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CITY OF STIRLING

CONSTITUTION

AND

GENERAL BY-LAWS

Adopted 26th January, 1971

CITY OF STIRLING—GENERAL BYLAWS

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LOCAL GOVERNMENT ACT, 1960.
THE MUNICIPALITY OF THE CITY OF STIRLING.

**BY-LAWS RELATING TO ALL MATTERS OTHER
THAN THOSE RELATING TO PUBLIC HEALTH.**

IN pursuance of the powers conferred upon it by the abovementioned Act and of all others powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 26th day of January, 1971, to make and submit for confirmation by the Governor the following by-laws:—

PART I.—PRELIMINARY.

Repeal.

1. The by-laws of the Shire of Perth published in the *Government Gazette* of 29th June, 1960, as amended from time to time are with the exception of the by-laws and schedules listed hereunder, hereby repealed.

By-laws not Repealed.

By-laws 336, 337, 340 to 345 inclusive, 345A, 346, 347, 347A, 347B, 347C, 347D, 350 to 354 inclusive, 354A, 354B, 354C, 354D, 354H, 354I, 355 to 360 inclusive, 363, 363A, 363B, 364 to 367 inclusive, 369, 370, 371, 371A, 372 to 380 inclusive and 386.

Schedules not Repealed.

Fifth Schedule: Sections 1, 3 to 6 inclusive and 8 to 15 inclusive.

Sixth Schedule: The whole.

Definitions.

2. In these by-laws unless the context otherwise indicates the following terms shall have the meanings set against them hereunder respectively:—

“Act” means the Local Government Act, 1960.

“City” means the City of Stirling.

“Council” means the Council of the City of Stirling.

“District” means the District of the City of Stirling.

“Member of the Police Force” means a member of the Police Force of Western Australia.

Constitution.

3. In order that records of the establishment and other matters relating to the constitution of the City of Stirling may be kept, by-laws 3 to 16 are made and published.

4. The City of Stirling was originally constituted as the result of a notice which appeared in the *Government Gazettes* of Western Australia, on the 24th January, 1871, the 31st January, 1871, and the 14th February, 1871. An extract of this notice reads as follows:—

It is hereby notified for general information, that under the provisions of “An Act to establish Local Boards for the conservation, improvement, and making of Roads in the Several Districts of the Colony”, His Excellency the Governor has been pleased to designate and define the following Districts as Road Districts under the Act, and to direct the first Elections shall be held at the several places and dates hereunto annexed, and to appoint as Returning Officers the several persons whose names are affixed against each District.

No. 7.—Perth.

Bounded on the north and east by the boundaries of the Swan District; on the south by the River Swan from Location 10 to the sea, and on the west by the Sea Coast. To include the Perth and Guildford road to its junction with Swan District, inclusive of Perth Causeway.

First Election of Members of Local Boards—Perth.

Place where Election to be held—Town Hall, Perth.

Date of first Election—Noon, on Wednesday, 1st February, 1871.

Returning Officer—E. Landor, Esq., Police Magistrate, Perth.

By Command,

FRED F. BARLEE,
Colonial Secretary.

5. A further notice calling the meeting of owners and occupiers of all rateable property within the district for the 1st day of February, 1871, and signed by E. W. Landor, Police Magistrate, appeared in the *Gazette* on 31st January, 1871. The meeting was duly held and the first members of the Perth Road Board were elected. A notice calling the first meeting of the Board appeared in the *Gazette* of 21st February, 1871, in the following terms:—

Local Road Board—Perth.

In accordance with the 30th Section of the 34th Victoria, No. 26, a Meeting of the Perth Local Road Board is hereby convened in the Town Hall at noon on Monday, the 6th March, proximo.

M. SMITH,
Chairman of Board.

Perth, February, 16, 1871.

Name—City of Stirling.

6. On the 1st July, 1961, by reason of the operation of the Local Government Act, 1960, the Perth Road Board became a Municipality. By Order in Council published in the *Government Gazette* of the 29th June, 1961, the name "Shire of Perth" was approved as the name of the Municipality and "Perth Shire Council" was approved as the name of its Council.

By Order in Council published in the *Government Gazette* of 30th October, 1970, it was declared that the Shire of Perth be a City under the name of the City of Stirling and it was directed that the Order should take effect as from 24th January, 1971.

District Boundaries.

7. The limits of the Municipal District of the City of Stirling suffered many changes and definitions since it was originally defined, viz:—

Date of *Government Gazette* and Details:

- 10th February, 1887—Designation and boundaries defined.
- 30th March, 1893—Redescription. Transfer to Claremont Road District.
- 25th May, 1894—Redescription.
- 30th April, 1897—Redescription. Transfer to Subiaco Town Council.
- 26th October, 1900—Redescription. Adjustment with North Perth Road District.
- 31st October, 1902—Adjustment with Wanneroo.
- 22nd May, 1903—Redescription. Adjustment with Swan Road District.
- 26th January, 1906—Transfer of Burswood Island to Belmont Road District.
- 26th January, 1906—Division into four wards.
- 21st September, 1906—Exclusion Swan Loc. 1911.
- 11th January, 1907—Adjustment with Bayswater Road District.
- 26th March, 1909—Division into five wards.
- 24th September, 1910—Transfer to City of Perth.
- 27th January, 1911—Amendment to Coast and Osborne Wards.
- 10th November, 1911—Transfer to Leederville Municipality.
- 2nd August, 1912—Adjustment with Bayswater and Swan Road Districts.
- 31st October, 1913—Transfer to Bayswater Road District.
- 30th June, 1916—Alteration to Peninsula and Lawley Wards.
- 18th January, 1918—Transfer to City of Perth.
- 19th July, 1918—Redescription.

The boundaries of the District as existing on the 1st July, 1919, were notified in the *Government Gazette* of 5th December, 1919, in the following terms:—

Perth Road District.

Bounded on the northward by lines commencing at the intersection of the shores of the Indian Ocean with the production west of the northern side of Road No. 246, and extending eastward along said prolongation and northern side of the road, the south boundary of Swan Location 1315 and part of the south boundary of Location H to intersect with a line from the southeast corner of Perthshire Location 104 to the intersection of the northeast boundary of Swan Location T with the southern side of Road No. 250.

On the eastward by lines commencing at the aforesaid intersection at the south boundary of Location H, and extending southward along the aforesaid line to the north side of Widgee Road and west along said side of the road to the prolongation northward of the west side of Bunya Street; thence along said prolongation and west side of Bunya Street and the northeast side of Wellington Road, the northwest and part of the southwest boundary of Location T to the southeastern side of Government Road (No. 250) and along said side of Government Road to the north-east boundary of Location X, and along said northeast boundary to intersect with the right bank of the Swan River.

On the southward by lines commencing at the aforesaid intersection, and extending along the said right bank of the river to the south side of Mitchell Street and along said south side of Mitchell Street to the west side of Stanley Street and along said side of Stanley Street to the southeastern side of the Perth-Guildford Road, and along said side of the Perth-Guildford Road to the eastern side of the eastern Railway Reserve; thence by the centre of the said road to the centre of Walcott Street, and along the centre of Walcott Street to the southeast boundary of Location Au, and along parts of the southeast and the south boundaries of said location, the east boundary of Location Aq to the southwestern side of the Monger's Lake Drive (No. 5682); thence along the southwestern and southeastern sides of said drive to the north boundary of Location Ah, and along said north boundary to the shores of Herdsman Lake, and southwestward along the said shores to the east boundary of Location Al; thence along the south boundary of Location 968 for about 9 chains 39 links to the northeastern side of Road No. 5; thence along said northeastern side 39 chains 3 links to the north boundary of Location Am; thence about 269 degrees, 59 minutes about 81 chains 77.9 links along the said north boundary of Location Am aforesaid; thence about 359 degrees 51 minutes, about 30 chains 53 links; thence about 269 degrees 57 minutes 10 chains 53 links; thence about 269 degrees 58 minutes about 25 chains 34 links; thence about 269 degrees 59 minutes about 25 chains 39 links, thence about 359 degrees 59 minutes 75 chains 4 links; thence about 269 degrees 53 minutes about 35 chains 90 links; thence about 216 degrees 30 minutes about 1 chain 24.4 links; thence along the western boundary of location 1911 and part of that of C. Reserve 196 (Rifle Range) to the production west of the south boundary of said Location 1911 and along said production to intersect the shores of the Indian Ocean.

On the westward by the shores of the Indian Ocean from the aforesaid intersection to the starting point.

Also inclusive of the following detached area:—

Bounded on the northward by lines commencing at the southwest corner of Location Ak, and extending eastward along its south boundary about 90 degrees about 55 chains 46 links to its southeast corner; thence about 360 degrees about 9 chains 78.2 links to the southwest corner of Location 691; thence about 90 degrees 20 chains 5 links along its south boundary to its southeast corner; thence about 360 degrees about 20 chains to the northeast corner of said Location 691; thence about 90 degrees about 19 chains 42.7 links; thence about 360 degrees about 25 chains 62 links; thence about 90 degrees 37 chains 50 links to a point about 25 chains 62 links north of the southeast corner of Location Al.

On the eastward by lines commencing at the aforesaid point, and extending southward along part of the east boundary of Location Al and the east boundary of Location 2103 part of the north boundary of Reserve 2290 to its northeast corner; thence south along part of its east boundary for a distance of 16 chains 50 links; thence east to the southeastern side

of the eastern Railway Reserve and along said side of the railway south-westward to intersect with the production eastward of the south boundary of Location 1911.

On the southward by the said production from the aforesaid intersection to the southeast corner of said Location 1911.

On the westward by part of the east boundary of said Location 1911 from the aforesaid southeast corner to the starting point. Also inclusive of the islands adjacent.

8. Since the 1st July, 1919, there have been various alterations to the limits of the District. These are as follows:—

(a) Claremont Road District—Transfer of Territory from the Perth Road District.

All that piece of land bounded on the northward by lines commencing at the southwest corner of Perthshire Location Ak and extending eastward along the south and part of the east boundary of said Location Ak, the south and east boundary of Location 691, and northernmost boundary of Swan Location 2103 to a northeast corner of the lastmentioned location; on the eastward by lines commencing at the said north-east corner, and extending southward along an east boundary of said Location 2103 (being the west side of Selby Street) and its continuation southward to the north boundary of Reserve 2290 (Victoria Hospital) and along parts of the north and east boundaries of the said Reserve to the production west of the south side of a road passing along the south boundary of Reserve 4146; thence along said production and south side of the road and continuing to the eastern side of the eastern Railway Reserve and southward along said side of Railway Reserve to intersect the production east of the southernmost boundary of Location 1911; on the southward by lines commencing at the lastmentioned intersection and extending west along the said production of the southernmost boundary of Location 1911 to a south-east corner of Location 1911; on the westward by part of an east boundary of said Location 1911 from a southeast corner of same to the starting point. (*Government Gazette*, 14th December, 1928.)

(b) City of Perth—Transfer of Territory from the Perth Road District.

All that piece of land, being portion of Perthshire Location Al (as shown L.T.O. Plan 3480), bounded by lines commencing on the present district boundary at the intersection of the north side of Newry Street with the west side of a right-of-way passing along the west boundaries of Lots 263 and 264 and extending east along said side of Newry Street to the west side of Selby Street; thence south along said side of Selby Street to the south side of Ascot Street, and west along said side of Ascot Street to the production south of the west side of the right-of-way beforementioned; thence north along said side of the right-of-way to the starting point. (*Government Gazette*, 14th December, 1928.)

(c) Transfer of Territory from the City of Perth.

All that piece of land bounded by lines commencing on the present District boundary at its junction with the production north of the east side of Marlow Street and extending northeastward and east along said District boundary to the northwestern side of Herdsman's Parade; thence southwestward along said side of Herdsman's Parade to the production north of the east side of Marlow Street; thence north along said production to the starting point. (*Government Gazette*, 24th July, 1931.)

(d) Transfer of Territory from the Swan Road District.

All that portion of Swan Location L bounded by lines commencing on the present District boundary at its intersection with the north boundary of Lot 16 of Location L aforesaid; thence in an easterly direction along the north boundaries of Lots 16 to 22 inclusive to the latter's northeast corner, the eastern boundaries of Lots 22 and 11 to the southeast corner of the lastmentioned lot; thence along the southern boundaries of Lots 11 to 7 inclusive, and part of the south boundary of Lot 6 to its intersection with the present District boundary; thence by the present District boundary to the starting point. (*Government Gazette*, 1st September, 1933.)

- (e) Perth Road District and City of Perth Alteration of Common Boundary.

That portion of the City of Perth described in the Schedule hereto was severed from the City of Perth and annexed to the Osborne Ward of the Perth Road District.

Schedule.

All that portion of the City of Perth bounded on the northwestward by the southeastern boundary of Perthshire Location Au; on the northeastward by the centre of Charles Street to its junction with a line in prolongation of the Centre of Walcott Street; thence by said line to the northeastern boundary of Swan Location 4073; thence by the said boundary and that of Swan Location 4074, and on the southward by the southern side of Green Street and its production to the centre of Charles Street. (*Government Gazette*, 6th October, 1939.)

- (f) City of Perth Municipal District and Perth Road District—Adjustment of Boundaries.

The boundaries between the City of Perth Municipal District and the Perth Road District are altered as follows:—

By severing from the Perth Road District and annexing to the City of Perth Municipal District to form portion of the Leederville Ward thereof all that portion of land, containing an area of 24 acres, 0 roods, 13 perches, bounded by lines starting at a point on the easternmost boundary of Swan Location 1911, a point on the present Municipal boundary, situate 19 chains 25 and 3-tenths links northerly from the southwestern corner of Location 1251 and extending 134 degrees 43 minutes 24 chains 46 and 3-tenths links; thence 89 degrees 46 minutes 28 chains 25 and 4-tenths links; thence 179 degrees 46 minutes 2 chains to the northern boundary of Perthshire Location Am, a point on the present Municipal boundary, and thence generally westerly and northerly along that Municipal boundary to the starting point, as shown coloured green on Land Titles Office Deposited Diagram 16637. (Public Plan ID/20, N.W.) (*Government Gazette*, 18th July, 1952.)

- (g) Transfer of Land from the City of Perth Municipal District to the Perth Road District.

All that portion of land bounded by lines starting from a point on the southern side of Empire Avenue situate in prolongation southerly of the eastern side of Brompton Road, a point on the present common boundary of the City of Perth and the Perth Road District and extending easterly along that common boundary to a north-eastern corner of Swan Location 1911; thence southerly 50 links along the easternmost eastern boundary of that location; thence westerly, parallel to the southern side of Empire Avenue aforesaid, to a point situate in prolongation southerly of the eastern side of Brompton Road aforesaid and thence northerly along that prolongation to the starting point. Area of land involved approximately three acres. (Public Plan Wylie (number 88).) (*Government Gazette*, 19th May, 1961.)

- (h) Transfer of Land from Perth Road District to the City of Perth Municipal District.

All that portion of land bounded by lines starting from the intersection of the easternmost eastern boundary of Swan Location 1911 and the southern side of Empire Avenue, a point on the present common boundary of the City of Perth and Perth Road District, and extending generally southeasterly along the southwestern side of Empire Avenue aforesaid to a point situate 359 degrees 49 minutes from the northeastern corner of that portion of Alyth Road delineated and shown coloured blue on Land Titles Office Deposited Diagram 24854; thence southerly to that corner, a point on the present common boundary of the City of Perth and the Perth Road District aforesaid, and thence westerly, northerly, again westerly, northwesterly and again northerly along that common boundary to the starting point. Area of land involved approximately 66 acres. (Public Plans Wylie (number 88) and Herdsman Lake (number 89).) (*Government Gazette*, 19th May, 1961.)

- (i) Transfer of Land from the Shire of Wanneroo to the Shire of Perth.

All that portion of land bounded by lines starting from a point on the northern side of Beach Road (Road Number 246) situate in prolongation northerly of the eastern side of Duffy Road (Road Number 4470) a point on the common boundary of the Shires of Wanneroo and Perth and extending northerly along that prolongation to the proposed New Northern Alignment of Beach Road as shown on Lands and Surveys Miscellaneous Plan 431; thence generally east-northeasterly along that alignment to the western side of Wanneroo Road (Road Number 3); thence southerly along that side to a point situate in prolongation easterly of the southern boundary of Lot 145 of Swan Location 1315, as shown on Land Titles Office Plan 4951, a point on the common boundary of the Shires of Wanneroo and Perth aforesaid and thence westerly along that boundary to the starting point. Area: About 78 acres. (Public Plans P106-4, P107-4.) (*Government Gazette*, 28th February, 1969.)

WARDS AND MEMBERS.

9. In 1906 the Municipal District of the City of Stirling, then known as the Perth Road District, was first divided into Wards. The names of the Wards were then:—

Coast Ward, Osborne Ward, Lawley Ward and Maylands Ward.

The boundaries of these Wards were published in the *Government Gazette* of the 26th January, 1906.

10. The names and the boundaries of the Wards and the number of offices of Councillor allocated to the Municipality and to the Wards were changed many times since 1906. By Order in Council published in the *Government Gazette* of 24th December, 1968, the Governor, *inter alia*—

- (a) abolished the existing Wards of the Shire of Perth;
- (b) created seven new Wards to be known as Hamersley, Scarborough, Osborne, Lawley, Inglewood, Balga and Maylands Wards respectively;
- (c) determined the number of offices of Councillor allocated to the Municipality to be thirteen as follows:—
- Hamersley—2 members.
 - Scarborough—2 members.
 - Osborne—2 members.
 - Lawley—2 members.
 - Inglewood—2 members.
 - Balga—2 members.
 - Maylands—1 member.

- (d) and described the boundaries of the Wards as follows:—

Hamersley Ward:

All that portion of land bounded by lines starting from the intersection of the northern alignment of Beach Road with the centre line of Wanneroo Road, a point on the boundary of the Shire of Perth and extending generally southerly along that centre line to the centre line of Nugent Street; thence westerly along that centre line and onwards to and along the centre line of Delawney Street to the centre line of Odin Road; thence southwesterly along that centre line to the centre line of Barnes Street; thence generally west-northwesterly along that centre line to the centre line of Huntriss Road; thence northerly along that centre line to the centre line of Sackville Terrace; thence westerly along that centre line to the centre line of Coral Street; thence northerly along that centre line to the centre line of Pearl Parade; thence generally westerly along that centre line to the centre line of Elliott Road; thence generally north-northwesterly along that centre line to the centre line of Bournemouth Parade; thence generally westerly along that centre line and onwards to the shore of the Indian Ocean, a point on the boundary of the Shire of Perth aforesaid and thence generally northerly and generally easterly along that boundary to the starting point.

Balga Ward:

All that portion of land bounded by lines starting from the intersection of the northeastern side of Wellington Road with the southern boundary of Swan Location M1, a point on the boundary of the Shire of Perth and extending westerly along the southern boundary of that location to the centre line of Light Street; thence southeasterly along that centre line to the centre line of Oliver Street, thence south-westerly along that centre line and onwards to the centre line of The Strand; thence northwesterly along that centre line to the centre line of the southwestern section of Oliver Street aforesaid, thence south-westerly along that centre line to the centre line of Grand Promenade; thence northwesterly along that centre line to the centre line of East-land Street; thence southwesterly along that centre line to the centre line of Kiddie Street; thence southerly along that centre line and onwards to a point situate in prolongation easterly of the centre line of Milner Street; thence generally westerly to and along that centre line to the centre line of Wanneroo Road; thence generally north-westerly along that centre line to the northern alignment of Beach Road, a point on the boundary of the Shire of Perth aforesaid and thence easterly generally southeasterly and generally southwesterly along that boundary to the starting point.

Scarborough Ward:

All that portion of land bounded by lines starting from a point on the shore of the Indian Ocean situate in prolongation westerly of the centre line of Bournemouth Parade, a point on the boundary of the Shire of Perth and extending generally easterly to and along that centre line to the centre line of Elliott Road; thence generally south-southeasterly along that centre line to the centre line of Pearl Parade; thence generally easterly along that centre line to the centre line of Coral Street; thence southerly along that centre line to the centre line of Sackville Terrace; thence easterly along that centre line to the centre line of Huntriss Road; thence southerly along that centre line to the centre line of Barnes Street; thence generally east-southeasterly along that centre line to the centre line of Odin Road; thence generally southerly along that centre line to the centre line of Scarborough Beach Road; thence generally southeasterly along the centre line to the centre line of Liege Street; thence generally southerly along that centre line to the centre line of Pearson Street; thence generally south-westerly and generally southeasterly along that centre line to the northern alignment of Cromarty Road, a point on the boundary of the Shire of Perth aforesaid and thence generally northwesterly and generally northerly along that boundary to the starting point.

Osborne Ward:

All that portion of land bounded by lines starting from the inter-section of the northern alignment of Cromarty Road with the centre line of Pearson Street, a point on the boundary of the Shire of Perth and extending generally northwesterly and generally northeasterly along that centre line to the centre line of Liege Street; thence generally northerly along that centre line to the centre line of Scar-borough Beach Road; thence generally northwesterly along that centre line to the centre line of Odin Road; thence northerly and generally northeasterly along that centre line to the centre line of Delawney Street; thence easterly along that centre line and onwards to and along the centre line of Nugent Street to the centre line of Wanneroo Road; thence generally southeasterly along that centre line and the centre line of Charles Street to the centre line of Walcott Street, a point on the boundary of the Shire of Perth aforesaid and thence generally southwesterly and northwesterly along that boundary to the starting point.

Lawley Ward:

All that portion of land bounded by lines starting from the inter-section of the centre line of Walcott Street with the centre line of Charles Street, a point on the boundary of the Shire of Perth and extending generally northwesterly along the lastmentioned centre line and the centre line of Wanneroo Road to the centre line of Milner Street; thence generally easterly along that centre line to the north-eastern boundary of Swan Location 1111; thence southeasterly along

that boundary, northeastern boundaries of Locations 3075 (Reserve 17703), 1111 aforesaid, Part 1106 and 7126 (Class "A" Reserve 25866) and the centre line of Homer Street to the centre line of Alexander Drive; thence generally southerly along that centre line to a point situate in prolongation westerly of the southern boundary of Location 7414 (Part Reserve 27407); thence easterly to and along that boundary and the southern boundary of Location 8265 and onwards to the centre line of Stancliffe Street; thence generally southeasterly along that centre line to the centre line of Hamer Parade; thence northeasterly along that centre line to the centre line of Fourth Avenue; thence southeasterly along that centre line to the centre line of Railway Parade; thence generally southwesterly along that centre line to the centre line of Guildford Road, a point on the boundary of the Shire of Perth aforesaid and thence southwesterly and northwesterly along that boundary to the starting point.

Inglewood Ward:

All that portion of land bounded by lines starting from the intersection of the northeastern boundary of Swan Location X with the centre line of Railway Parade, a point on the boundary of the Shire of Perth and extending generally southwesterly along that centre line to the centre line of Fourth Avenue; thence northwesterly along that centre line to the centre line of Hamer Parade; thence southwesterly along that centre line to the centre line of Stancliffe Street; thence generally northwesterly along that centre line to a point situate in prolongation easterly of the southern boundary of Location 8265; thence westerly to and along that boundary and the southern boundary of Location 7414 (Part Reserve 27407) and onwards to the centre line of Alexander Drive; thence generally northerly along that centre line to the centre line of Homer Street; thence northwesterly along that centre line and northwestern boundaries of Locations 7125 (Class "A" Reserve 25866), Part 1106, 1111, 3075 (Reserve 17703) and again 1111 to the centre line of Milner Street; thence generally easterly along that centre line and onwards to a point situate in prolongation southerly of the centre line of Kiddie Street; thence northerly to and along that centre line to the centre line of Eastland Street; thence northeasterly along that centre line to the centre line of Grand Promenade; thence southeasterly along that centre line to the centre line of Oliver Street; thence north-easterly along that centre line to the centre line of The Strand; thence southeasterly along that centre line to a point situate in prolongation southwesterly of the centre line of the northeastern section of Oliver Street aforesaid, thence northeasterly to and along that centre line to the centre line of Light Street; thence northwesterly along that centre line to the southwestern corner of Location M1; thence easterly along the southern boundary of that location to the northeastern side of Wellington Road, a point on the boundary of the Shire of Perth aforesaid and thence generally southerly along that boundary to the starting point.

Maylands Ward:

All that portion of land bounded by lines starting from the intersection of the centre line of Guildford Road with the centre line of Railway Parade, a point on the boundary of the Shire of Perth and extending generally northeasterly along the lastmentioned centre line to the northeastern boundary of Swan Location X, a point on the boundary of the Shire of Perth aforesaid and thence southeasterly generally southerly and generally northwesterly along that boundary to the starting point.

Mayor.

11. The mode of election of the Mayor of the City of Stirling is by the Council.

Health District.

12. The City of Stirling, then the Perth Road District, was constituted a Health District by an Order in Council quoted below which was published in the *Government Gazette* of 2nd April, 1931.

Order in Council.

Ex. Co. 578.

WHEREAS it is enacted by section 19 of the Health Act, 1911-1919, that the Governor may constitute any portion of the State, not being a Municipal District, a Health District, with such boundaries and by such name as may be specified in the order; and whereas it is desired to constitute all that portion of the State which is comprised within the boundaries of the Perth Road District to be a Health District under the provisions of the said Act: Now, therefore, His Excellency the Governor of Western Australia, by and with the advice and consent of the Executive Council, does hereby constitute the aforesaid portion of the State to be a Health District by the name of the Perth Road District Health District, under the provisions of the Health Act, 1911-1919, as from the 5th March, 1931.

Vermin District.

13. By Order in Council published in the *Government Gazette* of the 7th February, 1919, the City of Stirling, then the Perth Road District, was constituted a Vermin District under the provisions of the Vermin Act, 1919, under the name of Perth Vermin District.

Townsites.

14. By Proclamation published in the *Government Gazette* of 17th November, 1939, Joondanna Heights was declared a townsite. By Proclamation published in the *Government Gazette* of 20th July, 1945, the whole of the Hamersley Ward was declared a townsite. By Proclamation published in the *Government Gazette* of 8th May, 1959, the remainder of the district was declared a townsite.

Metropolitan Fire District.

15. The boundaries of the Metropolitan Fire District were described by an Order in Council made pursuant to the provisions of the Fire Brigades Act, 1942-1966, and published in the *Government Gazette* of 11th July, 1969. The City of Stirling is within the Metropolitan Fire District.

Council Offices.

16. Since the 3rd day of December, 1958, the offices of the Council have been situated at Cedric Street, Osborne Park, and the days and hours during which the offices are open to the public for business are: Mondays to Fridays inclusive, 9 a.m. to 4 p.m. (public holidays excepted).

PART II.—STANDING ORDERS.

17. The proceedings and business of the Council shall be conducted in accordance with this Part which shall be called the Standing Orders.

Mayor.

18. In the construction of these Standing Orders unless the context otherwise requires the word "Mayor" shall in the absence of the Mayor include the Deputy Mayor and the member chosen to preside at any meeting of the Council.

Mayor to Preside.

19. The Mayor or in his absence the Deputy Mayor or in his absence a Councillor chosen by the Councillors present shall preside. (Sec. 173 (7).)**

Notice of Meeting.

20. The Town Clerk shall give to all members of the Council notice in writing of each meeting together with the agenda for such meeting at least three clear days before the meeting. Notice shall also be given of every meeting adjourned for a period exceeding five days.

Quorum.

21. Except in cases where section 173 (4) of the Act applies the number of members necessary to form a quorum—

- (a) where the total number of members of the Council is an even number, is one-half of that total;

** The references in brackets are to sections of the Act.

(b) where the total number of members of the Council is an odd number, is the integer nearest to but greater than one-half of that total (Sec. 173 (3).)

22. The Council shall not transact business at a meeting unless a quorum is present. (Sec. 173 (2).)

23. If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in his absence the Deputy Mayor or in his absence the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all Councillors, the Town Clerk may adjourn the meeting; and business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting. (Sec. 173 (5).)

Count Out.

24. If at any time during any meeting of the Council a quorum is not present the Mayor shall thereupon suspend the proceedings of the meeting for a period of two minutes and if a quorum be not present at the expiration of that period the meeting shall be deemed to have been counted out and the Mayor shall adjourn it to some future date.

Notice of Meeting Adjourned for Want of Quorum.

25. Notice of a meeting adjourned because of absence of a quorum shall be given to all members of the Council not present when the meeting was adjourned.

Record of Members Present.

26. At all meetings at which there is not a quorum present or at which the Council is counted out for want of a quorum the names of the members then present shall be recorded in the Minute Book.

Open Doors.

27. The business of the Council shall be conducted with open doors except upon such occasions as the Council may by resolution otherwise decide.

Distinguished Visitors.

28. If a distinguished visitor shall be present at a meeting of the Council the Mayor may invite him to sit beside the Mayor or at the Council table.

