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LOCAL GOVERNMENT ACT 1995

SHIRE OF MEEKATHARRA

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2021

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Definitions
- 1.6 Transitional
- 1.7 Application as to assistance animals

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

- 2.1 Determinations as to use of local government property
- 2.2 Procedure for making a determination
- 2.3 Discretion to erect a sign
- 2.4 Determination to be complied with
- 2.5 Register of determinations
- 2.6 Amendment or revocation of a determination

Division 2—Transitional

- 2.7 Existing signs to have effect as a determination

PART 3—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour on and interference with local government property

- 3.1 Behaviour which interferes with others
- 3.2 Behaviour detrimental to property
- 3.3 Removing or injuring any fauna
- 3.4 Drunk persons not to enter local government property
- 3.5 Prohibited drugs
- 3.6 No smoking
- 3.7 Appropriate behaviour and adequate clothing
- 3.8 Entry to local government property
- 3.9 Refusal of entry to local government property

Division 2—Signs

- 3.10 Signs

PART 4—SPECIFIC MATTERS RELATING TO TYPES OF LOCAL GOVERNMENT PROPERTY

Division 1—Public swimming pools and other recreation facilities

- 4.1 General prohibitions
- 4.2 Use of all or part of a public swimming pool or recreation facility
- 4.3 When entry and use may be refused
- 4.4 Suspension of admission

Division 2—Fenced or closed property

- 4.5 No entry to fenced or closed local government property

Division 3—Toilet blocks and change rooms

- 4.6 No use of camera devices in toilet blocks or change rooms

PART 5—FEES FOR ENTRY ONTO LOCAL GOVERNMENT PROPERTY

- 5.1 Payment of applicable fees for entry or participation

PART 6—ACTIVITIES IN PUBLIC PLACES

Division 1—General

- 6.1 General prohibitions

Division 2—Driving on a closed thoroughfare

- 6.2 No driving on a closed thoroughfare

Division 3—Property numbers

Subdivision 1—Preliminary

- 6.3 Interpretation

Subdivision 2—Assignment and marking of numbers

- 6.4 Assignment of number

Division 5—Signs erected by the local government

- 6.5 Signs

- 6.6 Transitional

PART 7—OBSTRUCTING ANIMALS OR VEHICLES ON OR IN LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES

Division 1—Animals

- 7.1 Leaving an animal on local government property or in a public place

- 7.2 Prohibitions relating to animals

- 7.3 Removal of animals

Division 2—Vehicles

- 7.4 Leaving a vehicle in a public place

PART 8—TRADING IN PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY

- 8.1 Restrictions and requirement to obtain authorisation

- 8.2 Exemptions from requirement to pay a fee

- 8.3 Insurance

PART 9—OBJECTIONS AND APPEALS

- 9.1 Objection and appeal rights

PART 10—MISCELLANEOUS

Division 1—Authorised person

- 10.1 Authorised person to be obeyed

- 10.2 Persons may be directed to leave local government property or a public place

Division 2—Notices

- 10.3 Liability for damage to local government property or a public place

- 10.4 Notice to remove thing unlawfully placed on thoroughfare

- 10.5 Notice to repair damage to thoroughfare

PART 11—ENFORCEMENT

Division 1—Notices given under this local law

- 11.1 Offence to fail to comply with a notice

- 11.2 Local government may undertake requirements of a notice

Division 2—Offences and penalties

- 11.3 Offences and general penalty

- 11.4 Prescribed offences

- 11.5 Form of notices

Division 3—Person to give name and address on demand

- 11.6 Requirement to give name and address on demand

SCHEDULE 1—PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

SHIRE OF MEEKATHARRA

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2021

Under the power conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Meekatharra resolved on 20 August 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Meekatharra Local Government Property and Public Places Local Law 2021*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals the:-

(1) *Shire of Meekatharra Local Government Property Local Law 2007* as published in the *Government Gazette* on 29 July 2008.

(2) *Shire of Meekatharra Activities in Thoroughfares and Public Places Local Law 2007* as published in the *Government Gazette* on 29 July 2008.

1.5 Definitions

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995* (WA);

animal means any living thing that is not a human being, fly or plant;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

attendant means an employee of the local government with responsibility for the control and management of persons in a public swimming pool or recreation facility which is local government property;

built-up area has the meaning given to it in the *Road Traffic Code 2000*;

camera device means an apparatus for taking photographs or moving pictures and includes a mobile phone when used for this purpose;

carriageway has the meaning given to it in the *Road Traffic Code 2000*;

change room means a room designated for the changing of clothes and may include showers, toilets and hand washing basins;

charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other similar nature and from which no member receives any pecuniary profit except where the member is an employee or the profit is an honorarium;

CEO means the Chief Executive Officer of the local government;

closed thoroughfare means a thoroughfare wholly or partially closed by the local government under sections 3.50 or 3.50A of the Act;

commencement day means the day on which this local law commences under clause 1.2;

Council means the council of the local government;

determination means a determination made under clause 2.1;

detrimental to the property includes—

- (a) removing anything from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person;
- (b) destroying, defacing or damaging a building or anything on the local government property, such as a plant, fixture, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and
- (c) causing environmental harm or nuisance on the local government property;

district means the district of the local government;

drunk has the meaning provided in the *Liquor Control Act 1988*;

