

*Division 5—Licences***14.5.1 Objectionable Signs and Hoardings**

Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these Local Laws and without limiting the provisions of Subsection 14.3.1(b) of these Local Laws, the Council may refuse a licence therefore, if the sign or hoarding would, in its opinion, be injurious to the amenity or natural beauty of the area.

14.5.2 Licence to be Subject to Local Laws

Every licence shall be granted, and shall continue only in accordance with the provisions of these Local Laws.

14.5.3 Revocation of Licences

Where anything purporting to be done pursuant to a licence issued under these Local Laws is not done in conformity with the licence or with these Local Laws or where the licensee is guilty of an offence against these Local Laws the Council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the licence.

14.5.4 Licences to be Produced**14.5.5 Applications for Licences**

- (a) An application for a licence under this Part of these Local Laws shall be made in the form of application prescribed or provided by the Council for that purpose.
- (b) An application for the first issue of a licence, in respect of—
 - (i) An illuminated sign;
 - (ii) A pylon sign;
 - (iii) A clock; or
 - (iv) A hoarding;shall be accompanied by a plan drawn to a scale of not less than 1mm to 200mm, showing the position, design and method of construction of the thing for which the licence is sought.
- (c) An application for the first issue of a licence, in respect of a roof sign, shall be accompanied by a certificate from an architect or structural engineer certifying that the building upon which it is proposed to erect the sign is, in all respects, of sufficient strength to support the sign, under all conditions and that the sign is itself of structurally sound design.
- (d) Every applicant for a licence shall furnish, in writing, such further particulars as may be required by the surveyor.

14.5.6 Licences

- (a) Subject to 14.5.6(b) of this Local Law a licence issued pursuant to these Local Laws remains valid until any alteration is made to the sign in respect of which it issued, and in that event the licensee shall apply for a new licence.
- (b) A licence issued in respect of a hoarding is valid for the period of one year only.
- (c) A licence shall be in the form provided by the Council for that purpose.

14.5.7 Licence Fees

A licence shall be issued upon payment of the fee prescribed by the Council from time to time for a sign or hoarding of the kind applied for, but the payment of a licence fee pursuant to any Local Laws that were in operation prior to the coming into operation of these Local Laws is deemed to be a payment for the purposes of this section.

14.5.8 Special Permits

- (a) Notwithstanding anything contained in these Local Laws, the Council may, by permit under the hand of the surveyor, allow the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings, or other matters of public interest, upon such terms, and for such period, as the Council may, in each case, decide.
- (b) The Council may revoke any such permit at any time without assigning any reason therefore.
- (c) Upon the expiration or revocation of a permit issued under this Local Law, the person to whom it was issued shall forthwith remove the advertisement to which it relates.

*Division 6—General***14.6.1 No Obstruction to Doors, etc.**

A sign shall be not so erected as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.

14.6.2 Licence Number

Every advertising device shall bear on its face, in figures legible from the nearest street, the number of the licence under which it is erected or displayed.

14.6.3 Offences

- (a) Every person who erects a sign that does not comply with, or erects a sign in a manner contrary to, the provisions of these Local Laws commits an offence.
- (b) Every person who maintains a sign without a licence or in respect of which the licence has expired or been cancelled commits an offence.
- (c) Without prejudice to the provisions of 14.6.3(a) & (b) of this Local Law, the Council may serve on the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to these Local Laws; notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this Local Law commits an offence.

14.6.4 Removal and Disposal of Signs Unlawfully Displayed

- (a) The Council may remove any sign placed or erected, contrary to the provisions of these Local Laws, on any street or land vested in, or under the care or control of the Council and may, without incurring any liability therefore dispose of any sign so removed, in such manner as it thinks fit.
- (b) Where, in exercise of the power conferred by Subsection 14.6.4(a) of this Local Law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal, in any court of competent jurisdiction, from the person responsible for the placing or erecting of the sign.

14.6.5 Penalties

Any person who is guilty of an offence against these Local Laws is liable to a penalty as prescribed by Council from time to time.

Part 16 – Parking and Parking Facilities

Repealed by Parking & Parking Facilities Local Law 2008

Part 20 – Enforcement of Local Laws/Penalties*Division 1—Appointed Officers and Persons*

20.1 It shall be a breach of these local laws for any person to hinder or interfere with an Authorised Person or an Authorised Officer acting in the course of a duty, power or function under these Local Laws.