Reporters.

29. At all meetings accredited newspaper reporters shall be permitted to attend in such part of the Council Chamber as may be appropriated for their accommodation but they shall withdraw during any period when the Council is sitting behind closed doors.

Visitors not to Take Part in Discussions.

30. The admission of citizens, reporters, and visitors to the Council Chamber shall be under and subject to the condition that no expression of dissent or approval, conversation, or interruption to the proceedings of the Council shall take place, and in the event of any breach of this condition, the Mayor may at his discretion, and without a vote of the Council, require the person or persons so offending to withdraw, and thereupon such person or persons shall immediately withdraw from the Council Chamber.

Removal of Disturbers.

31. Any person not being a Councillor, who interrupts the orderly conduct of the business of the Council, who does not, immediately upon being called upon by the Mayor so to do, withdraw from the Council Chamber may by order of the Mayor be removed from the Council Chamber forthwith.

Closed Doors.

32. Upon the carrying of such a resolution as is mentioned in By-law 27, the Mayor shall direct all persons other than Councillors and employees of the Council to leave the Council Chambers and every such person shall forthwith comply with such direction.

33. Any person who fails to comply with a direction made pursuant to By-law 32 may by order of the Mayor be removed from the Council Chamber.

34. After the carrying of a resolution made under By-law 27 the business at that meeting of the Council shall proceed behind closed doors until the Council by resolution decides to proceed with open doors.

Two Kinds of Meetings.

35. Meetings of the Council shall be of two kinds, "ordinary" and "special". Ordinary meetings are those called at such places and such times as the Council from time to time appoints for the transaction of the ordinary business of the Council. Special meetings are those called to consider special business, the nature of which shall be notified on the notice paper summoning the meeting. No business shall be transacted at a special meeting other than that for which the special meeting was called. (Sec. 172 (1), 178 (2).)

Calling of Meetings.

36. The Mayor may convene a meeting of the Council as often as he thinks fit by notice in writing signed by him or the Town Clerk sent to each Councillor before the meeting. (Sec. 172 (2).)

37. If the Mayor refuses or neglects to call a meeting of the Council after receiving a request for that purpose signed by at least three Councillors those Councillors may call a meeting of the Council by serving a notice in writing signed by them stating the business to be transacted on each of the other members of the Council at least seven days before the time of the commencement of the meeting. (Sec. 172 (3).)

BUSINESS AT COUNCIL MEETINGS.

Order of Business.

38. The order of business of an ordinary meeting shall be as follows, or as near thereto as shall be practicable, but for the greater convenience of the Council at any particular meeting thereof it may be altered by resolution to that effect:—

- (1) Confirmation of minutes.
- (2) Business arising from minutes, and which does not appear subsequently in the agenda.
- (3) Applications for leave of absence.
- (4) Any ordinary business which the Mayor desires to bring before the Council.
- (5) Any business left over from the previous meeting.
- (6) Questions of which due notice has been given, without discussion.
- (7) Petitions, memorials and deputations.
- (8) Correspondence.
- (9) Town Clerk's report.
City Engineer's report.
Financial statements and accounts for payment.
- (10) Reports of Committees.
- (11) Reports of Officers.
- (12) Motions of which previous notice has been given.
- (13) Notices of motion for consideration at the following meeting if given during the meeting.

Urgent Business.

39. If any Councillor has urgent business to place before the meeting he may move the suspension of the Standing Orders, and, if agreed to by the Council in accordance with By-laws 121 and 122 such business shall take precedence of all other.

Order of Special Meetings.

40. The order of business at any special meeting of the Council shall be the order in which such business stands in the notice thereof.

Minutes.

41. The pasting or otherwise permanently affixing the minutes to the leaves of a book shall be sufficient recording of the minutes in the Minute Book. (Sec. 188 (2).)

42. The reading at the next ordinary meeting of the Council of the minutes of the previous meeting may be dispensed with when members have been supplied with copies of the minutes at least three days before the holding of the next ordinary meeting of the Council. (Sec. 188 (2).)

43. The minutes of any preceding meeting, whether ordinary or special, not previously confirmed, shall be submitted as the first business, at all ordinary meetings of the Council: and no discussion shall be permitted thereon, except as to their accuracy as a record of the proceedings, and the said minutes shall then, if found correct, be signed by the Mayor and he shall sign and date each page.

Mayoral Business.

44. Details of any business which the Mayor desires to bring before the Council pursuant to By-law 38 (4) shall be included in the agenda for the meeting.

45. Any Councillor desiring to ask a question at any meeting of the Council shall direct the question to the Mayor and shall give notice thereof in writing to the Town Clerk at least six hours before the hour fixed for the meeting.

46. All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

Notices of Motion.

47. A Councillor may bring forward at a meeting such business as he considers advisable in the form of a motion of which notice has been given in writing to the Town Clerk either at the previous meeting or at any time thereafter being not less than four clear days before the meeting at which it is brought forward.

48. Every notice of motion shall relate to some question affecting the constitution, administration, or condition of the City or the Council.

49. The Mayor shall rule out of order any motion which does not comply with By-law 48.

50. Every such motion shall lapse unless the Councillor who gave the notice thereof, or some other Councillor authorised by him in writing, be present to move the same when such motion shall be called on.

Petitions.

51. Every petition shall be respectful and temperate in its language, and shall be presented to the Council by a Councillor only, and any Councillor presenting a petition to the Council shall affix his name to the beginning thereof, with the number of signatures; and any Councillor presenting a petition shall acquaint himself with the contents thereof and ascertain that it does not contain language disrespectful to the Council. The nature or prayer of every petition shall be stated to the Council by the Councillor presenting it.

Deputations.

52. Any person or persons wishing to be received as a deputation by the Council shall, in the first instance, send to the Town Clerk a memorial, setting out in concise terms the subject matter to be raised by the deputation.

53. Where the Town Clerk receives a memorial in terms of By-law 52 he shall lay the memorial—

- (a) before the Committee concerned; or
- (b) where there is no Committee concerned, before the Mayor.

54. A Committee or the Mayor receiving a memorial may either receive the deputation or lay the memorial before the Council.

55. Where a memorial is laid before the Council, the Council may, if it so resolves, receive the deputation.

56. A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a Committee of the Council, except in reply to questions from members of the Council and the matter shall not be further considered by the Council or the Committee, until the deputation has withdrawn.

CONDUCT OF DEBATE.

Councillors to Address the Mayor.

57. A Councillor moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the Mayor.

Point of Order.

58. A Councillor who is addressing the Mayor shall not be interrupted except upon a point of order, in which event he shall resume his seat until the Councillor raising the point of order has been heard thereon and the question or order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

59. A Councillor rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.

60. A Councillor desirous of proposing an original motion or amendment shall state its substance before he addresses the Council thereon and, if so required by the Mayor, shall put the motion or amendment in writing.

Unopposed Business.

61. Upon a motion being moved, the Mayor may ask the meeting if any Councillor opposes it. If no one signifies his opposition to the motion or his opposition to the motion being treated as unopposed business the Mayor may declare the motion carried without debate and without taking a vote thereon. Any motion declared carried under this by-law shall for all purposes be deemed a resolution of the Council.

62. If a Councillor signifies his opposition to a motion or to a motion being treated as unopposed business the motion shall be dealt with according to the following by-laws.

Motions and Amendments to be Seconded.

63. Except as provided by By-law 61 no motion or amendment shall be discussed or put to the vote of the Council or passed unless it be seconded.

64. At meetings of the Council, speakers in referring to others present thereat shall designate them by their separate titles of Mayor, or Councillor, as the case may be.

Priority to Speakers.

65. If two or more Councillors rise to speak at the same time the Mayor shall decide which is entitled to priority.

Mayor to be Heard.

66. Whenever the Mayor rises during a debate, any Councillor then speaking or offering to speak is to sit down, and the Council is to be silent, so that the Mayor may be heard without interruption.

Councillor not to Speak Twice.

67. No Councillor shall speak twice on the same question, except by way of explanation, or in reply, upon any original motion of which he may be the mover or as the mover of an amendment last carried; and no Councillor shall speak to any question after the mover shall have been permitted to reply provided that the Council may by resolution suspend the operation of this by-law during the debate of any motion.

Calling to Order for Speaking Twice.

68. The Mayor shall, without waiting for the intervention of the Council, call to order any Councillor proceeding to speak a second time on the same question.

Mover or Seconder to be Held to have Spoken.

69. A Councillor moving or seconding a motion or amendment shall be held to have spoken thereon.

Personal Explanation.

70. A Councillor making a personal explanation shall confine it to a succinct explanation of a material part of his former speech which may have been misunderstood, and to the explanation itself, and shall not advert to matters not strictly necessary for that purpose nor seek to strengthen his former argument by new matter or by replying to other Councillors.

No Speaking After Motion Put.

71. No Councillor may speak to any question after the same has been put from the chair.

Speaking in Reply.

72. A Councillor speaking in reply shall not introduce any new matter, but shall strictly confine himself to answering previous speakers.

Division of Complicated Resolutions.

73. The Mayor at his discretion, may, or the Council may by motion without debate, order a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motion.

74. A motion or amendment may be withdrawn by the mover, with the consent of the Council which shall be signified without debate, and it shall not be competent for any Councillor to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Production of Documents.

75. The Mayor or any Councillor may of right require the production of any of the documents of the Council relating to the question or matter under discussion.

No Digression.

76. A Councillor shall not speak otherwise than upon or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council.

77. A Member of the Council shall not reflect adversely upon a resolution of the Council, except on a motion that the resolution be rescinded.

No Adverse Reflection on Councillor.

78. A Member of the Council shall not reflect adversely upon the character or actions of another Member nor impute any motive to a Member unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.

79. Any Member of the Council may require the Town Clerk to take down any particular words used by a Member immediately after such words have been used.

Withdrawal of Offensive Expression.

80. A Councillor who shall use any expression which in the opinion of the Mayor reflects offensively on any Member of the Council or officer of the City, shall when required by the Mayor unreservedly withdraw such expression and make a satisfactory apology to the Chair, and if he declines, or neglects to do so, the mayor may refuse to hear such Councillor further upon the matter then under discussion and call upon the next speaker.

Disturbance by Councillors.

81. A Councillor shall not make any noise or disturbance in the Council Chamber nor shall he except to raise a point of order, converse aloud, while any other person is addressing the Council.

Continued Irrelevance.

82. The Mayor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order, or decorum on the part of a Councillor, and may direct such Councillor, if speaking, to discontinue his speech, and thereupon such Councillor shall cease speaking and resume his seat.

Crossing Council Chamber.

83. When the Mayor is putting any question, no Councillor shall walk out of or across the Council Chamber, nor shall any Councillor, whilst any other Councillor is speaking, pass between the speaker and the Chair.

Mayor May Call to Order.

84. The Mayor shall preserve order, and may on his own motion call any Councillor to order whenever in his opinion there shall be cause for so doing.

Definition of Order.

85. Any Member of the Council who shall do anything or behave in any manner which is forbidden by any section of these Standing Orders shall be deemed to be out of order.

Infraction of Standing Orders.

86. A Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any Member of the Council.

Rulings by Mayor.

87. The Mayor shall decide all questions of order or practice and his decision shall be final and be accepted by the Council without argument or comment unless in any particular case the Council shall thereupon resolve that a different ruling shall be substituted for the ruling given by the Mayor. Discussion shall be permitted on any such motion.

Decision of Mayor on Point of Order—Councillor to Apologise when Called Upon.

88. Whenever it shall have been decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected, and whenever anything said or done in the Council by any Councillor shall be similarly decided to be out of order, such Councillor shall, if called upon by the Mayor, make such explanation, retraction or apology, as the case may require.

Serious Disorder.

89. If at a meeting of the Council the Mayor is of opinion that by reason of disorder or otherwise the business of the Council cannot effectually be continued, he may adjourn the meeting for a period of fifteen minutes, whereafter the Council shall reassemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

90. Where after any proceeding under By-law 89, the Mayor is again of opinion that the business of the Council cannot effectually be continued, he may close or adjourn the meeting.

Votes of Members of the Council.

91. The Mayor, so long as he is elected by the Council, shall exercise a deliberative vote only. (Sec. 173 (8).)

92. At meetings of the Council except where he is prohibited from voting by the Act a Councillor present in his seat when a question is put shall vote on the question openly and not by secret ballot. (Sec. 173(9).)

ORDER OF DEBATE.

Motions and Amendments.

93. When a motion is under debate at a meeting of the Council another motion shall not be received unless it be a motion authorised by the Act or these by-laws or one of a nature necessary for the proper observance of the Act and these by-laws.

94. In addition to the other motions authorised by the Act and these by-laws the following motions may be received when a motion is under debate:—

- (1) That the motion be amended.
- (2) That the Council do adjourn.
- (3) That the debate be adjourned.
- (4) That the question be now put.
- (5) That the Council do proceed with the next business.
- (6) That the Council do sit behind closed doors.
- (7) That the meeting be now closed.
- (8) Where the question before the Council is a recommendation from a Committee of the Council, a Councillor may move that the question be referred back to the Committee.

(1) That the Motion be Amended.

Relevancy of Amendment.

95. Every amendment shall be relevant to the motion on which it is moved.

To be Read or Stated.

96. Every amendment shall be read or stated before being moved.

One Amendment at a Time.

97. Only one amendment shall be discussed at a time. As often as an amendment is lost, another amendment may be moved before the original motion is put to the vote. Where an amendment is carried, one further amendment to the original motion, as amended, and no more, may be moved.

98. In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

99. Where an amendment is carried, the original motion as amended, shall for all purposes of subsequent debate and subject only to By-law 97, be treated as an original motion.

(2) That the Council do Now Adjourn.

Time to Move.

100. A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.

No Discussion—Procedure Before Further Motion.

101. If on any motion for adjournment of the Council being put the motion be negatived, the subject then under consideration or the next on the notice paper, or any other that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be entertained.

Question Adjourned to Next Meeting.

102. On a resolution for adjournment, the question (if any) under debate when the motion for adjournment was made shall stand adjourned to the next meeting.

One Motion Only.

103. At the same sitting no Councillor may move or second more than one motion for the adjournment of the Council.

Adjournment of Meetings for Meals.

104. In the event of a meeting of the Council or of a Committee of the Council not having been completed prior to any usual meal hour the meeting (unless adjourned to another day) shall be adjourned for a reasonable meal period after which the meeting shall be resumed. A meal shall be provided by the Council for the Councillors present at the meeting.

(3) That the Debate be Adjourned.

Time to Move.

105. A Councillor may, at the conclusion of the speech of another Councillor move without previous notice that the debate be adjourned to a later hour of the same day or to any other day.

No Discussion.

106. No discussion shall be allowed upon a motion for the adjournment of a debate.

Mover to Speak First.

107. On resuming an adjourned debate, the Councillor who moved its adjournment shall be entitled to speak first.

One Motion Only.

108. At the same sitting no Councillor shall move or second more than one motion for adjournment of the same debate.

Resumption of Debate After Count Out.

109. If a debate on any motion moved and seconded be interrupted by the Council being counted out, such debate may be resumed at the next meeting at the point where it was so interrupted, on motion with notice.

(4) That the Question be Now Put.

Time to Move.

110. A Councillor may, at the conclusion of the speech of any other Councillor, move without comment, that the question under consideration be now put, and upon that motion being seconded, the same shall immediately be put, without debate.

Two-thirds Majority.

111. A motion that the consideration of the question be now put shall not be decided in the affirmative or take effect without the consent of a two-thirds majority of the Members of the Council present.

Speaking in Reply.

112. Whenever it is decided by the Council that the question under consideration shall be put, the mover of the question under consideration shall, if debate has ensued, and if otherwise entitled to do so, be permitted to speak in reply before the question is put.

Motion to be Put at Once.

113. Should the motion be carried, the motion or amendment under debate shall be put at once.

Question Includes Amendment.

114. Whenever it is decided by the Council that the question under consideration shall be put, the question to be so put from the Chair shall be construed and taken to mean and include the main question as well as any amendment thereto.

(5) That the Council do Proceed to the Next Business.

115. It shall be competent for any Councillor at the close of the speech of any other Councillor to move without notice that the Council do proceed to the next business, and if the motion be seconded, it shall be put forthwith.

Question to be Dropped.

116. When a motion be carried that the Council do proceed to the next business, the question under discussion shall be considered as dropped.

Further Motion.

117. During the same debate, a second motion that the Council do proceed with the next business shall not be made within one hour.

Confidential Business.

118. Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, or before any Committee of the Council, shall be treated as strictly confidential, and shall not without the authority of the Council or of the Committee (as the case may be) be disclosed to any person other than the Mayor, Councillors or the officers or employees of the City (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.

Rescission of Resolution.

119. The Council may, at the same meeting at which it is passed, rescind or alter a resolution if all the Members of the Council who were present in their seats at the time the resolution was passed are also present in their seats at the time the rescission or alteration is proposed.

120. The Council may, at a meeting after that at which it was passed, rescind or alter a resolution—

- (a) where notice of the motion to rescind or alter is not given, if a motion to that effect is carried by an absolute majority of the members of the Council; or
- (b) where the Member intending to propose the rescission or alteration has, through the Town Clerk, given written notice of his intention to each of the other Members of the Council at least seven days before the meeting, if a motion to that effect is carried by a majority of the Members voting on the proposal at the meeting;

but not otherwise. (Sec. 177.)

Suspension of Standing Orders.

121. In cases of urgent necessity or whilst the Council is sitting behind closed doors, any of these Standing Orders may be suspended on motion duly made and seconded, but that motion shall not be declared carried, unless an absolute majority of the members of the Council, or a two-thirds majority of those present and voting on the question, whichever is the lesser number, have voted in favour of the motion.

122. Any Councillor moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place thereon.

Method of Taking Votes.

123. The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and he may do so as often as is necessary to enable him to form and declare his opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.

124. The result of voting openly is determined on the voices, unless a Member of the Council calls for a show of hands, in which case, the result is determined on the count or raised hands and upon a vote on the voices or on a show of hands being taken, a Councillor may call for a division. (Sec. 173(10).)

125. The division shall thereupon be taken by those voting in the affirmative passing to the right of the chair and those voting in the negative to the left of the chair. Sec. 173(11).)

126. Upon a division being called for, the Mayor may, if he thinks fit, order that the division bell be rung, and after the lapse of one half minute from the bell ceasing to ring a Councillor shall not be permitted to enter or leave the Chamber, until after the division has been taken.

127. The names of the Members of the Council who voted on the question on which there is the division shall be recorded by the Town Clerk in respect of every division together with details of whether they voted in affirmative or negative together with the names of those Members who abstained from voting. (Sec. 173(12).)

COMMITTEES.*Standing Committees.*

128. In addition to such Occasional Committees as may from time to time be appointed, there shall be the following Standing Committees appointed from among the Councillors:—

- (1) The Finance, General Purposes and Staff Committee.
- (2) The Works, Parks and Reserves and Health Committee.
- (3) The Town Planning (and Buildings) Committee.

129. The members of each Standing Committee shall be appointed at the first meeting of the Council held after the annual election and shall, subject to By-law 134 hold office until the commencement of the first meeting of the Council held after the next annual election.

Powers and Duties of Standing Committees.

130. The powers and duties of the Standing Committees shall be as follows:—

Finance, General Purposes and Staff Committee:—

- (1) To supervise the finances of the Council and to examine and check all accounts and generally supervise the collection and expenditure of Council revenue.
- (2) To pass accounts for payment.
- (3) To inquire into and report to the Council from time to time upon all matters which they consider to affect or to be likely to affect the finances of the Council or which the Council may by resolution direct them to inquire into and report upon.
- (4) To have control of all matters affecting the staff of the Council.
- (5) To have control of all matters relating to municipal libraries.
- (6) To enquire into and report upon such matters as may be referred to it by the Council for investigation and report.

Works, Parks and Reserves and Health Committee:—

- (1) To have the general direction of all work ordered or sanctioned by the Council, and of the maintenance of all streets, roads, ways, drains, bridges and other public places under the care and management of the Council.
- (2) To have the management and general direction of the acquisition of land for the formation of new streets and the widening of existing streets.
- (3) To have the control of all parks, reserves recreational facilities and tree planting and of the community halls, autumn centres, youth centres and other Council buildings.
- (4) To supervise the administration of the various Acts of Parliament, regulations and by-laws affecting public health and to deal with petitions and complaints from persons affected by those Acts, regulations or by-laws.
- (5) To deal with all matters relating to the sale of foods and drugs, the control of private hospitals, lodging houses, the licensing of noxious trades, morgues, the collecting of effluent, refuse and generally control all matters affecting the health of the citizens.
- (6) To inquire into and report upon such matters as may be referred to it by the Council for investigation and report.

Town Planning (and Buildings) Committee:—

- (1) To investigate and report upon all matters relating to zoning and town planning.
- (2) To initiate, control and report upon all Town Planning Schemes within the District.
- (3) To administer all by-laws relating to buildings and generally to control building.
- (4) To inquire into and report upon such matters as may be referred to it by the Council for investigation and report.

Occasional Committees.

131. The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a Committee.

Election of Committees.

132. The members of the said Committees shall, in default of agreement, be elected by ballot.

Maximum Number of Members of a Committee.

133. The number of the members of a Committee (inclusive of an *ex officio* member) shall be less than one-half of the total number of the members of the Council.

Changes and Vacancies in Committees.

134. The Council may, by resolution carried pursuant to a notice of motion, by a simple majority, or on a motion moved without notice, by an absolute majority, change, subtract from, or add to the membership of any Committee or appoint substitutes for Councillors absent pursuant to leave granted by the Council, and fill any vacancies.

Division of Functions.

135. A Standing Committee shall not interfere in any matter which has for the time being been entrusted to an Occasional Committee.

Membership.

136. The members of a Committee shall be members of the Council except in cases where the Act otherwise permits.

Convening Committee Meetings.

137. The Town Clerk shall call a meeting of any Committee when requested so to do by the Mayor or any two members of such Committee.

Quorum.

138. At a meeting of a Committee unless otherwise determined by the Council a quorum shall consist of three members. Every meeting shall proceed to business so soon after the time stated as there shall be a sufficient number of members in attendance to constitute a quorum.

Voting.

139. The decision of a Committee on a question is that decided by a majority of the votes of the members present, including the chairman who has a deliberative vote, and who in the case of an equal division of votes, has a casting vote. (Sec. 182(9).)

Minutes.

140. Each Committee shall keep a minute book, in which shall be entered minutes of all its proceedings and transactions. The minutes of each meeting shall be confirmed at the following meeting, and signed by the Chairman thereof.

Standing Orders.

141. These Standing Orders shall apply in committees and shall be observed, except the order limiting the number of times of speaking, and except as to committees being conducted with open doors.

Reports.

142. Every Committee shall report to the Council.

MISCELLANEOUS.

Representation on Public Bodies.

143. Whenever it becomes necessary to appoint a Member of the Council to represent the Council on a public body or a State Instrumentality, notice of the necessity to make that appointment shall if time permits be given at the meeting of the Council immediately preceding the meeting at which it is intended to make the appointment.

Protection of Officers and Servants.

144. If a Councillor has any complaint concerning the ability, character or integrity of any officer or employee of the City or of any act or omission of such officer or employee and desires to bring such complaint to the notice of the Council he shall (unless the matter requires an immediate decision of the Council) notify the Mayor of such complaint giving such details as are available in order that the complaint may be investigated and reported upon by the Finance, General Purposes and Staff Committee.

145. If a complaint or criticism be made concerning an officer or employee of the City whether by a Member of the Council or by any other person that officer or employee may reply to the complaint or criticism either personally or in writing to the Finance, General Purposes and Staff Committee and with the consent of the Council to the Council itself.

Meetings of Ratepayers and Electors.

146. No person, other than a news reporter, shall be admitted to a meeting of ratepayers or electors unless his name is on the current Electoral List.

147. Subject to the Act the Mayor shall be chairman of the meeting.

148. All questions asked shall be submitted in writing.

149. All questions if answered at the meeting shall be answered by the Mayor.

150. If any question cannot readily be answered at the meeting by the Mayor the answer shall be given in writing by the Council.

151. If so called upon by the Mayor the mover of a motion shall submit the motion in writing.

152. The Mayor may close a meeting when in his discretion he decides to do so.

153. The Standing Orders relating to Council meetings shall so far as applicable apply to meetings of ratepayers or electors.

154. Subject to these by-laws the conduct of a meeting of ratepayers or electors shall be at the sole discretion of the Mayor.

Enforcement of Standing Orders.

155. The Mayor shall be responsible for the enforcement of these Standing Orders and may prosecute for any breach thereof.

PART III.—ADMINISTRATION.

Common Seal.

156. The form of the Common Seal of the City of Stirling is—



157. The form of the sealing clause of the Council of the City of Stirling is—

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

.....Mayor.

.....Town Clerk.

158. The Town Clerk is responsible for the care of the Common Seal and shall keep it in safe custody.

159. The Common Seal shall not be affixed to any document unless—

- (a) the Council has, at any meeting of the Council, directed that the Common Seal be affixed to that document; and
- (b) it is affixed by the Town Clerk in the presence of the Mayor or the persons for the time being acting in these capacities who shall both sign every instrument to which the Common Seal is affixed.

160. The Town Clerk shall keep or cause to be kept a register of all documents to which the Common Seal of the City has been affixed.

Council's Records.

161. All records including deeds, books, papers, documents, files, vouchers, maps and tape recordings which are not declared to be confidential within the meaning of By-law 163 shall be made available for inspection by any Member of the Council upon request within the business hours of the Council.

162. No Member of the Council shall, unless authorised to do so by the Council, remove any record including deeds, books, papers, documents, files, vouchers, maps or tape recordings from the Council offices.

163. The Council may from time to time by resolution declare any records including deeds, books, papers, documents, files, vouchers, maps and tape recordings to be confidential for a period not exceeding two months and such period may be extended by subsequent resolutions for further periods of two months.

164. Nothing in the preceding by-law shall affect the operation of By-law 75.

Payment of Rates.

165. Rates are due and payable to the Council on the day on which a copy of the memorandum of imposing the rate is published in the *Government Gazette* and proceedings to recover or enforce the payment thereof may be taken after the expiration of thirty-five days from the publication, at the expiration of which period payment of the rate is in arrears. (Sec. 550(1).)

PART IV.—OFFICERS AND EMPLOYEES.

Appointment and Dismissal.

166. For the purpose of By-laws 167 to 169 the term "Senior Officer" means and includes the Town Clerk, Assistant Town Clerk, City Treasurer, City Engineer, Building Surveyor, City Planner, Superintendent of Parks and Recreation and the Chief Health Surveyor.

167. Subject to the Act, the appointment and dismissal of Senior Officers shall be by the Council.

168. The Mayor may suspend a Senior Officer other than the Town Clerk if in the opinion of the Mayor such officer has been guilty of misconduct justifying immediate dismissal. Any suspension so made shall be considered by the Council at its next meeting.

169. The Town Clerk shall have power to appoint and dismiss all employees other than Senior Officers.

170. The Engineer, Chief Health Surveyor and the Superintendent of Parks and Recreation may each for his own Department appoint casual workers and persons to fill vacancies in the outside staff and dismiss any person so appointed. Any appointment or dismissal so made shall be forthwith reported to the Town Clerk.

171. All appointments and dismissals not made by the Council shall be reported to the Council at its next ordinary meeting and shall be subject to confirmation by the Council.

172. All appointments of officers and employees whether made by the Council or not shall be regarded as probationary for a period of three months.

The Town Clerk.

