Australian Standard 1742.iJ-1989 for use in the regulations of parking and any reference to the wording of any sign in this Local law shall also be deemed to include a reference to the corresponding symbol;
- “taxi” means a vehicle licensed under the Taxi-Car Control Act 1985;
- “tour coach” means any vehicle licensed as a tour coach which is hired or chartered for the specific purpose of sightseeing or tourism;

“trailer” means a vehicle (not including a semi-trailer) drawn by another vehicle but not including a sidocar attachment to a motor cycle or any vehicle that comes within the description of a caravan in the Road Traffic Act;

“vehicle” includes—

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

Application of Local Law

4. 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 neither owned, controlled, nor occupied by the Local Government; or
- (b) which although owned by the municipality, is leased to another person.

Vehicle Classification

5. For the purpose of this Local Law vehicles are, divided into the following classes—

- (a) omnibus;
- (b) service vehicles;
- (c) motor cycles;
- (d) taxis;
- (e) commercial vehicles;
- (f) tour coaches; and
- (g) all other vehicles not otherwise classified

Application of Signs

6. (1) Where the standing or parking of vehicles in a street is regulated by a sign then the sign shall for the purposes of this 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 to the sign.

(2) For the purposes 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—DELEGATED AUTHORITY

7. Council may by resolution passed by an absolute majority, delegate to the “CEO” as defined in this Local Law, the performance of any function of the Council in relation to this Local Law. In this Local Law a reference to the Council having powers 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 employee of the Local Government to whom the “CEO” has delegated the exercise of any of the “CEO”s powers or the discharge of any of the “CEO”s duties in relation to this Local Law.

PART 3—PARKING ON ROADS

Establishing and Amending the Parking Scheme

8. 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 of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this discretionary authority shall not be exercised in a manner inconsistent with the provisions of this Local Law.

Standing or Parking Contrary to Signs

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

- (a) if that road, part of the road, or parking facility is set apart from the standing of vehicles of a different class;
- (b) upon which the standing of vehicles is prohibited at all times by a sign; or
- (c) upon which the standing of vehicles at that time is prohibited by a sign.

(2) A person shall not park a vehicle on a road, part of a road or parking facility—

- (a) if that road or part of the road or parking facility is set apart for the parking of vehicles of a different class;
- (b) upon which the parking of vehicles is prohibited at all times by a sign; or
- (c) upon which the parking of vehicles at that time is prohibited by a sign

(2) A person shall not stand or park a vehicle on any part of road or parking facility whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

Occupied Parking Spaces

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

Median Strips and Traffic Islands

11. 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; or

Parking Position on Roads and Parking Facilities

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

- (a) parallel to the kerb and as close to the kerb as practical
- (b) headed in the direction of the movement of 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 or parking facility 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.

Parking Near Fire Hydrant

13. A person shall not stand or park a vehicle on a road so that any portion of the vehicle is within one metre (1) of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug.

Traffic Obstructions

14. 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 drive or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, passage or private drive;
- (b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersecting carriageway;
- (c) within six (6) metres of the nearest property line of any road intersecting the road on the side on which the vehicle is standing or parked;
- (d) alongside any hoarding, scaffolding, obstacle or impediment to traffic; or
- (e) on or over a footpath or a place of refuge for pedestrians.

Double Parking

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

Verge Parking

16. (1) 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.

(2) A person, not being the occupier of the land abutting on to a street verge, shall not without consent of that occupier, drive, park or stand a vehicle upon that verge.

Bus Stops, Pedestrian and Children's Crossings

17. (1) A person shall not stand a vehicle on a road so that any portion of the vehicle is within nine (9) metres of the departure side of—

- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) A pedestrian or children's crossing established on a road.

(2) A person shall not stand a vehicle on a road so that any portion of the vehicle is within eighteen (18) metres of the approach side of—

- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) A pedestrian or children's crossing.

(2) A person shall not permit a vehicle to stand or park in a parking space which is set aside for use by omnibusses except for the purpose of taking up or setting down passengers to or from such vehicle.