20.2 Identification

An Authorised Person or an Authorised Officer shall on demand show an identification of that person as such.

Division 2—Impounding

20.3 Where a Authorised Person places an animal or vehicle in a Local Government depot, public pound, or other place appointed for that purpose, the animal or vehicle shall thereafter be dealt with according to law.

20.4.1 Every animal or vehicle seized under these Local Laws shall be entered into a register, provided by the Council for that purpose—

- (a) Details of the time and date;
- (b) A description of the animal or vehicle; and
- (c) The place from which it was removed.

20.4.2 An authorised person shall then notify, in writing, the last known owner of the vehicle that the vehicle can be collected during such hours as may be specified in the said notice, if no owner is known, notice detailing the particulars specified in Section 20.4.1 shall be exhibited for not less than seven (7) days on a public notice board at the Council.

20.5.1 If the vehicle which has been removed to an appointed place is not collected within a period of two (2) months after the notice referred to in Section 20.4.2 was given, the vehicle may not be collected unless the costs incurred by Council in removing the vehicle to an appointed place and the holding of such vehicle in the appointed place, are paid.

20.5.2 A person who removes a vehicle from an appointed place without complying with the provisions of Section 20.5.1, commits an offence.

20.6 Where a vehicle or animal, which has been removed to an appointed place, has not been recovered by the owner or a person entitled thereto within two (2) months from the day notice was given in accordance with Section 20.4.2 of these Local Laws, the Council may cause the vehicle or animal 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 or animal the Council may cause it to be destroyed or otherwise disposed of to the best possible advantage.

20.7 The proceeds of the sale of a vehicle or animal under the provisions of section 20.6 of this Part shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the cost of taking and maintaining the vehicle or animal in custody, and the daily rate specified by Council from time to time for each day or part of a day that the vehicle or animal remains in that place; and those sums shall be paid into the Local Government Fund.

20.8 Surplus Moneys

20.8.1 Any surplus of the proceeds of the sale shall be paid by the Council into its Trust Fund, and may be paid within ten (10) years to any person who satisfies the Council that that person was the owner of the vehicle or animal at the time of its sale by the Council.

20.8.2 Any surplus of the proceeds of the sale may, if not paid to the owners within ten (10) years, be paid into the Local Government Fund on the condition that the Council shall repay if from that Fund to a person claiming and establishing his or her right to the repayment.

20.9 A person is not entitled to any claim, by way of damages or otherwise against an Authorised Person, a member of the Police Service, the Council or the Local Government in respect of any vehicle or animal seized and dealt with under the provisions of these Local Laws or against any person who purchases a vehicle or animal sold by the Council under the provisions of section 20.6.

Division 3—Infringement Notices

20.10 Definitions

For the purpose of this Division, the terms “Authorised Person” and “owner” have the meanings given to them in section 9.15 of the Act.

20.11 These provisions for Infringement Notices apply only to such of these Local Laws as are made under the Act. Where Parts of these Local Laws are made under other statutes, any Infringement Notice provisions in those statutes shall apply to those Parts respectively.

20.12 Notices and Infringement Notices issued pursuant to this Division shall be issued in the circumstances referred to in section 9.16(2) of the Act, and in accordance with the provisions of Part 9 Division 2 Subdivision 2 of the Act, and Part 5 of the Local Government (Functions and General) Regulations 1966, and the forms prescribed in the Regulations shall apply.

20.13 Every breach of any of these Local Laws made under the Act is hereby prescribed as a breach in respect of which an infringement notice may be issued provided that the infringement notice procedure may only be adopted if the CEO or an Authorised Person under this Division is satisfied that the breach in the circumstances of the particular case has the characteristics referred to in paragraphs (a) and (b) of section 9.16 of the Act.

20.14 An infringement notice may be withdrawn in the manner provided and subject to the provisions in section 9.20 of the Act and regulation 27 of the Local Government (Function and General) Regulations, and using the form prescribed in the Regulations.

20.15 Where any Act allows an infringement notice to be issued in respect of an offence under these Local Laws and infringement notice may be issued in lieu of proceedings by way of Summons but upon failure of the offender to pay the modified penalty under the infringement notice proceedings may be commenced in Court without further notice.