173. The duties of the Town Clerk are—

- (a) to attend all Council meetings and to supervise the preparation of the Minutes of all such meetings;
- (b) to attend all Committee meetings unless his attendance is not required by the Committee, and to supervise the taking of notes of minutes and the preparation of reports of such meetings of Committees;
- (c) to summon members to Council and Committee meetings;
- (d) to supervise all correspondence, and to give the other officers instructions, as directed by the minutes, and to give effect to the resolutions of the Council as contained in such minutes and to convey the decisions of the Council to those concerned;
- (e) to answer all questions on the Council's business;
- (f) to supervise the preparation of the annual financial estimates and submit them to the Council and to keep the Council informed of its operations in relation to the estimates adopted by the Council;
- (g) to see that the accounts and balance sheets are prepared, audited and published yearly;
- (h) to supervise the preparation of the rate books and the Council's electoral lists; and to arrange for distribution of the copies prior to the elections; and to attend all courts of revision or appeal; to make necessary arrangements for the elections;
- (i) to supervise the keeping of all books up-to-date and in accordance with the Act and any additional instructions from the Council;
- (j) to supervise the checking of all accounts sent into the Council and to see that all accounts for work have stated in them the authority under which such works have been done, and to check all returns made by the collector or other Council officers, and to see that the counterfoils of the receipt book accompany all returns, to supervise the due payment of all moneys coming through the hands of the Council's officers and payable to the credit of the Council;
- (k) to attend to and carry out all instructions of the Council and to attend to all other matters affecting the finances and welfare of the Council not herein specified;
- (l) to see that all bonds and other forms of security to be taken from the contractors are prepared and that the security required from officers or employees is taken within due time, and to report on such matters to the Council;
- (m) to report to the Mayor any officer or employee who has been guilty of any neglect of duty, or who is incapable of performing the duties allotted to him, and if necessary and where so authorised by these by-laws, to suspend or dispense with the services of such officer or employee;
- (n) to exercise, subject to any directions given by the Council or the Mayor, control over all employees of the Council;
- (o) to supervise the Insurance Policies of the Council and to report to the Council thereon as often as the occasion demands and at least annually;
- (p) to keep in a safe the Common Seal, the Seal Register, all approved Town Planning Schemes and legal documents when not in actual use other than those under the control of the Treasurer; to retain one key of such safe in his own personal custody and to deposit the duplicate with the Council's bankers;
- (q) to supervise the preparation and lodging of such returns as are required to be made by the Council;
- (r) to be acquainted with the provisions of the Act and these by-laws and any other statutes, regulations, by-laws or orders affecting the operation of the Council;
- (s) to carry out all duties for which he is responsible under the Act;
- (t) wherever possible to see that the provisions of the Act are carried out.

174. In the absence of the Town Clerk his duties shall be undertaken by the Assistant Town Clerk.

The City Treasurer.

175. The duties of the City Treasurer are—

- (a) to attend to and carry out all instructions of the Council;
- (b) to prepare the Annual Budgets and to keep the Town Clerk informed of its operations in relation to the estimates adopted by the Council;
- (c) to prepare the Annual Accounts and Balance Sheets and to ensure that they are audited and published annually;
- (d) to prepare the monthly financial statement for presentation to the Council;
- (e) to prepare the Rate book and the Council's Electoral Lists; to arrange distribution of the Electoral Lists prior to elections; and to attend or deputise a competent officer to attend all courts of revision or appeal and make all necessary arrangements for the elections;
- (f) to supervise all necessary Insurance Policies of the Council and to report thereon to the Town Clerk as the occasion demands;
- (g) to ensure that all Bonds and Securities necessary are prepared and that such are taken within due time;
- (h) to be responsible for the safe custody of all current Books of Account and legal documents appertaining to the Council's financial transactions, to retain one key of the Council's strong room in his own personal custody, or with the approval of the Town Clerk to deputise this duty to one other responsible officer and to lodge the duplicate copy of the said key with the Council's Bankers;
- (i) to collect and bank all moneys due to or received on behalf of the Council and to control all investments made on behalf of the Council;
- (j) to obey all lawful directions of the Town Clerk and to attend to all other matters affecting the finances of the Council not herein specified;
- (k) to attend Council, Committee and any other meetings as and when required;
- (l) to render to the Town Clerk when required reports of all matters under his control;
- (m) to see that all officers and employees under his control carry out their duties efficiently and to report any departure therefrom;
- (n) to carry out all other duties for which he is responsible under the Act.

The City Engineer.

176. The duties of the City Engineer are—

- (a) to attend to and carry out all instructions of the Council;
- (b) to prepare proper plans and specifications for all works and improvements relating to roads, bridges, culverts, buildings or premises under the control of the Council; to examine all material to be used in such works and to see the works are faithfully and properly executed and performed; to lay out such work as to height, lines, levels and dimensions and to watch progress and formation thereof; to submit all specifications and plans to the Council before tenders are called;
- (c) to submit, as directed, reports, data, annual budgets, estimates and recommendations relating to works, plant, materials and the general management of the Department.
- (d) to see that the work of cleaning and repairing all public roads and footways is properly carried out;
- (e) to see that all drains, sewers, culverts and bridges are maintained in a state of efficiency;
- (f) to examine all works under his control throughout the District at least twice a year, or as required by the Council;
- (g) to see that all officers and employees under his control carry out their duties efficiently, and to report any departure therefrom;
- (h) to attend all Council and Committee meetings if required;
- (i) to render to the Town Clerk, when required, reports and accounts of all matters under his control; to supply monthly, or more often if required, to the Council, returns of all work completed or in progress with remarks thereon.

Building Surveyor.

177. The duties of the Building Surveyor are—

- (a) to attend to and carry out all instructions of the Council;
- (b) to examine plans and specifications and materials of all buildings and structures and advertising signs and hoardings to be erected within the District; to issue Building, Sign and Hoarding Licences;
- (c) to report on neglected buildings, dilapidated buildings dangerous buildings and incomplete buildings;
- (d) to see that all officers and employees under his control carry out their duties efficiently and to report any departure therefrom;
- (e) to attend Council Meetings and Committee Meetings when required;
- (f) to render to the Town Clerk, where required, reports of all matters under his control, to supply monthly to the Council a return of Building Licences issued; and
- (g) to examine and report upon all Council buildings once a year, or as required by the Council.

City Planner.

178. The duties of the City Planner are—

- (a) to attend to and carry out all instructions of the Council;
- (b) to attend to all Town Planning matters within the District, and to prepare Town Planning Schemes;
- (c) to investigate and prepare plans and reports on all planning matters affecting the City and to keep in close liaison with the Metropolitan Region Planning Authority, the Town Planning Board and all other Departments of the State Government having any relation to Town Planning;
- (d) to exercise such powers as shall be delegated to him from time to time by the Council in relation to any specific Town Planning Schemes;
- (e) to supervise the carrying out by the Land Officer of such duties as shall be from time to time assigned to him;
- (f) to see that all officers and employees under his control carry out their duties efficiently and to report any departure therefrom;
- (g) to attend Council Meetings and Committee Meetings when required; and
- (h) to render to the Town Clerk, when required, reports of all matters under his control.

Superintendent of Parks and Recreation.

179. The duties of the Superintendent of Parks and Recreation are—

- (a) to attend to and carry out all instructions of the Council;
- (b) to prepare proper plans and specifications of all works and improvements relating to reserves, recreational areas and facilities, parks, gardens, nurseries, tree planting, playgrounds and other associated amenities, under the control of the Council, and to see that all such works are faithfully and properly executed and performed, and properly maintained;
- (c) to submit, as directed, reports, data, annual budgets, estimates and recommendations relating to works, plant, materials and the general management of the Department;
- (d) to see that all officers and employees under his control carry out their duties efficiently, and to report any departure therefrom;
- (e) to attend Council Meetings and Committee Meetings when required;
- (f) to render to the Town Clerk, when required, reports of all matters under his control.

Chief Health Surveyor.

180. The duties of the Chief Health Surveyor are—

- (a) to attend to and carry out all instructions of the Council;
- (b) to examine plans and specifications of all buildings to be erected within the District with regard to the requirements of the Health Act, and of all statutes regulations and by-laws relating to public health;

- (c) to report on the condition of all buildings requiring repairs and maintenance;
- (d) to carry out requirements of the Health Act and all regulations and by-laws; adopted by the Council, made thereunder;
- (e) to see that all officers and employees under his control carry out their duties efficiently and to report any departure therefrom;
- (f) to attend all Council Meetings and Committee Meetings when required;
- (g) to render to the Town Clerk where required reports of all matters under his control, and to supply monthly, to the Council, a report regarding activities of the Health Department of the City;
- (h) to supply, to the Council, an annual report, concerning the sanitary conditions of its District and all works executed and proceedings taken.

Rangers.

181. The duties of a Ranger are—

- (a) to attend to and carry out all instructions of the Council and of the Town Clerk;
- (b) regularly to patrol and range within the District;
- (c) regularly to patrol and inspect all Council parks and reserves;
- (d) to investigate and report upon cases of vandalism within the District and take such measures to prevent vandalism and the apprehension of offenders as shall be directed;
- (e) to assist the Poundkeeper in dealing with straying stock and impounded stock in accordance with the Act and in accordance with these by-laws;
- (f) to assist the Dog Catcher and Dog Poundkeeper in investigating and dealing with complaints regarding wild and straying dogs and impounded dogs;
- (g) to take part in house-to-house checks of dog registrations;
- (h) to enforce the Act and By-laws relating to litter;
- (i) to patrol the beaches and assist in enforcing these by-laws relating to beaches; the appointment of a person as Ranger shall be deemed to include his appointment on beach patrol duties within the City;
- (j) to act as an Inspector under the provisions of the Spear-guns Control Act 1955 and to assist in enforcing that Act; the appointment of a person as Ranger shall be deemed to include his appointment as Inspector under that Act;
- (k) to act as Bush Fire Control Officer and to assist in enforcing the provisions of the Bush Fires Act 1954; the appointment of a person as Ranger shall be deemed to include his appointment as a Bush Fire Control Officer under that Act;
- (l) to carry out the duties assigned to him by these by-laws.

Duties of Other Officers and Employees.

182. Subject to any specific direction which may be given by the Council from time to time, the duties of the officers and employees of the Council other than the Town Clerk, City Engineer, City Treasurer, Building Surveyor, City Planner, Superintendent of Parks and Recreation and Chief Health Surveyor shall be those assigned from time to time by the Senior Officer of the Department in which they are employed.

Service of Employees.

183. Permanent full time employees of the Council shall render continuous service in their employment. For the purpose of this by-law "continuous service" means service during which the employee has not been absent from his employment for any continuous period of more than two days without leave of absence having been granted.

Long Service Leave.

184. For the purpose of By-laws 185-196 the term "uninterrupted service" means service as a permanent full time employee in the employment of the Council but does not include—

- (a) any period during which the employee is absent without leave;

- (b) absence of the employee on approved leave without pay for an aggregate period exceeding two weeks in any qualifying period unless otherwise directed by the Council;
- (c) any service of an employee who resigns or is dismissed other than service prior to such resignation or to the date of any offence in respect of which he is dismissed from the service of the Council when that prior service has actually entitled the person to long service leave under these by-laws.

185. As from the 1st day of July, 1965, all present and future employees of the Council shall after an initial period of ten years' uninterrupted service and then after each subsequent period of seven years' uninterrupted service be entitled to three months' leave on full pay. For the purpose of this by-law where an employee had qualified for one or more terms of long service leave prior to the 1st July, 1965, credit on the basis of a ten years' qualifying period shall be granted toward a second or any succeeding term of long service leave in respect to service prior to that date, and service after that date shall be credited on the basis of a seven year qualifying period.

186. Long service leave shall be taken at a time convenient to the Council, and the Council will as far as possible meet the wishes of the employee as to the time of taking his long service leave. The Council may, by giving not less than three calendar months' notice to the employee, direct him to take his long service leave at a time nominated by the Council, and his long service leave shall be taken accordingly.

187. In the event of the resignation, retirement or death of an employee who has become due for long service leave in accordance with By-law 186 hereof, but who has not taken his long service leave, the Council shall pay to such employee (or in the case of death to his personal representatives, or if there be none, to his dependants) a sum of money equal to his wages or salary for the period of the long service leave to which he is entitled at the date of his resignation, retirement or death.

188. In the event of the death of an employee during his long service leave, the Council shall pay to his personal representatives, or if there be none, to his dependants, a sum of money equal to the unpaid wages or salary of the employee for the uncompleted period of his long service leave together with payment *pro rata* in respect of service subsequent to the date such leave became due.

189. In the event of an employee being believed to have died and his death not having been registered, the Council, after consideration of all circumstances, may direct that the death of the employee be presumed to have occurred on a date nominated by the Council, and may authorise payment to the employee's dependants of an amount which may be paid under these by-laws to the personal representatives or dependants of a deceased employee.

190. In the event of the services of an employee being terminated by death or being terminated by the Council by reason of his disability or by reason of his having reached the retiring age, and that employee having completed one or more periods of service qualifying him for long service leave, the Council shall pay him or his personal representatives or dependants *pro rata* in respect of long service leave for the period of his service from the date the previous full period of long service leave became due, until the day he ceased work, or until the last day of sick leave payments, whichever is the later.

191. The payment in respect of long service leave which is to be made *pro rata* under By-law 190 shall, in respect to service prior to 1st July, 1965, be calculated at the rate of one and three-tenths weeks per annum since the previous long service leave entitlement, and at the rate of one and six-sevenths weeks per annum from the 1st July, 1965. The said long service leave shall be on full pay.

192. An employee due to take his long service leave shall be paid his salary or wage for the period thereof at the ordinary rate of salary or wage payable in the week immediately preceding the taking of the leave. The

Council may, at its discretion, either pay to an employee his wages or salary during long service leave, or pay to the employee in advance a sum representing the amount of his wages or salary for the period of his long service leave.

193. All public holidays which occur during the period of an employee's long service leave shall be taken in conjunction with his long service leave and the period of long service leave granted to an employee shall be reduced by the period of public holidays taken in conjunction therewith. The long service leave shall not be reduced by the period of any annual leave to which an employee may be entitled at the time of taking his long service leave.

194. A grant of long service leave in pursuance of these by-laws shall be deemed to be made on the condition that the employee does not accept employment for reward during the period of long service leave.

195. If an employee shall accept employment for reward during long service leave he shall not thereafter during such leave receive any payment on account of wages or salary from the Council.

196. If the Council shall have paid to an employee a sum of money representing salary or wages for a period after such employee shall have engaged in employment for reward, such sum of money may be recovered by the Council from such employee.

CADETS.

Town Planning Cadets attending Full-time Courses at the Western Australian Institute of Technology.

197. Applications for appointment as a Town Planning Cadet shall be invited by advertisement in a newspaper circulating throughout Western Australia.

198. An applicant for appointment as a Town Planning Cadet shall—

- (a) have qualified for admission to the Western Australian Institute of Technology course for an Associateship in Town and Regional Planning and have passed the Leaving or equivalent examination in English, one unit of Mathematics and three other subjects;
- (b) be not more than 20 years of age;
- (c) produce to the Town Clerk—
 - (i) evidence of the qualification required under paragraph (a) hereof and of the subjects passed in the Leaving or equivalent examination;
 - (ii) evidence of the date of his birth;
 - (iii) evidence as to his good character;
 - (iv) a chest x-ray examination certificate and a medical certificate from the Medical Officer of the City certifying that the applicant is in good health, of sound constitution, and not affected by any physical infirmity that would interfere with the proper exercise of his professional duties;
 - (v) the answers to a questionnaire completed by him on the form obtainable at the office of the City.

199. A Town Planning Cadet shall be articulated to the Town Clerk for the term prescribed in By-law 202 but his appointment in the first instance shall be subject to a period of twelve months' probation.

200. Before the expiration of the Cadet's period of probation the City Planner shall report to the Town Clerk on—

- (a) the manner in which the Cadet has performed his duties;
- (b) the progress the Cadet has made in the course of study leading to an Associateship in Town and Regional Planning; and
- (c) his general progress and conduct.

201. Upon receipt of the City Planner's report the Town Clerk shall confirm or annul the Cadet's appointment.

202. Subject to the provisions of By-laws 205 and 206 a Town Planning Cadet shall serve for a term of three years, during which period he shall—

- (a) attend the Western Australian Institute of Technology as a full-time student in the Department of Architecture and take the course of study leading to an Associateship in Town and Regional planning; and
- (b) receive practical instruction and undergo courses of training as may be determined by the City Planner.

203. A Town Planning Cadet shall be granted leave without pay to attend the Western Australian Institute of Technology as a full-time student during the official terms and the annual examination period of each academic year.

204. The whole of the period of cadetship not required in attendance at the Western Australian Institute of Technology shall be spent in the service of the City under the direction of the City Planner, but the City planner may approve of mid-term vacations being treated as study leave with payment of sustenance allowance as provided by By-law 214.

205. A Cadet shall be deemed not to have completed his cadetship until he has—

- (a) Served the prescribed term of cadetship or any due extension thereof; and
- (b) passed the final examination of the Western Australian Institute of Technology for an Associateship in Town and Regional Planning.

206. If at the end of the prescribed term of his cadetship a Cadet has not passed the qualifying examinations for the Associateship referred to in By-laws 202 to 205 his cadetship may be extended at the discretion of the Town Clerk for a further period not exceeding two years.

207. At any time after a Cadet has completed one year of the prescribed term of cadetship if in the opinion of the City Planner the Cadet's progress or general conduct or both have not been satisfactory his cadetship may be cancelled by the Town Clerk.

208. A Town Planning Cadet shall as soon as he is eligible to do so become a student member of the Australian Planning Institute.

209. During the whole term of his cadetship and any extension thereof a Cadet shall be subject to the Act and these by-laws relating to the permanent staff to the extent to which those provisions are capable of being applied with or without adaptation to the Cadet.

210. Annual leave shall be granted to a Cadet equivalent to that prescribed by the Industrial Award for the time being in force relating to employees of the City and the time spent in attendance at the Western Australian Institute of Technology shall count towards qualification in any year for the computation of such leave.

211. All time actually served in the employment of the City during the term of cadetship shall count as service for computation of the qualifying period for entitlement to long service leave but period of leave without pay to attend the Western Australian Institute of Technology or for any other reason shall not count as service for such entitlement.

212. (1) A Cadet shall be entitled to sick leave on the basis provided for in the Industrial Award for the time being in force relating to employees of the City such leave to be paid at the rate of—

(a) if the Cadet is on leave attending the Western Australian Institute of Technology at the time the sick leave is required, the sustenance allowance he is in receipt of at that time under By-law 214; or

(b) if the Cadet is actually employed in the service of the City at the time the sick leave is required, the service rate.

(2) In calculating the sick leave entitlement under sub-By-law (1) hereof the time spent by the Cadet in attendance at the Western Australian Institute of Technology shall be regarded as service with the City.

213. The remuneration of a Cadet during periods of service with the City shall be in accordance with a scale of salaries prescribed by the Council from time to time, and shall provide for advancement in rates for each year of the prescribed term of cadetship, but that advancement from year to year shall be subject to satisfactory progress reports from the Western Australian Institute of Technology and to receipt by the Town Clerk of a satisfactory report from the City Planner as to the conduct diligence and efficiency of the Cadet.

214. During the periods of leave without pay granted to a Cadet for the purpose of attending the Western Australian Institute of Technology during the official terms and the annual examination period of each academic year a sustenance allowance at a weekly rate as determined by the Town Clerk from time to time shall be paid to the Cadet but—

(a) the payment of the allowance may be suspended at any time by the Town Clerk on receipt of an unsatisfactory report from the Western Australian Institute of Technology or the City Planner;

(b) the payment of the allowance shall not be made during any period when with the approval of the Town Clerk a year of study at the Western Australian Institute of Technology is repeated; and

(c) the payment of the allowance shall not be made for any period of leave without pay granted for purposes other than to attend the Western Australian Institute of Technology during the official term and the annual examination period of an academic year except as provided in By-law 204 or for any periods of absence from Institute classes in respect of which a Cadet is unable to furnish a satisfactory explanation.

215. The City shall pay on behalf of the Cadet his compulsory Institute tuition fees but where with the approval of the Town Clerk the Cadet repeats a year of study or units of the course of study, the Cadet shall defray the cost of tuition fees for that year or for those units.

216. A Cadet who has satisfactorily completed his cadetship shall if he is so required be employed as a probationary Town Planning Assistant for a period of one year and thereafter serve for a period of three years as an appointed Town Planning Assistant or Town Planning Officer as may be determined by the Town Clerk.

217. Employment during the first year as a probationary Town Planning Assistant shall be at the minimum salary for Town Planning Assistant as prescribed by the Industrial Award for the time being in force relating to employees of the City and on appointment thereafter as Town Planning Assistant or Town Planning Officer the rate of salary shall be an appropriate rate contained in the Award as may be determined by the Town Clerk.

218. Notwithstanding the foregoing provisions of these by-laws, the Town Clerk may appoint as a Cadet a person who has completed not less than one year of the course in Town and Regional Planning at the Western Australian Institute of Technology and in any such case may vary the period and conditions of cadetship and the period of service required following completion of cadetship.

219. Before a person is accepted as a Cadet an agreement in the form or to the effect of the form following this by-law shall be executed by the person his legal guardian and the guardian's wife or husband as the case requires and the Town Clerk:—

THIS DEED made the _____ day of _____ One thousand nine hundred and _____

BETWEEN: (a) _____ of (b) _____ in the State of Western Australia (hereinafter called "the Cadet") of the first part (c) _____ of (b) _____ in the said State (d) _____ the (e) _____ of the Cadet and (c) _____ of (b) _____ in the said State (d) _____ the (e) _____ of the Cadet (hereinafter with their respective executors and administrators referred to as "the Guardians") of the second part and (f) _____ the Town Clerk of the City of Stirling (hereinafter with his successors in office referred to as "the Town Clerk") of the third part.

WITNESSETH that the parties hereto do hereby mutually agree and declare as follows:—

1. The Cadet of his own free will and accord with the consent of the Guardians hereby places and binds himself to serve the Town Clerk as a Town Planning Cadet for the term of three years from the _____ day of _____ One Thousand nine hundred and _____ and for any additional period required to complete satisfactorily his cadetship under and subject to the by-laws of the City of Stirling.

2. The Cadet will during the said term well and truly serve the Town Clerk as a Town Planning Cadet and will in all respects and at all times observe perform and comply with the obligations on the part of the Cadet contained in the by-laws of the City of Stirling and shall comply with the directions of the Town Clerk and the City Planner of the City of Stirling.

3. When the Cadet shall have satisfactorily completed his cadetship and obtained his certificate of qualification he will if required to do so serve the City of Stirling for a period of four years in accordance with and subject to the provisions contained in the by-laws of the City.

4. (1) If from any cause whatsoever the Cadet shall fail to complete his cadetship satisfactorily as required by these presents or shall fail to observe perform and comply with the obligations on the part of the Cadet contained herein or shall be required to leave the course of cadetship or subsequent employment in the City of Stirling during the term herein specified by reason of misconduct idleness disobedience non-attendance irregular or unpunctual attendance want of interest in work or immoral conduct then in such cases the Guardians hereof shall jointly be liable for and forthwith on demand shall pay to the Town Clerk as ascertained damages and not by way of penalty for such breach or failure a sum of money equivalent to the sum total of all sustenance allowance payments made to the Cadet and compulsory tuition fees paid on behalf of the Cadet as specified in the by-laws of the City of Stirling less the deductible amount if any ascertained in accordance with sub-clause (2) of this clause.

(2) (a) The sum total of all sustenance payments made to the Cadet and compulsory tuition fees paid on behalf of the Cadet pursuant to the said by-laws shall be divided by the number of weeks that the Cadet is bound to serve under Clause 3 of this Deed.

(b) The sum shown as the resultant quotient shall be multiplied by the number of weeks if any that the Cadet has served of the period referred to in Clause 3 of this Deed.

(c) The sum shown as the product shall be the deductible amount to which subclause (1) of this clause relates.

(3) In ascertaining the amount in accordance with subclause (2) of this clause a fraction of a week shall be treated as one week.

5. (1) Where at any time during the term of the cadetship the Town Clerk is of the opinion that the progress of the Cadet is unsatisfactory he may suspend his cadetship for a period not exceeding twelve months.

(2) During the period of suspension no sustenance allowance payment and compulsory tuition fees are payable to or on behalf of the Cadet.

(3) Where the Cadet is suspended for a period pursuant to this clause if the cadetship is resumed the cadetship shall continue under and subject to this Deed and the period of suspension shall be disregarded in calculating the term of the cadetship.

6. In consideration of the premises the Town Clerk will during the said term take and accept the Cadet and employ him and instruct him or cause him to be employed and instructed as a Town Planning Cadet under and in accordance with the by-laws of the City of Stirling.

IN WITNESS WHEREOF the parties hereto have executed this Deed the day and year first hereinbefore written.

SIGNED by the said (a) }
in the presence of— }

.....

SIGNED by the said (c) }
in the presence of— }

.....

SIGNED by the said (c) }
in the presence of— }

.....

SIGNED by the said (f) }
in the presence of— }

.....

(a) Full name of Cadet. (b) Address. (c) Full names of parents or parent or guardian and his or her wife or husband as the case may be. (d) Occupation. (e) Parents or parent or guardian and his or her wife or husband as the case may be. (f) Full name of Town Clerk.

Administrative or Accounting Cadets Attending Part Time at the Western Australian Institute of Technology.

220. Applications for appointment as an administrative or accounting Cadet shall be invited by public advertisement in a newspaper circulating throughout Western Australia.

221. An applicant for appointment as an administrative or accounting Cadet shall—

(a) have qualified for admission to the Western Australian Institute of Technology course in either Administration or Accounting and have passed the Leaving or equivalent examination in English one unit of Mathematics and three other subjects;

(b) be not more than 20 years of age;

- (c) produce to the Town Clerk—
- (i) evidence of the qualification required under sub-clause (a) of this clause and of the subjects passed in the Leaving or equivalent examination;
 - (ii) evidence of the date of his birth;
 - (iii) evidence as to his good character;
 - (iv) a chest x-ray examination certificate and a certificate from the Medical Officer of the City certifying that the applicant is in good health of sound constitution and not affected by any physical infirmity that would interfere with the proper exercise of his duties;
 - (v) the answers to a questionnaire completed by him on the form obtainable at the office of the City.

222. An administrative or accounting Cadet shall be articulated to the Town Clerk for the term prescribed in By-law 225 but his appointment in the first instance shall be subject to a period of twelve months' probation.

223. Before the expiration of the Cadet's period of probation the City Treasurer and Assistant Town Clerk shall report to the Town Clerk on—

- (a) the manner in which the Cadet has performed his duties;
- (b) the progress the Cadet has made in the course of study leading to an Associateship in Administration or Accounting; and
- (c) his general progress and conduct.

224. Upon receipt of the reports of the City Treasurer and Assistant Town Clerk the Town Clerk shall confirm or annul the Cadet's appointment.

225. Subject to the provisions of By-laws 228 and 229 a Cadet shall serve for a term of seven years during which period he shall—

- (a) be employed on practical training duties as directed by the Town Clerk during each year of the cadetship or any due extension thereof;
- (b) in each year attend classes at the Western Australian Institute of Technology during working hours in each week of the academic year in accordance with an approved schedule of studies provided however that where the study schedule provides for Administrative Cadets to complete the Associateship course in six years the seven year term shall include study in the seventh year of units of the Diploma course in Local Government of the Perth Technical College as provided in Clause (c) hereof;
- (c) in each year of the cadetship other than the first year attend the Perth Technical College in his own time or study by correspondence units of the Diploma in Local Government course as prescribed in the schedule of studies;
- (d) complete the requirements for an Associateship in Administration in six years and the requirements for an Associateship in Accounting in seven years;
- (e) complete the requirements of the Diploma in Local Government in seven years Administrative Cadets being qualified in the course accepted for qualification as Clerk of a Council and Accounting Cadets being qualified in the course accepted for qualification as Treasurer of a Council.

226. A Cadet shall be granted leave with pay to attend classes at the Western Australian Institute of Technology as prescribed in By-law 225 and for the annual examination period of each academic year but payment shall not be made for the time spent in attendance at the Perth Technical College.

227. The whole of the period of cadetship not required in attendance at the Western Australian Institute of Technology shall be spent in the service of the City under the direction of the Town Clerk and the Cadet shall attend at the hours normally observed by the salaried staff.

228. An administrative or accounting Cadet shall not be deemed to have completed his cadetship until he has—

- (a) served the prescribed term of cadetship or any due extension thereof; and
- (b) passed the final examination of the Western Australian Institute of Technology for an Associateship in either Administration or Accounting; and
- (c) passed the final examination of the Perth Technical College in the appropriate Diploma course in Local Government.

229. If at the end of the prescribed term of his cadetship a Cadet has not passed the examinations referred to in By-law 228 his cadetship may be extended at the discretion of the Shire Clerk for a further period not exceeding two years.

230. At any time after a Cadet has completed one year of the prescribed term of cadetship if in the opinion of the Town Clerk the Cadet's progress and general conduct or both have not been satisfactory his cadetship may be cancelled by the Town Clerk.

231. A Cadet shall as soon as he is eligible to do so become a student member of an appropriate professional Institution.

232. During the whole term of his cadetship and any extension thereof a Cadet shall be subject to the Act and these by-laws relating to the permanent staff to the extent to which those provisions are capable of being applied with or without adaptation to the Cadet.

233. Annual leave and sick leave shall be granted to a Cadet under the conditions as they are applicable and on the basis of that provided for in the Industrial Award for the time being in force relating to employees of the City and credit of service for computation of the qualifying period for entitlement to long service leave shall be granted in accordance with the by-laws governing long service leave but the time spent in attendance at the Western Australian Institute of Technology shall count as service for computation of such leave.

