

LOCAL GOVERNMENT ACT 1995
Shire of Leonora
GENERAL PROVISIONS LOCAL LAW 1998
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LOCAL GOVERNMENT ACT 1995

Shire of Leonora

GENERAL PROVISIONS LOCAL LAW 1998

Under the powers conferred by the abovementioned Act and all other powers enabling it, the Council of the Shire of Leonora hereby records having resolved on the 15th day of December 1998, to make the following local laws.

PART 1—PRELIMINARIES

1.1 Citation

This local law may be cited as “Shire of Leonora General Provisions Local Law.”

1.2 Application

This local law applies to the whole of the Local Government District of the Shire of Leonora.

1.3 Interpretation

In this local law, unless the context otherwise requires:

- 1.3.1 “Act” means the Local Government Act 1995;
- 1.3.2 “CEO” means the person for the time being employed as the Chief Executive Officer or Acting Chief Executive Officer of the Council;
- 1.3.3 “Council” means the Council of the Shire of Leonora;
- 1.3.4 reference to any Act or statute (whether State or Federal) shall include all statutory amendments and reenactments thereof for the time being in force;
- 1.3.5 the singular number includes the plural number and the masculine gender includes the feminine gender and the neuter gender and vice versa.

1.4 Repeal

The following local laws are hereby repealed:

- 1.4.1 Local Law relating to the Long Service Leave published in the *Government Gazette* on the 20 August 1954.
- 1.4.2 Local Law relating to the Prevention of Damage to Streets published in the *Government Gazette* on the 4 October 1962.
- 1.4.3 Local Law relating to Old Refrigerators and Cabinets published in the *Government Gazette* on the 29 August 1963.
- 1.4.4 Local Law relating to the Removal and Disposal of Obstructing Animals and Vehicles, published in the *Government Gazette* on the 29 August 1963.
- 1.4.5 Local law relating to Signs, Hoardings and Bill Posting published in the *Government Gazette* on the 18 August 1971 and amended by notice in the *Government Gazette* on the 30 May 1975.
- 1.4.6 Local law relating to Sick Leave published in the *Government Gazette* on the 19 February 1969.
- 1.4.7 Local law relating to Street Lawns and Gardens published in the *Government Gazette* on the 30 October 1963.
- 1.4.8 Local law relating to Caravan Parks and Camping grounds No 2 published in the *Government Gazette* dated 12 September 1980.

PART 2—REMOVAL OF GOODS & ANIMALS FROM PUBLIC PLACES

2.1 Interpretation

In this part, unless the context otherwise requires:

- 2.1.1 “goods” has the same meaning as given to it in Section 3.38 of the Local Government Act 1995.
- 2.1.2 “public place” includes a street, way and place which the public are allowed to use whether the street, way or place is or is not on private property. It shall also include parklands, reserves, and other lands set apart for the use and enjoyment of inhabitants of the district and includes all land vested in or under the care, control or management of the Shire of Leonora.

2.2 Appointment of Authorised Person

The Council may appoint a person as an Authorised Person for the purposes of performing particular functions under this Part. An Authorised Person shall be furnished with a certificate of appointment in a form determined by the CEO from time to time. A person shall not hinder with an authorised Person in the course of that person’s duties.

2.3 Removal of Hazardous Goods or Animal from Public Place

Where an Authorised Person, or a member of the Police Force finds goods or an animal in a public place and those goods or animal present a hazard to public safety or obstructs the lawful use of any public place, that person may remove the goods or the animal from the public place and place the goods or the animal in the Council depot, public pound or to the place set aside for the purpose.

2.4 Registration of Impounded Goods or an Animal

When an Authorised Person places goods or an animal in the Council Depot, public pound or other place set aside for that purpose, details of the time and date, a description of the goods or the animal, and of the place from which it was removed, shall be entered in a register provided by the Council for that purpose, and the CEO shall be notified.

2.5 Application of the Act

The procedural provisions of Part 3, Division 3, Subdivision 4 of the Act shall apply generally when goods or animal are impounded.

2.6 Public Notification of Goods or Animal Impounded

The CEO shall exhibit on the notice board of the Council notification that the goods or the animal therein described has been impounded and shall, unless the goods or the animal therein described has been impounded and shall, unless the goods or the animal is sooner recovered, keep that notification exhibited for a period of not less than 7 days.

2.7 Offence

Any person who removes impounded goods or an animal from the Council depot, public pound or other place set aside for the purpose, without the authority of the CEO or otherwise contravenes or fails to comply with any clause in Part III of these Local Laws commits an offence and is liable on conviction to a penalty which is not less than \$250 and not more than \$1000.

PART 3—OLD REFRIGERATORS AND CABINETS

3.1 Disposal of refrigerators, cabinets, or the like

A person shall not place in, or about any rubbish depot, tip or dump, sanitary depot, public reserve, public place or unfenced vacant land any refrigerator, ice chest, ice box, furniture, trunk or other thing whether or the same kind as, or of a different kind from, those specified in this Part, that has in it a compartment of a capacity of 0.04 cubic metre or more, unless before so placing it, that person removes from the compartment every door, lid, lock and hinge thereof or otherwise renders every such door or lid incapable of being fastened.

3.2 Offence

A person who contravenes or fails to comply with any clause in Part IV of those Local Laws commits an offence and is liable on conviction to a penalty which is not less than \$500 and not more than \$1000.