Direction to Move Vehicles

18. 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 Force directs the driver of such vehicle to move it.

Loading Zones

19. (1) A person shall not permit a vehicle to stand or park in a parking space which is at that time set aside for use by service vehicles carrying commercial goods unless some person is actively engaged in loading or unloading commercial goods to or from the vehicle, and in any case not for a period longer than fifteen (15) minutes.

(2) In this clause, "commercial goods" means an article or collection of articles weighing at least ten (10) kg of which the content is at least 0.3 cubic metres.

(3) A parking space may be set aside for use by service vehicles by a sign marked "Loading Zone" or by other means.

PART 4—STANDING AND PARKING GENERALLY**Cycle Parking and Standing**

20. A person shall not park or stand any cycle in a parking space.

Authorised Parking

21. A person shall not, without the permission of the Council or an authorised person, stand or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

Private Property

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

Service Vehicle/Trailer Parking

23. (1) A person shall not park a service vehicle, commercial vehicle or trailer—

- (a) on a street verge for more than four hours consecutively; or
- (b) on a street verge for the purpose of repairing, servicing or cleaning that vehicle.

(2) A person shall not park a service vehicle, commercial vehicle or trailer on a road or street verge within six (6) metres of where that road or street verge meets or intersects with another road or street verge.

Vehicle Parking

24. A person shall not park a vehicle on any portion of a street, parking facility or public place—

- (a) if the vehicle is exposed for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer, caravan or boat
- (d) if that vehicle is being used as a commercial sign board; or
- (e) for the purpose of effecting repairs to it, other than the minimal repairs necessary to enable the vehicle to be moved to a place other than a road.

Overlength Vehicle Parking

25. A person shall not stand a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles is more than eight (8) metres in length on a carriageway for any period exceeding one (1) hour during any twenty four (24) hour period.

Chalking of Tyres

26. (1) 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 that authorised person's duties and powers.

(2) A person shall not remove a mark made by an authorised person so the purpose of the affixing of such mark is defeated or likely to be defeated.

Parking on Reserves

27. A person shall not stand or park a vehicle in a public reserve, other than within a parking facility on that reserve, without the permission of the Council or an authorised person.

Lawfully Parked Vehicles

28. A vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked does not cause an obstruction, unless—

- (a) the vehicle is so parked for any period exceeding twenty four (24) hours, without the consent in writing of the Chief Executive Officer of the Council or authorised person; or
- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

Unlawfully Parked Vehicles—Obstruction

29. (1) A person shall not park a vehicle in a public place so as to cause an obstruction.

(2) A vehicle is deemed to be causing an obstruction if—

- (a) it is stood or parked so as to cause obstruction to the passage of any traffic, pedestrians or cyclists in a street or public place;
- (b) it is parking in a public place where vehicles may not lawfully be parked;
- (c) it is not fitted with an identification tablet or plate;
- (d) it is apparently abandoned; or
- (e) it is in an unsafe condition.

Removal of Vehicles

30. Where an authorised person or Police Officer finds a vehicle causing an obstruction that person or Officer—

- (a) may remove the vehicle;
- (b) may use such force as is necessary to enter the vehicle for the purpose of so removing it; and
- (c) if that person or Officer removes the vehicle, shall take it to an appointed place.

Recording of Vehicles in Appointed Places

31. Where an authorised person or Police Officer places a vehicle in an appointed place, that person or Officer shall enter in a register to be provided by the Council for that purpose—

- (a) details of the time and date;
- (b) description of the vehicle; and
- (c) the place from which it was removed, and shall notify the Chief Executive Officer of the Council.

Notification to Owner

32. The Chief Executive Officer of the Council shall notify, in writing, the last known owner of the vehicle removed to an appointed place, of the removal of that vehicle.

Recovery of Removed Vehicles

33. (1) A person may recover a vehicle from an appointed place, after paying to the Chief Executive Officer of the Council—

- (a) the cost incurred by the Council in removing the vehicle to the appointed place; and
- (b) the sum of \$10 per day or part of a day that the vehicle has remained in the appointed place.