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal—

- (a) any class of animal or individual members;
 - (b) the eggs or larvae; or
 - (c) the carcass, skin, plumage or fur;
- footpath** has the meaning given in the *Road Traffic Code 2000* and includes a shared and dual use path;
- intersection** has the meaning given to it by the *Road Traffic Code 2000*;
- local government** means the Shire of Meekatharra;
- local government policy** means a policy or standard adopted by the local government;
- local government property** means anything except a thoroughfare which—
- (a) is owned by the local government;
 - (b) is vested in the local government;
 - (c) is otherwise under the care, control or management of the local government, including under the *Land Administration Act 1997* (WA); or
 - (d) is an 'otherwise unvested facility' within the meaning of section 3.53 of the Act;
- local public notice** means notice given in accordance with the procedure set out in section 1.7 of the Act;
- manager** means the person for the time being employed, contracted or appointed by the local government to manage any swimming pool or recreation facility, and includes any assistant or deputy;
- nuisance** means—
- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at common law;
 - (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
 - (c) interference which causes material damage to land or other property on the land affected by the interference;
- occupier** has the meaning given to it by the Act, but does not include the local government;
- owner** has the meaning given to it by the Act;
- prohibited drug** has the meaning given to it in the *Misuse of Drugs Act 1981* (WA);
- public place** includes a thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—
- (a) premises on private property from which trading is lawfully conducted under a written law; or
 - (b) local government property;
- Regulations** means the *Local Government (Functions and General) Regulations 1996* (WA);
- street market** means a collection of stalls, stands and displays on local government property or a public place for the purposes of selling goods, wares, merchandise, produce or services, or carrying out any other transaction;
- street numbering** means a number or numbers with or without an alphabetical suffix assigned to identify the street address of a property;
- thoroughfare** has the meaning given to it by the Act, but does not include a private thoroughfare which is not under the management or control of the local government;
- trader** means a person who carries on trading;
- trading** means—
- (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for, goods or services in a public place or on local government property;
 - (b) displaying goods in a public place or local government property for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them,
- and includes the setting up of a stall, or the conducting of a business at a stall;
- vehicle** includes—
- (a) every conveyance and every object capable of being propelled or towed on wheels, tracks or otherwise, including an off-road vehicle; and
 - (b) an animal being ridden or driven;
- but excludes—
- (c) a wheelchair or any device designed for use by physically impaired person on a footpath;
 - (d) a pram, a stroller or a similar device;
 - (e) a bicycle or wheeled recreational device; and
 - (f) a shopping trolley;

1.6 Transitional

Any permit, licence, consent or authorisation issued in accordance with a local law listed in clause 1.4—

- (a) is taken to be as a consent or authorisation granted under this local law; and
- (b) is to be valid for the period specified on the permit, licence, consent or authorisation.

1.7 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property

The local government may make a determination in accordance with clause 2.2—

- (a) permitting or prohibiting activities on specified local government property
- (b) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice must state that—
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received under clause 2.2(2)(c), the local government is to decide—
 - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) to amend the proposed determination, in which case clause 2.2(5) will apply; or
 - (c) not to continue with the proposed determination.
- (4) If submissions are received under clause 2.2(2)(c), the local government—
 - (a) is to consider those submissions; and
 - (b) is to decide—
 - (i) whether to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the local government decides to amend the proposed determination, it is to give local public notice—
 - (a) of the effects of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed amendment is to have effect as a determination on and from the date of publication of the local public notice referred to in clauses 2.2(3), 2.2(5) and 2.2(6).
- (8) A decision under clauses 2.2(3) or 2.2(4) is not to be delegated by Council.

2.3 Discretion to erect a sign

The local government may erect a sign on local government property to give notice of the effect of a determination.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in clause 2.5(1) and for that purpose, the register is taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the local government revokes a determination, it must give local public notice of the revocation and the determination will cease to have effect on and from the date of publication.

Division 2—Transitional

2.7 Existing signs to have effect as a determination

(1) Where a sign erected on local government property has been erected under a local law that is repealed by this local law, then it is to be taken to have effect as a determination under this local law on and from the commencement day, except to the extent that the sign is inconsistent with any provisions of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in clause 2.7(1).

PART 3—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour on and interference with local government property

3.1 Behaviour which interferes with others

A person must not, in or on local government property, behave in a manner which—

- (a) is likely to or does interfere with, interrupt or disturb the enjoyment of a person who might use the property or who is using the property;
- (b) causes or is likely to cause a disturbance to nearby residents;
- (c) otherwise creates a nuisance; or
- (d) places the public at risk or interferes with the safety of others.

3.2 Behaviour detrimental to property

A person must not, in or on local government property, behave in a way which is or might be detrimental to the local government property

3.3 Removing or injuring any fauna

A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property unless that person is authorised under a written law to do so.

3.4 Drunk persons not to enter local government property

A person must not enter or remain on local government property while drunk or under the influence of a prohibited drug.

3.5 Prohibited drugs

A person must not take a prohibited drug onto or consume or use a prohibited drug on local government property.

3.6 Appropriate behaviour and adequate clothing

(1) A person over the age of 6 years shall not on or in any local government property—

- (a) appear in public unless properly dressed in clothing which covers the body to prevent indecent exposure, except where the property is set aside for the wearing of no clothes under clause 2.1;
- (b) loiter outside or act in an inappropriate manner in any portion of a toilet block or change room facility; or
- (c) without the consent of the occupier, enter or attempt to enter any toilet or other compartment which is already occupied.

(2) Where an authorised person, an attendant or a manager considers that the clothing of any person on local government property is not proper or adequate to cover the body so as to prevent indecent exposure, the authorised person may direct that person to put on adequate clothing and that person shall comply with that direction immediately.

3.7 Refusal of entry to local government property

(1) Subject to clauses 4.3 and 4.4, an authorised person, manager or attendant may refuse to allow entry, or suspend admission, to any local government property to any person whom he or she reasonably suspects has behaved in a manner contrary to the provisions of this Part.

(2) A refusal or suspension under subclause (1) can be for any period of up to 12 months as determined by an authorised person.

(3) Subclause (1) does not apply to a venue where Council or Committee meetings are held.

Division 2—Signs

3.8 Signs

(1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person must comply with a sign erected under clause 3.8(1).

(3) A condition of use specified on a sign erected under clause 3.8(1) must not be inconsistent with any provision of this local law or any determination.