234. The remuneration of a Cadet shall be in accordance with a scale of salaries prescribed by the Council from time to time and shall provide for advancement in rates for each year of the prescribed term of cadetship but advancement from year to year shall be subject to satisfactory progress reports from the Western Australian Institute of Technology and the receipt by the Town Clerk of a satisfactory report from the City Treasurer and the Assistant Town Clerk as to the conduct, diligence and efficiency of the Cadet and where with the approval of the Town Clerk a Cadet is required to repeat a year of study or to repeat units of the course of study the term of cadetship may be required to be extended the rate of remuneration to be paid the Cadet during such period of extension shall be that determined by the Town Clerk.

235. Payment of salary shall not be made for any period of leave granted for purposes other than attendance at the Western Australian Institute of Technology during the official term and examination period of an academic year or for any periods of absence from the Institute classes in respect of which a Cadet is unable to furnish a satisfactory explanation.

236. The Council shall pay on behalf of the Cadet his compulsory Technical College and Institute tuition fees but where with the approval of the Town Clerk the Cadet repeats a year of study or units of the course of study the Cadet shall defray the costs of tuition fees for that year or those units.

237. A Cadet who has satisfactorily completed his cadetship shall if he is so required be appointed as a classified officer in a grade determined by the Town Clerk and serve the City for a period of four years following such appointment.

238. Appointment as a classified Officer shall be at the minimum salary rate for the classification to which the Cadet is appointed under the Industrial Award for the time being in force relating to the employees of the City but after twelve months' service the Town Clerk may appoint such officer to a higher classification.

239. Notwithstanding the foregoing provision of these by-laws the Town Clerk may appoint as a Cadet a person who has completed not less than one year of the Associateship course in either Administration or Accounting at the Western Australian Institute of Technology and in any such case may vary the period and conditions of cadetship and the period of service required following completion of cadetship and appointment as a classified officer.

240. Before a person is accepted as a Cadet an agreement in the form or to the effect of the form following this by-law shall be executed by the person his legal guardian and the guardian's wife or husband as the case requires and the Town Clerk:—

THIS DEED made the _____ day of _____ One thousand nine hundred and _____
 BETWEEN: (a) _____ in the State of (b) _____ of Western Australia (hereinafter called "the Cadet") of the first part (c) _____ of (b) _____ in the said State (d) _____ the (e) _____ of the Cadet and (c) _____ of (b) _____ in the said State (d) _____ the (e) _____ of the Cadet (hereinafter with their respective executors and administrators referred to as "the Guardians") of the second part and (f) _____ the Town Clerk of the City of Stirling (hereinafter with his successors in office referred to as "the Town Clerk") of the third part.

WITNESSETH that the said parties hereto do hereby mutually agree and declare as follows:—

1. The Cadet of his own free will and accord with the consent of the parties of the second part hereby places and binds himself to serve the Town Clerk as (g) _____ for the term of _____ years from the _____ day of _____ One thousand nine hundred and _____ and for any additional period required to satisfactorily complete his cadetship under and subject to the by-laws of the City of Stirling.

2. The Cadet will during the said term well and truly serve the Town Clerk as an (g) _____ and will in all respects and at all times observe perform and comply with the obligations on the part of the Cadet contained herein and in the by-laws of the City of Stirling and shall comply with the directions of the Town Clerk the Assistant Town Clerk and the City Treasurer of the City of Stirling.

3. During the seven year period of cadetship the Cadet shall be employed on practical training duties and in each year shall be allowed paid leave in each week of the academic year to attend classes in an Associateship course in Administration or Accounting at the Western Australian Institute of Technology in accordance with the scheme of study determined by the Town Clerk. The Cadet shall also attend classes in his own time at the Perth Technical College during the term of the cadetship to study for a Diploma in Local Government or shall study by correspondence units of the Diploma in Local Government as prescribed in the schedule of studies. During the period of cadetship the Cadet shall be paid a salary at a scale prescribed for Cadets by the Town Clerk from time to time and shall be granted the conditions applicable to officers employed under the Industrial Award for the time being in force relating to employees of the City.

4. When the Cadet shall have satisfactorily completed his cadetship and obtained his certificates of qualification he will if required to do so serve the City of Stirling for a period of four years in accordance with and subject to the provisions contained in the by-laws of the City of Stirling.

5. (1) If from any cause whatsoever the Cadet shall fail to complete his cadetship satisfactorily as required by these presents or shall fail to observe perform and comply with the provisions herein contained or shall be required to leave the course of cadetship or subsequent employment

in the City of Stirling during the term herein specified by reason of misconduct idleness disobedience non-attendance irregular or unpunctual attendance want of interest in work or immoral conduct then in such cases the Guardians shall jointly be liable for and forthwith on demand shall pay to the Town Clerk as ascertained damages and not by way of penalty for such breach or failure a sum of money equivalent to half the sum total of salary paid to the Cadet for the working time spent in attendances at the Western Australian Institute of Technology and compulsory tuition fees paid on behalf of the Cadet less the deductible amount if any ascertained in accordance with sub-clause (2) of this clause.

(2) (a) The sum total of all payments made during the period of cadetship for working time spent in attending at the Western Australian Institute of Technology and compulsory tuition fees shall be calculated and one-half of the amount of the said total payments shall be divided by the number of weeks that the Cadet is bound to serve under Clause 4 of this Deed.

(b) The sum shown as the resultant quotient shall be multiplied by the number of weeks if any that the Cadet has served of the period referred to in Clause 4 of this Deed.

(c) The sum shown as the product shall be the deductible amount to which sub-Clause (1) of this clause relates.

(3) In ascertaining the amount in accordance with sub-Clause (2) of this clause a fraction of a week shall be treated as one week.

6. (1) Where at any time during the term of the cadetship the Town Clerk is of the opinion that the progress of the Cadet is unsatisfactory he may require that a year of the cadetship be repeated and during that year no increase in salary will be granted or compulsory tuition fees paid.

(2) Where the cadetship year is so repeated and progress in the cadetship resumed the cadetship shall continue under and subject to this Deed and the repeated year of cadetship shall be disregarded in calculating the term of the cadetship.

7. In consideration of the premises the Town Clerk will during the said term take and accept the cadet and employ him and instruct him or cause him to be employed and instructed as an (g) under and in accordance with this Deed.

IN WITNESS WHEREOF the parties hereto have executed this Deed the day and year first hereinbefore written.

SIGNED by the said (f) }
in the presence of— }

SIGNED by the said (a) }
in the presence of— }

SIGNED by the said (c) }
in the presence of— }

SIGNED by the said (c) }
in the presence of— }

- (a) Full name of Cadet. (b) Address. (c) Full names of parents or parent or guardian and his or her wife or husband as the case may be. (d) Occupation. (e) Parents or parent or guardian and his or her wife or husband as the case may be. (f) Full name of Town Clerk. (g) Administration or Accounting cadet attending the Western Australian Institute of Technology.

PART V.—PROPERTY VESTED IN OR UNDER THE CONTROL
OF THE COUNCIL.

Roads—New Street Alignments.

241. Pursuant to the provisions of section 364 (1) of the Act, the Council hereby prescribes the lines shown on the plans in the First Schedule hereto as the new street alignment for those parts of the streets that are shown on the said plans for the purpose of extending the width of the said streets to such new street alignments.

PREVENTION OF DAMAGE TO OBSTRUCTION OF AND MISUSE
OF STREETS AND COUNCIL PROPERTY.

242. No person shall without the authority of the Council destroy damage or interfere with any property vested in or under the care control or management of the Council.

243. No person shall, without the consent of the Council, whether by means of writing, drawing, painting, stencilling or by poster, or by causing any paper or other substance to adhere, or otherwise place any notice sign, advertisement, design, writing, or picture on any building, structure, lavatory, shelter-shed, fence or seat vested in or under the care control or management of the Council or on a public reserve.

244. No person shall deface or damage, or do any act which has the effect of defacing or damaging any building, structure, lavatory, appliance, apparatus, shelter-shed, fence or seat vested in, or under the care control or management of the Council or on any public reserve.

245. No person shall remove any sand, stone, timber or other materials from any public reserve or property vested in or under the care control or management of the Council without the authority of the Council.

246. No person shall injure, destroy, carry away, or remove from its place any tree, shrub or plant standing in any of the roads, public reserves, enclosures or property vested in or under the care control or management of the Council, or shall injure, destroy, carry away or remove out of its place, or ride or drive against any of the tree-guards, fences or other protection to any such trees, shrubs or plants as aforesaid.

247. No person shall without authority of the Council commit any of the following acts:—

- (a) break up damage or destroy the surface of or excavate in a street way footpath or other public place; or
- (b) break up damage or destroy any property vested in or under the care control or management of the Council; or
- (c) throw place or drain offensive noxious or dangerous fluid into a street way footpath or other public place or into a gutter or drain or footpath in a street or way or other public place; or
- (d) deposit any obstruction box case crate milk bottle or any other thing whether of the same nature of the things beforementioned or not in a street way footpath or other public place; or
- (e) except in a receptacle provided for that purpose deposit any rubbish bottles glass or litter in any street way footpath or other public place; or
- (f) throw place or leave or cause to be thrown placed or left fruit or fruit skins or peel or other vegetable substances or any offensive noxious or dangerous substances on a street way footpath or other public place; or
- (g) obstruct a street way footpath or a water channel or a water course in a street way or footpath provided that this paragraph shall not prohibit the owner of a street or way or other public place which is not dedicated to public use but which the public are allowed to use or prohibit a person deriving title through the owner from exercis-

- ing a legal right of closing it whether temporarily or otherwise; or
- (h) permit goods or merchandise including coal charcoal firewood soil fertilizers and building material from remaining in a street way footpath or other public place for a longer period than is necessary for delivering the goods or merchandise into the place of delivery; or
- (i) light a fire or burn rubbish or other material in a street way or footpath; or
- (j) fell a tree on or across a street way or footpath and prevent vehicles or persons having the free or unhindered use of any street or footpath; or
- (k) cause or permit water from a hose or sprinkler to interfere with the use by pedestrians or vehicles of a street way footpath or other public place; or
- (l) break any glass earthenware or utensil in any street way footpath or other public place.

248. The Council may by its employees agents or contractors take possession of and remove to a place appointed by the Council and without being liable in damages or otherwise dispose of anything deposited upon a street way footpath or other public place contrary to the provisions of these by-laws and reinstate the street way footpath or public place at the expense of the person or persons responsible for the deposit excavation or injury to the street way footpath or other public place and recover from him or them in a Court of competent jurisdiction the expense incurred in the taking possession removal or disposal of the thing deposited or in such reinstatement.

249. The Council may, by its employers, agents or contractors, remove any tree lying upon or any obstruction to any street way footpath bridge, gutter, drain or culvert.

250. No person shall on any part of a street (whether or not such part of the street be paved or not) without the consent of the Council leave any vehicle or any part of a vehicle which is not capable of being driven away under its own power provided that it shall not be an offence under this by-law to leave for no longer than is reasonably necessary a motor vehicle which while in transit has suffered a mechanical breakdown rendering it impossible or unsafe for it to be driven.

251. No person shall in any street, way, footpath or other public place without the consent of the Council—

- (a) park a vehicle for any period exceeding twenty-four hours; or
- (b) tether an animal for any period exceeding eight hours; or
- (c) leave any animal or vehicle so as to obstruct any portion of the street, way, footpath or other public place.

252. When a vehicle or animal obstructs any portion of a street, way, footpath or other public place, a member of the West Australian Police Force or the Town Clerk may by the Council's employees agents or contractors seize such animal or vehicle and remove it—

- (a) in the case of an animal to a public pound; and
- (b) in the case of a vehicle to the Council Depot, Cedric Street, Osborne Park.

253. A Ranger, a Member of the Police Force or any person duly authorised by the Council may, if the vehicle is within a Parking Region constituted by By-law 429 use such force as is necessary to enter the vehicle for the purpose of removing it.

254. When an animal has been placed in a public pound in accordance with these by-laws it shall be dealt with in manner authorised for animals lawfully impounded.

255. When a vehicle has been removed to the Council Depot in accordance with these by-laws the Town Clerk shall cause to be entered in a register to be kept by the Council details of the date and time of removal of the vehicle the place from which it was removed and a description of the vehicle.

256. The Town Clerk shall cause to be exhibited on the Notice Board of the Council a notification that the vehicle described in the notice has been seized and removed to the Council Depot, Cedric Street, Osborne Park, and shall, unless the vehicle be sooner recovered, keep that notification exhibited for a period of not less than seven days.

257. A person may recover a vehicle seized in pursuance of these by-laws, by paying to the Council —

- (a) the cost incurred in removing the vehicle; and
- (b) the sum of one dollar per day for each day or part of a day that the vehicle has remained in the Council Depot,

and upon payment of these costs and charges the Town Clerk, if satisfied that the person is the owner of the vehicle or is a person entitled to possession of the vehicle, shall permit him to remove it.

258. Where a vehicle seized and removed to the Council Depot in accordance with these by-laws has not been recovered by the owner or a person entitled thereto within one month from the day upon which it was seized, the Council may cause the vehicle to be offered for sale by public auction or by public tender and accept the best offer made; and where no offer has been made for the purchase of the vehicle the Council may dispose of it in such manner as it shall determine.

259. The proceeds of the sale of a vehicle under the provisions of this by-law shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the cost of removal of the vehicle to the Council Depot, and a sum of one dollar for each day or part of a day that the vehicle remained in that place; and
- (c) thirdly, in payment of the balance to the person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.

260. No person shall remove a vehicle seized in pursuance of these by-laws from the Council Depot without the authority of the Town Clerk.

Parking of Commercial Vehicles on Street Verges.

261. (1) In this by-law the terms—

“street verge” means that portion of a street which lies between the portion of the street paved for vehicular traffic and the street boundary; and

“commercial vehicle” means a vehicle designed for or used for commercial purposes exceeding a load capacity of one ton and a vehicle designed for or used for industrial purposes; and

“trailer” means a vehicle designed to be towed by a motor vehicle.

(2) No person shall—

- (a) park a commercial vehicle or a trailer or allow a commercial vehicle or a trailer to remain stationary on a street verge for more than four hours consecutively or
- (b) on a street verge repair, service or clean a commercial vehicle.

Weight Restriction on Bridges.

262. If on a bridge a notice is legibly and clearly displayed by the Council or by an authority acting under the Traffic Act, limiting the weight of any vehicle using the bridge, no person shall drive or draw any vehicle exceeding that weight on or over that bridge.

Stock in Streets and Public Places.

263. Any person being the owner of or having in his possession any animal shall prevent such animal from straying, grazing or pasturing on any street.

264. No person shall unless under authority of a licence issued by the Council depasture cattle on property vested in or under the care control or management of the Council.

265. Any person being the owner of or having in his possession any animal, shall prevent such animal from entering or remaining on any street except for the normal use of the said street and unless—

- (a) it is led, ridden or driven, and
- (b) it remains on the said street only for a period reasonably necessary for the normal use of the said street.

266. No person having the custody of an animal shall—

- (a) permit the animal to stray from a place at which he is entitled to have the animal; or
- (b) drive or ride or permit the driving or riding of an animal having a contagious or infectious disease in a street or other public place.*

267. The Council may cause an animal which has a contagious or infectious disease and which is in a street or other public place, to be killed and its carcass disposed of at the expense of the person having the custody of the animal and may recover the amount of the expense from him in a Court of competent jurisdiction.

Vehicles and Animals on Footways.

268. No person shall ride or drive any horse or cattle or drive any vehicle upon or along any footway.

Safety of Load.

269. No person shall on any street drive a vehicle carrying a load unless the load is so arranged, contained, fastened or covered that the load or any part of it cannot fall or otherwise escape from the vehicle.

Transport of Sand, Ash, Dust and Sawdust.

270. No person shall transport or carry on any street any sand, ash, dust, sawdust, or any substance which gives off dust or fumes unless the vehicle or container in which the same is carried is sufficiently covered to prevent such substance or part thereof or the fumes from blowing from or escaping from such vehicle or container.

Prevention of Damage to Footpaths.

271. In By-laws 272 to 280 the term "footpath" shall mean and include that portion of a surveyed road which is between the kerb or edge of the portion of a road paved for the use of vehicular traffic and the boundary of the surveyed road and the term vehicle shall include tractor, trailer, bulldozer or any other mobile machine.

272. No person shall drive any vehicle over or across a footpath except at a specially constructed crossing place, unless with the permission of the Council and in accordance with these by-laws.

273. No person shall drive a vehicle or permit a vehicle to be driven across a footpath or across a road kerb if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the paving of the footpath or the road kerb unless with the permission of the Council and in accordance with these by-laws.

274. No person shall engage in building or other operations or works on any land or contract or arrange with any person to carry out any works or to deliver materials on to any land if by so doing a vehicle will cross the road kerb or the paving of a footpath and it is likely that damage to the road kerb or to the footpath will be caused thereby unless permission of the Council is given in accordance with these by-laws.

275. Any person who—

- (a) desires to cross a footpath with a vehicle at a place not a specially constructed crossing place; or

* Section 243 (2) of the Act states that a Court of Petty Sessions on the hearing of a complaint of a contravention of this by-law shall dismiss the charge if the person charged proves that he took precautions which in the opinion of the Court were reasonable to prevent the animal from straying.

- (b) proposes to carry out building or other operations or works necessitating the crossing of a footpath with vehicles which are likely to cause damage to the paving of the footpath whether at a specially constructed crossing place or not, or to cause damage to the road kerb, shall make application in writing to the Council for its permission so to do specifying the place or places at which such crossing is to be made and with his application pay to the Council a deposit of fifty dollars (\$50).

276. A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles which cause or are likely to cause damage to the paving of a footpath shall comply with the following conditions:—

- (a) If the paved portion of the footpath shall be constructed of concrete slabs he shall carefully remove them from the footpath for a width of 16 feet at the proposed crossing and neatly stack them on the adjoining land.
- (b) He shall place in the position from which the slabs have been removed a temporary crossing 16 feet wide and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks of at least eight inches by two inches in section, of which the ends shall be chamfered downwards, securely nailed together with hoop iron straps at four foot centres. The said planking shall be firmly bedded and laid true to the level of the original footpath.
- (c) When the necessity no longer exists for such temporary crossing or when called upon to do so by notice in writing from the Council he shall remove the planking, replace the slabs in a proper workmanlike manner to original level and line and shall replace with new slabs of equal quality and size any slabs which have been lost, damaged or broken and he shall remove the damaged and broken slabs and leave the area tidy.
- (d) In the case of a footpath constructed in total or part of bitumen surfaced gravel, gravel, limestone or crushed metal, he shall place in position where the crossing is to be made a temporary crossing 16 feet wide and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks of at least eight inches by two inches in section, of which the ends shall be chamfered downwards to the existing footpath surface, securely nailed together with hoop iron straps at four foot centres. The said planking shall be firmly bedded and laid true.
- (e) When the necessity no longer exists for such a temporary crossing, or when called upon to do so by notice in writing from the Council he shall remove the planking and clean off the footpath.
- (f) He shall, until it shall have been removed keep the temporary crossing in good repair and in such a condition as not to create any danger or obstruction to pedestrians.

277. (1) If an application is made for permission to cross a road kerb the City Engineer shall have the road kerb removed at the place indicated in the application or if he does not approve the place indicated then at a place approved by him.

(2) At the conclusion of the said building or other operations or works the City Engineer shall have the road kerb replaced.

(3) The costs of the removal and replacement shall be paid from the said sum of Fifty dollars (\$50) and subject to By-law 273 the balance thereof shall be repaid to the person who made the payment.

278. Any person who desires to trench through or under a constructed footpath or road kerb shall apply in writing to the Council and lodge with the Council a deposit of twenty dollars (\$20).

279. No person shall trench through or under a footpath without first obtaining the written consent of the Council or otherwise than in accordance with the terms of the written consent of the Council.

280. The person mentioned by By-laws 275, 276, 277, 278 and 279 hereof shall make good all damage caused to the footpath and the road kerbing, guttering and paved road during the whole of the time the works are in progress. If any damage shall have occurred and shall not have been made good the Council is authorised to make good such damage and deduct the cost from the money paid to the Council in accordance with these by-laws. If the cost exceeds the amount paid the applicant or other person aforesaid shall pay to the Council on demand the amount by which the cost exceeds the amount paid. If no damage has been caused or if the damage has been made good the Council shall repay the amount paid or the portion remaining after the costs incurred by the Council have been paid.

Shooting.

281. No person shall shoot on or over any property vested in or under the care, control or management of the Council unless:—

- (a) the person is in the course of his public or municipal duty;
- (b) the person is in the course of his duty as an officer of the Royal Society for the Prevention of Cruelty to Animals; or
- (c) at a shooting gallery or pistol or rifle range.

Old Refrigerator Cabinets.

282. A person shall not place in or about any rubbish depot, tip or dump, sanitary depot, public reserve, public place, or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other thing, whether of the same kind as, or of a different kind from those in this by-law specified, that has in it a compartment of a capacity of one and a half cubic feet or more, unless, before so placing it, he removes from the compartment every door, lid, lock and hinge thereof or otherwise renders every such door or lid incapable of being fastened. This by-law shall not be construed to authorise the placing of anything mentioned herein in a manner which would otherwise be lawful.

PUBLIC RESERVES.

283. No person shall on any public reserve—

- (a) throw stones or other missiles;
- (b) cause a nuisance;
- (c) except in a receptacle provided for that purpose deposit any rubbish utensils glass or litter;
- (d) break any glass metal earthenware or utensil;
- (e) be in a state of intoxication;
- (f) behave in a disorderly manner or create or take part in any disturbance or use any foul or indecent language or commit any act of indecency;
- (g) drive or ride or bring any vehicle except on those parts of the reserve set aside as roads or driveways;
- (h) bet gamble or call the odds or offer to bet or gamble;
- (i) climb over or upon any fence or gate;
- (j) unlock or unfasten any gate unless duly authorised to do so;
- (k) bring a dog or permit a dog to remain unless the dog is under proper control and does not cause a nuisance or annoyance to any person;
- (l) enter any dressing or training room or use any of the lockers unless authorised;
- (m) destroy damage injure or cause harm to any bird or animal;
- (n) damage or injure any plant, lawn, flower or tree;
- (o) cut or damage any soil or turf;
- (p) climb any tree.

284. No person shall without the consent of the Council on any public reserve—

- (a) sell or expose for sale any goods wares merchandise or things;
- (b) play or practise at golf or strike a golf ball unless on land set aside for that purpose;

- (c) take part in a procession or demonstration;
- (d) organise or address a political meeting;
- (e) use or instal a loud speaker or amplifier;
- (f) carry a placard or notice;
- (g) stamp stencil or affix or cause to be stamped stencilled or affixed any placard handbill notice advertisement or any document whatsoever;
- (h) light any fire;
- (i) camp lodge or tarry overnight or frequent for the purpose of camping lodging and tarrying overnight.

285. No person shall ride, drive, exercise, train or race any horse or other animal on any public reserve in such manner as to create or become a nuisance.

286. No person shall launch or float any canoe or boat other than a toy or model boat on the waters of Jackadder Lake or Dog Swamp Lake.

287. Any person found in a state of intoxication in any public reserve, or behaving in a disorderly manner, or creating or taking part in any disturbance, or using any foul or indecent language, or committing any act of indecency therein, may be forthwith removed from such public reserve by the caretaker or by any officer or employee of the Council, or by any member of the Police Force.

288. Any person found betting, gambling, or calling the odds, or offering to bet or gamble within any public reserve, may be forthwith removed from such public reserve by the caretaker, or by an officer or employee of the Council, or by any member of the Police Force.

Model Aeroplanes.

289. The Council may set aside or specify public reserves or a portion of a public reserve on which persons may fly mechanically operated model aeroplanes and may define or limit the hours and days during which such aeroplanes may be flown.

290. No person shall fly a mechanically operated model aeroplane on any public reserve or portion of a public reserve other than that set aside or specified by the Council or at times or on days other than those defined or limited by the Council.

Children's Playgrounds.

291. The Council may set aside a public reserve or any portion of a public reserve as a children's playground.

292. The Council may limit the ages of persons who shall be permitted to use a children's playground and may erect a notice to that effect on the playground.

293. No person over the age specified in a notice erected on a playground other than a person having the charge of a child or children in the playground shall use a playground or interfere with the use by children of the playground.

Holding a Function on Reserve.

294. In By-laws 295 to 317 the term "function" means and includes any show exhibition gymkhana sport or match or test between opposing teams in any game.

295. No person shall organise, arrange or take part in a function on a public reserve unless a licence to hold or organise a function shall have been granted by the Council.

296. The Council may grant a licence to a person to hold or organise a function on a public reserve and may authorise a charge to be made for admission to the function.

297. A licence to hold a function on a public reserve shall specify—

- (a) the purpose for which such licence is granted;
- (b) the dates and times during which the function may be held; and
- (c) the charge if any which has been authorised by the Council for admission to the function.

298. No licence shall be granted for a continuous period of more than fourteen days.

299. Subject to By-law 295 no person to whom a licence has been granted shall exclude any member of the general public from attending the function if such person pays the authorised charge for admission.

300. No person to whom a licence has been granted shall make a charge for admission to the function unless authorised to do so by the Council or shall make a charge for admission in excess of the amount of the charge authorised by the Council.

301. No person under the influence of alcohol or acting in a riotous or disorderly manner shall attend a function.

302. A person to whom a licence has been granted shall prevent persons under the influence of alcohol or persons acting in a riotous or disorderly manner from attending a function.

303. Any person to whom a licence has been granted who commits or permits the commission of a breach of any of the terms or conditions of the licence shall be guilty of an offence.

304. The Council if satisfied that the person to whom a licence has been granted has committed or permitted or authorised the commission of a breach of any of the terms or conditions of the licence or has committed a breach of any of these by-laws may by a notice in writing to such person cancel the licence and thereupon the licence shall be cancelled.

Erection of Buildings on Public Reserves.

305. No person shall erect or permit or authorise the erection of a building on a public reserve without the consent of the Council.

306. Any person desirous of erecting a building on a public reserve shall make application to the Council for its consent thereto.

307. The consent of the Council to the erection of a building in a public reserve shall specify—

- (a) the purpose for which such building may be used;
- (b) the nature of the building which may be erected;
- (c) the time during which such building may be permitted to remain on the public reserve;
- (d) the times when such building may be used; and
- (e) the position in which such building may be erected.

308. Any person who shall erect or use or permit or authorise the erection or use of any building on a public reserve without the written consent of the Council or otherwise than in accordance with the terms of the written consent of the Council shall be guilty of an offence.

309. The Council may after having given to the person to whom a consent to erect a building on a public reserve has been granted one month's notice of its intention so to do withdraw such consent.

310. The Council may by notice in writing to the owner, or to the person whom it believes to be the owner, of a building on a public reserve, direct that a building, erected or used on a public reserve without the consent of the Council, or erected or used otherwise than in accordance with the terms of the consent of the Council, or any building in respect of which the consent to erect the same has been withdrawn, be removed within a period of fourteen days after the date of the service of the said notice.

311. Any person who fails to comply with a notice given by the Council to remove a building on a public reserve shall be guilty of an offence.

312. No unauthorised person shall cause any damage to a building on a public reserve.

313. No person other than the owner or a person duly authorised in that behalf by the owner of a building on a public reserve shall use such building.

314. No person shall without the approval of the Council use a building on a public reserve as a dwelling or for sleeping purposes.

315. No person who is the owner of, or is a person authorised in that behalf by the owner of a building on a public reserve, shall use such building during the course of a function without the consent of the Council or without the permission of the person to whom a licence to hold such function has been granted.

316. No person shall assign or transfer his ownership of or his interest in a building on a public reserve without having first delivered to the Council a notice of transfer giving details of full name and address of the transferor and of the transferee and a description of the building and its location.

317. In the event of the non-compliance with a notice given in pursuance of By-law 310 hereof the Council may sell the building in respect of which the notice has been given or may by its servants and workmen take down and remove the said building and may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting all costs and expenses consequent upon such failure to comply with the notice and such taking down and removal and sale upon trust for the person entitled thereto.

Use of Amplifiers.

318. No person shall without the consent of the Council—

- (a) take on to or erect or instal on a public place any loud-speaker or other device for the amplification of sound; or
- (b) operate or use on a public place any loud-speaker or device for the amplification of sound; or
- (c) speak or make a noise or sound on a public place so as knowingly to cause such speech or noise or sound to be amplified by a loud-speaker or other device for the amplification of sound.

319. No person to whom written consent has been granted in pursuance of the preceding by-law shall take on to, or erect, or instal, or operate or use on a public place any loud-speaker or device for the amplification of sound, or speak or make any noise or sound on a public place so as knowingly to cause such speech or noise or sound to be amplified by a loud-speaker or other device for the amplification of sound, otherwise than at the place and time and in accordance with the terms specified in the consent granted by the Council.

Bridges and Jetties.

320. (1) In this by-law the term "jetty" means a jetty pier wharf or landing place whether in or adjacent to the sea or a river.