(2) A person who removed a vehicle from an appointed place without complying with the provisions of this clause commits an offence.

Sale of Removed Vehicles

34. Where a vehicle placed in an appointed place has not been recovered by the owner or person entitled to it within one month from the day upon which it was placed there, the Council may—

- (a) cause the vehicle to be offered for sale by public auction or by public tender;
- (b) accept the best offer made; and
- (c) where no offer is made for the purchase of the vehicle, cause the vehicle to be destroyed.

Indemnity

35. A person is not entitled to any claim, by way of damages or otherwise, against an authorised person, member of the Police Force or the Council in respect of any vehicle seized and dealt with under this part or against any person who purchases a vehicle sold by Council under clause 34.

Application of Sale Proceeds

36. (1) The proceeds of the sale of a vehicle sold under the provisions of clause 34 shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the costs referred to in clause 33(1), and these 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 they were the owner of the vehicle at the time of its sale by the Council.

(3) Any amounts under clause 36(2) may, if not paid to the owner within ten years, be paid into the Municipal Fund, on the condition that the Council shall repay it from that fund to a person claiming and establishing their right to that repayment.

Recovering of Costs Where Sale Proceeds Insufficient

37. Where the proceeds of the sale of any vehicle sold under clause 34, after deduction of the moneys authorised to be applied by the Council by clause 36(1), do not cover the costs of the removal, custody and sale or disposal of that vehicle, the Council may recover the balance of these costs from the owner of that vehicle in a court of competent jurisdiction.

PART 5—DISABLED PARKING**Disabled Parking**

38. A person shall not stand or park a vehicle in a disabled parking space unless an ACROD authority is displayed on the front windscreen of the vehicle and is clearly visible and able to be read by an authorised person from outside the vehicle.

PART 6—MISCELLANEOUS**Affixing Signs and Notices**

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

Appointment of Authorised Persons

40. The Council may appoint a person as an authorised person for the purposes of this Local Law.

Impersonation of Authorised Person

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

Obstruction of Authorised Person

42. A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this Local Law.

Form 1—Original Notice

43. 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 1 of this Local Law.

Form 2—Notice to Owner to Identify Driver

44. A notice served under of Section 9.13 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.

Form 3—Withdrawal Notice

45. 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.

Removal of Notice

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

Offence

47. Any person who contravenes or fails to comply with the provisions of this Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$5000.00.

Modified Penalties

48. The amount appearing in column 4 of Schedule 2 is the modified penalty for an offence if the offence is dealt with under Section 9.16 of the Act.

Recovery of Penalties

49. A penalty, other than a modified penalty, for an offence against this Local Law, may be recovered from the alleged offender by the Council in proceedings in a Court of Petty Sessions.

First Schedule

Form 1

SHIRE OF EXMOUTH

*Local Law Relating to Parking***PARKING INFRINGEMENT NOTICE**

No

To the owner of the vehicle, registration number.....Make.....
Type

It is alleged that at.....am/pm, on the..... day of 19.....
At (location)

You committed a breach of the Shire of Exmouth Parking Facilities Local Law as indicated below by a cross (x)

- | | |
|--|---|
| <input type="checkbox"/> Causing an Obstruction | <input type="checkbox"/> Parking contrary to traffic direction |
| <input type="checkbox"/> Standing on private land without consent | <input type="checkbox"/> Parking in a No Parking Area |
| <input type="checkbox"/> Not wholly within a parking stall | <input type="checkbox"/> Standing on/over a footpath |
| <input type="checkbox"/> Standing on a verge | <input type="checkbox"/> Standing in a No Standing Area |
| <input type="checkbox"/> Standing in a Taxi or Bus/Tourist Coach Stand | <input type="checkbox"/> Unauthorised use of Disabled Parking |
| <input type="checkbox"/> Standing a Non-Commercial Vehicle in a Loading/Truck Zone | <input type="checkbox"/> Other offence not classified of which the use, parking, standing, or leaving of a vehicle is an element. |

Signature of Authorised Person.....Penalty: \$.....

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 twenty-eight (28) days after the date of service of the notice.