PART 4—SPECIFIC MATTERS RELATING TO TYPES OF LOCAL GOVERNMENT PROPERTY

Division 1—Public swimming pools and other recreation facilities

4.1 General prohibitions

A person shall not—

- (a) obstruct an authorised person, manager or attendant in carrying out his or her duties;
- (b) fail to comply with a direction given by an authorised person, manager or attendant—
 - (i) refusing admission to a person;
 - (ii) directing a person to leave the public swimming pool or recreational facility; or
 - (iii) directing a person in relation to his or her use of the public swimming pool or recreation facility;
- (c) fail to comply with a direction given by an authorised person or manager suspending admission to a person;
- (d) permit an animal to enter or remain in or about a public swimming pool or recreational facility where such entry is prohibited by a sign;
- (e) consume any food or drink in an area where consumption is prohibited by a sign; or
- (f) foul or pollute the water in a public swimming pool.

4.2 Use of all or part of a public swimming pool or recreation facility

An authorised person, manager or attendant may—

- (a) direct that all or part of a public swimming pool or recreation facility is for the use of certain persons to the exclusion of others; and
- (b) direct a person as to that person's use of the public swimming pool or recreation facility.

4.3 When entry and use may be refused

(1) An authorised person, manager or attendant may—

- (a) refuse admission to; or
- (b) direct to leave; or
- (c) cause to be removed from,

a public swimming pool, the water at a public swimming pool or recreation facility any person where any of the requirements set out in clause 4.3(2) are not being complied with or for any reason set out in clause 4.3(3).

(2) For the purposes of clause 4.3(1), the requirements are—

- (a) children under the age of 5 years must be accompanied into the public swimming pool or recreation facility by a responsible adult, and must be supervised by that responsible adult within arms' length at all times while within the public swimming pool or recreation facility;
- (b) a responsible adult can only be responsible for a maximum of 3 children under the age of 5 years at any one time; and
- (c) subject to clause 4.3(2)(a), children under the age of 12 years must be accompanied into the public swimming pool or recreation facility by a responsible adult of age, and must be supervised by that responsible adult within line of sight at all times while within the public swimming pool or recreation facility.

(3) For the purposes of clause 4.3(1), the reasons are—

- (a) where the authorised person, manager or attendant reasonably suspects the person is—
 - (i) suffering from any gastrointestinal disease, contagious, infectious or cutaneous disease or complaint or has unhealed wounds;
 - (ii) in an unclean condition;
 - (iii) wearing unclean clothes; or
 - (iv) under the influence of liquor and/or a prohibited drug; or
- (b) if in the opinion of the authorised person, manager or attendant—
 - (i) such action is necessary or desirable to prevent a contravention of this local law; or
 - (ii) the person is committing a breach of any provision of this local law;
- (c) by reason of his or her past or present conduct within or about the public swimming pool or recreation facility, has created or is creating a nuisance.

4.4 Suspension of admission

An authorised person or manager may suspend admission for a minimum period of one day to any person who has committed a breach of any provision of this local law in relation to the public swimming pool or recreation facility.

Division 2—Fenced or closed property

4.5 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise unless authorised by the local government.

Division 3—Toilet blocks and change rooms

4.6 No use of camera devices in toilet blocks or change rooms

A person must not operate a camera device in any portion of a toilet block or change room to record or transmit an image.

PART 5—FEES FOR ENTRY ONTO LOCAL GOVERNMENT PROPERTY

5.1 Payment of applicable fees for entry or participation

(1) Subject to clause 5.1(2), where a fee is payable for entry to local government property or participation in an activity on or in any local government property, a person shall not enter that property or participate in the activity without first paying the applicable fee.

(2) The local government may exempt a person from compliance with clause 5.1(1) on the application of that person.

PART 6—ACTIVITIES IN PUBLIC PLACES

Division 1—General

6.1 General prohibitions

(1) Subject to this local law, a person shall not—

- (a) plant any plant on a thoroughfare—
 - (i) within the vicinity of an intersection that creates a sight line hazard in relation to pedestrians or drivers of vehicles using that intersection and which is not maintained at or below 0.5 metres in height; or
 - (ii) so that it is within 2 metres of a carriageway, except in the case of grass or a similar plant to grass;
- (b) damage a lawn or garden on or in a public place or remove any plant or part of a plant from a lawn or garden on or in a public place unless—
 - (i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare and the lawn, garden or the particular plant was installed or planted by that owner or occupier; or
 - (ii) the person is acting under the authority of a written law;
- (c) on a verge, repair or service any vehicle;
- (d) place, allow to be placed or allow to remain on a thoroughfare or verge anything that results in a hazard for any person using the thoroughfare or verge;
- (e) cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians;
- (f) play or participate in any game or sport so as to—
 - (i) cause danger to any person on a thoroughfare; or
 - (ii) obstruct the movement of vehicles or persons on a thoroughfare;
- (g) within a mall, arcade or verandah of a shopping or service centre, ride any bicycle, wheeled recreational device or similar device; or
- (h) use anything or do anything so as to create a nuisance on or in a public place.

Division 2—Driving on a closed thoroughfare

6.2 No driving on closed thoroughfare

A person must not drive or take a vehicle on a closed thoroughfare unless—

- (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained the consent of the local government.

Division 3—Property numbers

Subdivision 1—Preliminary

6.3 Interpretation

In this Division, unless the context requires otherwise—

number means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

Subdivision 2—Assignment and marking of numbers

6.4 Assignment of number

The local government may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

Division 4—Signs erected by the local government

6.5 Signs

(1) The local government may erect a sign on a public place specifying any conditions of use which apply to that place.

- (2) A person must comply with a sign erected under clause 6.5(1).
- (3) A condition of use specified on a sign erected under clause 6.5(1) is to be for the purpose of giving notice of the effect of the provision of a local law.

6.6 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 6.6 if the sign is not inconsistent with any provisions of this local law.

PART 7—OBSTRUCTING ANIMALS OR VEHICLES ON OR IN LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES

Division 1—Animals

7.1 Leaving an animal on local government property or in a public place

A person must not leave an animal on local government property or a public place so that it obstructs the use of any part of that local government property or public place unless that person—

- (a) has first obtained permission from the local government; or
- (b) is authorised to do so under a written law or a determination made under this local law.

