

# **LOCAL GOVERNMENT ACT 1995**

## **SHIRE OF WILLIAMS**

### SHIRE OF WILLIAMS (LOCAL GOVERNMENT ACT) LOCAL LAWS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Williams hereby records having resolved on the 20<sup>th</sup> day of August, 1997, to make the following local laws:

<b>Part I - Laws</b>	<b>Revocation and Citation and Application of Local Laws</b>
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#### 1.1 Revocation

The following local laws are hereby revoked:

- Building Line By - Law No. 1, published in the Government Gazette on 24 May, 1961;
- By - laws for Regulating the Construction, Establishment, Operation and Maintenance of Motels, published in the Government Gazette on 27 October, 1960;
- Building Line By - law No. 2, published in the Government Gazette of 24 May, 1961;
- Local Government Model By - laws (Caravan Parks and Camping Grounds) No 2, published in the Government Gazette on 16 December, 1965;
- Local Government Model By - laws (Removal and Disposal of Obstructing Animals or Vehicles) No 7, published in the Government Gazette on 17 August, 1966;
- Local Government Model By - laws (Petrol Pumps) No 10, published in the Government Gazette on 7 September, 1966;
- Local Government Model By - laws (Signs, Hoardings and Billposting ) No 13, published in the Government Gazette on 8 December, 1966;

- By - laws Relating to Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials, published in the Government Gazette on 20 December, 1967;
- By - laws Relating to Verandahs and Balconies, published in the Government Gazette on 27 November, 1969;
- General By - laws, published in the Government Gazette on 24 November, 1972;
- By - laws Relating to Sick leave, published in the Government Gazette on 23 September, 1974;
- By - laws Relating to Nuisances, published in the Government Gazette on 9 December 1977;
- Swimming Pool By - laws, published in the Government Gazette on 6 January, 1978.

## 1.2 CITATION

These local laws may be cited as “Shire of Williams (Local Government Act) Local Laws” or as “Shire of Williams (LGA) Local Laws.”

## 1.3 GENERAL APPLICATION

These local laws shall apply to the whole of the district of the Shire of Williams, unless otherwise stated.

## 1.4 READ AS A WHOLE

These local laws shall be read as a whole and the treatment of a subject matter in one part does not exclude the treatment of the same subject matter in another part.

# **PART II - General Definitions**

2.1 In these local laws, unless the context otherwise requires:

2.1.1 “Act” means the Local Government Act 1995;

“Authorised Person” means in respect of a particular function to be performed under these local laws an employee of the Shire of Williams authorised by the Council to perform that function;

“camp” when used as a noun includes any portable shed or hut, tent, tent fly, awning, blind or other thing used as, or capable of

being used as, a habitation or for dwelling or sleeping purposes;  
and the verb “to camp” shall be construed accordingly;

“caravan” means a vehicle designed or fitted or being capable of use, as a habitation or for dwelling or sleeping purposes;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Williams;

“Council” means the council of the Shire of Williams;

“district” means the district of the Shire of Williams;

“licence” means a licence issued pursuant to these local laws;

“member of the police force” means a member of the police force of Western Australia;

“person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club, association or other body of persons;

“Shire” means the Shire of Williams;

“vehicle” includes;

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

2.1.2 Unless otherwise defined herein the terms and expressions used in these local laws shall have the meaning given to them in the Act.

## **Part III - Swimming Pool (Management and Control)**

### Division 1 - Preliminary

#### DEFINITIONS

3.1 In this part, unless the context otherwise requires -

“Pool Manager” means the Manager or other person appointed for the time being by the Council to have control and management of the Pool premises and such term shall include the Assistant Manager;

“Attendant” means an employee of the Council or a person authorised by Council performing any duties on or in connection with the Pool premises;

“Spectator” means any person admitted to the Pool premises for the sole purpose of viewing the swimming or other activities conducted therein;

“Swimming Coach” means any person licensed by the Council to enter the Pool premises for the purpose of teaching swimming;

“Pool Premises” means the Williams Swimming Pool and includes all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of such swimming pool or used in connection therewith.