Unless within twenty-eight (28) days after the date of the service of this notice you—

- (a) inform the Chief Executive Officer, Shire of Exmouth in writing as to the identity and address of the person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Chief Executive Officer, Shire of Exmouth that the above vehicle had been stolen or was unlawfully used at the time of the above offence.

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Payment may be made by either posting this form together with the amount mentioned above, to the Chief Executive Officer, Shire of Exmouth, PO Box 21, Exmouth 6707 or by delivering this form and paying the amount at the Shire Office, Maidstone Crescent, Exmouth between 9.00am to 4.00pm Monday to Friday.

Form 2
 SHIRE OF EXMOUTH
Local Law Relating to Parking
NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

DATE.....

To

Infringement Number
Date of Service

The Driver of Vehicle, Make Reg. Number.....

You are hereby notified that it is alleged that on at about.....hrs, the driver or person in charge of the above vehicle did

In contravention of the provisions of clause number.....of the Shire of Exmouth Parking Facilities Local Law.

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Unless within twenty-eight (28) days after the date of the service of this notice you—

- (a) inform the Chief Executive Officer, Shire of Exmouth in writing as to the identity and address of the person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Chief Executive Officer, Shire of Exmouth that the above vehicle had been stolen or was unlawfully used at the time of the above offence.

Payment may be made by either posting this form together with the amount mentioned above, to the Chief Executive Officer, Shire of Exmouth, PO Box 21, Exmouth 6707 or by delivering this form and paying the amount at the Shire Office, Maidstone Crescent, Exmouth between 9.00am to 4.00pm Monday to Friday.

.....
Chief Executive Officer.

Form 3
 SHIRE OF EXMOUTH
Local Law Relating to Parking
NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Shire Offices
Maidstone Crescent
PO Box 21
EXMOUTH WA 6707
DATE.....

To

Infringement number—
Date
Time
Offence

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

Authorised Person.....

Second Schedule
SHIRE OF EXMOUTH
Local Law Relating to Parking

MODIFIED PENALTIES

<u>Item No.</u>	<u>Clause</u>	<u>Nature of Offence</u>	<u>Modified Penalty</u>
1	9(1)(a)	Standing on part of a road or parking facility set apart for vehicles of a different class.	50
2	9(1)(b)	Standing or parking in a No Standing Area	50
3	11(a)	Standing or parking on or adjacent to a median strip.	50
4	12(b)	Parking not facing the direction of traffic movement	50
5	13	Standing or parking within 1 metre of a fire hydrant	50
6	14(a)	Parking in front of a driveway	50
7	14(b)	Parking on an intersection	50
8	14(c)	Standing within 6 metres of an intersection	50
9	14(e)	Parking on/over a footpath	50
10	15	Double parking	50
11	17(1)	Standing within 9 metres of the departure side of omnibus stop, pedestrian or children's crossing	50
12	17(2)	Standing within 18 metres of the approach side of omnibus stop, pedestrian or children's crossing	50
13	17(3)	Standing or parking in an omnibus stand	50
14	18	Failing to move vehicle after direction	50
15	21	Unauthorised parking	50
16	22	Standing or parking on private property without consent	50
17	26(2)	Removing a chalk mark	50
18	27	Parking on a reserve	50
19	29	Parking so as to cause an obstruction	50
20	9(2)(a)	Parking on part of a road or parking facility set aside for vehicles of a different class	50
21	9(2)(b)	Parking in a No Parking Area	40
22	10	Standing or parking in an occupied parking space	40
23	12(1)(a)	Parking too far from the kerb	40
24	12(1)(c)	Parking outside parking space marked on road or parking facility	40
25	12(2)	Parking not within the confines of a marked parking stall	40
26	14(d)	Parking next to a traffic obstruction	40
27	16	Standing or parking on a verge contrary to a sign or without consent	40
28	19(1)	Standing or parking in a loading zone without loading/unloading	40
29	24	Parking on a street or parking facility contrary to clause 24	40
30	23	Parking a service vehicle on a street verge for more than 4 hours or to repair it	40
31	25	Overlength vehicle parking	40
32	37	Standing or parking in an ACROD bay not displaying current authority	80
33		All other offences not classified of which the use, parking, standing or leaving of a vehicle is an element	25

Dated the 21st day of May 1998.