7.2 Prohibitions relating to animals

(1) In this clause, **owner** in relation to an animal includes—

- (a) the owner of the animal;
- (b) a person who has the animal in his or her possession or under his or her control; or
- (c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live.

(2) An owner of an animal must not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare and unless it is led, ridden or driven;
- (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in or on local government or a public place;
- (c) train or race the animal on a thoroughfare; or
- (d) subject to clause 7.2(4), allow the animal to defecate on local government property or in a public place.

(3) An owner of a horse must not lead, ride or drive the horse on a thoroughfare in a built-up area, unless the person does so with the permission of the local government or under the authority of a written law.

(4) An owner of an animal does not commit an offence if the defecation is immediately removed.

7.3 Removal of animals

An authorised person may impound an animal left on or in local government property or a public place contrary to clause 7.2.

Division 2—Vehicles

7.4 Leaving a vehicle in a public place

A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit from the local government or is authorised to do so under a written law.

PART 8—TRADING IN PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY

8.1 Restrictions and requirement to obtain authorisation

(1) A person must not carry on trading on local government property or in a public place unless—

- (a) subject to clause 8.1(2), that person is—
 - (i) the holder of written permission by the local government for that purpose; or
 - (ii) an assistant specified in the written permission for trading; and
- (b) if required by the local government, public liability insurance in respect of the trading activity has been taken out by the relevant person; and
- (c) if the person is trading in food, the place of trading must comply with the requirements of the local governments Health Local Laws including but not limited to access to a supply of potable water and/or the disposal of wastewater.

(2) The local government may by written notice exempt a person or class of persons from the need to obtain a permit.

(3) In determining whether to grant an exemption under clause 8.1(2), the local government may have regard to the matters set out in any local government policy.

8.2 Exemptions from requirement to pay a fee

(1) The local government may waive any fee required to be paid for the purpose of trading on local government property if the trading is carried on—

- (a) a portion of local government property or a public place adjoining the normal place of business of the applicant; or
- (b) by a charitable organisation that—
 - (i) does not sublet space to commercial participants; or
 - (ii) does not involve commercial participants in the conduct of the stall or trading.

(2) In this clause 8.1, **commercial participant** means any person who is involved in operating or in conducting any trading activity for personal gain or profit.

8.3 Insurance

If required by the local government to hold public liability insurance in respect of the permit holder's trading activities, a permit holder must produce to an authorised person a current certificate of insurance upon the direction of that authorised person.

PART 9—OBJECTIONS AND APPEALS

9.1 Objection and appeal rights

Where the local government makes a decision as to whether it will—

- (a) grant a person consent; or
- (b) renew, vary or cancel that consent that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 10—MISCELLANEOUS

Division 1—Authorised person

10.1 Authorised person to be obeyed

A person in or on local government property or a public place—

- (a) must obey any lawful direction of an authorised person; and
- (b) must not in any way obstruct or hinder an authorised person in the execution of his or her duties.

10.2 Persons may be directed to leave local government property or a public place

An authorised person may direct a person to leave local government property or a public place where he or she reasonably suspects that the person has contravened a provision of this local law.

Division 2—Notices

10.3 Liability for damage to local government property or a public place

(1) Where a person unlawfully damages local government property or a public place, the local government may by notice in writing to that person require that person within the time specified in the notice to, at the option of the local government, pay the costs of—

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) On a failure to comply with a notice issued under clause 10.3(1), the local government may recover the costs referred to in the notice as a debt due to it.

10.4 Notice to remove thing unlawfully placed on thoroughfare

Where anything is placed on a thoroughfare contrary to this local law, the local government or an authorised person may give a notice to—

- (a) the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been placed; or
- (b) such other person who may be responsible for the thing being so placed, requiring the relevant person to remove the thing.

10.5 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government or an authorised person may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare.

PART 11—ENFORCEMENT

Division 1—Notices given under this local law

11.1 Offence to fail to comply with a notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

11.2 Local government may undertake requirements of a notice

If a person fails to comply with a notice given to him or her under this local law, the local government may do, or arrange to be done, the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in doing so.

Division 2—Offences and penalties

11.3 Offences and general penalty

(1) A person who—

- (a) fails to do anything required or directed to be done under this local law; or
- (b) does an act or omits to do an act contrary to this local law,

commits an offence.

(2) A person who commits an offence under this local law is liable, upon conviction to—

- (a) a penalty not exceeding \$5,000; and
- (b) if the offence is a continuing offence, an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

11.4 Prescribed offences

(1) An offence against an item specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the item in Schedule 1.

11.5 Form of notices

(1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3—Person to give name and address on demand

11.6 Requirement to give name and address on demand

(1) An authorised person may—

- (a) upon finding a person committing or having committed; or
- (b) on reasonable grounds suspecting a person of having committed, an offence against this local law, demand from the person the person's name, place of residence and date of birth.

(2) A person from whom information is demanded in accordance with clause 14.6(1) commits an offence if the person—

- (a) refuses without lawful excuse to give the information; or
- (b) gives information that is false or misleading in any material particular.

SCHEDULE 1—PRESCRIBED OFFENCES

[Clause 11.4(1)]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY
1.	2.4	Failure to comply with a determination	\$300
2.	3.1	Behaviour on local government property which interferes with others	\$300
3.	3.2	Behaviour on local government property detrimental to property	\$300
4.	3.3	Removing or injuring any fauna on local government property	\$300
5.	3.4	Entering or remaining on local government property while drunk or under the influence of a prohibited drug	\$300
6.	3.5	Taking or consuming a prohibited drug on local government property	\$300
7.	3.6(1)(a)	Failing to wear adequate clothing to prevent indecent exposure on local government property	\$300
8.	3.6(1)(b)	Loitering outside or acting in an inappropriate manner in a toilet block or change room facility on local government property	\$300
9.	3.6(1)(c)	Entering or attempting to enter an occupied toilet or other compartment without the consent of the occupier	\$300