## Division 2 - Terms of Admission

- 3.2 The Pool premises shall be open for use of the public during such hours and periods as the Council may from time to time by resolution appoint; the Council reserving to itself the right to refuse admission to any person at any time. Any child not qualified at Level 6 (Junior Certificate) or above shall not be permitted to enter or remain at the Pool premises unless that child is and continues to be under the care and control of an adult.
- 3.3 The Pool Manager may temporarily suspend admittance or clear the Pool premises or any part thereof of any person or persons if in his opinion such action is necessary or desirable.
- 3.4 Every person using the Pool premises shall obey all reasonable directions of the Pool Manager with regard to such use.
- 3.5 It shall be the duty of the Pool Manager (who is hereby so empowered and directed) to refuse admission to or remove or cause to be removed from the Pool premises any person who, in the opinion of the Pool Manager, is guilty of a breach of any of the provisions to these local laws who, by that person's past or present conduct, is deemed undesirable and any such person shall, upon the request of the Pool Manager to withdraw from the Pool premises quietly and peaceably do so as soon as possible.
- 3.6 Any person who has been refused admission to the Pool premises or who feels aggrieved by action of the Pool Manager may object to the Council by letter addressed to the CEO against such action and the Council may give such direction in the matter as is thought fit provided that such right of objection shall not imply any right of action for damages or other remedy against the Pool Manager or Council arising out of such refusal of admission.
- 3.7 A person shall not except with the consent of the Pool Manager or the Attendant, enter any portion of the Pool premises set apart exclusively for the opposite sex except a person under the age of six years.
- 3.8 The Pool Manager may prohibit any person approaching or entering or remaining in a pool who in the Pool Manager's opinion is dirty or unfit to use such pool and the Pool Manager may require such person to thoroughly cleanse and wash himself or herself in one of the showers.

## Division 3 - Carnivals

- 3.9 (a) No person, club or association or organisation shall conduct a carnival at the Pool Premises unless with the prior consent of the Council.
- (b) The Council may grant such consent subject to such conditions it thinks fit and may at any time withdraw such consent.

- (c) A 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 the carnival and shall prevent overcrowding and ensure that no damage is done to buildings or fencing or any other portion of the Pool premises and that these local laws are observed by all competitors, officials and spectators attending the carnival.
- (d) The person, club, association or organisation conducting any carnival held at the Pool premises shall pay to the Council such charges as shall from time to time be determined by Council.

#### Division 4 - Coaching

- 3.10 (a) No person shall for profit teach, coach or train any other person in the pool unless with the prior written permission of the Council.
- (b) The Council may grant such permission subject to such conditions as it thinks fit and may at any time, in accordance with the Act, withdraw such permission without being liable to pay compensation.

#### Division 5 - Lost Property

- 3.11 Any person who finds any article or money which has been left in the Pool premises and not the property of that person shall forthwith deliver it to the Pool Manager or an Attendant.
- 3.12 Neither the Council nor the Pool Manager or Attendant or Officer or Employee of the Council shall be in any way responsible for any article or money lost or stolen from any person whilst in the Pool premises or for any article damaged or destroyed whilst in or about the Pool premises.

#### Division 6 - Admission Charges

- 3.13 Charges for admission to the Pool premises shall be determined by the Council from time to time.
- 3.14 Season tickets shall be offered for inspection to the attendant when used to obtain admission to the pool. Season tickets are not transferable and such tickets may be used only by the person in whose name the same is issued. The attendant shall refuse admission to a person seeking the same and using any such ticket

if the attendant reasonably believes that the person so seeking admission is not the person to whom such ticket was issued.



## Division 7 - Prohibitions

### 3.15 No person shall: -

- (a) not being an officer, attendant or employee of the Council in the course of his or her duties enter the Pool premises without having first paid to the Pool Manager or an Attendant the proper charge for admission;
- (b) obstruct the Pool Manager or an Attendant in the carrying out of his or her duties;
- (c) enter or depart from any part of the Pool premises except by means of the respective entrances or exits set apart for that purpose;
- (d) enter or attempt to enter any bathroom or dressing enclosure that is already occupied without the consent of the occupier;
- (e) dress or undress or remove any part of his or her costume or bathing costume except in a dressing enclosure provided for the purpose;
- (f) appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;
- (g) enter or be in the Pool premises whilst in an intoxicated condition;
- (h) take into the Pool premises or have in his or her possession therein any intoxicating liquor or drugs;
- (i) enter or remain in the Pool premises if he or she is affected by or suffering from any infectious or offensive disease or skin complaint;
- (j) deposit any filth or rubbish in any part of the Pool premises except in places set aside for that purpose;
- (k) eat in or take into any part of the Pool premises other than areas set aside for the purpose, any food, drinks or confectionery of any kind whatsoever;