(2) No person shall on any bridge or jetty vested in or under the control of the Council—

- (a) destroy, damage or deface the bridge or jetty or any part thereof;
- (b) throw, place or deposit any obstruction on the bridge or jetty;
- (c) throw place or deposit any offensive noxious or dangerous substances;
- (d) except in a receptacle provided for that purpose deposit any rubbish bottles utensils glass or litter;
- (e) break any glass metal earthenware or utensil;
- (f) light any fire;
- (g) throw stones or other missiles;

- (h) cause any nuisance;
 - (i) be in a state of intoxication;
 - (j) behave in a disorderly manner, or create or take part in any disturbance, or use any foul or indecent language or commit any act of indecency;
 - (k) use any fishing net, or hang or dry any fishing net;
 - (l) stamp, stencil or affix, or cause to be stamped, stencilled or affixed any placard, handbill, notice or advertisement.
- (3) No person shall drive or ride any vehicle or animal on a jetty.

BEACHES AND BATHING.

321. By-laws 322 to 343 inclusive shall apply to—
- (a) all rivers, water courses, tidal and non-tidal waters in or outside but adjoining the District;
 - (b) the area which adjoins the District and extends for a distance of two hundred yards seawards from low water mark at ordinary spring tides;* and
 - (c) all public places and public reserves adjoining the places mentioned in paragraphs (a) and (b) of this by-law and which are under the care, control and management of the Council.
322. In by-laws 322 to 343 inclusive unless the context otherwise indicates—
- “Beach” means any place referred to in By-law 321.
- “Surf Life Saving Club” means a Life Saving Club affiliated with the Western Australian State Centre of the Surf Life Saving Association of Australia or any branch thereof and which Club has its main sphere of activity within the District.

Bathing Areas.

Dangerous Areas.

323. No person shall bathe in an area indicated by a notice or notices erected by the Council and bearing the words “Danger. Bathing Prohibited.”

Restricted Bathing Areas.

324. (1) The Council may from time to time erect, move, replace and remove or cause to be erected, moved, replaced and removed, flags of at least thirty inches square coloured red and yellow, or signs painted red and yellow bearing in black lettering at least three inches high the words “Bathe Between Signs.” The said signs shall be of not less than 24 inches in diameter and when erected shall not be less than seven feet nor more than ten feet above ground level.

(2) The said flags and signs may also be erected, moved, replaced and removed from time to time by a Ranger or by an office bearer or a member of a patrol then on duty of a Surf Life Saving Club.

(3) If the said flags or signs have been erected by a member of a Surf Life Saving Club the Club shall so long as the flags or signs remain in position maintain a surf life saving patrol at the area indicated by the flags or signs.

Dangerous Conditions.

325. (1) If at any time the weather conditions are sufficiently dangerous to warrant the action, the Council, a Ranger or an office bearer or a member of a patrol then on duty of a Surf Life Saving Club may erect a notice of at least three feet by two feet bearing in red lettering at least three inches high the words “Beach Closed. Surf Dangerous.”

(2) The said notice may be removed by any of the persons mentioned in the preceding paragraph when the weather conditions justify such action.

* See Order in Council published in the *Government Gazette* of 30th November, 1962.

(3) No person shall bathe at any place or in the vicinity thereof where the said notice is erected.

Shark Alarm.

326. (1) If it is suspected that a shark be in the vicinity of a beach a Ranger or a member of a Surf Life Saving Club may cause a shark alarm to be given and may when the danger is believed not to exist cause the all clear signal to be given.

(2) The following shall be shark alarm signals:—

- (a) A prolonged ringing of a bell.
- (b) A long blast of a siren or whistle.
- (c) The hoisting of a red and white quartered flag.
- (d) From a surfboat at sea—the waving of a red and white quartered flag or the raising of oars.

(3) The following shall be “all clear” signals:—

- (a) A series of short rings of a bell.
- (b) A series of short blasts of a siren or whistle.
- (c) The removal of the red and white quartered flag.

(4) No person shall bathe at any place or in the vicinity thereof after a shark alarm has been given and before the all clear signal has been given.

Surf Riding.

327. (1) The Council or a Ranger may mark by the erection of notices places where surf riding with surf boards is forbidden and may similarly mark places where surf riding may be practised without restriction or with restriction as to the nature and size of the surf boards.

(2) No person shall use a surf ski, surf board, malibu board or boat or any other device for surf riding in an area marked by notices as one in which the use of such surf board or other device is forbidden.

(3) Where an area is marked by notices as one in which the use of a surf board of a restricted nature or size only is permitted no person shall use a surf board of a nature or size other than that permitted.

(4) A ranger may seize and impound for a period not exceeding three months any surf ski, surf board, malibu board or boat or any other device used for surf riding contrary to the provisions of these by-laws.

(5) If any such surf board or other device mentioned in the previous paragraph shall have been impounded and shall not have been claimed by the owner thereof within two months after the expiration of the period for which it was impounded it may be sold or disposed in such manner as the Council shall direct.

Life Saving Equipment.

328. (1) A Ranger or an office bearer or a member of a patrol then on duty of a Surf Life Saving Club may—

- (a) place any life saving equipment, gear, appliance or boat on or near a beach;
- (b) set aside a roped enclosure not greater than twelve feet square in area for the exclusive use of a life saving patrol.

(2) A Life Saving Club shall not, except in such manner as may be approved by the Council, construct any tower or permanent structure.

(3) No unauthorised person shall touch, use or interfere with any life saving equipment, wear, appliance or boat or tower, or enter an area set aside for the exclusive use of a life saving patrol.

Rescues and Patrols.

329. (1) No unauthorised person shall hinder any person carrying out a rescue or a beach patrol.

(2) All persons not engaged in rescue operations shall keep clear of any person engaged in rescue operations in order to give such person ample space to carry out the rescue.

(3) Each member of a life saving patrol shall whilst on duty wear a red and yellow quartered swimming cap.

Surf Life Saving Competitions and Carnivals.

330. (1) The Council may from time to time and for such period and upon such conditions as may be determined by the Council authorise a Surf Life Saving Club to—

- (a) set apart an area for a competition or carnival;
- (b) enclose the area or part thereof so set apart;
- (c) divide the area so set apart into areas to which the public may be admitted and areas reserved for use by competitors and officials;
- (d) designate the said areas by means of notices;
- (e) prescribe the terms and conditions of entry to the said areas and define the terms and conditions of entry by notices erected at such entrance.

(2) No person shall—

- (a) enter upon or remain within an area set apart as aforesaid except upon compliance with the conditions indicated by the said notices;
- (b) unless duly authorised interfere with or interrupt the competition or carnival.

Boats.

331. (1) The Council may set aside areas for the launching and beaching of boats and may indicate those areas by means of notices.

(2) The Council may erect notices prohibiting the launching and beaching of boats (other than boats owned by a Surf Life Saving Club) in any particular area or other than at an area set aside for that purpose.

(3) The Council may set aside areas where boats may be left and may indicate those areas by notices.

(4) The Council may erect notices prohibiting the leaving of boats (other than boats owned by a Surf Life Saving Club) in any particular area or other than at an area set aside for that purpose.

(5) No person shall launch or beach or leave a boat (other than a boat owned by a Surf Life Saving Club) in any area where the launching, beaching or leaving of a boat is prohibited by notice erected by the Council as aforesaid.

(6) A person using a vehicle to tow, launch or beach a boat shall use the road or area if any set aside for that purpose, and after launching or beaching the boat shall remove the vehicle and trailer if any to a place where it may be lawfully parked or stored.

332. No person shall, unless carrying out rescue operations or unless within a navigation channel, propel or cause to be propelled any boat (other than a boat owned by a Surf Life Saving Club) in the sea or in a river among bathers or within 50 yards of any person bathing or in any manner in which the boat, its wash or anything towed by it, shall cause inconvenience, danger or injury to a person bathing.

333. No person shall bathe in a navigation channel.

334. No person shall within the area in which these by-laws apply release or discharge into the water effluent, rubbish, refuse or litter of any kind from any boat or vessel.

Water Skis.

335. No person shall ride a water ski among bathers or within 50 yards of any person bathing or in any manner which shall cause inconvenience, danger or injury to a person bathing.

Fishing and Spear Fishing.

336. (1) The Council or a Ranger may mark by the erection of notices—
- (a) places where fishing is forbidden;
 - (b) places where fishing is forbidden except during certain hours;
 - (c) places where fishing with spear guns is forbidden.
- (2) No person shall fish at any place contrary to the terms of a notice erected as aforesaid.
- (3) No person shall—
- (a) clean fish or cut bait on any seat or handrail;
 - (b) leave or deposit fish offal on any beach or in the sea or a river within 200 yards of any portion of a beach where the public customarily bathe;
 - (c) fish by the use of set or buoyed lines or use blood or any other bait or lure which might attract sharks;
 - (d) load or discharge any spear gun except under water;
 - (e) load or discharge any spear gun within fifty yards of any person bathing.

Costumes.

337. (1) All persons over four years of age when exposed to the public view shall be suitably clad so as to secure the observance of decency.
- (2) In any case where any person's bathing costume is indecent, inadequate or the material thereof is too thin or is not in a proper state of repair or is for any reason unsuitable, a Ranger may direct such person to resume at once his ordinary dress.
- (3) If any person fails to resume immediately his ordinary dress when directed so to do by a Ranger he shall be guilty of an offence against these by-laws, and may with any necessary force be removed to a dressing enclosure or shed by the Ranger provided that this power of removal shall not be exercised by a Ranger appointed under By-law 343(1).

Dressing in Public View.

338. A person shall not dress or undress or remove any part of his bathing costume in any place open to the public view; provided that this shall not prevent any person already clad in proper bathing costume from doffing or donning any dressing-gown, outer robe, or clothing.

Use of Dressing Enclosure or Sheds.

339. (1) A dressing enclosure or shed shall be used for dressing and undressing only. A person shall not play games or without reasonable excuse loiter in or in the vicinity of any such enclosure or shed.
- (2) A person shall not bring or deposit any filth or rubbish in any such enclosure or shed.
- (3) A male over the age of four years shall not enter any dressing enclosure or shed set aside for females.
- (4) A female shall not enter any dressing enclosure or shed set aside for males.
- (5) The Council may charge or authorise a lessee or licensee to charge for the use of dressing accommodation and requisites or for the safe custody of valuables or for entry to and use of a dressing enclosure or shed such fee as shall from time to time be fixed by the Council.
- (6) Every person shall before entering or attempting to enter any bathing or dressing accommodation enclosure or shed for the use of which fees have been fixed pay the fees fixed by the Council.
- (7) Persons dressed in bathing costumes who have paid the appropriate fees, and whose ordinary clothes are within a dressing enclosure or shed, shall enter such enclosure or shed by an entrance marked as "Entrance for persons in bathing costume", or marked to the like effect.

(8) Persons wearing their ordinary clothes, persons whose ordinary clothes are not within the dressing enclosure or shed and persons who have not already paid the appropriate entrance fees, shall not enter such enclosure or shed except by way of an entrance marked "Main Entrance", or marked to the like effect.

(9) A person suffering, or appearing to a Ranger the lessee, licensee, or person in charge of a dressing enclosure or shed to be suffering from any infectious, contagious or offensive disease or skin complaint, shall not visit or use any dressing enclosure or shed.

Animals.

340. (1) A Ranger may, when in his opinion inconvenience may be caused to the public by the bathing of animals, order any person in charge of any animal not to send or drive such animal into the water, or permit such animal to enter the water, at any place where the public are bathing.

(2) A Ranger may order any person in charge of any animal to remove such animal from a beach if such animal's presence on the beach causes inconvenience or danger to the public.

(3) No person shall ride or drive a horse along a beach or bathe a horse except in the area of the sea beach bounded on the north by a line extending westwards from the centre line of Kay Street and on the south by the District Boundary. This paragraph shall in no way restrict the powers of a Ranger under the preceding paragraphs of this by-law.

Conduct Generally.

341. No person shall on a beach—

- (a) sell any commodity, food or drink on a beach or let or hire any commodity, tent, umbrella, surf board or other facility or device without a licence from the Council or otherwise than in accordance with the terms of the licence;
- (b) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
- (c) enter, pry or look into or loiter outside any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the opposite sex;
- (d) unless he be a member of a Life Saving Club acting in the course of his duty, climb on or over any building or structure;
- (e) alter, mutilate, deface or damage any building or structure or expectorate or throw stones or missiles or lighted matches thereon;
- (f) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, paper, broken glass, china or litter of any kind except in receptacles provided for that purpose;
- (g) injure, cut, break, pull up, pick, remove or destroy any tree, shrub, flower, grass or plant of any kind or description, or, without the consent of the Council, plant any such tree, shrub or plant or sow any seed thereof;
- (h) drive any mechanically propelled vehicle except upon a roadway, turning place or parking place constructed for such purpose;
- (i) play games in such a way as to cause inconvenience and annoyance to persons bathing or using the beach;
- (j) interfere with, move or damage any flag or notice unless authorised to do so;
- (k) place any clothing, towel or any other object, matter or thing on any notice, life saving gear or appliance;
- (l) unless he is a Ranger appointed by the Council, wear a badge bearing the words Ranger;
- (m) unless he is a member of a life saving patrol on duty, wear a red and yellow quartered cap in or upon any bathing area;
- (n) throw any missile, pronged spear or gidge to the injury, danger or annoyance of any other person;

342. No person shall on a beach without the consent of the Council—
- (a) bet or offer to bet publicly or conduct or take part in any gambling game or contest;
 - (b) engage in any public speaking or conduct any meeting or entertainment;
 - (c) operate any broadcasting or public address system or apparatus other than those employed or used by a Life Saving Club in the performance of its functions as such;
 - (d) advertise by any means anything whatsoever or display or distribute any notice, pamphlet or document;
 - (e) operate any radio, record player or radiogram at such volume as to cause annoyance to other users of the defined area;
 - (f) cut, collect or remove any stone, sand or other material except seaweed or refuse.

Rangers.

343. (1) The Council may appoint any active member of a volunteer life saving club or of a surf board riding club as an "honourary ranger on beach patrol duties" under these by-laws; provided that a member so appointed shall not prosecute any person for a breach of any of these by-laws but shall report all breaches to the Council or to a Ranger.

(2) Every member of the Police Force shall have the powers of a Ranger under these by-laws.

Spear Guns.

344. By proclamation published in the Government Gazette of the 2nd July, 1965, certain areas within the District were declared to be prohibited areas within the meaning of the Spear-guns Control Act, 1955-1965. The said proclamation is reprinted hereunder:—

PROCLAMATION.

WHEREAS it is enacted, *inter alia*, by section 5 of the Spear-guns Control Act, 1955, that from time to time the Governor may by Proclamation declare areas to be prohibited areas: Now, therefore I, the Governor, acting with the advice and consent of the Executive Council and in exercise of the powers contained in the Spear-guns Control Act, 1955, hereby declare the areas comprised in the schedule hereto to be prohibited areas within the meaning of that Act.

Schedule.

- (a) Scarborough Beach: All that portion of the Indian Ocean bounded on (a) the west by a line parallel to and 200 yards westerly from the high water mark of that ocean; on the east by that high water mark; on the north by the prolongation westerly of the northern side of Reserve Street and on the south by the prolongation westerly of the southern side of Brighton Road.
- (b) Trigg Island: All that portion of the Indian Ocean bounded on the west by a line parallel to and 200 yards westerly from the high water mark of that ocean; on the east by that high water mark; on the north by the prolongation westerly of the northern side of Kathleen Street and on the south by the prolongation westerly of the northern boundary of Swan Location 1154.
- (c) Mettam's Pool: All that portion of the Indian Ocean bounded on the west by a line parallel to and 200 yards westerly from the high water mark of that ocean; on the east by that high water mark; on the north by the prolongation westerly of the northern side of Sholl Avenue and on the south by the prolongation westerly of the southern side of Lynn Street.
- (d) Hamersley Pool: All that portion of the Indian Ocean bounded on the west by a line parallel to and 200 yards westerly from the high water mark of that ocean; on the east by that high water mark; on the north by the prolongation westerly of the northern side of Beachton Street and on the south by the prolongation westerly of the southern side of Hamersley Street.

- (e) North Beach: All that portion of the Indian Ocean bounded on the west by a line parallel to and 200 yards westerly from the high water mark of that ocean; on the east by that high water mark; on the north by the prolongation westerly of the northern side of Castle Street and on the south by the prolongation westerly of the southern side of North Beach Road.
- (f) Watermans Bay: All that portion of the Indian Ocean bounded on the west by a line parallel to and 200 yards westerly from the high water mark of that ocean; on the east by that high water mark; on the north by the prolongation westerly of the northern side of Beach Road and on the south by the prolongation westerly of the southern side of Ada Street.

Given under my hand and the Public Seal of the said State, at Perth, this 23rd day of June, 1965.

345. No person shall on any portion of a beach within an area declared to be a prohibited area under the provisions of Spear-guns Control Act, 1955, have in his possession or use a spear gun.

346. Rangers are appointed inspectors within the meaning of the Spear-guns Control Act, 1955.

SWIMMING POOLS.

347. In By-laws 348 to 368 unless the context otherwise requires the following terms shall have the meaning set against them hereunder respectively:—

“Attendant” means an employee of the Council performing duties in connection with a Pool Premises.

“Pool Manager” means the person for the time being employed by the Council to control and to manage a Pool Premises and includes his assistant or deputy.

“Pool Premises” means and includes each of the Swimming Pools for the time under the control and management of the Council, and all buildings structures fittings fixtures machinery chattles furniture and equipment forming part of such swimming pools or used in connection therewith.

348. The Pool premises shall be open for the admission of the public during such hours and periods as the Council may from time to time determine.

349. The Council may from time to time and for such periods as it determines close the Pool Premises to the public.

350. The Council may refuse any person admission to the Pool Premises at any time.

351. The following are the charges for admission to the Pool Premises:—

	Cents.
Children under 4 years of age	Nil
Children over 4 years of age but under 16 years of age	10
Persons 16 years of age and over	20
School children if under instruction with teacher in attendance or if under instruction by a swimming coach or teacher duly authorised by the Council—	
16 years of age or above	10
Under 16 year of age	5
Pensioners (on production of Pension Card)	10
A person having the care of a pupil under 18 years of age attending a lesson conducted by a swimming coach or teacher duly authorised by the Council	10

352. The Council may issue or authorise the issue of season tickets for such period at such cost and upon such conditions as it shall from time to time determine.

353. (1) The following shall be the charges for the hiring of towels and costumes, for the hiring of lockers and charges for custody of lost property:—

- Use of towel—10c per day or admission.
- Use of costume—10c per day or admission.
- Hire of locker—10c per day or admission.
- Charge for custody of lost property—10c per item.

(2) Every person who hires a towel or a costume or other article of property of the Council shall pay a deposit in respect of each article as set out hereunder:—

- For a towel—50c per day or admission.
- For a locker key token or tag—10c per day or admission.
- For a female costume—\$2 per day or admission.
- For a male costume 50c per day or admission.

(3) If an article so hired is returned in good order and condition the deposit paid in respect thereof shall be refunded to the person returning the article. If any article is not returned on day of issue or is returned in a damaged condition then without prejudice to any other remedies of the Council the whole or such part of the deposit as the Pool Manager or Attendant shall decide shall be forfeited to the Council.

(4) Every person who hires a costume or towel or a locker shall before leaving the Pool Premises return such costume or towel or the key or token or tag of the locker to the Pool Manager or Attendant.

354. Every person using the Pool Premises shall obey all reasonable directions of the Pool Manager with regard to such use.

355. The Pool Manager may temporarily suspend admittance to or clear the Pool Premises or any part thereof of all or any persons or person if in his opinion such action is necessary or desirable.

356. If a person shall appear in public and in the opinion of the Pool Manager or an Attendant be indecently or insufficiently clad the Pool Manager or Attendant shall direct that person forthwith to resume his or her ordinary clothing and such person shall forthwith comply with that direction.

357. 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—

- (a) is a child under the age of six years unaccompanied by a responsible person; or
- (b) is guilty of a breach of any of the provisions of these by-laws; or
- (c) is by his past or present conduct undesirable; or
- (d) is under or apparently under the influence of alcoholic liquor or drugs; or
- (e) is apparently suffering from any infectious, contagious or offensive disease or skin complaint;
- (f) is a person who is to be refused admission by reason of a resolution of the Council;

and any such person shall upon the request of the Pool Manager or an Attendant to withdraw from the Pool Premises quietly and peaceably do so immediately.

358. Any person who has been refused admission to the Pool Premises or has been requested to leave the Pool Premises and who feels aggrieved by the action of the Pool Manager or an Attendant may appeal to the Council by letter addressed to the Town Clerk against such action. The Council shall consider the objection and give such direction in the matter as it thinks fit. The right of appeal given by this by-law shall not imply any right of action for damages or other remedy against the Council or Pool Manager or an Attendant arising out of such refusal of admission or direction to leave the Pool Premises.

359. (1) No person shall for profit teach coach or train any person in the Pool Premises unless with the prior written consent of the Council.

(2) The Council may grant such consent subject to such conditions as it thinks fit and may at any time withdraw such consent.

360. No person, club organiser, or association shall conduct controlled swimming or diving events or competitions without the prior written approval of the Council.

361. Any person may deposit with the Pool Manager or an Attendant any article or money for safe keeping. Such deposit shall be made subject to the following terms and conditions and any persons making a deposit of any article or money shall be deemed to agree to such conditions being applicable thereto:—

- (a) The person shall when making the deposit pay to the Pool Manager or Attendant the charge hereinbefore mentioned.
- (b) If the article deposited be damaged destroyed lost or stolen neither the Council nor the Pool Manager, Attendant nor any other employee of the Council shall in any way be responsible for such damage destruction loss or theft howsoever occurring.
- (c) Upon production to the Pool Manager or an Attendant of a receipt or token given in respect of such article or money deposited the article or money may be handed to the person producing the receipt or token without proof that such person is the person to whom such receipt or token was originally issued.
- (d) If any article or money deposited is not reclaimed within three months from the date of the deposit the Council or some person duly authorised by it in that behalf may sell or otherwise dispose of the article or money and shall be under no liability either to the owner or depositor thereof by reason of such sale or disposal and the Council may apply the proceeds of sale as the Council thinks fit.

362. Any person who finds any article or money which has been left in the Pool Premises and not his property shall forthwith deliver it to the Pool Manager or an Attendant.

363. No person shall—

- (a) not being an officer or employee of the Council in the course of his 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 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 that purpose;
- (f) appear in public unless properly attired in a costume of such a 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 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) except in the spectators gallery or kiosk consume any food or drink;
- (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 or other equipment or any locker key or any property of the Council;

- (p) behave in an unseemly improper disorderly or riotous manner or push or throw any person into a swimming pool or run around the course or surrounds of a swimming pool;
- (q) swear or use any indecent, obscene or abusive language;
- (r) gamble;
- (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 shower-baths or toilet facilities;
- (z) use any oil detergent or any substance or preparation whereby the water in any swimming pool may be or become discoloured, contaminated or rendered turbid;
- (za) foul or pollute the water in any swimming pool or shower;
- (zb) throw any sticks or stones or other objects in any swimming pool or anywhere in the Pool Premises;
- (zc) soil or defile or damage any towel or bathing costume.

364. No male person above the age of four years shall trespass upon any part of the Pool Premises set apart for the exclusive use of females and no female shall trespass upon any part of the Pool Premises set apart for the exclusive use of males.

365. A person shall not pay nor shall any Pool Manager or Attendant or officer or employee of the Council receive any fee for admission to or for the use of any facility in the Pool Premises except upon such person being permitted to pass through a turn-stile which automatically registers such admission or except in exchange for a printed ticket bearing the name of the Council or in exchange for a ticket issued from a cash register of the Council.

366. Every person shall when leaving the Pool Premises if requested so to do produce his or her bathing costume or towel for inspection by the Pool Manager or Attendant.

367. No ticket, token, licence or receipt issued as provided by these by-laws shall be transferable and no person other than the person to whom it was originally issued shall enjoy any benefit therefrom or any privileges thereunder.

368. 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 by or stolen from any person whilst in the Pool Premises or for any article damaged or destroyed whilst in or about the Pool Premises.

PUBLIC GOLF LINKS.

369. In By-laws 369 to 414 unless the context otherwise requires—

“Golf Course Reserve” shall mean the land described hereunder:—

All that piece of land being Swan Location 7690 and being Reserve No. 27391 vested in the Council of the City of Stirling for the purpose of a public golf course and containing 118 acres 2 roods 21 perches.

“Golf Course” shall mean that portion of the Golf Course Reserve which is laid out as a Golf Course.

“Green Fees” shall mean the fees prescribed in By-law 408 hereof.

“Controller” shall mean the person for the time being appointed by the Council to direct, control and manage the Golf Course.

370. No person shall enter the Golf Course Reserve otherwise than by the public entrance gateway unless authorised by the Council and no person shall enter the Golf Course Reserve except during the hours and days on which the Golf Course is open for playing or practising.

371. The Golf Course shall be open for the playing or practising of golf at such hours as the Council may from time to time fix and on all days except those on which the golf course shall be declared closed by order of the Council.

372. No person who offends against decency as regards dress, language or conduct shall enter or remain in the Golf Course Reserve or any building erected thereon, and any person behaving in a disorderly manner, or creating or taking part in any disturbance, or using indecent or abusive language, or committing any nuisance, or in any way offending against decency in the Golf Course Reserve, or being found therein in a state of intoxication, or otherwise offending, shall be liable to be forthwith removed by any officer or employee of the Council or by any member of the Police Force, and shall be guilty of an offence against these by-laws.

373. No person shall park a bicycle, motor cycle, motor car or other vehicle on any portion of the Golf Course Reserve except on such areas paved and set apart for that purpose as indicated by a notice board and every person using such area shall obey any order or direction given by an officer of the Council or person authorised by the Council.

374. The Council may at any time by notice posted at the public entrance gateway to the Golf Course Reserve prohibit the taking of a bicycle, motor cycle, motor car or other vehicle to any portion of the Golf Course Reserve.

375. The Controller may at any time refuse permission for any person to enter onto and remain on any portion of the Golf Course Reserve but any person aggrieved by such refusal may appeal to the Council in writing and the Council's decision upon such appeal shall be final.

376. Every person entering the Golf Course Reserve by the public entrance gateway shall, on days directed by the Council, pay an entrance fee not exceeding seventy-five cents provided that such entrance fee shall not be chargeable to persons in possession of a ticket or receipt authorising such person to play or practice golf on the day of entry.

377. No person shall gather, pick up, cut, dig up, move, or have in his possession whilst in the Golf Course Reserve, or take away therefrom, any shrub, flower, grass or other vegetation.

378. No person shall do anything which may cause or be likely to cause damage by fire to anything growing within the Golf Course Reserve.

379. No person shall take or suffer any dog to enter into or remain in any part of the Golf Course Reserve unless such dog is confined in a motor car or other similar vehicle and no person shall take or allow horses, cattle, sheep and goats and other animals to enter into or remain upon any part of such Golf Course Reserve.

380. No person shall play or practise golf on any portion of the Golf Course Reserve except and only on such parts of the reserve as may from time to time be laid out for play or practise.

381. No person not being a player or employee of the Council shall cross or trespass upon any portion of the Golf Course prepared for play or practise or on any practice putting greens, except with the permission of the Council or the Controller.

382. No person shall go upon any portion of the Golf Course Reserve when by doing so injury is likely to be caused to the portion laid out as a Golf Course or practise area or any part thereof and when notices have been posted warning persons not to go upon the said land.

383. No person, except an officer or workman employed by the Council shall enter upon any part of the Golf Course Reserve enclosed or set apart for a nursery for trees, plants, grass plots, flowers or shrubs, nor shall any person, without lawful excuse, enter any enclosure or area thereon wherein a house, pump house or equipment shed is located.

384. No person shall wilfully obstruct any portion of the Golf Course Reserve nor shall any person damage or interfere in any way with any plant or machinery thereon or with the tees, greens, bunkers, mounds or the approaches thereto, or the sloping sides thereof, or the fairways on the Golf Course, or any prepared portions of the Golf Course Reserve, or any equipment or notices set up thereon by the Council.

385. No person shall wilfully write upon or damage writing upon, buildings and signs on the Golf Course Reserve.

386. No person shall, except in a receptacle provided for that purpose, deposit any rubbish, bottle, glass or litter on any portion of the Golf Course Reserve.

387. No person shall enter upon or pass over the tees, fairways, greens, bunkers, mounds or the approaches thereto, or the sloping sides thereof, unless such person has permission to play golf on the Golf Course and has paid the necessary fees or is otherwise authorised so to do by the Council.

388. No person other than a person authorised to play golf on the Golf Course or a person authorised as set out hereunder to act as a Caddie and while so acting, shall pick up, remove or have in his possession on the Golf Course Reserve any golf ball.