20.16 The amount of the penalty which may be provided in any infringement notice shall not exceed—

- (a) \$500 for an offence involving a breach of a Local Law made under the Act; and
- (b) The maximum amount permitted under the relevant Act in respect of any of these Local Laws made under the Act.

20.17.1 Parking Local Laws Penalties (*Local Government Act 1995*)

Repealed by Parking & Parking Facilities Local Law 2008

20.17.2 Local Government (*Parking for Disabled) Persons Regulations 1988*)

Repealed by Parking & Parking Facilities Local Law 2008

20.18 General Penalty Provision

	Local Law	General Infringements—Penalty of \$100.00 for each offence
Part 3		
		Prohibited River or Reserve Activity
1	3.3.1(d)	Fishing in prohibited area
2	3.4(r)(i)	Damage to dunes and environs
3	3.4(r)(ii)	Sandboarding or similar activity on dunes
4	3.4(ac)	Play or practice golf
5	3.6	Camp, erect a structure to sleep
6	3.6(c)	Light a fire
7	3.7	Drive, park or stand on a river or reserve
		Jetties
8	3.13.2	Drive and permit a vehicle to remain on a jetty (includes bicycle)
9	3.13.3	Fish from jetty or bridge to interfere with free movement of vessels, causing a nuisance
10	3.13.4(a)	Sell goods from jetty without consent
11	3.13.4(c)	Display a sign/advertisement or use of loud speaking device
12	3.13.4(e)	Dive/jump from a jetty/bridge
13	3.13.6	Deposit substance or object on jetty/bridge causing damage
14	3.13.10	Permitted vessel to remain alongside jetty without being moored or fastened
15	3.13.11(2)	Failed to remove vessel from a jetty
16	3.13.12	Moored a vessel to a jetty for repairs/maintenance without consent
17	3.13.14	Permit an animal to remain on/near a jetty
18	3.13.15	Launched or permit the launching of a vessel from a jetty
Part 5		
		Stray Cattle
19	5.1.2	Stray cattle in public place
20	5.1.5	Inadequate fencing to contain cattle
Part 6		
		Streets and Public Places
21	6.3(b)	Park a commercial vehicle, caravan, omni bus or trailer on street for more than 4 consecutive hours
22	6.3(c)	Repair, service a vehicle on a street verge
23	6.3(h)	Damage a lawn or garden on the street verge
24	6.4	Break up, damage any street, way, footpath
Part 7		
		Street Numbers for Houses
25	7.4	Failure to comply with requisition to paint, affix or maintain a street Number
26	7.6	Failure to comply with a notice specifying the location or locations of a street Number
27		All other breaches of Local Laws as described on the infringement

Local Law General Infringements—Penalty of \$100.00 for each offence

Part 11		Rubbish, Litter, Material, Things & Vehicles
28	11.2	Park, stood, leave, stored or disposed of a vehicle or part there-of, or machinery not in an approved area
Part 12		Hawkers, Stallholders and Street Traders
29	12.2	Operated as a Hawker without a licence
30	12.3	Operated as a Stallholder without a licence

20.18.1 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these Local Laws, or any notice or order under these Local Laws commits an offence.

20.18.2 The maximum penalty in respect of—

- (a) An offence involving a breach of any of these Local laws made under the Act shall be \$5,000; and
- (b) An offence involving a breach of any of these Local Laws made under any other Act shall be the maximum penalty under that Act for a breach of Local Laws made under the authority of that Act.

20.18.3 Subject to subsection 20.18.2 any person who commits a first offence under these Local Laws shall be liable, if no inconsistent penalty is provided by these Local Laws or any other law—

- (a) a minimum penalty of \$100.00 and a maximum penalty of \$1,000.00; and
- (b) In addition, if the Court thinks fit, a minimum daily penalty of \$10.00 per day and a maximum daily penalty of \$100.00 per day.

20.18.4 Any minimum penalty or minimum daily penalty referred to in subsection 20.18.3 shall increase in severity by one-tenth for each successive breach of the same provision by the same offender but shall not in any event exceed the maximum provided in subsection 20.18.2.

20.18.5 The imposition of any penalty pursuant to these Local Laws shall not be inconsistent with or repugnant to any of the provisions of the Act or any other law in force, and in the case of inconsistency the other law shall apply.