The Common Seal of the Shire of Exmouth was hereto affixed by Authority of the Council in the presence of—

MICHAEL S. PURSLOW, Shire President.
KERRY J. GRAHAM, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

LOCAL LAW RELATING TO FENCING

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the Twenty First day of May 1998 to make the following Local Laws.

1. In these Local Laws unless the content otherwise requires—

“Council” means the Council of the Shire of Exmouth

“District” means the municipal district of the Shire of Exmouth

“Dangerous Fence” means a fence declared by a Building Surveyor to be in a dangerous condition by reason of any one or more of the following, namely; faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground levels, or any other cause or causes.

“Fence” means a fence abutting a road way or street or a fence on or near the boundary line of a lot includes any free standing wall and any retaining wall.

“Industrial, Light Industrial and Mixed Zone Use Zones” means any portion of the District that is classified or zoned Industrial, Light Industrial and Mixed Zone Use by a Town Planning Scheme or Local Law for the time being in force.

“Residential Zone” means any portion of the District that is classified or zoned Residential by a Town Planning Scheme or Local Law for the time being in force.

“Building Surveyor” means a building surveyor appointed by the Shire of Exmouth

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

“Town Planning Scheme” means the Town Planning Scheme of the Shire of Exmouth for the time being in force under the provisions of the Town Planning and Development Act 1982 (as amended).

2. Sufficient Fences—

(a) Subject to Local Law 8 a fence within a Residential Zone constructed in accordance with the specifications set out in the First Schedule hereto is hereby prescribed as a “sufficient fence” for the purpose of the Dividing Fences Act 1961 (as amended).

(b) A fence within an Industrial, Light Industrial and Mixed Use Zone constructed in accordance with the specifications set out in the second Schedule hereto is hereby prescribed as a “sufficient fence” for the purpose of the Dividing Fence Act 1961 (as amended).

(c) A fence within a Special Rural Zone constructed in accordance with the specifications set out in the third Schedule hereto is hereby prescribed as a “sufficient fence” for the purpose of the Dividing Fence Act 1961 (as amended).

3. (a) Where a fence is erected on the boundary between land in a Residential zone and land in some other zone then a “sufficient fence” for the purposes of the Dividing Fences Act 1961 (as amended) shall be prescribed as a “sufficient fence” for Residential Zone.

(b) Where a fence is erected on a boundary line between land in differing zones neither of which is a Residential Zone the Council shall determine which schedule shall apply for the purposes of prescribing a “sufficient fence” for the purposes of the Dividing Fence Act 1961 (as amended).

4. (a) No person shall construct a fence of second hand material within the townsite of Exmouth under any circumstances, and in any other case without the written consent of the Council which consent the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.

(b) No fence shall be constructed of sheet metal unless approval has been granted by the Council.

5. (a) Within a Residential Zone, subject to Local Law 7 a front boundary fence not exceeding 1200mm in height may be constructed along the full width of the frontage of a lot.

(b) A fence within a residential zone in excess of 1200mm and not exceeding 1800mm in height may be constructed along the front boundary of a lot subject to—

(i) approval by Council; and

(ii) Local Law 7 being complied with.