- (l) smoke any tobacco or other substance in any portion of the Pool premises where smoking is prohibited by Notices displayed therein;
- (m) damage or disfigure or write upon any part of the Pool premises;
- (n) interfere with or improperly use any portion of the Pool premises;
- (o) break, injure, damage or destroy any life saving equipment or any property of Council;
- (p) behave in an unseemly, improper, disorderly or riotous manner or push or throw any person into the pool or run around the concourse or surrounds of the pool;
- (q) swear or use any indecent, obscene or abusive language on any part of the Pool premises;
- (r) gamble on the Pool premises;
- (s) climb upon any fence, wall, partition or roof of the Pool premises;
- (t) waste or wastefully use water or leave any water tap dripping or running;
- (u) expectorate or commit a nuisance in any part of the Pool premises;
- (v) annoy or interfere with any person in the Pool premises;
- (w) bring any animal into the Pool premises or being the person in control of such animal permit such animal to remain in any part of the Pool premises;
- (x) approach or enter any swimming pool until he or she has thoroughly cleansed and washed himself or herself in one of the showers provided in the Pool premises;
- (y) use any soap in any part of the Pool premises other than in the showerbaths or toilet facilities;
- (z) use any oil, detergent or any substance or preparation whereby the water in the pool may be or become discoloured, contaminated or rendered turbid;
- (za) foul or pollute water in the pool or shower;

- (zb) throw any sticks or stones or other objects in the pool or anywhere in the Pool premises;
- (zc) soil or defile or damage any towel or bathing costume.

<b>Part IV - Management and use of Reserves</b>
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- 4.1 No person shall drive any vehicle in or through any reserve except on such portions as are reserved or set apart for such a purpose, and then at a speed not exceeding 16 kilometres per hour.
- 4.2 No person except the Officers or servants of the Council acting in the discharge of their duty, shall light any fire within a reserve without the written consent of the Council, except in such places as are provided on the reserves for such a purpose.

## **Part V - Prevention of Damage by Implements**

- 5.1 No person shall drive, draw, impel, or cause to be driven, drawn or impelled on or across any thoroughfare within the Shire of Williams, any agricultural implement or machinery, in such a manner that any part other than the wheels (if not of a flanged type), shall touch the ground.
- 5.2 In addition to any penalty payable under clause 11.10 of these local laws, the owner of any agricultural implement or machinery driven, drawn or impelled on or across any thoroughfare, and also the driver or person having the control of such agricultural implement or machinery, shall be liable to pay to the Council the cost of repairing any damage caused to any thoroughfare by the use of such implements or machinery.

## **Part VI - Hall and Sports Pavilion Control and Management**

### Division 1 - Preliminary

#### Definitions

- 6.1 In this Part, unless the context otherwise requires:

“Buildings” means and includes all parts of the Williams Memorial hall situated on Lot 49, Williams Townsite, Agricultural Hall, situated on Lot 9 Williams Townsite, and Sports Pavilion and minor buildings situated on Location 13311 Williams;

“Building grounds” means Town Lots 49, 9, and Williams Location 13311;

“Caretaker” means the caretaker of buildings duly appointed by the Council.

### Division 2 - Applications for Hire

- 6.2 Application for the hire of buildings or any part thereof shall be made to the Council not less than 48 hours before the actual time required, except in such circumstances as are set out in clause 6.3. The application shall state the time and purpose for which the buildings are required. The person making such application shall be the official hirer, and as such shall be responsible for the requirements of these local laws
- 6.3 The Council may, from time to time, let such of the buildings as it considers appropriate to any local organisation on a season term basis and the secretary of the local organisation for the time being shall be deemed to be the hirer for the purposes of these local laws.

### Division 3 - Fees and Charges

- 6.4 The fees and hire charges for the buildings and for the consumption of alcoholic liquor therein shall be as determined by the Council from time to time.
- 6.5 In the case of persons not resident in the district hire fees shall be paid on application for the booking.
- 6.6 The Council may at any time demand that the hirer shall, prior to the term of engagement, pay the required fees, and this amount shall be forfeited to the Council if the booking is cancelled.
- 6.7 If in the opinion of the Council exceptional cleaning is involved after the hiring of any of the buildings, the Council may require the hirer to pay the costs incurred by such cleaning.
- 6.8 The Council may from time to time cancel any arrangement for hiring of the buildings or any portion thereof, in which case any charge or deposit received shall be returned forthwith.