PART 4—STREET LAWNS & GARDENS

4.1 Interpretation

In this Part, unless the context otherwise requires, all words and expressions used have the same meanings as they have in the Local Government Act 1995.

4.2 Planting of a lawn or garden in a street

A person shall not plant or permit to be planted a lawn or garden, in a street:

- 4.2.1 that it extends beyond the frontage of the property owned or occupied by that person, without the written approval of the Council.
- 4.2.2 that it encroaches on the pavement of a carriageway, or on a made footpath;
- 4.2.3 that is not graded evenly, from the frontage of the land abutting on that portion of the street to the kerb of the carriageway.

4.3 Reticulation of lawns or garden in a street

Any water pipes laid to a lawn or garden, in a street, shall:

- 4.3.1 be laid beneath the surface of the street, at a depth of not more than 300mm, nor less than 150mm, and so that any fitting connected to them does not project above the surface of the lawn or garden;
- 4.3.2 if connected to a public water supply, be laid to comply with the requirements of the body constituted for, and having control of, that supply under an Act;
- 4.3.3 if connected to a private supply, where passing under road pavement, made footpaths or crossings, be of galvanised, wrought iron or of copper; and
- 4.3.4 have approved valves, located within the property where they are connected to the supply and fitted so as to give complete control of the flow of water from the supply.

4.4 Damage to public property

Where a person, in the course of laying pipes pursuant to this clause, causes damage to any road, pavement, footpath, or crossing, to any water, gas or sewerage pipes, to any power or telephone cables, to a fire hydrant or to any public place or property that damage may be made good, by the authority having the control of the thing damaged, at the expense of that person or of the person whose behalf the pipes were laid; and the amount of that expense may be recovered in any court of competent jurisdiction.

4.5 Maintenance of lawn or garden

4.5.1 A person planting a lawn or garden in a street may do all things reasonably necessary to maintain that lawn or garden and shall make good any damage thereby occasioned to the street and shall keep the lawn mowed to a reasonable height.

4.5.2 Nothing in this local law authorises a person to place or erect any fence, enclosure or other obstruction on, or about, a lawn or garden in a street.

4.6 Notice to rectify

The Council may at any time, by notice in writing to the owner or occupier of land that abuts upon that part of a street wherein a lawn or garden is planted, require that owner or occupier to remove any tree, shrub or water piping or fitting and may, where the owner or occupier does not comply with the notice, remove the tree, shrub, piping or fitting at the expense of the owner or occupier, and any expense incurred by the Council pursuant to this local law may be recovered in any court or competent jurisdiction.

4.7 Carrying out of authorised works

4.7.1 The Council or any other authority empowered by law to dig up a street may, without being liable to compensate any person therefore, dig up all or any part of a lawn or garden in a street, for the purposes of carrying out any authorised works.

4.7.2 A person employed by the Council or other authority acting pursuant to this local law shall not disturb a lawn or garden or damage any pipes laid under it or them to any greater extent than is reasonable necessary, for the purpose of carrying out any authorised works and shall, upon the completion of the works, reinstate the lawn or garden, as far as is reasonably practicable.

4.7.3 Where the Council or any other authority authorised by law to dig up a street for the purpose of carrying out authorised works is of the opinion that the carrying out of those works may be impeded by

the existence of piping under a lawn or garden in a street, it may give notice to the owner or occupier of the land abutting on the lawn or garden to remove the piping, until the completion of the works, and may, where the owner or occupier does not comply with the notice, remove the piping at the expense of the owner or occupier; and any expense incurred by the Council or authority pursuant to this local law may be recovered in any court of competent jurisdiction.

4.7.4 The Council or other authority is not liable for damage to piping under a lawn or garden in a street, occasioned either in the course of the removal of the piping under the provisions of the sub-clause 5.7(3) of this local law or of carrying out authorised works.

4.8 Standing of vehicle or animal

4.8.1 A person, not being the occupier of the land abutting on that lawn or garden, shall not, without the consent of that occupier, drive or stand a vehicle or animal upon a lawn or garden planted in a street pursuant to this local law.

4.8.2 Where a complaint brought under this local law is in respect of the driving of a vehicle upon a lawn or garden, if the pavement of the carriageway adjoining the lawn or garden does not exceed 5.4 metres in width, it is a sufficient defence to the complaint to show that:

- (a) the wheels of one side only of the vehicle passed over the lawn or garden; and
- (b) it was necessary to drive upon the lawn or garden, in order to pass another vehicle then being driven or standing on the pavement of the carriageway.

4.9 Offences

4.9.1 Except as provided by this local law, every person who wilfully damages a lawn or garden in a street or who removes from any such garden any flower, plant or shrub commits an offence.

4.9.2 The Council is not liable for any damage sustained by a person by reason of, or arising out of, the planting, or existence, of a lawn or garden in a street.

4.9.3 A person who contravenes or fails to comply with any clause in this Part 4 of the General Provisions Local Law is liable on conviction to a penalty not exceeding \$1000 and if the offence is of a continuing nature, to a daily penalty not exceeding \$200 in respect of each day or part of a day during which the offence continues.

Dated this 15th day of December 1998.

The Common Seal of the Shire of Leonora is hereunto affixed by authority of a Resolution of the Council in the presence of:

GLENN W. BAKER, President.
JAMES G. EPIS, Chief Executive Officer.