- (c) A fence within a residential zone shall not, within 6 metres of the front boundary of the lot, exceed 1200mm in height, without the express approval of Council.
- (d) The Council at its discretion may upon written application approve a fence other than those permitted by these Local Laws.
6. No person shall erect any structure in front of the building line in a an Industrial, Light Industrial and Mixed Zone Use or Residential Zone other than a fence permitted by these Local Laws without having first made written application to and obtained the written approval of the Council.
7. No person shall erect or permit to be erected on any land owned or occupied by him any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or right-of-way and a line adjoining the points located at a distance of 6 metres measured horizontally along each street, or road or right-of-way boundary from the point of intersection of the streets, roads, right-of-way or from the point of intersection of a prolongation of the said boundaries except that this Local Law shall not apply to intersections or junctions having the standard truncation of 8.5 metres or more.
8. No person shall erect a dividing fence greater than 1800mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.
9. (a) No person shall commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000mm in height when required by the Council, engineering calculations in respect thereof and the and the Council has approved a copy of the plan and specifications and (where applicable) the calculations.
- (b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained Council permission.
10. A fence wholly or partly of barbed wire complying with these Local Laws may only be erected—
- (i) In any area that is used for Pastoral purposes.
- (ii) In an Industrial, Light Industrial and Mixed Zone Use if no barbed wire is used below a height of 1800mm from the ground; or
- (iii) In any other part of the Shire of Exmouth with the written approval of the Council.
11. (a) No person shall erect or maintain a dangerous fence in the Exmouth Shire without the written approval of Council.
- (b) No person shall erect an electric fence in the Exmouth townsite without written approval of Council.
12. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.
13. The owner or the occupier of land on which a fence is erected shall maintain the fence in good condition and in such a manner as to prevent it from becoming dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.
14. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or a fence which is of the opinion of the Building Surveyor in bad condition of repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these Local Laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time which to comply. Any person who fails to comply with the terms of any notice served under these Local Laws commits an offence.
15. Where the owner or occupier of land fails to comply with a written notice given by the Council in accordance with Local Law 14 of these Local Laws the Council may enter upon such land and carry out the works specified in the written notice and the costs and expenses incurred by the Council in so doing may be recovered from such owner or occupier in a Court of competent jurisdiction.
16. Any person who commits a breach of these Local Laws commits an offence and shall on conviction be liable to—
- (i) a maximum penalty of \$200, and
- (ii) in addition a maximum daily penalty of \$20 for each day during which the offence occurs.

First Schedule
RESIDENTIAL ZONE

A sufficient fence shall consist of rail— less link or chain mesh of a height of 900mm, supported by galvanized iron posts of a diameter of 50mm spaced at 3 metre centres set in concrete 450mm deep x 250mm diameter, or supported by termite treated timber posts of a diameter of 100mm spaced at 3metre centres and set in concrete 450mm deep x 300mm diameter.

Second Schedule**INDUSTRIAL, LIGHT INDUSTRIAL AND MIXED USE ZONES**

A sufficient fence shall consist of rail— less link or chain mesh of a height of 1800mm on top of which are three strands of barbed wire carrying the fence to a height of 2100mm, supported by galvanized iron posts of a diameter of 50mm spaced at three (3) metre centres and sunk in the ground 600mm and encased in a concrete footing having a dimension of 600mm deep x 250mm diameter, or supported by termite treated timber posts of a diameter of 100mm spaced at 3 metre centres set in the ground 600mm and encased in a concrete footing having a dimension of 600mm deep by 350mm diameter.

Third Schedule**SPECIFICATIONS FOR A SUFFICIENT FENCE IN A SPECIAL RURAL ZONE**

The following is a "sufficient fence" in a Special Rural Zone—

1. A lot boundary fencing shall be of post and rail or post and wire unless otherwise approved by the Council or as otherwise stated in Council's Town Planning Scheme.
2. A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.
3. Barbed wire is permitted on fencing within this Zone.

Dated this 21st day of May 1998.

The Common seal of the Shire of Exmouth was hereunto affixed by authority of a resolution of Council in the presence of—

MICHAEL S. PURSLOW, Shire President.
KERRY J. GRAHAM, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

LOCAL LAW RELATING TO SWIMMING POOLS

Local Laws relating to the Control and Management of the Paltridge Memorial Swimming Pool.

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the Twenty first day of May 1998 to repeal the following By-Laws and amendments thereto—

By-Law relating to the Control and Management of the Paltridge Memorial Swimming Pool published in the *Government Gazette* on October 27, 1965.

Amendments to the By-Law published in the *Government Gazette* on December 28, 1967 and October 25, 1974.