### Division 4 - Responsibilities of Hirer & Users

- 6.9 The hirer of the buildings or any part thereof shall maintain and keep good order and decent behaviour within the buildings and grounds, and shall be responsible for any damage done to the buildings, fixtures, fittings, furniture, crockery, etc., and shall pay for any damages which may occur during the term of hiring as may be assessed by the Council.
- 6.10 No person shall in the buildings or grounds be guilty of any misbehaviour.
- 6.11 The hirer shall use only that portion of the building or building ground which has been hired and shall not use or allow to be used any other part thereof.
- 6.12 The Council may from time to time direct the erection of regulatory signposting for the parking of vehicles on the building grounds, and no person shall park any vehicle in an area not designated for parking.
- 6.13 The hirer or persons using the buildings or building grounds shall obey any reasonable request made by the CEO or Caretaker for proper use and control of the buildings or building grounds.

<b>Part VII - Camping on Any Land</b>
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7.1 Subject to this local law a person shall not park a caravan or erect a camp on any land that is not a caravan park except -

- (a) during the hours of daylight;
- (b) where the caravan is not used as a dwelling or for sleeping purposes; or
- (c) on land outside a townsite where it is not specifically forbidden to camp by any Act, local law or regulation, and on land within townsites as may be designated by the Council for use for that purpose.

7.2 With the consent of the Council a person may use a caravan -

- (a) as a temporary dwelling, during the period of construction of a dwelling on the same land; or
- (b) where it is parked on the same land as a dwelling occupied by the owner of the caravan in conjunction with the dwelling itself for residence by one or more members of the family of the occupier of that dwelling.

7.3 The Council shall not consent to the use of a caravan under this local law as a temporary dwelling or in conjunction with a dwelling for a period of more than six months at any one time but the Council may give its consent more than once, and may permit more than one caravan to be so used by an owner if that permission is authorised by an absolute majority of the Council.

## **Part VIII - Nuisances**

8.1 No person having the control or management of a vehicle, which contains livestock, shall park such a vehicle in the townsite of Williams for a period in excess of one half an hour where such livestock causes smell or noise as to amount to a nuisance to the inhabitants.

## **Part IX - Removal and Disposal of Obstructing Vehicles or Animals**

### Division 1 - Preliminary

#### 9.1 DEFINITIONS

In this Part, unless the context otherwise requires:

“public place” includes a thoroughfare and place which the public are allowed to use, whether the thoroughfare or place is or is not on private property;

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

## Division 2 - Removal of Vehicles or Animals

- 9.2 A person shall not leave a vehicle or animal in a public place so as to obstruct any portion of that place.
- 9.3 A person who leaves a vehicle or animal in a public place, contrary to the provisions of clause 9.2 of these local laws commits an offence.
- 9.4 Where an Authorised Person or a member of the police force finds a vehicle or animal left in a public place, contrary to the provisions of clause 9.2 of these local laws, that person may remove the vehicle or animal therefrom and shall thereupon -
- (a) in the case of a vehicle, place it in a place appointed by the CEO for that purpose;
  - (b) in the case of an animal, place it in a public pound and deal with it according to law.

## **Part X - Objections & Appeals**

- 10.1 When the Council makes a decision under these local laws as to whether it will -
- (a) grant a person an authorisation; or
  - (b) renew, vary, or cancel an authorisation that a person has under these local laws;
- the provisions of Part 9 Division 1 of the Act shall apply.

## **Part XI - Enforcement of Local Laws**

### Division 1 - Authorised Persons

- 11.1 The Council may appoint a person as an Authorised Person for the purposes of performing particular functions under these local laws and a person shall not hinder or interfere with an Authorised Person in the course of that person's duties.
- 11.2 An Authorised Person shall on demand show an identification of that person as such.



## Division 2 - Impounding

- 11.3 Where an Authorised Person places a vehicle or animal in a municipal depot, public pound or other place set aside for that purpose, details of the time and date, a description of the vehicle or 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.
- 11.4 The procedural provisions of Part 3, Division 3, Subdivision 4 of the Act shall apply generally when a vehicle or animal is impounded.
- 11.5 The CEO shall exhibit on the notice board of the Council notification that a vehicle or animal therein described has been taken into custody and shall, unless the vehicle or animal is sooner recovered, keep that notification exhibited for a period of not less than 7 days.
- 11.6 Every person who removes a vehicle or animal from an appointed place without the authority of the CEO commits an offence.