389. No person except the Controller or professional (if any) employed by the Council shall offer for sale any golf ball or any golf equipment within the Golf Course Reserve except from the Controller or professional.

390. No person shall for a fee coach or instruct any person in the playing of golf within the Golf Course Reserve unless with the consent of the Council first obtained.

391. No person shall offer for employment or be employed for a fee as a Caddie unless with the permission of the Controller first obtained and any such Caddie shall abide by any directions given by the Controller as being reasonable and consistent with these by-laws, and no Caddie of school age shall be eligible for employment on the Golf Course during school hours on school days.

392. Any written permission granted or ticket or receipt issued in pursuance of these by-laws shall be produced for inspection at any time to any person duly authorised by the Council to demand the production of the same.

393. No person shall be permitted to play on the Golf Course Reserve until he has first paid the green fee fixed by the Council and shall have first obtained and be in possession of a ticket or receipt issued by the Controller and any person found playing golf in contravention of this by-law shall be liable, in addition to any penalty prescribed, to be refused by the Council entrance to the Golf Course Reserve for such period as the Council may, in each particular case, determine.

394. All persons authorised to play golf on the Golf Course must play the holes in the correct sequence commencing at the first tee or, if so directed, at the tenth tee unless otherwise authorised by the Controller.

395. No person shall play golf on the Golf Course if such person is not in full possession of sufficient and suitable golfing equipment for that purpose nor if in the opinion of the Controller such person is not reasonably and suitably dressed to play golf. Sufficient and suitable golfing equipment for the purpose of this by-law shall comprise not less than one putter, two clubs and not less than two golf balls and a golf bag.

396. Every player shall endeavour to keep his position in the order of play on the Golf Course and when a player is unable to do so for any reason he shall invite and permit the player or players next following him to play through.

397. All golf-bag buggies shall have a width of tyre not less than one inch and no person shall take a golf-bag buggy or any other such conveyance fitted with wheels or allow any such golf-bag, buggy or equipment to be taken on to any part of the Golf Course laid out as a putting green.

398. The number of persons playing together in any group shall not exceed four and, in order to facilitate the even flow of play the Controller may direct golfers at the commencement of the round to form into groups not exceeding four.

399. Any person authorised to play golf on the Golf Course shall commence play at the time directed by the Controller and any person who for any reason is unable to commence play at the time so directed shall forfeit any priority of play.

400. The ticket or receipt issued in pursuance of these by-laws shall be available only for that part of the day on the date for which the ticket is dated for use.

401. No person shall play any other game of sport other than golf on the Golf Course Reserve.

402. All players must observe and comply with the directions of the Controller in respect to any special conditions of play.

403. All persons admitted to the Golf Course Reserve are admitted upon the condition that neither the Council nor any person for whose acts the Council is responsible in law shall be liable to any person so admitted for injury or damage sustained by that person through the act, default or omission of any other person so admitted.

404. Every person playing on the Golf Course shall at all times observe the rules and etiquette of golf.

405. No person shall remain on any part of the Golf Course Reserve nor any building thereon after the hour of 7.30 p.m., unless with the permission of the Controller or the Council.

406. No person shall take onto the Golf Course Reserve any intoxicating liquor or drugs nor shall any person consume intoxicating liquor thereon except upon such part of the said reserve as is set aside for such purpose and which is licensed with the appropriate licence under the Liquor Act, 1970.

407. No person shall practise golf shots on the tees, fairways and greens on the golf course and no person shall practise golf shots except on those parts of the Golf Course Reserve indicated by notice board and prepared for such practise.

408. No person shall be permitted to practise golf shots on any portion of the Golf Course Reserve until he has first paid the fee fixed by the Council for such practise and shall have first obtained and be in possession of a ticket or receipt issued by the Controller.

409. No person authorised to play golf on the Golf Course may be accompanied by a non-playing spectator except by consent first obtained of the Controller, and no person under the age of 14 years shall play or practise golf on the Golf Course Reserve.

410. The Council may withdraw, cancel or annul any permission receipt or ticket authorising any person to play on the Golf Course.

411. No person shall remain on the Golf Course Reserve when lawfully directed by the Controller to leave same.

412. No person shall behave in an unruly manner on the Golf Course Reserve and no person shall, by conduct, cause inconvenience, annoyance or obstruction to any member of the public or officer of the Council.

413. Every person who shall commit a breach of any of the provisions of these by-laws may be forthwith removed from or directed to leave the Golf Course Reserve by the Controller, and such person shall, in addition be liable to prosecution for such breach.

414. The following fees shall be paid for playing or practising golf:—
 18 holes (Monday to Friday)—75 cents.
 9 holes (Monday to Friday)—50 cents.
 18 holes (Saturdays and Sundays and Public Holidays)—\$1.
 9 holes (Saturdays and Sundays and Public Holidays)—60 cents.
 Practise on days to be fixed by the Council, for each half hour or part thereof—10 cents.

PUBLIC HALLS AND COMMUNITY HALLS.

415. In By-laws 416 to 427 the term "Committee" shall mean the Committee of Management, appointed by the Council to manage the hall, and if there be no Committee of Management appointed for that hall the term shall mean the Council.

416. A person who wishes to hire a hall vested in or under the control of the Council or any portion of such hall or any property or equipment for use in connection therewith shall make application to the Committee.

417. The fees payable for the hire of a hall and equipment shall be those set out hereunder:—

Hire of Hall (except to Affiliated Associations):

By day—per hour	.....	.....	.....	.....	.....	.....	.....	.....	\$
Public Dances up to midnight	.....	.....	.....	.....	.....	.....	.....	.....	25.20
Private Parties up to midnight	.....	.....	.....	.....	.....	.....	.....	.....	16.80
After midnight—per hour or part thereof	.....	.....	.....	.....	.....	.....	.....	.....	6.30

Note: The above fees may be correspondingly reduced if only portion of the building is hired.

Fees payable by Affiliated Associations:—

Day: 5c per head per hour (or part of an hour) with a maximum of \$1 per hour and a minimum of 50c per hour. Minimum hiring period is 2 hours. When kitchen is used other than for making tea, coffee, etc., an extra \$2.10 is payable.

Regular Night (Monday to Thursday)—(at least once a month)—\$4.20.

Casual Night (Monday to Thursday)—\$8.40. Extension of time to 2 a.m. may be obtained by paying an extra \$2.10 per hour, but each affiliated body may have one casual booking annually at the reduced rate of \$4.20.

Committee Room: (Maximum—4 hours)—50c.

418. Either the whole of the appropriate fee or such portion thereof as the Committee shall determine shall be paid when the application is made.

419. If only portion of the fee is paid when the application is made the hirer shall pay the remainder of the fee not less than seven days before the date for which the hall is to be hired.

420. If the booking be cancelled by the hirer the fee or the portion thereof paid by the hirer shall be forfeited provided that the Committee may in special circumstances authorise the repayment to the hirer of the whole or such portion of the fee as may be determined by the Committee.

421. The Committee may refuse to let a hall or any part thereof to an applicant without assigning any reasons for such refusal.

422. If more than one application be received for the hire of a hall or part thereof the Committee may in its discretion and without regard to the priority of the applications and without assigning any reason therefor determine to which applicant the hiring shall be granted.

423. (1) The Committee may require that as a condition of the hiring, the hirer deposit an amount nominated by the Committee to cover any damage which may occur to the hall or property or equipment during the term of the hiring. The Committee may expend the sum so deposited in making good any damage caused during the hiring and shall return the balance if any to the hirer. The deposit of money pursuant to this clause shall not release a hirer from liability for any damage in excess of the amount deposited.

(2) The Committee may impose such other terms or conditions on the hiring as it considers reasonable generally or in any particular case.

424. No person shall—

- (a) deface or damage any hall building;
- (b) place any nails, pins or screws in the woodwork or any part of the hall building without the consent of the Committee;
- (c) deface or damage any chattels or equipment the property of the Council or hired with a hall;
- (d) without the consent of the Committee remove or replace any electrical fitting in a hall;
- (e) without the consent of the Committee remove from a hall any chattels or equipment the property of the Council or hired with a hall.
- (f) without the consent of the Committee sell any alcoholic liquor in or about the hall.

425. No person shall in or about a hall vested in or under the control of the Council:

- (a) behave in a disorderly manner.
- (b) use any profane or indecent language;
- (c) be in an intoxicated condition;
- (d) create or take part in any disturbance;
- (e) cause a nuisance or annoyance to an owner or occupier of any property in the vicinity of a hall.

426. (1) The hirer of a hall vested in or under the control of the Council—

- (a) shall maintain and keep good order and decent behaviour therein;
- (b) shall make good any damage to the hall building and any loss or damage to the property and equipment hired therewith or situated therein caused during the term of the hiring;
- (c) shall be responsible for the carrying out of the terms of and the compliance with these by-laws;
- (d) shall permit the hall caretaker, a Ranger, and a member of or person authorised by the Committee to have free ingress to the hall for the purpose of making an inspection or enforcing any of these by-laws;
- (e) shall leave the hall in a clean and tidy condition after the term of the hiring.
- (f) shall remove from the hall premises all wet rubbish;
- (g) shall at the conclusion of the function turn off at the main switches all electric light and power;
- (h) shall at the conclusion of the hiring return the keys of the hall to the Committee or to the Caretaker;
- (i) shall not unless with the consent of the Committee serve any alcohol in or about the hall;
- (j) shall not unless with the consent of the Committee permit any person to bring alcohol in to the hall.

(2) The provisions of this by-law shall be deemed to be a condition of the hiring.

427. The Committee of Management of a hall shall—

- (a) keep in a Register Book a true record of all hirings showing the following information:—
 Date and term of hiring.
 Hirer's name and address.
 Name and address of person responsible.
 Nature of function.
 Property or equipment hired with the hall.
 Hiring fee.
 Deposits required.
 Dates of payment and amounts paid.
 Details of any damage done;
- (b) as and when required by the Town Clerk produce the Register Book properly written up to the Town Clerk or his nominee;
- (c) permit the Council to use the hall without payment of any fee if it shall have received not less than 14 days' notice from the Council of its desire to use the hall or if the hall shall not be booked for the relevant time.

Parking.

428. In By-laws 428 to 485, unless the context otherwise requires—

“bus” means an omnibus within the meaning of Section 4 of the Traffic Act;

“carriageway” means a portion of a street that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles; and where a street has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“commercial vehicle” means a vehicle which comes within the description of a motor wagon as set out in the Second Schedule in the Traffic Act;

“driver” means any person driving or in control of a vehicle;

“footway” includes every footpath, lane or other place intended for the use of pedestrians only, or habitually used by pedestrians and not by vehicles;

“metered space” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any street or reserve, or part of any street or reserve, in which parking meters are installed;

“no parking area” means a portion of a carriageway that lies—

- (a) between two consecutive white signs inscribed with the words ‘No Parking’ in red lettering, and each with an arrow pointing generally towards the other of them; or
 (b) between a white sign inscribed with the words ‘No Parking’ in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“no standing area” means a portion of a carriageway that lies—

- (a) between two consecutive white signs inscribed with the words ‘No Standing’ in red lettering, and each with an arrow pointing generally towards the other of them; or
 (b) between a white sign inscribed with the words ‘No Standing’ in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“owner” in relation to a vehicle means the person who is the holder of the requisite vehicle license under the Traffic Act in respect of the vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to the possession of the vehicle;

"park" means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with provisions of any law or of immediately taking up or setting down persons or goods; and "parking" has a correlative meaning;

"parking area" means a portion of a carriageway that—

- (a) lies between two consecutive white signs inscribed with the word 'Parking' in green lettering and each with an arrow pointing generally towards the other of them; or
- (b) extends from a white sign inscribed with the word 'Parking' in green lettering in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words 'No Parking' or 'No Standing' in red lettering, or to a dead end or an area in which the parking or standing of vehicles is prohibited;

"parking facilities" includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection therewith;

"parking meter" includes the stand on which the meter is erected;

"parking stall" means a section or part of a street, or of a parking station, which is marked or defined by painted lines or by metallic studs or by similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise, but does not include a metered space;

"parking station" means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space or private garage;

"property line" means the boundary between the land comprising a street and the land that abuts thereon;

"street" means any highway, road, street, lane, thoroughfare or similar place open to, or used by the public and includes every carriageway, footway, reservation, median strip, traffic island or similar place thereon which is within the parking region;

"stand", in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law; and "standing" has a correlative meaning;

"ticket issuing machine" means a parking meter that is installed by the Council and that issues, as a result of a prescribed coin or coins being inserted in the machine, a ticket showing the period during which it shall be lawful to remain parked in the metered space or parking stall to which it is appurtenant;

"these by-laws" means By-laws 428 to 485;

"Traffic Act" means the Traffic Act, 1919, as amended.

429. The whole of the district with the exception of the carriageways of the streets listed hereunder is hereby constituted as a parking region to which these by-laws shall apply:—

Streets referred to:

Green Street.

Walcott Street.

Guildford Road.

Wanneroo Road.

The portion of Scarborough Beach Road between Green Street and West Coast Highway.

430. These by-laws apply to the parking region and all parking stations and parking facilities in the parking region other than a parking facility or parking station that—

- (a) is not owned, controlled or occupied by the City; or
- (b) is owned by the City but is leased to another person.

431. Any sign that—

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of these by-laws within the City; and
 - (b) relates to the parking or standing of vehicles within the District.
- shall be deemed for the purpose of these by-laws to have been erected by the Council under the authority of these by-laws.

432. Where under these by-laws the standing or parking of vehicles in a street is controlled by a sign that sign shall be read as applying to the part of the street which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is that side of the carriageway of the street nearest to the sign.

433. Subject to these by-laws, to subsection (3) of Section 231 of the Act and to any regulations for the time being in force under the Traffic Act, the Council may from time to time constitute, determine and vary, and may also indicate by signs—

- (a) parking stations;
- (b) parking stalls;
- (c) permitted times and conditions of parking in parking stalls and parking stations depending on and varying with locality;
- (d) permitted classes of vehicles to park in parking stalls and parking stations;
- (e) the amounts (if any) payable for parking in parking stalls and parking stations depending on and varying with locality; and
- (f) the manner of parking in parking stalls and parking stations.

Parking Stations

434. Unless otherwise directed by a Ranger or attendant, no person shall park a vehicle in a parking station otherwise than wholly within a parking stall.

435. No person shall stand a vehicle so as to obstruct an entrance to, an exit from, or a roadway within, a parking station or beyond the limits of any defined row within a parking station.

436. No person shall stand a vehicle except with the permission of the Council or a Ranger or an attendant on any part of a parking station, whether or not such part be marked as a parking stall, if a sign is exhibited prohibiting the standing of vehicles thereon.

437. Unless otherwise directed by a Ranger no person shall within a parking station—

- (a) Bring in or upon any parking station any vehicle of a gross weight of more than 3 tons or of a width more than seven feet or a length more than eighteen feet or of a height of more than eight feet.
- (b) Use any vehicle or any part of the parking station for advertisement purposes or for the sale or the display for sale of a vehicle or for the sale or the offer of sale of any property.
- (c) Carry out any repairs to a vehicle unless such repairs are necessary for the purpose of starting the engine of and removing the vehicle from the parking station.
- (d) Permit any vehicle carrying a highly inflammable substance to enter the parking station.

438. No person shall permit a vehicle to stand on any part of a parking station, whether or not that part is marked as a parking stall, if a Ranger or attendant directs the driver of such vehicle to move the vehicle.

439. No person shall park a vehicle contrary to any limitation in respect of time, days, period of the day or class of vehicles indicated on a sign exhibited at the parking station.

440. If any vehicle shall be parked in a parking station contrary to the provisions of the preceding by-laws a Ranger may move the vehicle.

441. If at a parking station there shall be a charge made for admission or for parking therein the following provisions shall apply:—

- (a) Subject to paragraph (e) a person shall not park a vehicle or permit a vehicle to remain parked in any of the parking stations between the hours specified on a sign exhibited at the parking station unless—
 - (i) the appropriate fee is paid when demanded, in the case of a parking station having a Ranger or attendant on duty to collect parking fees;
 - (ii) in the case of a parking station equipped with meters, the appropriate fee is inserted in the meter; or
 - (iii) in the case of a parking station equipped with a ticket issuing machine, the appropriate fee is inserted in the machine;
- (b) No person shall insert or cause to be inserted or attempt to insert into the coin slot of a ticket issuing machine anything other than the prescribed coin or coins.
- (c) For the purpose of the preceding paragraph the following coins and none other shall be prescribed coins, namely:—
 - Five cents (5c), ten cents (10c) and twenty cents (20c); and also a sixpence (6d.), one shilling (1s.) and two shillings (2s.) so long as same are legal tender throughout the Commonwealth.
- (d) The insertion of a prescribed coin or coins into any ticket issuing machine shall be effected only in accordance with the instructions printed on that particular machine.
- (e) The Council may by resolution declare that the provisions of paragraph (a) do not apply during periods on particular days or hours specified in such resolution.
- (f) No person shall permit a vehicle to remain parked in a parking station after the expiration of the period for which the prescribed fee has been paid and during a period for which a fee is prescribed.
- (g) No person shall remove a vehicle which has been parked in a parking station until there has been paid the fee appropriate to the period for which the vehicle has been parked.
- (h) A person paying a fee at a parking station shall be entitled to receive a receipt showing the period of parking covered by such payment.
- (i) A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing from the machine a ticket or tickets for a period or periods of parking, place such ticket or tickets inside his vehicle in such a position that the time of issue printed on the ticket or tickets by the machine shall be clearly visible and legible to an inspector examining the ticket or tickets from outside the vehicle.
- (j) A driver of a vehicle in a parking station not equipped with meters shall, on demand, produce to an inspector or attendant a receipt showing that the appropriate parking fee has been paid in respect of that vehicle.

Metered Zones.

442. Subject to these by-laws, to subsection 3 of Section 231 of the Act and to any regulations for the time being in force under the Traffic Act, the Council may from time to time constitute, determine and vary and may also indicate by signs—

- (a) metered zones, metered spaces and parking stalls;
- (b) permitted times and conditions of parking therein depending on and varying with locality;
- (c) permitted classes of vehicles to park therein;
- (d) the amount payable for parking therein; and
- (e) the manner of parking therein.

443. Subject to by-law 446 a person shall not park or stand a vehicle in a metered space during the hours specified in a notice on the parking meter or in a notice adjacent to the metered space unless the appropriate fee as indicated by a sign on the parking meter appurtenant thereto is inserted, forthwith, in the parking meter on each occasion the vehicle is so parked or stood.

444. The payment of a fee pursuant to by-law 443 shall entitle the owner or person in charge of a vehicle to park or stand the vehicle in the metered space for the period specified in a notice on the parking meter or in a notice adjacent to the metered space but does not authorise the parking of the vehicle during any time when parking or standing at that space may be otherwise prohibited in accordance with these by-laws.

445. Subject to by-law 441 a person shall not permit a vehicle to remain parked or standing in a metered space during the hours specified in a notice on the parking meter or in a notice adjacent to the metered zone when the parking meter appurtenant to that space exhibits the sign "expired".

446. The Council may from time to time by a resolution declare that the provisions of by-laws 443 and 445 shall not apply during the periods and days and hours specified in the resolution.

447. No person shall stand a vehicle in a metered space in a street otherwise than parallel to the kerb and as close thereto as practicable and with the front of the vehicle in line with the parking meter appurtenant to such space and wholly within such space, provided that where a metered space is set out otherwise than parallel to the kerb the provisions of this by-law other than the provisions that a vehicle shall stand wholly within such space shall not apply thereto.

448. No person shall insert or cause to be inserted or attempt to insert into the coin slot of a parking meter anything other than the coin or coins prescribed in the following by-law.

449. For the purpose of this by-law and by-law 450 the following coins and none other shall be prescribed coins, namely:—

One cent (1c), two cents (2c), five cents (5c) and ten cents (10c) and also a sixpence (6d.), one shilling (1s.) and two shillings (2s.), so long as same are legal tender throughout the Commonwealth.

450. No person shall operate or attempt to operate a parking meter by any means other than the insertion of the prescribed coin or coins in the slot provided therefor.

451. No person shall stand or attempt to stand a vehicle in a metered space in which another vehicle is standing.

452. Notwithstanding any other provision of these by-laws and notwithstanding any other sign or notice, no person without the permission of the Council or a Ranger shall stand a vehicle in a metered space if the parking meter adjacent to such metered space is hooded with a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand".

Parking Stalls and Metered Spaces.

453. No person shall stand a vehicle in a parking stall in a street otherwise than parallel to the kerb and as close thereto as practicable and wholly within such stall and headed in the direction of the movement of traffic on the side of the street on which the stall is situated, provided that where a parking stall is set out otherwise than parallel to the kerb the provisions of this by-law other than the provision that a vehicle shall stand wholly within such space, shall not apply.

454. No person shall stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing, but this by-law does not prevent the parking of a motor bicycle and a bicycle together in a stall marked "M/C" if the bicycle is parked in accordance with the following by-law.

455. No person shall stand or permit to stand any bicycle—

- (a) in a parking stall other than in a stall marked "M/C"; or
- (b) in such stall other than against the kerb.

456. No person shall permit a vehicle to stand in a parking stall which is at the time set aside for use by commercial vehicles unless—

- (a) the vehicle is a commercial vehicle; and
- (b) some person is actively engaged in loading or unloading articles, weighing at least thirty pounds of which the content is at least six cubic feet

and in any case, for more than a period of thirty minutes.

457. A parking stall is set aside for use by commercial vehicles if there is a sign thereon or adjacent thereto marked "Loading Zone".

Standing and Parking Generally.

458. The Council may, subject to these by-laws, constitute, determine and vary, and also indicate by signs, from time to time, prohibitions, regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all streets or specified streets or in specified parts of streets at all times or at specified times.

459. A person shall not stand a vehicle in a metered space or in a parking stall, whether that metered space or parking stall is situated in a parking station or in a street—

- (a) if that metered space or parking stall is by any sign thereon or adjacent or referable thereto, set apart for the standing of vehicles of a different class;
- (b) if by such a sign the standing of vehicles in that metered space or parking stall is prohibited or restricted during any period or periods, during such a period or periods; or
- (c) if by such a sign the standing of vehicles in that metered space or parking stall is permitted for a specified time, for longer than that time.

460. A person shall not stand a vehicle or any part thereof—

- (a) in a no standing area;
- (b) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and where the parking area includes metered spaces and parking stalls, except as in these by-laws provided, with reference to such metered spaces and parking stalls;
- (c) in a parking area contrary to any limitation in respect of time, days, periods of the day, classes of vehicles indicated by the inscription on the sign or signs associated with the area; or
- (d) in a defined area marked "M/C", unless it is a motor bicycle without a side-car, or bicycle.

461. A person shall not stand a vehicle in a loading zone unless it is—

- (a) a commercial vehicle engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers; and then only if it does not have a trailer attached.

462. A person shall not park a vehicle in a no parking area.

463. A person shall not park a vehicle on any portion of a street—

- (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street; or
- (b) if the vehicle is exposed for sale.

464. A person shall not stand a motor bicycle without a side-car or a bicycle in a parking stall unless the traffic sign "M/C" is marked on that stall.

465. Subject to the provisions of these by-laws a person standing a vehicle on a carriageway shall stand it—

- (a) if on a two-way carriageway, so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;

- (b) if on a one-way carriageway, so that it is as near as practicable to, and parallel with, either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the street on which the vehicle is standing.
- (c) so that it is not less than four feet from any other vehicle, except a motor bicycle or a bicycle parked in accordance with these By-laws;
- (d) so that at least ten feet of the width of the carriageway, between the vehicle and the farther boundary of the carriageway, or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
- (e) so that it does not cause undue obstruction on the carriageway; and
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

466. (1) A person shall not stand a vehicle partly within and partly outside a parking area.

(2) Where the traffic sign or signs associated with a parking area are not inscribed with the words "Angle Parking" or the street is not marked for angle parking, then—

- (a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practicable to, and parallel with, that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area indicates or marks on the carriageway indicate that the vehicles are to stand in a different position.

467. Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking" a person standing a vehicle (other than a motor bicycle or bicycle) in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.

468. (1) A person shall not stand a vehicle so that any portion of the vehicle is—

- (a) between any other standing vehicle and the centre of the carriageway;
- (b) adjacent to a median strip;
- (c) in front of a right-of-way, passage or private drive or so close thereto as to deny any vehicle reasonable access to, or egress from, the right-of-way, passage or private drive;
- (d) alongside or opposite any excavation in or obstruction on the carriageway if the vehicle would thereby obstruct traffic;
- (e) on, or within 30 feet of, any portion of a carriageway bounded on one or both sides by a traffic island;
- (f) on any footway or pedestrian crossing;
- (g) upon a bridge or other elevated structure or within a tunnel or underpass;
- (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway near to the continuous line, unless there is a distance of at least ten feet clear between the vehicle and the double longitudinal line; or

(2) The provisions of paragraphs (c), (e) and (g) of sub-by-law (1) of this by-law do not apply to a vehicle that stands in a bus stand marked on the carriageway, for the purpose of setting down or taking up passengers.

(3) A person shall not stand a vehicle so that any portion of the vehicle is—

- (a) within three feet of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
- (b) within ten feet of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box;

(4) A person shall not stand a vehicle so that any portion of the vehicle is within 20 feet of the nearer property line of any street intersecting the street on the side on which the vehicle is standing.

(5) A person shall not stand a vehicle so that any portion of the vehicle is within 30 feet of the departure side of:—

- (a) a sign inscribed with the words "Bus Stop", or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a children's crossing established on a two-way carriageway.

(6) A person shall not stand a vehicle so that any portion of the vehicle is within 60 feet of:—

- (a) the approach side of a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers;
- (b) the approach side of a pedestrian crossing or children's crossing; or
- (c) the nearest rail of a railway level crossing.

(7) The provisions of sub-bylaws (1) to (6) (inclusive) of this by-law do not apply to a vehicle standing in a metered space or a parking stall established by the Council, nor to a bicycle standing in a bicycle rack established by the Council.

469. A person shall not permit a vehicle to stand in any part of a street if a Ranger or a member of the Police Force directs the driver of such vehicle to move it.

470. A Ranger may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his duties and powers and no person shall remove a mark made by a Ranger so that the purpose of the affixing of such mark is defeated or is likely to be defeated.

471. A person shall not insert or cause to be inserted a second or subsequent fee in the parking meter appurtenant to a metered space unless the vehicle in respect of which the first fee was inserted has been removed from that metered space.

472. Where a vehicle has been parked in a metered space or in a street in an area where by any sign the standing of vehicles is permitted for a limited time, a person shall not—

- (a) move it to any position within the same parking area; or
- (b) by arrangement with any person either exchange the space used by the vehicle for space in the same or another area previously occupied by another vehicle, so that the total time for which that first mentioned vehicle is parked within that parking area exceeds the maximum time allowed for parking in the space first occupied by that first mentioned vehicle.

473. The Council may—

- (a) permit a person who requires the use of a metered space or other space, in order to carry out urgent or essential work, for a longer period or periods than that prescribed as the maximum period for which the space may ordinarily be used, to use that space for such longer period or periods upon payment of the normal fee or fees, if any, for that longer period or periods plus a service charge of twenty-five cents in each case; and
- (b) prohibit the standing of any other vehicle in that space during the period or periods in which the space is set aside pursuant to paragraph (a) of this by-law.

Miscellaneous.

474. No person other than the driver of the vehicle shall remove from such vehicle any notice affixed thereto or left therein or thereon by a Ranger or a member of the Police Force.

475. No person shall, without the authority of the Council mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these By-laws.

476. No person shall remove, damage, deface or misuse any parking meter or parking station or any part thereof.

477. No person shall, without the permission of the Council, affix any board, sign, placard, notice or other thing to or paint or write upon any part of a parking meter or parking station.

478. Rangers appointed by the Council from time to time are authorised—

- (a) to carry into effect the provisions of these by-laws;
- (b) to report to the Council on the working effectiveness and functioning of these by-laws;
- (c) to recommend to the Council the institution of prosecutions; and
- (d) to institute and conduct prosecutions as directed by the Council or the Town Clerk from time to time.

479. (a) The owner of a vehicle shall, if required by a member of the Police Force or an officer of the Council, inform the member or officer as to the identity and address of the driver or person in charge of the vehicle at the time when an offence, of which the parking or standing of a vehicle is an element, is alleged to have been committed by the driver or person in charge of the vehicle against any of these By-laws.