And to make and submit for confirmation by the Governor the following Local Laws—

1. In these Local Laws, subject to the context—

“Manager” means the Manager of the Paltridge Memorial Swimming Pool appointed for the time being by the Exmouth Shire Council or other authorised persons having control of the pool and pool premises.

“Pool” means the Paltridge Memorial Swimming Pool and all land, structures and buildings pertaining thereto.

Hours of Admission

2. The pool shall be open for public use for such periods and at such times as the Council may in its absolute discretion from time to time decide and such periods and such times shall be clearly indicated upon a notice board at the entrance to the said pool.

Admission

3. (a) No person shall, without the express permission of the Council or the Manager, enter the pool except through the authorised constructed entrance and upon payment of the appropriate admission charge.

- (b) No child under 7 years of age shall be admitted to the pool premises unless accompanied and supervised by a responsible person 14 years or older at all times.

All children who have not achieved Stage 4 in the Education Swimming Program or cannot satisfy the Manager they can swim competently or are classified as non-swimmers, will not be admitted to the pool unless accompanied and supervised by a responsible person 14 years or older at all times.

The person deemed to be responsible will be determined by the Manager.

- (c) The maximum ratio for underage/non swimming children to a responsible adult shall not exceed 4:1 in a group.

4. All persons wishing to obtain a season admission pass granting admission to the pool for any one stipulated season may obtain such pass on application to the Manager upon payment of the appropriate fee. The season pass shall be offered for inspection to the Manager when used to obtain admission to the pool. Season passes are not transferable and such a ticket may be used only by the person in whose name the same is issued. A list of all current season pass holders shall be kept at the pool and the Manager shall refuse admission to any person seeking entry by using any such pass if the Manager reasonably believes that the person so seeking admission is not the person to whom such a pass was issued.

Charges for Admission

5. Fees and charges for admission to and use of the pool as provided for in these Local Laws may be fixed from time to time by the Council.

Costume

6. All persons shall appear in public on the pool premises sufficiently clad to preserve decency and current public health standards.

7. No person shall dress or undress into or from their bathing costume except in the change rooms or enclosure provided.

8. Should any person appear in public in such a condition as to be in the opinion of the Manager, indecently or unsuitably clad for swimming, the Manager shall direct the person to take appropriate measures to be attired in a more suitable bathing costume.

Offences

9. No person shall enter the pool whilst in an intoxicated condition whether such condition is induced by liquor, drugs or otherwise and no person shall bring on to the pool premises any spirits, drugs or intoxicating liquors.

10. No person shall use any soap in any part of the pool premises other than in the shower recesses/wash basins provided.

11. No person shall in any part of the pool premises behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use any indecent, obscene, offensive or abusive language or gamble.

12. No person shall climb up to or onto any portion of the roof, fences, walls, partitions or other portion of the pool premises.

13. No person shall in the change rooms or elsewhere in the pool premises, wastefully use the water or leave any taps running.

14. No person shall spit in the pool or on the concourse or any other part of the pool premises or in any way commit any nuisance on or in any part of such premises.

15. No person whilst in the pool shall use any substance or preparation whereby the water thereof may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers.

16. No person shall take foodstuffs or drinks into the change rooms.

17. No person shall foul or pollute the water in any shower, bath or in the pool or soil, defile, damage, injure, destroy, use improperly, disfigure or write in or upon any change rooms, closet or compartments or other part of the pool premises or any furniture or other item of equipment.

18. No person shall at any time carelessly or negligently injure or improperly use or interfere with any taps, locks, valves, lockers or other fittings or appliances in or about the pool.

19. No person shall deposit litter of any description on or in or about the pool.

20. No person being the owner of any dog or animal, excluding persons who are blind or partially blind, or deaf or partially deaf and trainers accompanied by a genuine "guide dog" or hearing dog, shall cause or allow such dog or animal to enter the pool.

21. No male person shall enter any portion of the pool premises set apart exclusively for females and no females shall enter any portion of the pool premises set apart exclusively for males, nor shall any person enter or attempt to enter any change room or other compartment which is already occupied without the consent of the occupier.