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY
10.	3.6(2)	Failing to comply with a direction to put on adequate clothing	\$300
11.	3.7	Unauthorised entry to local government property	\$300
12.	3.8(2)	Failure to comply with a sign on local government property regarding conditions of use	\$300
13.	4.1	Carrying out a prohibited activity at a public swimming pool or recreation facility	\$300
14.	4.5	Unauthorised entry to fenced off or closed local government property	\$300
15.	4.6	Using a camera device to record or transmit an image in a toilet, shower or change room	\$300
16.	5.1(1)	Entering local government property without paying the required fee	\$300
17.	6.1(a)	Planting a plant on a thoroughfare in a prohibited manner	\$300
18.	6.1(b)	Damaging a lawn or garden or removing any plant or part of a plant on or in a public place	\$300
19.	6.1(c)	Repairing or servicing any vehicle on a verge	\$300
20.	6.1(d)	Placing, allowing to be placed or allowing to remain on a thoroughfare or verge an obstructive or hazardous thing	\$300
21.	6.1(e)	Causing or permitting water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians	\$300
22.	6.1(f)	Playing games or sport in a prohibited manner on or in a thoroughfare	\$300
23.	6.1(g)	Riding a bicycle or wheeled recreational device within a mall, arcade or verandah of a shopping or service centre	\$300
24.	6.1(h)	Creating a nuisance on or in a public place	\$300
25.	6.2(b)	Driving or taking a vehicle on a closed thoroughfare without consent of the local government	\$500
26.	6.5(2)	Failure to comply with a sign on a public place	\$300
27.	7.1	Leaving an animal in a public place or local government property without permission from the local government	\$300
28.	7.2(2)(a)	Allowing an animal to enter or remain on a thoroughfare	\$300
29.	7.2(2)(b)	Allowing an animal with a contagious or infectious disease to enter local government property or a public place	\$300
30.	7.2(2)(c)	Training or racing an animal on a thoroughfare	\$300
31.	7.2(2)(d)	Allowing an animal to defecate on local government property or a thoroughfare and failing to remove defecation	\$300
32.	7.2(3)	Leading, riding or driving a horse on a thoroughfare in a built-up area without authorisation	\$300
33.	7.4	Leaving a vehicle in a public place which causes an obstruction without authorisation	\$300
34.	8.1	Carrying on trading in a restricted area without the express written consent of the local government	\$300
35.	8.1(1)	Carrying on trading in a public place or on local government property contrary to local law	\$300
36.	10.1(b)	Obstructing or hindering an authorised person in the execution of his or her duties	\$300
37.	11.1	Failure to comply with a notice	\$300
38.	11.6(2)(a)	Refusing to give name and address contrary to local law	\$300
39.	11.6(2)(b)	Giving false or misleading information regarding name and address etc.	\$300

Dated this 22nd day of August 2022

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

HARVEY NICHOLS, Shire President.
KELVIN MATTHEWS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

City of Fremantle

PARKING AMENDMENT LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City of Fremantle resolved on 24 August 2022 to make the following local law.

1. Citation

This local law may be cited as the *City of Fremantle Parking Amendment Local Law 2022*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law amended

This local law amends the *City of Fremantle Parking Local Law 2021* as published in the *Government Gazette* on 6 September 2021.

4. Clause 1.1 amended

Delete clause 1.1, and insert—

“1.1 Title

This is the *City of Fremantle Parking Local Law 2021*.”

5. Clause 1.5 amended

(1) In clause 1.5, delete the definition of ‘*disability parking permit*’ and insert—

“*disability parking permit* has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*,”

(2) In clause 1.5, delete the definition of ‘*Electric Vehicle*’ and insert—

“*electric vehicle* means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via ‘plug in’ connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.”

(3) In clause 1.5, delete the definition of ‘*parking meter*’ and insert—

“*parking meter* means a machine or device that, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered stall to which the machine or device relates,”

(4) In clause 1.5, delete the definition of ‘*parking permit, or permit*’ and insert—

“*parking permit, or permit*, means—

(a) a parking permit issued under this local law; and

(b) a parking permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.2,”

(5) In clause 1.5, delete the definition of ‘*parking region*’ and insert—

“*parking region* means the area to which this local law applies, as described in clause 1.4,”

(6) In clause 1.5, delete the definition of ‘*parking ticket*’ and insert—

“*Parking Ticket* means a ticket, whether printed or electronic, that—

(a) is issued from a ticket issuing machine or a ticket issuing device;

(b) authorises the parking of a vehicle in a parking stall or a parking station or part of the parking station; and

(c) includes the date and time that the authorisation expires,

whether or not the payment of a fee is required;

(7) In clause 1.5, delete the definition of ‘*ticket issuing device*’ and insert—

“*ticket issuing device* means a mobile device which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the device relates,”

(8) In clause 1.5, delete the definition of ‘*ticket issuing machine*’ and insert—

“*ticket issuing machine* means a machine which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the machine relates,”

(9) In clause 1.5, insert, in alphabetical order following the definition “*unexpired parking ticket*”—

“*valve stem reading* means a method of recording the position of the tyre valves in relation to the kerb or road surface”

(10) In clause 1.5, delete the definition of ‘*vehicle*’ and insert—

“*vehicle* has the meaning given in the *Road Traffic (Administration) Act 2008*; and”

(11) In clause 1.5, delete the definitions of—

a. ‘*eating area*’

- b. 'edge line'
- c. 'electronic parking detection device'
- d. 'parking app fee'
- e. 'permissive parking sign'; and
- f. 'Symbol'.

6. Clause 2.3 amended

In clause 2.3, delete clause 2.3(1)(c), and insert—

"(c) permitted classes of vehicles that may stop or park; and"

7. Clause 2.5 amended

In clause 2.5, delete clause 2.5(2)(c), and insert—

"(c) may be effected by issuing (electronically or otherwise) a permit, invoice, ticket or other record."