(b) where the driver or person in charge of a vehicle is alleged to have committed such an offence against any of these By-laws and the owner of the vehicle at the time of the offence was alleged to have been committed, fails, when required so to do, within seven days of the commission of the alleged offence, to inform a member of the Police Force or an officer of the Council as to the identity and address of the person who was the driver or person in charge of the vehicle at that time, the owner shall be deemed to be the person who committed that offence and shall then be liable to the penalty prescribed in respect thereof, unless the member of the Police Force or the Town Clerk is satisfied from information furnished by the owner or otherwise, that the owner could not reasonably have been aware of the identity of the driver or person in charge, or that the vehicle was stolen or being unlawfully used at the time the offence was alleged to have been committed; and

(c) where the member of the Police Force or the Town Clerk is so satisfied, no proceedings shall be taken against the owner for the recovery of the penalty prescribed in respect of the offence.

Penalties.

480. Any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is liable on conviction to a penalty not exceeding forty dollars (\$40).

481. Any person who does not contest an allegation that he committed an offence against a provision of any of these by-laws may subject to any of these by-laws pay to the Council within the time hereinafter prescribed the modified penalty amounting to two dollars and the production of an acknowledgement from the Council of the payment of the modified penalty shall be a defence to a charge of the offence in respect of which that modified penalty was paid.

482. Where the Council is of opinion that an alleged offence cannot be adequately punished by the payment of the modified penalty, the Council may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in a Court of Petty Sessions.

483. The modified penalty may be imposed and collected by the Council in any of the following ways:—

- (1) A Ranger may leave in or on a vehicle a notice in or to the effect of the form set out hereunder:—

City of Stirling.

Form 1.

CITY OF STIRLING PARKING BY-LAWS.

Date Time Brief No.....

Vehicle No. Type

Place

To the Driver of Motor No.....

You have committed a breach of by-law No..... of the City of Stirling Parking By-laws. The modified penalty for this offence is two dollars.

Subject to the Council's right to refuse to accept such payment, if you complete the admission hereunder with your full names and address and sign the same and return this form with the modified penalty to the Municipal Offices Cedric Street, Osborne Park, within seven days of the above date no further proceedings will be taken.

If you wish for a Court hearing you are at liberty to ignore this notice.

Ranger..... No.....

I

of agree to its being recorded that I committed the above offence and tender herewith the sum of \$

by *

* (insert "cash", "cheque", "postal note") being the modified penalty for such offence.

Date Signature.....

(End of Form).

- (2) The alleged offender may complete the notice by filling in his full name and address and by signing his name to the admission at the foot thereof and may, within the time specified in the notice, send or deliver the notice to the Council together with the amount of the modified penalty.
- (3) Where that amount is sent or delivered to the Council within the time specified in the notice, or within such extended time as the Council allows, the Council may impose a penalty of that amount and appropriate the amount in satisfaction of the penalty and shall thereupon issue an acknowledgment accordingly.
- (4) Where it appears to the Council that a person has committed an offence against any of these by-laws and that the modified penalty for the offence has not been paid, the Council may cause to be served on the alleged offender a notice in or to the effect of the form set out hereunder:—

City of Stirling.

Form 2.

CITY OF STIRLING PARKING BY-LAWS.

Municipal Offices,
Cedric Street,
Osborne Park.

To..... Serial No.....

..... Brief No.....

..... Date.....

You are hereby notified that it is alleged that on the day of 19 at about you did

..... in contravention of the provisions of by-law No. of the City of Stirling Parking By-laws.

The modified penalty which may be imposed for this offence is \$2.00. You are at liberty to ignore this notice and insist on your right to a Court hearing—

- (1) if you desire to contest the question whether you did in fact commit the offence alleged;
- (2) if you wish to submit to a Court, matters in extenuation of penalty;
- (3) for any other reason you may regard as sufficient. In that event, Court process may issue against you in due course.

If you do not desire the matter to be dealt with by a Court, you may complete the form attached hereto and forward or deliver it to the Town Clerk, together with the sum of two dollars mentioned above. In that event you will not be liable for any further penalty or costs in this matter.

Payment may be made either by posting this form (together with the attached Form No. 3) and a cheque, money order or postal note for the sum aforesaid, to the Town Clerk of the City of Stirling or by delivering such forms and paying such amount at the Municipal Offices, Cedric Street, Osborne Park between the hours of 10 a.m. and 4 p.m. on Mondays to Fridays. If payment is not received within fourteen days of the date of this notice, it will be assumed that you wish to insist on your right to a Court hearing, and Court process will issue against you in due course.

.....
Town Clerk.

(Important: Where Court proceedings become necessary, an offender, upon conviction, is usually required to pay solicitor's fees, and Court costs, in addition to the fine imposed by the Court).

(End of Form).

- (5) The Council may cause service of the notice to be effected in any manner mentioned in Section 31 of the Interpretation Act 1918, the provisions of which shall apply in respect of service of notices under these by-laws.
- (6) In the notice the Council shall—
 - (a) give particulars of the offence alleged to have been committed;
 - (b) specify the amount of the modified penalty which may be imposed and collected by the Council under and in accordance with these by-laws; and
 - (c) specify a time within which the alleged offender upon whom the notice is served may send a reply in accordance with sub by-law (7) of this by-law.
- (7) An alleged offender on whom a notice has been so served may, within fourteen days of the service of such notice, send or deliver to the Council a reply in or to the effect of the form set out hereunder together with the amount of the modified penalty:—

CITY OF STIRLING.

Form 3.

I Serial No.
..... Brief No.
..... Date

do not wish to contest the allegation that on
the.....day of.....19..... at about.....
..... in

I did
in contravention of the provisions of by-law No.....
of the City of Stirling Parking By-laws.

For the purpose of the by-laws I agree to its being recorded that I committed the offence and tender the sum of \$2.00 by*.....
being the penalty prescribed for this offence.

*(insert 'postal note', 'money order', 'cheque', etc.)

Date..... Signature.....

To Town Clerk,
City of Stirling.

(End of Form)

- (8) Where that amount is sent or delivered to the Council within the time specified in the notice, or within such extended time as the Council allows, the Council may impose a penalty of that amount and appropriate the amount in satisfaction of the penalty and shall thereupon issue an acknowledgment accordingly.
484. Where an alleged offender upon whom a notice has been served under by-law 483.
- (a) informs the Council that he declines to pay the modified penalty; or
 - (b) omits to send or deliver to the Council payment of the modified penalty specified in the notice within the time specified in the notice or within such extended time as the Council allows, the Council may take proceedings against the alleged offender in a Court of Petty Sessions.
485. The Council shall cause adequate records to be kept of all cases in which modified penalties have been imposed and collected under these by-laws.

STREET LAWNS AND GARDENS.

486. The owner or occupier of land abutting on a street may plant and maintain a street lawn on the street in front of such land.
487. A street lawn shall not encroach upon the paved portion of the street or any paved footway.
488. A person desiring to plant and maintain a garden as part of or in place of a street lawn or to plant shrubs thereon may make application to the Council for permission to do so.
489. The application shall give full details of the proposed garden and shrubs and any proposed pipes or sprinklers and shall indicate proposed levels and grades in relation to the carriageway the footpath and any future footpath and any street improvements and shall be in accordance with any levels and grades established or given by the Council.
490. The Council may in its discretion grant or refuse permission to the planting and maintenance of a garden as part of or in place of a street lawn or to the planting of shrubs and may at any time withdraw such permission.
491. No person shall—
- (a) lay water pipes or sprinklers or taps on or under a street without the written consent of the Council, or in a position other than that approved by the Council or otherwise than in accordance with these by-laws;
 - (b) place any obstruction on or around any street lawn or garden;
 - (c) in a street lawn or garden maintained by him plant any tree or shrub that is of a height or is likely to grow to a height exceeding four feet, or permit any tree or shrub to be of a height exceeding four feet if in either case such tree or shrub be within 40 feet of the corner of the fence line or of the street alignment of a street junction or intersection;
 - (d) water or maintain a street lawn or garden in such a manner as to cause inconvenience to persons using the paved portion of the street or the footpath;
 - (e) unless he be the occupier of the land abutting on the street lawn or garden or a person acting with the consent of that occupier, ride an animal over any street lawn or garden;
 - (f) without the written consent of the Council or in pursuance of these by-laws cause any damage or disturbance to any street footpath or constructed vehicular crossing or to any improvement or thing thereon or thereunder;
 - (g) unless he be the occupier of the land abutting on the street lawn or garden or a person acting under his authority or under the authority of these by-laws remove from a street lawn or garden any tree shrub plant flower or seed.

492. (1) In this by-law the word "owner" in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Traffic Act in respect of the vehicle, or if the vehicle is not licensed under that Act the person who owns the vehicle or is entitled to possession of the vehicle.

(2) No person shall drive a vehicle over or stand a vehicle upon a street lawn or garden.

(3) The owner of a vehicle which is alleged to have been driven over or stood upon a street lawn or garden shall if required by a member of the Police Force or the Town Clerk or a Ranger inform the member or the Town Clerk or Ranger as to the identity and address of the driver or person in charge of the vehicle at the time when an offence is alleged to have been committed by the driver or person in charge of the vehicle against sub-by-law (2) of this by-law.

(4) Where the driver or person in charge of a vehicle is alleged to have committed an offence against sub-by-law (2) of this by-law, and the owner of the vehicle at the time the offence was alleged to have been committed fails, when required so to do, within seven days of the commission of the alleged offence to inform a member of the Police Force or the Town Clerk or a Ranger as to the identity and address of the person who was the driver or person in charge of the vehicle at that time, the owner shall be deemed to be the person who committed that offence and shall then be liable to the penalty in respect thereof unless the owner could not reasonably have been aware of the identity of the driver or person in charge or unless the vehicle was stolen or was being unlawfully used at the time the offence was alleged to have been committed.

(5) Where the member of the Police Force requiring the information pursuant to sub-by-law (4) or the Town Clerk is satisfied that the owner could not reasonably have been aware of the identity of the driver or person in charge or that the vehicle was stolen or being unlawfully used at the time an offence was alleged to have been committed under sub-by-law (2) of this by-law no proceedings shall be taken against the owner.

(6) The driver or person in charge of a vehicle shall, upon being required by a member of the Police Force or the Town Clerk or a Ranger who alleges that the driver or person has committed an offence against this by-law, furnish the member, Town Clerk or Ranger as the case may be with his full name and address.

493. (1) Any water pipes laid to a lawn or garden in a street shall—

- (a) be of galvanised wrought iron or copper or of such other material as shall be approved by the Council;
- (b) be laid beneath the lawn or garden at a depth of not more than twelve inches, nor less than six inches, and so that any fitting connected to them does not project above the surface of the lawn or garden;
- (c) if connected to a public water supply, be laid to comply with the requirements of the body constituted for, and having the control of, that supply under an Act;
- (d) if passing under the street pavement be not less than eighteen inches and not more than twenty-four inches deep under the street pavement;
- (e) if passing under the footpath or constructed vehicular crossing be not less than six inches nor more than twelve inches deep under the footpath or vehicular crossing;
- (f) have valves, located within the land where they are connected to the water supply and fitted so as to give complete control of the flow of water from the supply.

(2) Where a person, in the course of laying pipes pursuant to this by-law causes damage to any street pavement, footpath or crossing, to any water, gas or sewerage pipes, to any power or telephone cables or to a fire hydrant, that damage may be made good by the authority having the control of the thing damaged, at the expense of that person or of the person on whose behalf the pipes were laid; and the amount of that expense may be recovered in any Court of competent jurisdiction.

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

495. (1) The Council or any other authority empowered by law to dig up a street, may, without being liable to compensate any person therefore, dig up all or any part of a lawn or garden in a street, for the purposes of carrying out any works and may also regrade or reshape the unpaved portion between the pavement and the property line or footpath.

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

496. (1) Where the Council or any other authority authorised by law to dig up a street for the purpose of carrying out authorised works is of the opinion that the carrying out of those works may be impeded by the existence of piping under a lawn or garden in a street, it may give notice to the owner or occupier of the land abutting on the lawn or garden to remove the piping until the completion of the works; and may, where the owner or occupier does not comply with the notice, remove the piping at the expense of the owner or occupier; and any expense incurred by the Council or authority pursuant to this by-law may be recovered in any Court of competent jurisdiction.

(2) The Council or other authority is not liable for damage to piping under a lawn or garden in a street, occasioned either in the course of the removal of the piping under the provisions of sub-by-law (1) of this by-law or of carrying out authorised works.

Street Trees.

497. If a person wishes to plant and maintain a tree in a street he shall make application to the Council for its consent. If the Council grants its consent it shall nominate the nature of the tree and the place where it may be planted.

498. No person who plants a street tree shall interfere with any overhead or underground utility services.

499. A person who plants a street tree shall water and maintain it in a healthy condition.

PART VI.—PRIVATELY OWNED LAND AND BUILDINGS.

Outbuildings.

500. On a corner allotment which is joined on an internal boundary by another allotment or allotments, no detached garage or detached outbuilding shall be erected closer to a street so as to project beyond a straight line joining two points, one of which is a point on the common boundary of the two allotments at the same distance from the street alignment as a dwelling house on the adjoining allotment fronting such street is required to be set back by the provisions of any by-law or Town Planning Scheme for the time being in force, and the other a point on the alignment of the street and 50 feet along the side street alignment of the corner lot from the common boundary of the two allotments and provided that in no case shall such garage or outbuilding be erected on a corner lot closer to a street alignment than is permitted by the provisions of any by-law or Town Planning Scheme for the time being in force.

Filling of Land.

501. (1) No person shall fill any land or cause any land to be filled except in accordance with this by-law.

(2) The filling shall be non-organic material capable of freely passing through a 4 inch square mesh sieve and with sufficient fines to fill all voids.

(3) The filling shall be spread in layers and shall be consolidated to the satisfaction of the Building Surveyor.

Obstructions at Street Corners.

502. In By-laws 502 to 505 unless the context otherwise requires:—

“Corner land” means land which is bounded in part by a section of a street that is at or nearby the intersection of that street with another street.

“Fence or tree” means a fence, wall, hedge, tree or like structure or thing.

503. If on corner land there is standing a fence or tree that is in the opinion of the Council so situated as to constitute an obstruction or interference with the vision of other vehicles by persons driving vehicles approaching, entering or passing through the intersection the Council may give to the owner or occupier of the corner land notice in writing calling upon him to alter, trim, take down or remove the fence or tree within the time specified in the notice, and the manner specified in the notice.

504. A person who fails to comply with a notice given to him pursuant to the preceding by-law commits an offence.

505. If an owner or occupier fails to comply with the requirements of a notice given to him pursuant to By-law 503 the Council may at the expense of that owner or occupier carry out the requirements of the notice and recover the amount of the expense from such owner or occupier in a Court of competent jurisdiction.

Fences.

506. In By-laws 506 to 512 unless the context otherwise requires—

“dangerous fence” means a fence that is likely to collapse or fall or part of which is likely to fall by reason of faulty design, location, construction, deterioration of materials, damage by termites, decay, changes in ground level or any other cause.

“fence” means a fence abutting on a street or public reserve and includes a wall.

507. No person shall erect a fence of sheet iron or corrugated iron without the written consent of the Council, which consent the Council may in its discretion grant or refuse on such terms and conditions as it deems fit.

508. No person shall erect a dangerous fence and except in a Rural Zone no person shall erect a fence consisting wholly or in part of barbed wire.

509. The owner of land on which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it from becoming dangerous dilapidated, unsightly or prejudicial to the property in or the inhabitants of the neighbourhood.

510. The Council may give notice in writing to the owner or to the occupier of any land upon which there exists a fence that has not been maintained in accordance with By-law 509 requiring such owner or occupier to pull down remove repair paint or maintain such fence within the time stipulated in the notice.

511. A person who fails to comply with a notice given to him pursuant to the preceding by-law commits an offence.

512. If an owner or occupier of land who has been given notice pursuant to By-law 510 fails to comply therewith the Council may enter upon such land and maintain the fence and recover the amount of the expenses thereof from the owner in a Court of competent jurisdiction and may prosecute the owner for committing a breach of By-law 509.

Verandahs.

513. In By-laws 513 to 519 the word “verandah” means a verandah or balcony protruding onto or above a street way footpath or other public place.

514. No person shall construct any verandah without having first obtained the written consent of the Council.

515. No person shall construct a verandah supported by posts erected in or on a street way footpath or other public place.

516. Any person desiring to obtain the consent of the Council to the erection of a verandah shall deposit with the Building Surveyor, a plan, elevation, section, and specification, showing in detail the proposed construction of such verandah and the manner in which it is proposed to secure it to the building to which it is proposed to be attached.

517. No part of a verandah shall be less than ten feet above the level of the ground immediately below it.

518. The owner of any premises from which a verandah is erected shall maintain the verandah in good repair and in a safe condition.

519. If in the opinion of the Council any verandah is in need of repair or is unsafe, the Council may give notice thereof to the owner of the premises from which such verandah extends and direct that the said verandah shall either be repaired or shall not be used until repaired or both. The owner of the said premises to whom such notice has been given shall forthwith carry out the terms of the said notice and if directed that the said verandah be not used until repaired, prevent persons using it until it has been repaired.

Encroachments or Obstructions to be Removed.

520. If any part of a building or structure protrudes into or above a street way footpath or other public place in such manner as in the opinion of the Council to constitute an obstruction of the street way footpath or public place or a danger to the users of the street way footpath or public place the Council may by notice in writing to the owner or occupier of the land from which such building or structure protrudes require such person to remove the part so protruding.

521. A person who fails to comply with a notice given to him pursuant to the preceding by-law commits an offence.

522. If a person to whom notice has been given pursuant to By-law 520 fails to comply with the requirements of the notice the Council may by its employees or contractors carry out the requirements of the notice at the expense of the person to whom the notice was given and recover the amount of the expense from him in a Court of competent jurisdiction.

Sand Drift.

523. No person shall remove or damage any plant or grass grown or any substance placed on land for the purpose of preventing sand drift without the consent of the Council.

Refuse Adversely Affecting Neighbours.

524. The owner or occupier of any land within the District shall remove within a time specified in a notice given by the Council and served on the owner or occupier of the land, refuse, rubbish or disused material whether of the same kind as or a different kind from those here specified which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health comfort or convenience of the inhabitants thereof.

525. Any owner or occupier of land who fails to comply with the requirements of a notice given in accordance with the preceding by-law shall be guilty of an offence.

526. Where the owner or occupier does not remove the refuse, rubbish or disused material as required by a notice given by the Council, the Council is authorised without payment of any compensation in respect thereof to remove it and dispose of it at the expense of, and recover in a Court of competent jurisdiction the amount of the expenses from the owner or occupier to whom the notice was given.

Disused Motor Vehicles and Machinery.

527. No person shall—

- (a) store a disused motor vehicle, an old motor vehicle body or any old machinery; or
- (b) dismantle or break up a disused motor vehicle, an old motor vehicle, or any old machinery,

unless

- (a) inside a building; or
- (b) within an area enclosed by a fence or wall not less than six feet in height and of such a nature as to screen all disused motor vehicles, old motor vehicle bodies, old machinery and the parts thereof from the street and from adjoining properties.

528. No person shall dispose of a disused motor vehicle, an old motor vehicle body, or any old machinery except at a place set aside or approved of by the Council for that purpose.

Clearing Vacant Land.

529. An owner of vacant land shall clear such land of trees, scrub, undergrowth, and rubbish, upon notice being served on him by the Council so to do.

Keeping of Bees.

530. No person shall keep bees unless within a Rural Zone.

Offensive or Dangerous Things.

531. If any person keeps a thing whether an animal or bird or any other thing whether animate or inanimate which in the opinion of the Council is offensive or dangerous the Council may give to such person notice in writing requiring him to remove from the District or destroy such offensive or dangerous thing.

532. A person who fails to comply with the requirements of a notice given to him pursuant to the preceding by-law commits an offence.

Nuisances.

Noise, Smoke, Fumes, Dust, Sawdust.

533. No person shall carry on any activity conduct any business or engage in any undertaking on any land or premises in such a manner as to permit the escape therefrom of noises, smoke, dust, sawdust, fumes or liquid wastes in such a quantity or extent or in such a manner as to create or be a nuisance to any inhabitant in the neighbourhood of such land or premises, or to traffic or persons using roads in the vicinity.

534. No person shall stack or permit the accumulation of or burn on any land or premises any sawdust in such a place or in such manner that it, or the smoke therefrom, shall be or become a nuisance to any inhabitants in the neighbourhood of such land or premises, or to traffic or persons using roads in the vicinity.

Refrigeration Units and Air Conditioning Units.

535. No person shall operate a refrigeration unit or an air conditioning unit in such a manner or in such a place or position so that the noise emanating therefrom creates or causes a nuisance to any inhabitant in the neighbourhood.

Animal Training and Racing.

536. No person shall exercise, train or race any animal in such manner as to create or become a nuisance.

Amusements.

537. In By-laws 537 to 542 the word—

“Amusements” means merry-go-rounds, swing-boats, shooting galleries, water shoots, and other things usually conducted for amusement at fairs, carnivals and shows, whether conducted at a fair, carnival or show or elsewhere, and includes dancing rooms, skating rinks and amusement parks, however designated and whether conducted at a fair, carnival or show or elsewhere.

538. The owner or occupier of premises upon which an amusement is provided or conducted and the manager of the amusement shall permit a Ranger to inspect the premises at all reasonable times.

539. No dice, cards or games of chance of any description shall be played for any gain on premises upon which an amusement is provided or conducted.

540. No person shall be permitted or suffered to enter or remain upon premises where an amusement is provided or conducted who may be drunk or uses any profane, indecent or obscene language or who may in any way offend against decency as regards dress, language or conduct.

541. No person shall provide or conduct any amusement so as to create or be a nuisance to any inhabitant in the neighbourhood of the land or premises upon which such amusement is provided or conducted.

542. A Ranger may enter upon any land or upon any premises in which an amusement is provided or conducted for the purpose of abating any nuisance prohibited by these by-laws and may do any act or thing reasonably required to abate such nuisance.

SIGNS, HOARDINGS AND BILLPOSTING.

543. In By-laws 543 to 579 unless the context otherwise requires—

“direction sign” means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the Council or a road direction sign erected or affixed by a duly incorporated association, or union of motorists, authorised in that regard by the Minister for Transport;

“hoarding” means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the Act;

“illuminated sign” means a sign that is so arranged as to be capable of being lighted, either from the inside or from outside the sign by artificial light provided, or mainly provided, for that purpose;

“pylon sign” means a sign supported by one or more piers and not attached to a building;

“semaphore sign” means a sign affixed and supported at, or at one of its ends, only;

“sign” includes a signboard and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;

“these by-laws” means By-laws 543 to 579;

“tower sign” means a sign affixed to, or placed on, a chimney stack or an open structural mast or tower.

Signs Generally.

Licence Required for Certain Signs.

544. (1) A person shall not erect or maintain a sign, and neither the owner nor the occupier of premises shall permit a sign to remain in on or above or within one hundred (100) feet from any street way footpath or other public place except pursuant to a licence issued under these by-laws.

(2) Nothing in this by-law relates to a sign erected or maintained pursuant to any Act having operation within the State or to a sign that is—

- (a) a sign indicating that the premises whereon it is affixed are for sale or for letting and bearing no other advertisement;
- (b) a plate not exceeding two square feet in area, erected, or affixed on the street alignment or between that alignment and the building setback distance, to indicate the name and occupation or profession of the occupier of the premises used for such occupation or profession;
- (c) of an area not exceeding four square feet and is affixed to a building or is erected or affixed behind the building setback distance, to indicate the name of the occupier and his trade or occupation there carried on.

Fixing Signs.

545. Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Building Surveyor, and shall be maintained in a safe condition.

Glass in Signs.

546. Glass shall not be used in any sign, other than in an illuminated sign without the consent of the Council.

Readily Combustible Material.

547. Except in the case of posters securely affixed to a signboard or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to, any sign.

Signs to be Kept Clean.

548. Every sign shall be kept clean and free from unsightly matter.

Illuminated Signs.

549. (1) Every illuminated sign shall—

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) where comprising glass (other than fluorescent tubing), have the glass so protected as to prevent its falling into a public place, in the event of breaking;
- (c) have its electrical installation constructed and maintained to the satisfaction of the State Electricity Commission or the appropriate electric supply Authority and in accordance with the S.A.A. Wiring Rules No. C.C.1—Part 1, 1961;
- (d) be maintained to operate as an illuminated sign;
- (e) not have a light of such intensity as to cause annoyance to the public; and
- (f) subject to sub-by-law (2) hereof display one or more of the following, namely—
 - (i) the name of one or more of the occupiers of the premises;
 - (ii) the business or businesses carried on in the premises; and
 - (iii) the goods sold in the premises, to which it is affixed, and nothing more;

(2) The provisions of paragraph (f) of sub-by-law (1) of this by-law do not apply to a roof sign that is an illuminated sign.

Certain Signs Prohibited or Restricted.

550. A sign shall not be erected or maintained—

- (a) so as to obstruct the view, from a street or public place, of traffic in the same street or public place;
- (b) so as to be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the Traffic Act, or the Traffic Regulations;
- (c) except with the specific approval of the Council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
- (d) except in the case of direction signs and sale signs on any land in a Residential Zone;
- (e) on any building of which the stability is, in the opinion of the Building Surveyor, likely to be affected by the sign;
- (f) as a movable or portable sign, in a street or public place, unaffixed to a building; or
- (g) in any position wherein it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty.

*Particular Signs.**Signs Above Verandah Fascias.*

551. Signs comprising free standing lettering only may be erected above the outer fascia of a verandah, parallel to the kerb, if the lettering does not exceed 15 inches in height and is mounted on a base of at least three inches in width.

Signs on Verandah Fascias.

552. A sign fixed to the outer or return fascia of a verandah—
- (a) shall not exceed two feet in depth;
 - (b) shall not project beyond the outer metal frame or surround of the fascia;
 - (c) if an illuminated sign, may be of changing colours, but shall not emit a flashing light;
 - (d) shall not project more than two inches beyond the fascia of the verandah.

Signs Under Verandahs.

553. A sign under a verandah shall—
- (a) afford a headway of at least nine feet;
 - (b) not exceed eight feet in length, nine and one-third square feet in area or 24 inches in width;
 - (c) not weigh more than 120 pounds;
 - (d) not, if it exceeds 12 inches in width, be within four feet six inches or, where it does not exceed 12 inches in width; be within three feet of the side wall of the building, measured along the front of the building before which it is erected;
 - (e) not, if it exceeds 12 inches in width, be within nine feet, or where it does not exceed 12 inches in width, be within six feet, of another sign under that verandah;
 - (f) be fixed at right angles to the front wall of the building before which it is erected, except on a corner of a building at a street intersection, where the sign may be placed at an angle with the wall, so as to be visible from both streets provided that where the frontage of the building is not parallel to the road kerb the sign may if the Council so agrees be placed at right angles to the kerb;
 - (g) bear, at its outer end, its licence number in figures clearly legible from the footway; and
 - (h) be so placed that the centre of its base, longitudinally, is equi-distant from the outer edge of the verandah and the edge of the street nearest to the building to which such verandah is attached.

Horizontal Signs.

554. (1) A horizontal sign shall—
- (a) afford a minimum headway of nine feet;
 - (b) be fixed parallel to the wall of the building to which it is attached and with the bottom of the sign contiguous to the wall;
 - (c) subject to sub-By-law (2) hereof conform, as to the depth, to the following table:—

Minimum Distance of Sign above Street	Maximum Depth of sign	
	ft.	in.
Less than 25 feet	2	0
25 feet to 30 feet	2	6
31 feet to 40 feet	3	0
More than 40 feet (if there is no roof sign on the building)	15	0

- (d) not project more than two feet from the wall to which it is attached; and
- (e) not be within two feet of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pillar which is at least nine inches wide and projects at least one inch in front of, and three inches above and below, the sign.

(2) Notwithstanding the provisions of paragraph (c) of sub-By-law (1) of this by-law, the Council may permit an increase of not more than 50 per cent, of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

(3) There shall be not more than one line of horizontal signs facing any one street on any storey of a building.

(4) The name of the building, owner or occupier may be placed on the facade of a building, but—

- (a) unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed four feet in depth;
- (c) the letters shall be of metal or other incombustible material; and
- (d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Council.

Vertical Signs.

555. (1) A vertical sign shall—

- (a) afford a minimum headway of 10 feet;
- (b) subject to sub-by-law (2) of this by-law, not project more than three feet from the face of the building to which it is attached;
- (c) subject to sub-by-law (3) of this by-law, not be within six feet of either end of the wall to which it is attached;
- (d) not project more than eight feet above the top of the wall to which it is attached nor more than five feet back from the face of that wall;
- (e) be of a height at least twice its width;
- (f) not be within 12 feet of another vertical sign on the same building;
- (g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls, so as to be visible from both streets; and
- (h) not exceed three feet in width.

(2) Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 10 feet of it, the sign may project two feet further than the distance prescribed by paragraph (b) of sub-by-law (1) of this by-law or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

(3) Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right-of-way, the Council may authorise the affixing of the sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of sub-by-law (1) of this by-law.