20.19 Seizure of Articles Under Part 4

An Authorised Person may in or on any place to which Part 3 applies, seize any device used for surf riding, including surf-ski, surf-board, Malibu board, or boat where the device is being used contrary to the provisions of these Local Laws.

20.20 Any device of the kind referred to in section 20.19 may be impounded after seizure for any period not exceeding 3 months as may be specified by the Authorised Officer to the person having the custody of such device immediately prior to the time of seizure.

20.21 Where such device is not claimed by the owner thereof within to (2) months after the expiration of the period for which the device was impounded, the device may be sold by the Council and the proceeds of such sale may be applied towards recouping the costs of and incidental to impounding it.

20.22 Where the costs referred to in section 20.21 exceed the cost of the impoundment then the excess shall be paid to the owner of the device or where the identity or whereabouts of that owner are unknown placed in a trust fund and dealt with in accordance with the relevant provisions of the Act.

Division 5—General

20.23 No person shall, without the authority of the Council, mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these Local Laws.

20.24 The Council shall not be liable or be held responsible for any injury, accident, loss, or damage whatsoever which occurs to or is sustained by any person, or any damaged or loss to any private property, while on any public park, land, or public reserve or other public place whatsoever under the care, control and management of the Council except in the case of negligence or breach of statutory duty by the Council.

Part 21 – Objections and Appeals and Miscellaneous

21.1 Rights Or Objections And Appeal

21.1.1 Where any provision is made for the granting issuing or giving of any licence, authorisation, registration, approval or consent or the like under these Local Laws, or for the refusal, refusal of renewal, or cancellation of the same, or for the imposition of conditions, then the rights of objection and appeal and the procedures associated with them provided for in Part 9 Division 1 of the Act shall apply, together with the relevant provision of the Local Government (Functions and General) Regulations 1996.

21.1.2 The preceding subsection shall not apply to Part 6, except to the extent that there will be no inconsistency with the Acts under which those Parts are made, and to the extent that the rights of appeal provided by the Act are applicable.

21.2 Forms

Where provision is made for a form to be prescribed or provided, if none is prescribed or provided than a form appropriate to the circumstances will suffice if it provides information needed by the Council to perform its relevant function under these Local Laws.

21.3 Fees

Where provision is made for fees to be prescribed, if no fees are prescribed by the Council at the time the same fall due, the CEO shall assess a fee appropriate to cover the administrative expenses involved in the relevant Council function, and as soon as possible thereafter request the Council to prescribe the relevant fee or fees.

21.4 Conditions

If provision is made in these Local Laws for the granting or issuing of any licence, authorisation, registration, approval or consent or the like subject to conditions, the person to whom the same is granted issued or given and every other person operating under or within the terms of such licence, authorisation, registration, approval or consent or the like shall comply with such conditions and any failure to comply shall be a breach of this section and subject to the penalties applicable to the relevant Part of these Local Laws.

Part 22 - Schedules
Schedule 1.1
General Infringement Notice

Infringement No:.....

Date:...../...../.....

To:

.....
(surname)

.....
(given name)

Address:

Vehicle No:

Make:

Model:

Place

Date:

Time:

am/pm

It is alleged that you have committed the following offence—

.....
.....
of the Shire of Murray Consolidated Local Laws

Other breach:

Modified Penalty: \$

.....
Officer's name

.....
Officer's Signature

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire Administration Centre, Shire of Murray, Pinjarra Road (PO Box 21, Pinjarra) 6208, within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matters is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

**Schedule 1.2
General Withdrawal of Infringement Notice**

Date:...../...../.....

To:
(surname) (given name)

Address:

Infringement Notice No: in respect of

Vehicle No: Make: Model:

Place

Date: Time: am/pm

For the alleged offence of—
.....

of the Shire of Murray Consolidated Local Laws **has been withdrawn.**

The modified penalty of

\$

- * No further action will be taken
- * it is proposed to institute court proceedings for the alleged offence
- * **delete as appropriate**

Authorised Officer

.....
Title Name: Signature

**Schedule 16.1
Repealed by Parking & Parking Facilities Local Law 2008**

**Schedule 16.2
Repealed by Parking & Parking Facilities Local Law 2008**

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

Dated 26 August, 1999.

NOEL H. NANCARROW, Shire President.
N. G. LEACH, Chief Executive Officer.