8. Clause 3.11 amended

Delete clause 3.11, and insert—

"3.11 Free parking period

Where, in a fee paying zone (during the period when a fee is otherwise required for parking) a period of free parking is permitted, a person must not move a vehicle within, or return to, the fee paying zone unless the vehicle has been removed from the fee paying zone for at least 4 hours."

9. Clause 4.13 amended

Delete clause 4.13(2), and insert—

"(2) The local government may—

(a) by giving local public notice and the use of a sign—

- (i) set aside, for a period not exceeding 4 weeks, parking facilities for the parking of vehicles by those attending a special event; or
- (ii) establish additional parking facilities on a reserve or local government property, for a period not exceeding 4 weeks, for the parking of vehicles by those attending a special event.

(b) by resolution of council and by giving a minimum of 4 weeks local public notice, and the use of a sign—

- (i) set aside parking facilities for a period exceeding 4 weeks for the parking of vehicles by those attending a special event; or
- (ii) establish additional parking facilities on a reserve or local government property, for a period exceeding 4 weeks, for the parking of vehicles by those attending a special event."

10. Clause 5.6 amended

Delete clause 5.6, and insert—

"5.6 Movement of vehicles to avoid time limitation

Where parking of vehicles in a thoroughfare or reserve is permitted for a limited time, a person must not move a vehicle along, or return to, that thoroughfare so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours"

11. Clause 5.8 amended

In clause 5.8, delete the definition of 'builder' and insert—

"*builder* has the meaning given in the *Building Regulations 2012*;"

12. Clause 5.9 amended

(1) Delete clause 5.9(3)(d) and insert—

"(d) on a carriageway or verge within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals—unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;"

(2) Delete clause 5.9(3)(e) and insert—

"(e) on a carriageway or verge within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked, unless—

- (i) the vehicle stops or parks at a place on a carriageway, or in an area, to which a parking control sign applies, or the vehicle is otherwise permitted to stop or park at that place under this local law; or
- (ii) the intersection is a T-intersection along the continuous side of the continuing road at the intersection;"

(3) Delete clause 5.9(3)(j) and insert—

"(j) between a single continuous longitudinal line or a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the

continuous line—unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line continuous line; or”

13. Clause 5.15 amended

Delete clause 5.15(1) and insert—

“(1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a bus embayment or a bus zone unless the vehicle is a public bus stopped to take up or set down passengers; or
- (b) a pedestrian crossing or children’s crossing.”

14. Clauses 5.18 to 5.20 renumbered

Renumber the clauses following clause 5.17 to the end of Part 5 as follows—

- a. “5.18 Verges”
- b. “5.19 Driveways”
- c. “5.20 Reserves”
- d. “5.21 Parking on private land”

15. Clause 6.2 amended

Delete clause 6.2 and insert—

“6.2 Classes of parking permits

The Council may determine—

- (a) classes of parking permits, in addition to residential parking permits, temporary residential parking permits and multi-purpose parking permits; and
- (b) the eligibility criteria for each class of parking permit.”

16. Clause 6.14 amended

In clause 6.14, delete the definition of ‘Eligibility Table’ and insert—

“*Eligibility Table means the table specified in clause 6.17;*”

17. Clause 6.15 amended

In clause 6.15 delete clause 6.15(2) and insert—

“(2) A multi-purpose parking permit cannot be issued to a person whose place of residence is on a parcel of land that has a common boundary with a road that has adjacent to that boundary, or part of it, a fee paying zone.”

18. Schedule 1—Prescribed Offences amended

Delete Schedule 1—Prescribed Offences and insert—

SCHEDULE 1—PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of offence	Modified penalty
1.	3.2(2)	Failure to pay fee in a fee paying zone	60
2.	3.4(a)	Parking when meter has expired	60
3.	3.4(b)	Parking in excess of maximum period shown on metered stall	60
4.	3.5	Parking contrary to a meter hood	60
5.	3.6(1)	Failure to display ticket in fee paying zone	60
6.	3.7/4.5	Displaying a ticket that is altered or is otherwise non-compliant	80
7.	3.8(1)	Parking in excess of maximum period in fee paying zone	60
8.	3.8(2), 4.8(2) or 5.6	Moving vehicle to avoid time limitation	60
9.	3.9(1)(a)	Failure to park wholly within metered bay	80
10.	3.9(2)	Failure to park wholly within metered zone	80
11.	3.10	Parking or attempting to park a vehicle in a metered stall occupied by another vehicle	60
12.	3.11	Failure to comply with free parking period restriction	60
13.	4.1	Entering a parking station without permission	80
14.	4.2	Failure to pay parking station fee	60
15.	4.4	Failure to display ticket in parking station	60
16.	4.7	Leaving without paying parking station fee	80
17.	4.8(1)	Parking in excess of maximum period in a parking station	60
18.	4.11(a)	Causing obstruction in parking station	80
19.	4.12(a)	Remaining in a parking station after being required to leave	80
20.	4.12(b)	Loitering in a parking station	80