22. No person shall smoke tobacco products in the pool premises or the pool surrounds.

23. No person upon the pool premises, shall in any way interfere with any other person, nor throw, push nor attempt to throw or push any person into the pool, or throw any stones, sticks or any other matter or item, to the annoyance of any person using the pool.

24. No person or group of persons shall play any ball games or take any action whatsoever which shall in any way limit the enjoyment of other users of the pool at such time or times as the pool premises shall be in general public use; provided that this clause shall not apply to the playing of any games or aquatic sports specially organised and conducted on the pool premises by any club or person at such time or times as shall be approved by the Manager or Council.

25. (a) No person shall whilst suffering from any infectious skin ailment or contagious disease, or whilst in an unclean condition, enter or use or attempt to enter or use the pool or the pool premises.

(b) No person shall enter the pool whilst in an unclean condition without first using the cleansing shower provided on the premises in which the use of soap is permitted.

Valuables

26. Persons entering the pool premises may deposit valuables with the Manager but under no circumstances whatever will Council or its employees accept liability should such valuables or any of them be lost, stolen, damaged or otherwise interfered with whilst in the custody of the Manager.

27. Every person using the pool premises shall obey all reasonable directions of the Manager.

28. No person shall in any way obstruct, interfere or hinder the Manager in his performances of his duties to maintain control of the pool.

Lost Property

29. (a) Every person finding in the pool any article which may have been left or lost therein shall immediately deliver the same to the Manager who shall thereupon register a description of such article and all particulars relating thereto in a book which shall be kept for that purpose and any person claiming any such article and who satisfies the Pool Manager that he or she is the lawful owner of the lost article shall have such article returned upon signing for same in the lost property book.

(b) The Manager shall report to the Chief Executive Officer upon his or her request regarding lost property and produce the said book for inspection by the Chief Executive Officer.

(c) Council shall not under any circumstances incur any liability in respect of articles lost or left in the pool premises or stolen from any person whilst on the pool premises.

(d) All articles left in the pool and not claimed within a period of two months, after the pool season closure, shall be disposed of by the Council in any manner it thinks proper.

Carnivals

30. (a) Any person, club, association or organisation conducting any carnival held at the pool premises shall be responsible for the conduct of the competitors and spectators during such carnival and shall

be bound to ensure that there is no overcrowding and that no damage is done to the buildings or fencing or any other portion of the pool or the pool premises and further, that these Local Laws be strictly observed by all competitors, officials and spectators attending such carnival.

(b) At all swimming carnivals held at the pool the competitors shall wear proper and approved bathing costumes.

(c) Every person, club, association or organisation conducting any carnival shall pay to Council in respect to such carnival a sum to be fixed from time to time by Council.

Coaching

31. (a) No person shall for reward or profit, teach, coach or train any other person in the pool premises except with the consent in writing of Council.

(b) Council may in its absolute discretion give such consent or apply such conditions as it deems fit and Council may at its absolute discretion at any time withdraw such consent or conditions.

Enforcement

32. (a) Any person offending against any of the provisions contained in these Local Laws shall upon conviction be liable to a penalty not exceeding \$200.

(b) A person who infringes any of the provisions of these Local Laws or who commits any breach thereof may be summarily removed from the pool or the pool premises by the Manager or may be arrested by the Manager and given into the custody of a police officer.

(c) The Manager or other person for the time being in charge of the pool premises may refuse to admit any person who shall have been convicted of wilfully disobeying, infringing or breaching any of the provisions of these Local Laws until such times as Council may decide that such person shall be admitted.

(d) The Council may issue a written direction to the Manager that any person named in such direction shall not be admitted to the pool or to the pool premises and whilst such direction remains in force the Manager shall not admit such person to the pool or pool premises and such person shall not with knowledge that such direction is in force enter or attempt to enter the pool.

Dated this 21st day of May 1998.

The Common Seal of the Shire of Exmouth is hereunto affixed by authority of a resolution of Council in the presence of—

MICHAEL S PURSLOW, Shire President.
KERRY J GRAHAM, Chief Executive Officer.



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