## Division 3 - Infringement Notices

- 11.7 An infringement notice in respect of an offence prescribed in these local laws-
- (a) may be given under section 9.13 of the Act and shall be in or to the effect of Form 1 of Schedule 1;
  - (b) may be given under section 9.16 of the Act and shall be in or to the effect of Form 2 of Schedule 1.
- 11.8 A notice sent under section 9.20 withdrawing an infringement notice shall be in or to the effect of Form 3 of Schedule 1.

## Division 4 - General Offence and Penalty Provisions

- 11.9 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.
- 11.10 Any person who commits an offence against these local laws shall be liable to a penalty not exceeding a fine of \$5,000.00, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.
- 11.11 The offences and modified penalties prescribed, with respect to offences against these local laws, shall be as specified in Schedule 2.

Schedule 1 - Forms

Form 1

Local Government Act 1995

NOTICE TO OWNER OF VEHICLE  
INVOLVED IN OFFENCE

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Shire of Williams

To: (1) \_\_\_\_\_

of (2) \_\_\_\_\_

It is alleged that on \_\_\_\_/\_\_\_\_/\_\_\_\_ at (3) \_\_\_\_\_

at (4) \_\_\_\_\_ your vehicle (5) \_\_\_\_\_  
was involved in the commission of the following offence -

\_\_\_\_\_

contrary to local law \_\_\_\_\_ of the (6) \_\_\_\_\_

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless -

- (a) within 28 days after being served with this notice
  - (i) you inform the Chief Executive Officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice \_\_\_\_\_

Signature \_\_\_\_\_

- (1) Name of owner or "owner of (vehicle identification)"
- (2) Address of owner (not required if owner not named)

- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Vehicle identification
- (6) Name of the regulations

# Form 2

Local Government Act 1995

## INFRINGEMENT NOTICE

Serial No. \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Shire of Williams

To: (1) \_\_\_\_\_

of: (2) \_\_\_\_\_

It is alleged that on \_\_\_\_/\_\_\_\_/\_\_\_\_ at (3) \_\_\_\_\_

at (4) \_\_\_\_\_

You committed the following offence -

\_\_\_\_\_

\_\_\_\_\_

contrary to local law \_\_\_\_\_ of the (5) \_\_\_\_\_

The modified penalty for the offence is \$ \_\_\_\_\_

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 must be paid to an authorised person at

(6) \_\_\_\_\_ within a period of 28 days after the giving of this notice.

Signature \_\_\_\_\_

- (1) Name of alleged offender ["owner of (*vehicle identification*)" suffices if notice given with a notice under section 9.13 of the Act]
- (2) Address of alleged offender (not required if notice given with a notice under section 9.13 of the Act)
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Name of the regulations
- (6) Place where modified penalty may be paid

# Form 3

Local Government Act 1995

## NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No \_\_\_\_\_  
Date \_\_\_\_\_

Shire of Williams

To: (1) \_\_\_\_\_

of: (2) \_\_\_\_\_

Infringement Notice No \_\_\_\_\_ dated \_\_\_\_/\_\_\_\_/\_\_\_\_ for the alleged  
offence of

\_\_\_\_\_

has been withdrawn.

The modified penalty of \$ \_\_\_\_\_

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.

*delete as appropriate*

Name and title of authorised person giving this notice \_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

(1) Name of alleged offender to whom infringement notice was given.

(2) Address of alleged offender.

## Schedule 2

ITEM NO.	LOCAL LAW	OFFENCE	MODIFIED PENALTY	\$
1	3.15 (j)		Deposit filth or rubbish	20.00
2	3.15 (p)	Unseemly behaviour, pushing, throwing, running	20.00	
3	3.15 (v)	Annoy or interfere with any person	50.00	
4	4.2	Lighting unauthorised fire	100.00	
5	6.12	Unauthorised parking	50.00	
6	7.1	Unauthorised parking of a caravan or erection of a camp	100.00	
7	8.1	Creating nuisance	100.00	
8	9.2	Obstruction of a public place	75.00	
9		All other offences not specified	50.00	

Dated this 20th day of August 1997

The Common Seal of the Shire of Williams was hereby affixed by authority of a resolution of the Council in the presence of

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G J Warren, President