Item No.	Clause No.	Nature of offence	Modified penalty
21.	4.12(c)	Driving in a parking station contrary to a sign	80
22.	4.12(d)	Using a wheeled thing, other than a licenced vehicle or wheelchair, in a parking station	80
23.	4.12(e)	Engaging in unauthorised activities in a parking station	80
24.	5.1(1)(a)	Parking wrong class of vehicle	65
25.	5.1(1)(b)	Parking by persons of a different class	65
26.	5.1(1)(c)	Parking during prohibited period	80
27.	5.1(1)(d)	Parking vehicle in excess of maximum time	60
28.	5.1(1)(e)	Parking or stopping contrary to sign	60
29.	5.1(2)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
30.	5.1(3)	Stopping without permission in a reserved area	80
31.	5.2(1)(a)	Stopping or parking in a no stopping area	80
32.	5.2(1)(b)	Stopping alongside continuous yellow lines	80
33.	5.2(1)(c)	Stopping or parking contrary to keep clear marking	80
34.	5.2(1)(d)	Parking or stopping vehicle in motorcycle only area	80
35.	5.2(1)(e)	Parking in a bus lane	150
36.	5.2(1)(h)	Stopping in a bicycle lane	150
37.	5.2(2)	Stopping or parking in a no parking area	80
38.	5.2(3)(a)	Parking in thoroughfare for purpose of sale	65
39.	5.2(3)(b)	Parking unlicensed vehicle in thoroughfare	65
40.	5.2(3)(c)	Parking a trailer on a thoroughfare	65
41.	5.2(3)(d)	Parking in thoroughfare for purpose of repairs	65
42.	5.3(1)	Failure to park wholly within parking stall	80
43.	5.3(2)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	65
44.	5.3(3)	Stopping or parking a bicycle in a parking stall	65
45.	5.4	Double parking	150
46.	5.5(a)	Failure to park on the left of two-way carriageway	65
47.	5.5(a) or 5.5(b)	Parking against the flow of traffic	65
48.	5.5(b)	Failure to park on boundary of one-way carriageway	80
49.	5.5(c)	Parking when distance from farther boundary less than 3 metres	80
50.	5.5(d)	Causing obstruction on carriageway	80
51.	5.7(1)	Parking heavy or long vehicle on carriageway	80
52.	5.9(3)(a)	Stopping or parking a vehicle causing an obstruction on a road	150
53.	5.9(3)(b)	Stopping or parking a vehicle causing an obstruction in a parking facility	80
54.	5.9(3)(c)	Stopping or parking a vehicle on an intersection	150
55.	5.9(3)(d)	Stopping or parking a vehicle within 20 metres of an intersection with traffic control signals	80
56.	5.9(3)(e)	Stopping or parking a vehicle within 10 metres of an intersection	80
57.	5.9(3)(f)	Stopping or parking a vehicle on a prohibited place	80
58.	5.9(3)(g)	Stopping or parking a vehicle near works	60
59.	5.9(3)(h)	Stopping or parking a vehicle on a bridge, tunnel or underpass	80
60.	5.9(3)(i)	Stopping or parking a vehicle where double lines	80
61.	5.9(3)(j)	Stopping or parking a vehicle where single line	80
62.	5.9(3)(k)	Stopping or parking a vehicle within the head of a cul-de-sac	65
63.	5.10(1)	Stopping or parking an unauthorised vehicle in a loading zone	65
64.	5.10(2)	Stopping or parking a vehicle in a loading zone in excess of maximum period	65
65.	5.11(1)	Stopping a vehicle, other than a taxi, in a taxi zone	65
66.	5.11(2)	Leaving a taxi unattended in a taxi zone	65
67.	5.12(1)	Stopping or parking a vehicle, other than a charter vehicle, in a charter vehicle zone	65

Item No.	Clause No.	Nature of offence	Modified penalty
68.	5.12(2)	Stopping or parking in a charter vehicle zone for longer than the maximum period	65
69.	5.12(3)	Leaving a charter vehicle unattended in a charter vehicle zone	65
70.	5.13	Stopping or parking a vehicle in a shared zone	65
71.	5.14	Stopping or parking a vehicle in a pedestrian mall	65
72.	5.15(1)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay or crossing	65
73.	5.15(2)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
74.	5.15(3)	Stopping or parking a vehicle, other than a permitted bus, in a bus zone	65
75.	5.16(1)	Parking within 1 meter of fire hydrant or plug	65
76.	5.16(2)	Parking within 3 metres of public letter box	65
77.	5.17	Parking on a median strip/traffic island	80
78.	5.18	Stopping on verge	80
79.	5.19	Parking on a driveway	80
80.	5.20	Driving or parking on reserve	150
81.	5.21(2)	Parking on land that is not a parking facility without consent	150
82.	5.21(3)	Parking on land not in accordance with consent	65
83.	6.12(a)	Using a counterfeited or altered parking permit	150
84.	7.1(2)	Removing mark of authorised person	150
85.	7.3	Obstructing or hindering an authorised person	250
86.	7.4(1)	Non-permitted insertion in ticket issuing machine	80
87.	7.6(a)	Marking, setting up or exhibiting a sign	250
88.	7.6(b)	Removing, defacing or misusing a sign	250
89.	7.6(c)	Defacing a sign	250
90.	7.9	Damage to local government property	250
91.	7.11	Leaving vehicle so as to obstruct a public place	150
92.	7.12	Parking contrary to directions of authorised person	250
93.		All other offences not specified	65

19. Schedule 2—Infringement Notice Forms

Delete FORM 2—PARKING LOCAL LAW 2021 INFRINGEMENT NOTICE and insert—

FORM 2

PARKING LOCAL LAW 2021 INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence:

.....

.....

.....

contrary to clause of the *Parking Local Law 2021*.

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 may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken—

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

(1) Name of alleged offender or 'owner' (as defined in the *Parking Local Law 2021*)

(2) Address of alleged offender

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of authorised person

(7) Name and title of authorised person giving notice

20. Schedule 2—Infringement Notice Forms

Delete FORM 3—PARKING LOCAL LAW 2021 INFRINGEMENT NOTICE and insert—

FORM 3

PARKING LOCAL LAW 2021 INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence:

contrary to clause of the *Parking Local Law 2021*.

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 may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

(a) you pay the modified penalty; or

(b) you:

(i) 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 above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

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.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken—

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

(1) Name of 'owner' (as defined in the *Parking Local Law 2021*)

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of authorised person

(7) Name and title of authorised person giving notice

Dated this 26th day of August 2022.

The common seal of the City of Fremantle was affixed by authority of a resolution of the council in the presence of—

HANNAH FITZHARDINGE, Mayor.
GLEN DOUGALL, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
City of Kalamunda
DOGS LOCAL LAW 2022

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kalamunda resolved on (date) to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Kalamunda Dogs Local Law 2022*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals the *Shire of Kalamunda Dogs Local Law 2010* published in the *Government Gazette* on 24 May 2010.

1.5 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6 metres in width;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government.

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the City of Kalamunda;

dog management facility has the meaning given to it in section 3(1) of the Act;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.2(2) over the age of three months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.7;

licensee means the holder of a licence granted under clause 4.7;

local government means the City of Kalamunda;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

notice of withdrawal means the notice referred to in clause 7.7(1);

owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government in accordance with clause 2.1 or clause 4.8;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2—IMPOUNDING OF DOGS

2.1 Fees and charges

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional set fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) application for additional costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person.
- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs is dealt with by section 43 of the Act.

PART 3—KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 of this local law as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(3) of the Act— “two” (2) dogs over the age of 3 months and the young of those dogs under that age.

3.3 Application to keep additional dog or dogs

- (1) Subject to clause 3.5, the local government may consider an application to keep an additional dog or dogs where—
 - (a) the property is deemed suitable by an authorised person—
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate;
 - (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
 - (c) sufficient reason has been provided, including—
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or

- (v) on premises zoned as rural or rural residential under a local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.
- (d) in the case of a tenanted property provide written consent by either the landowner or their appointed property owner.

3.4 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 3.3;
- (b) the effect which approval of the proposed may have on the environment or amenity of the neighbourhood;
- (c) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.

3.5 Where application cannot be approved

The local government will not approve an application to keep an additional dog or dogs where it exceeds the limit "six" (6) referred to in the Act.

3.6 Conditions of approval

- (1) The local government may approve an application to keep an additional dog or dogs subject to any conditions as considered appropriate.
- (2) Approval of an application is not transferable to successive owners or occupiers of the premises.
- (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

3.7 Revocation of licence to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Application for licence for approved kennel establishment

An application for a licence must contain the information listed in Schedule 1, and must be lodged with the local government together with—

- (a) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government;
- (b) any other information reasonably required by the local government; and
- (c) the set fee for the application for a licence referred to in clause 4.8(1).

4.2 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

- (2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and
- (b) the application plans and specifications may be inspected at the offices of the local government.

- (3) The local government may refuse to determine the application for a licence until the notice or notices, as the case may be, is given in accordance with its directions where—

- (a) a notice given under subclause (1) does not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises.

4.3 Exemption from notice requirements

The requirements of clauses 4.2 and 4.4(a) and Schedule 1 clause 5(c) do not apply in respect of the application for a licence where under a local planning scheme an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.2(1) have been given in accordance with that clause; and

- (c) the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.6;
- (b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.7 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

4.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a set fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a set fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a set fee to the local government.
- (4) The set fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.9 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.10 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the set fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) subclause (2)(a), the date requested by the licensee; or
 - (b) subclause (2)(b) or (c), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the set fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

- (1) A written application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made by the transferee;

- (b) made with the written consent of the licensee; and
 - (c) lodged with the local government together with—
 - i. written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence;
 - ii. the set fee for the application for the transfer of a licence referred to in clause 4.8(3); and
 - iii. any other relevant information required.
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- a. an applicant for a licence of the local government's decision on her or his application;
- b. a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- c. a licensee of any variation made under clause 4.11(1);
- d. a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- e. a licensee when her or his licence is renewed;
- f. a licensee of the cancellation of a licence under clause 4.11(2)(a); and .
- g. a licensee of the cancellation of a licence under clause 4.11(2)(b) or (c), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Objections and appeals

(1) The provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to a decision where the local government makes a decision as to whether it will—

- a. grant an application for a licence;
- b. vary or cancel a licence;
- c. impose or amend a condition to which a licence is subject; or
- d. transfer of a licence.

(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

4.15 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

Designation of places where dogs are prohibited absolutely is dealt with in the Act.

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 6— MISCELLANEOUS

6.1 Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

(4) Notwithstanding clause 7.2, the maximum penalty for an offence under subclause (1) is \$1000.

PART 7— ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

7.3 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.

(3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by an authorised person, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by an authorised person, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

(2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1

INFORMATION REQUIRED FOR APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

1. Details of applicants—

[cl. 4.1]

- (a) Full name/s of applicant/s;
- (b) Postal address;
- (c) Telephone number;
- (d) Mobile number;
- (e) Fax number; and
- (f) E-mail address.

2. Address of proposed premises.

3. Dogs to be kept—

- (1) Number; and
- (2) Breed.

4. Either—

- (a) Person residing on the premises—
 - i. Name;
 - ii. As from; and

- iii. Mobile phone number, or
- (b) Person sufficiently close to the premises so as to control the dogs and ensure their health and welfare—
 - i. Name;
 - ii. Address;
 - iii. As from; and
 - iv. Mobile phone number.
- 5. To be included—
 - (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
 - (b) plans and specifications of the proposed kennel establishment;
 - (c) copy of notice of proposed use to appear in newspaper and to be given to adjoining premises under clause 4.2;
 - (d) written evidence that a person will reside—
 - i. at the premises; or
 - ii. sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
 - (e) if the person in item (d) is not the applicant, written evidence that the person is a person in charge of the dogs.
- 6. Signature of applicant/s.
- 7. Date.

Schedule 2

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl. 4.7]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
 - (ii) 10 metres from any dwelling; and
 - (iii) 25 metres from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable up-stand rising 75 millimetres above the floor level from the junction of the floor and external and internal walls, or internal walls must be so

- constructed as to have a minimum clearance of 50 millimetres from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
 - (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2000 millimetres; or
 - (ii) four times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
 - (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
 - (l) all external surfaces of each kennel must be kept in good condition;
 - (m) the roof of each kennel must be constructed of impervious material;
 - (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
 - (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
 - (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
 - (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
 - (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3
PRESCRIBED OFFENCES

Item	Clause	Nature of offence	Modified penalty \$	[cl. 7.3(1)] Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	As per Regulations
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
3	4.7	Failure to comply with the conditions of a licence	200	200
4	6.2	Dog excreting in prohibited place	100	100

Dated: 23 August 2022.

The Common Seal of the City of Kalamunda was affixed in the presence of—

MARGARET THOMAS, Mayor.
RHONDA HARDY, Chief Executive Officer.