Semaphore Signs.

556. (1) A semaphore sign shall—

- (a) afford a minimum headway of nine feet;
- (b) be fixed at right angles to the wall to which it is attached;
- (c) not project more than three feet from the point of attachment, nor be of a greater height at any point than three feet six inches;
- (d) be fixed over, or adjacent to, the entrance to a building; and
- (e) not be fixed over or under a verandah.

(2) Not more than one semaphore sign shall be fixed over, or adjacent to, any one entrance to a building.

Direction Signs on Street Poles.

557. A direction sign attached to a pole in a street shall not exceed six inches in depth or two feet six inches in length.

Roof Signs.

558. (1) Approval for the erection of a sign on a roof of a building shall be granted by resolution of the Council at an ordinary meeting only, and where approval has been granted, a roof sign shall—

- (a) not at any part be within 12 feet of the ground;
- (b) not extend laterally beyond the external walls of the building;

- (c) comply, as regard height above ground and height of sign, with the following table:—

Height of Main Building above Ground Level at Point Where Sign is to be Erected.	Maximum Height of Sign. ft.
12 feet and under 15 feet	4
15 feet and under 20 feet	6
20 feet and under 40 feet	10
40 feet and under 60 feet	15
60 feet and upwards	20; and

- (d) not be at any part more than 150 feet above the ground.

(2) The Council shall not approve the erection of a roof sign unless the Building Surveyor certifies that, in his opinion, the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.

(3) When ascertaining the height of the main building above ground level for the purposes of this by-law, any part of the roof, at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

Pylon Signs.

559. (1) A pylon sign shall—

- not have any part thereof less than nine feet or more than 20 feet above the level of the ground immediately below it;
- not exceed eight feet six inches measured in any direction across the face of the sign or have a greater superficial area than 43 square feet;
- not project more than three feet over any street;
- be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- not, as to any part thereof, project over any street at a height of less than nine feet;
- subject to sub-by-law (2) of this by-law, not be within six feet of the side boundaries of the lot on which it is erected;
- not have any part thereof less than twenty feet from any part of another sign erected on the same lot.

(2) Where a lot on which a pylon sign is to be erected abuts on an intersecting street or right-of-way, the Council may authorise the erection of the sign at a lesser distance from the side boundaries than that prescribed by paragraph (f) of sub-by-law (1) of this by-law.

(3) Where a pylon sign is supported on two or more piers or columns, the space between the piers or columns shall not be wholly or partly filled in with any materials.

Clocks.

560. (1) A clock shall—

- (a) comply, as regards size, with the following table:—

Height of Bottom of Clock over Footway.	Maximum Diameter of Width of Clock Face and Depth of Clock including Lettering.	
	feet	inches.
9 feet and under 12 feet	1	6
12 feet and under 20 feet	2	6
20 feet and under 40 feet	3	6
40 feet and over	5	0;

- (b) be fixed either parallel with, or at right angles to, the wall to which it is attached;

- (c) not project from the wall to which it is attached—
 - (i) if parallel to the wall, not more than one foot; or
 - (ii) if at right angles to the wall, more than six feet;
- (d) afford a minimum headway of nine feet;
- (e) be maintained so as to show the correct time;
- (f) be illuminated from sunset to midnight; and
- (g) not be permitted to strike between midnight and seven o'clock in the morning.

(2) Notwithstanding the provisions of sub-By-law (1) of this by-law a clock suspended in an arcade, may be suspended over the centre of the arcade.

Tower Signs.

561. A tower sign shall not—

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (b) if illuminated, be a flashing sign;
- (c) exceed, in height, one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- (d) exceed, in width, the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (e) extend, laterally, beyond any part of the mast, tower or chimney stack on which it is placed.

Sale Signs.

562. (1) Subject to sub-By-law (2) hereof no person shall erect in a Residential Zone a sale sign exceeding 4 square feet in area.

- (2) A person may erect a sale sign not exceeding 100 square feet in area—
 - (a) in respect of an Auction Sale if it is erected not more than twenty-eight days before the day on which the Auction Sale is to be held and if it is removed not later than forty-eight hours after the sale;
 - (b) in respect of the sale of subdivisional land if such sign is not permitted to remain for a period exceeding six months and no other sign advertising the sale of the same land or any part thereof is erected within a period of one year from the erection of the said sign except a sale sign not exceeding 4 square feet in area;
 - (c) advertising that Flats and Dwelling Units in a building erected or to be erected on the land on which the sign is situated are or will be available for letting or for purchase if such sign is not erected or allowed to remain upon the land before the date of issue of the Building Licence in respect of such building or after three months after the completion of the said building.

Institutional Signs.

563. Signs erected or placed on any land, building, fence or other structure used for, or in connection with, a surgery, clinic, hospital, rest home, home for the aged or other institution or place of a similar nature, shall not exceed six square feet in area.

Signs on Fences or Vacant Lots.

564. Signs may, with the approval of the Council be painted or erected on the side or rear fence of lots on which there are no buildings, and which are to be used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground, or exceed three feet in depth.

Hoardings.

Prohibition or Restriction of Hoardings.

565. (1) A person shall not except pursuant to a licence issued by the Council for that purpose and in manner specified in the licence—

- (a) attach to, paste, paint, or stencil any bill placard or advertisement on any hoarding wall building or structure whether erected upon private property or upon a public place;

- (b) erect a hoarding upon private property.
- (2) Subject to the Act, the Council may in its absolute discretion grant or refuse a licence for the erection or maintenance of a hoarding.
- (3) Except with specific approval of the Council, a hoarding shall not be erected within 50 feet of any street or other public place.
- (4) A hoarding shall not be of a greater area than 240 square feet.
- (5) The provisions of paragraph (a) of sub-By-law (1) hereof shall not apply to—
 - (a) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
 - (b) the name and occupation of any occupier of business premises painted on a window or wall of those premises; or
 - (c) signs within a building.

Bill Posting, etc.

566. (1) Subject to sub-By-law (2) of this by-law, a person shall not post any bill, or paint, stencil, place or affix any advertisement on any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning in, or within 50 feet of any street.

- (2) This by-law does not apply to—
 - (a) signs or hoardings for which a licence is in force under these by-laws;
 - (b) advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein;
 - (c) the name and occupation of any occupier of business premises painted on a window or wall of those premises; or
 - (d) signs within a building.

Objectionable Signs and Hoardings.

567. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws and without limiting the provisions of sub-By-law (2) of By-law 565 of these by-laws, the Council may refuse a licence therefore, if the sign or hoarding would, in its opinion, be injurious to the amenity of natural beauty of the area.

Licence to be Subject to By-laws.

568. Every licence granted shall subsist, subject only to the provisions of these by-laws.

Revocation of Licences.

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

Licences to be Produced.

570. A licensee shall, on demand by an officer of the Council, produce his licence for inspection.

Applications for Licences.

- 571. (1) An application for the first issue of a licence, in respect of—
 - (a) an illuminated sign;
 - (b) a pylon sign;
 - (c) a clock;
 - (d) a hoarding;
 - (e) a semaphore sign; or
 - (f) a tower sign;

shall be accompanied by a plan drawn to a scale of not less than one quarter inch to the foot, showing the position, design and method of construction of the thing for which the licence is sought.

(2) An application for the first issue of a licence, in respect of a roof sign, shall be accompanied by a certificate from an architect or structural engineer certifying that the building upon which it is proposed to erect the sign is, in all respects, of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design.

(3) Every applicant for a licence shall furnish, in writing, such further particulars as may be required by the Building Surveyor.

Licences.

572. (1) Subject to sub-By-law (2) of this by-law a licence issued pursuant to these by-laws remains valid until any alteration is made to the sign in respect of which it is issued, and in that event the licensee shall apply for a new licence.

(2) A licence issued in respect of a hoarding shall be valid until the 31st December next after the issue of the licence unless previously revoked.

Licence Fees.

573. (1) The fees payable for a licence are those set out hereunder—

Licence for:—	\$
A pylon sign or tower sign	4
An illuminated sign—	
(a) on a roof—5c per sq. foot with a minimum of \$8.	
(b) under a verandah	2
(c) any other	4
A sign other than a pylon sign or an illuminated sign	2
A hoarding—per annum	10

(2) The licence fee for a hoarding is an annual licence fee and is payable annually, so long as the hoarding is maintained.

Special Permits.

574. (1) Notwithstanding anything contained in these by-laws the Council may, by permit under the hand of the Building Surveyor, allow temporarily the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings or other matters of public interest, upon such terms, and for such period, as the Council may, in each case, decide.

(2) The Council may revoke any such permit at any time without assigning any reason therefor.

(3) Upon the expiration or revocation of a permit issued under this by-law, the person to whom it was issued shall forthwith remove the advertisement to which it relates.

General.

No Obstruction to Doors, etc.

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

Licence Number.

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

Offences.

577. (1) Every person who erects a sign or a hoarding that does not comply with, or erects a sign or a hoarding in a manner contrary to the provisions of these by-laws commits an offence.

(2) Where by these by-laws it is required that a person obtain a licence to erect or maintain a sign or hoarding, every person who maintains a sign or a hoarding without a licence or in respect of which the licence has expired or been cancelled commits an offence.

(3) Neither the owner nor the occupier of any land or premises shall permit a sign or hoarding to remain therein unless such sign or hoarding complies with these by-laws.

(4) Without prejudice to the preceding provisions of this by-law the Council may serve on the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to these by-laws, notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this sub-by-law commits an offence.

578. The Council may remove to a place appointed by the Council any sign, advertisement, advertising device, hoarding or sign board placed on or erected on any street way footpath or other public place unless so placed or erected pursuant to these by-laws. The Council may without being liable in damages or otherwise dispose of any of the things mentioned above and reinstate the street way footpath or public place at the expense of the person or persons responsible for the deposit thereon or the injury thereto and recover the amount of the expense from him in a Court of Competent Jurisdiction.

579. The Council, or any person acting under the authority of the Council, may remove from private property any hoarding or any bill, placard or advertisement, which is attached to, or pasted, or painted, or stencilled on a hoarding, and which in the opinion of the Council is dangerous or objectionable and the Council may recover the expenses of the removal from the owner of the property in a Court of Competent Jurisdiction.

MOTELS.

580. In by-laws 580 to 614 "motel" means any premises that provide or are held out as providing accommodation for the motoring public at large for reward; and that are denominated by the owner or occupier by the word "motel" or any combination of the word "motor", "auto" or "travel", or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words.

581. A person shall not use the word "motel" or any combination of the word "motor", "auto" or "travel", or any derivation or contraction of those words, with a word, or any derivation or contraction of a word denoting lodging or accommodation, whether alone or in conjunction with other words, in connection with any premises of which the occupancy is offered or given for reward, unless those premises are currently registered as a motel, with the Council.

General.

582. A person shall not establish or operate a motel otherwise than in accordance with By-laws 580 to 614.

Sites.

583. A motel shall not be established or operated other than upon a site upon which such use is permitted under the provisions of the City's District Planning Scheme.

584. A motel shall not be established or operated on a site having an area of less than one acre.

585. The maximum plot ratio for motel buildings shall if the building is within an area classified or approved by the Council for General Residential Zones G.R.4, G.R.5, or G.R.6A development be the maximum plot ratio permitted for the general residential zone in which the motel is situated.

586. A site used for the establishment or operation of a motel shall be provided with means of ingress from and egress to a public street by an entry and drive-ways properly paved and drained and approved by the Council.

Distance of Buildings from Boundaries.

587. A motel shall not be constructed in such a way that any portion of a building is nearer to the street alignment than is permitted under the provisions of any by-law of the Council or Town Planning Scheme and in the absence of such by-law or scheme, within thirty feet of the street alignment.

588. No motel building shall be constructed so that any portion of that building is nearer to the side or rear boundary of the site than ten feet, and motel buildings shall be so sited that their walls are of an average distance of no less than twenty feet from any side or rear boundary of the site.

589. Notwithstanding the provisions of By-laws 587 and 588 eaves or hoods may be extended a distance of three feet nearer to any boundary than thereby prescribed.

Composition of Motels.

590. A motel shall comprise at least—

- (a) ten residential units;
- (b) a cafe, cafeteria or restaurant or, in the alternative to the foregoing, a dining-room and kitchen, for common use;
- (c) a common laundry;
- (d) a flat or residence for the manager or person in charge of the motel;
- (e) parking space as in this by-law provided; and
- (f) a garden or plantation surrounding the site.

Composition of Residential Unit.

591. Each residential unit of a motel shall comprise at least—

- (a) a bed-sitting room;
- (b) a car park;
- (c) luggage storage space; and
- (d) an ablution and toilet unit.

592. The minimum floor area of a residential unit, exclusive of any patio, covered way or car park, shall be—

- (a) two hundred square feet where the unit is intended to accommodate one person; and
- (b) three hundred square feet where the unit is intended to accommodate more than one person.

Structure.

593. The motel buildings shall be constructed in accordance with the by-laws of the Council and the walls shall be of brick, stone, concrete or other approved fireproof materials and not wholly or partly of wood.

594. Residential units shall be so constructed that, where the walls of any two of those units form an included angle of less than ninety degrees with one another, no part of a window in one of those walls shall be within twenty feet of any window in the other.

595. Where provision is made in any building for one residential unit to open into another residential unit, there shall be an intervening door having a fire resistance rating of at least two hours' duration and being capable of being locked from both sides.

Ablution Units.

596. An ablution unit shall include—

- (a) a shower cubicle;
- (b) a hand basin;
- (c) an air lock and water closet.

597. Hot and cold running water shall be provided to the shower and hand basin of each ablution unit.

598. Where it is desired to provide baths in addition to showers, those baths may be installed in a common bathroom.

Cooking Facilities.

599. Each residential unit shall be provided with at least one power point.

600. Where in a motel no cafe, cafeteria or restaurant is provided and operating, there shall be a common kitchen having a floor area of at least one hundred square feet and also a dining room having a floor area of at least one hundred and fifty square feet for every ten residential units or part of that number of units.

601. A common kitchen shall have installed at least one stove and one sink for every ten residential units or part of that number of units.

Laundry.

602. In every motel there shall be a common laundry having therein installed either one copper or one washing machine and one set of wash troughs for every ten residential units or part of that number of units and a floor area of at least fifty square feet for each set of such fittings.

Car Parking.

603. Every motel shall have a car park of sufficient size to park a car and for the exclusive use for each residential unit appurtenant to and within a distance of fifteen feet of each residential unit unless the Council shall approve the car park being of a greater distance from any residential unit.

604. There shall be adequate means of access to and manoeuvring space at each car park.

605. In the case where a restaurant, swimming pool, dance floor or other facilities are provided at a motel for the use of the public other than residents there shall, in addition to the parking space required by By-law 603 be on the site additional parking space for cars in the ratio of one car space for each one-third of the number of patrons other than residential patrons who may reasonably be accommodated by such facilities.

606. In the case where a motel is licensed under the provision of the Liquor Act, 1970, there shall, in addition to the parking space hereinbefore required, be on the site of the motel parking space in the ratio of one car space for every twenty-five square feet of licensed floor space or part of that area, exclusive of floor space devoted to storage, service areas, refrigeration areas and like utility areas.

Furniture.

607. A residential unit in a motel shall be provided with a suitable complement of bedding and furniture in good order, repair and condition, and there shall be in each residential unit at least—

- (a) one spring bedstead for each person occupying the unit;
- (b) one mattress for each bedstead;
- (c) all usual linens, blankets and bedspreads for each bed;
- (d) one easy chair;
- (e) one luggage rack;
- (f) hanging space for clothing; and
- (g) one table, desk or dresser or any combination of those articles of furniture.

608. A common dining-room in a motel shall be provided with the following furniture, at least—

- (a) one seat for each single residential unit and two seats for each double residential unit; and
- (b) one table for each four seats.

Advertising Sign.

609. No entrance sign or gate-way shall be erected on the front boundary of a motel unless that sign or gate-way shall first have been approved by the Council.

Resident Manager.

610. In any case where the owner or occupier of a motel is not in residence at that motel or where he is disqualified from acting under the next following by-law he shall appoint a manager or other responsible person to reside at and be in charge of the motel.

611. A person shall not be the manager of or be in charge of a motel who—
- (a) is an undischarged bankrupt;
 - (b) has been convicted of any indictable offence; or
 - (c) has been or is convicted more than three times of offences against the Act these by-laws or against the Health Act or regulations or by-laws made thereunder.

Compliance with Other By-laws.

612. Nothing in these by-laws shall relieve any person from obligation to comply with any regulation or by-law made pursuant to the provisions of the Act or the Town Planning and Development Act or the Health Act.

Registration.

613. Any person desiring to establish or to operate a motel shall apply to the Council for initial registration of the motel and such registration, if approved, shall operate until the 31st day of December then next following.

614. Applications for renewal of the registration of a motel shall be made in the month of January and unless registration is renewed a person shall not continue the operation of the subject premises as a motel.

STORAGE OF INFLAMMABLE LIQUIDS.

615. For the purpose of By-laws 615 to 628, inflammable liquids are subdivided into classes as follows, namely:—

Class A: Any liquid which will flash or emit an inflammable vapour at or below a temperature of 73 degrees Fahrenheit, Abel Close Test.

Class B: Any liquid which will not either flash or emit an inflammable vapour at a temperature less than 73 degrees Fahrenheit, Abel Close Test.

Storage of Inflammable Liquids in Underground Tanks
(under 1,000 gals.)

616. (1) Subject to sub-by-laws (2) and (3) of this by-law inflammable liquids may be stored in quantities not exceeding 1,000 gallons in an underground tank or in underground tanks, if—

- (a) the site for each tank has first been approved by the Council, for that purpose;
- (b) each tank is constructed of steel plate of not less than 14 gauge thickness;
- (c) each tank is placed not less than two feet below the lowest floor of any building under which it is situated;
- (d) sand or other filling material approved by the surveyor is filled in over each tank to the level of the ground or floor, as the case may require;
- (e) each tank is adequately and individually ventilated;
- (f) every opening to a tank at, or near, ground level is fitted with a gas-tight cover cap; and

(g) the filling pipe of any tank is placed in a position approved by the surveyor within the boundaries of the premises whereon the inflammable liquid is to be stored, and not otherwise.

(2) Where, in the opinion of the Building Surveyor, a tank to be installed under the provisions of this by-law need not, by reason of its diminutive size, be constructed of steel plate of 14 gauge thickness, he may authorise its construction of steel plate of a lesser thickness.

(3) Notwithstanding the provisions of paragraph (g) of sub-by-law (1) of this by-law the Building Surveyor may, if, in his opinion, the circumstances are such as to warrant it, approve of the placing of filling pipes outside the boundaries of the premises whereon the inflammable liquid is to be stored, but only if their being so placed will not occasion the obstruction of traffic while a tank is being filled.

Storage of Inflammable Liquids in Underground Tanks (1,000 gals. and more).

617. (1) The provisions of By-law 616 apply to the storage of inflammable liquids in underground tanks in quantities of 1,000 gallons or more, save that the construction of every tank shall be approved by the Building Surveyor and the provisions of sub-by-law (3) of that by-law do not apply.

(2) Where two or more tanks having an aggregate capacity of 1,000 gallons or more are installed as a battery, the tanks shall be so installed that there is, between any two of them, a thickness of not less than one foot of filling material approved by the Building Surveyor.

Storage of Inflammable Liquids in Surface Tanks.

618. (1) A person shall not store inflammable liquids in any quantity exceeding, in the case of Class A, 50 gallons or, in the case of Class B, 250 gallons, in a surface tank, unless—

- (a) the site for each tank has first been approved by the Council; and
- (b) every tank upon, above, or partly above and partly below, the surface of the ground is enclosed by a compound wall of brick, stone or concrete or by an earthen dam approved by the Building Surveyor.

(2) The height of a compound wall or earthen dam referred to in sub-by-law (1) of this by-law shall be such as will enable the wall or dam to retain therein not less than one-eighth in excess of the total capacity of the inflammable liquid permitted to be stored in the tanks that it encloses; and in the case of an earthen dam, the height shall, unless the profile of the dam is protected by stone pitching, concrete facing or other permanent protection approved by the Building Surveyor, be not less than two feet above the level to which the liquid would rise, if permitted to run free from the tanks therein enclosed.

(3) Any opening made in a compound wall such as is mentioned in sub-by-law (1) of this by-law shall be fitted with a sliding, or inward opening, liquid tight door of incombustible material and of sufficient strength to resist any pressure that might be brought to bear on it by the escape of the liquid that the wall encloses.

Storage of Inflammable Liquids not in Buildings, etc.

619. (1) Except in a building such as is prescribed by By-law 2843 of the Uniform Building By-laws or in an underground tank or tanks in a quantity not exceeding 1,000 gallons, pursuant to By-law 616 of these by-laws, a person shall not store or keep inflammable liquid within any distance of a building or a building site, being a distance of less than 150 feet set out in column 1 of the Table to this by-law, in any quantity that exceeds the quantity set out in the corresponding opposite position in column 2 or, as the case may require, column 3 of that Table.

(2) A quantity mentioned in column 2 of the Table to this by-law is a reference to a quantity of inflammable liquid that is not contained in metallic drums, or tins, of 50 gallons, or less, capacity; and a quantity mentioned in

column 3 of the Table is a reference to a quantity of inflammable liquid that is so contained:—

The Table.

(1)	(2)	(3)
	gals.	gals.
Within 10 feet	400	4,000
Over 10 feet and not over 15 feet	1,000	10,000
Over 15 feet and not over 20 feet	2,000	20,000
Over 20 feet and not over 30 feet	4,000	40,000
Over 30 feet and not over 40 feet	6,000	80,000
Over 40 feet and not over 50 feet	8,000	100,000
Over 50 feet and not over 60 feet	10,000	Unlimited gals.
Over 60 feet and not over 75 feet	15,000	Unlimited gals.
Over 75 feet and not over 100 feet	20,000	Unlimited gals.
Over 100 feet and not over 150 feet	50,000	Unlimited gals.

High Flash Point Oil and Grease.

620. A person shall not store or keep petroleum kerosene or fuel oil that will not flash or emit inflammable vapour below a temperature of 150 degrees Fahrenheit, on any site or in any building, in an aggregate quantity exceeding 10,000 gallons, unless the proposed storage site or the building has first been approved by the Council for that purpose.

Fuel Oil.

621. Every installation of a system for the storage and delivery of fuel oils shall be carried out in conformity with the provisions of S.A.A. Code No. C.B. 5-1957 for Fuel Oil Installations.

Approval of Site.

622. (1) A person desiring approval of a site for the storage of inflammable liquids shall make application therefor to the Council submitting a plan in duplicate showing the dimensions of the site and the position and dimensions of all buildings existing on the site, together with details of the buildings or other installations proposed.

(2) One copy of a plan approved by the Council under this by-law shall be returned to the applicant and the second copy of the plan shall be retained by the Council as a permanent record.

(3) A person desiring the approval of the site for storage of inflammable liquid shall also submit the plan to and obtain the approval of the Chief Officer of Fire Brigades under the Fire Brigades Act, 1952.

Clearing of Site.

623. (1) The space between the buildings or storage tanks erected under these by-laws within the distances set out in By-law 619 thereof shall be kept completely clear of every kind of material, other than vehicles using the site to bring in, or take away, inflammable liquid.

(2) A person using a site for the storage of inflammable liquid shall keep the site completely free of trees, shrubs, dry grass and other combustible growth of any description.

(3) A person using a site for the storage of inflammable liquids shall not keep, or suffer to be kept, thereon any cases or cartons other than those actually in use for packaging; and where a case or carton becomes saturated, or partly saturated, with any inflammable liquid, that person shall cause it to be removed from the site.

624. (1) The person using a site for the storage of inflammable liquids shall provide thereon at least two foam fire extinguishers of two gallon capacity, or such other number and type of fire extinction equipment as the Chief Fire Officer may require, and shall maintain all equipment in readiness for use.

(2) A person shall not smoke, strike any match or make, or use, any naked flame on a site used for the storage of inflammable liquids.

(3) A person using a site for the storage of inflammable liquids, and every person in his employ, shall ensure that any inflammable liquid that is spilled on the site does not flow onto a street or any adjoining site.

(4) Where a site used for the storage of inflammable liquids is of such a sloping nature that spilled liquid might escape from the site, the surveyor may require the owner to erect an earthen bank sufficient to prevent that escape.

Open and Empty Containers.

625. A person using a site for the storage of inflammable liquids shall not cause or permit any container thereon containing inflammable liquid to remain open, except while the liquid is being put into, or being drawn from, it, or is being measured or tested.

Ramps.

626. A person using a site for the storage of inflammable liquid shall cause any ramps thereon to be kept clean or not suffer them to become saturated or partly saturated with inflammable liquid.

Warning Notices.

627. Every person using a site for the storage of inflammable liquids, other than in small quantities pursuant to By-law 628, shall exhibit thereon at least two separate signs, each bearing in letters, coloured red and of at least six inches in height, the warning: "Danger. Inflammable Liquids. No Smoking, No Matches, No Naked Lights."

Storage of Small Quantities.

628. A person may store quantities not exceeding in the aggregate 50 gallons of Class A inflammable liquid or 250 gallons of Class B inflammable liquid, if the liquid—

- (a) is contained in the fuel tanks of vehicles, or in drums, cans, or other containers specially designed to hold inflammable liquid and equipped with tight fitting screw on caps; and
- (b) is so stored as not to constitute a fire hazard, but not otherwise.

QUARRYING AND EXCAVATING.

629. In By-laws 629 to 647 the phrase "carrying on an extractive industry" means quarrying and excavating for stone, gravel, sand and other material.

630. No person shall carry on an extractive industry on any land on other than Crown land, without having first obtained a licence to do so from the Council.

631. An application for a licence to carry on an extractive industry shall—

- (a) state the purpose of the excavation;
- (b) be accompanied by a plan showing the location and limits of the area proposed to be excavated, the location of any existing and proposed buildings and machinery, and give details of the existing levels of the land and the depth and extent of the proposed excavations;
- (c) give details of proposed subdivisions or future development if any.

632. An applicant for a licence to carry on an extractive industry shall give to the Council such additional information concerning the proposed excavation as the Council may require.

633. The applicant for a licence to carry on an extractive industry shall send by registered post to all owners of land within three hundred (300) yards of the proposed excavation notice of the proposed application and inform them that they may within seven days object to the Council in writing to the granting of the licence.

634. A licence to carry on an extractive industry shall expire on the 31st day of December next after the granting of the licence. A licence may be renewed by the Council for a further term expiring on the 31st day of December next following.

635. The fee for a licence to carry on an extractive industry or for any renewal thereof shall be the sum of \$10.00.

636. It shall be a condition of the licence that the applicant shall pay to the Council a sum prescribed in the licence namely the sum of \$200 to be placed into a fund established for the purpose of restoring and reinstating any area excavated under the authority of the licence. The said sum shall be retained by the Council for the duration of the licence and any renewal thereof and until the licensee shall have complied with By-law 645 hereof. If the licensee shall commit a breach of any of the provisions of the said by-law the Council may have the necessary work or filling carried out and pay the cost thereof from the said deposit. Upon the expiration of the licence and the carrying out of the said works the balance of the said sum shall be repaid to the licensee.

637. The Council may, before or pending the grant of a licence, enter into agreements with the licensee as to compliance with these by-laws, the observance of regulations relating to heavy traffic, the construction and maintenance of a private road to the quarry or excavation or the licensee bearing a proportionate part of the maintenance of the public road used by him, and such agreements shall be conditions of the granting and holding of the licence.

638. If residences are situated within three hundred (300) yards of the excavation, no person shall carry on working operations in or about the excavation, except between the hours of eight o'clock in the morning and six o'clock in the evening.

639. The licensee shall provide retaining walls and shall take such precautions as may be necessary to prevent subsidence of any portion of the excavation.

640. No person shall—

- (a) excavate below the level of the nearest street without the written consent of the Council.
- (b) excavate within sixty-six (66) feet of any street;
- (c) excavate other than in accordance with the terms of his application and accompanying plans without the written consent of the Council;
- (d) permit stagnant water to remain in any excavation made by him;
- (e) tip rubbish into any excavation without the written consent of the Council.

641. The licensee shall securely fence the excavation and keep the gateways locked when not actually in use, in order that unauthorised persons may not enter the excavation.

642. The licensee shall, before commencing any blasting or quarrying, erect and keep exhibited such notices of warning as may be directed by the Council.

643. The licensee shall provide adequate safety precautions for those working in the excavation and for passers-by, and between five and ten minutes before blasting a charge the licensee shall, by bell, whistle or other means, give sufficient warning of danger.

644. The licensee shall obey the directions of the Council as to the limit in size, weight or amount of any explosive that may be used in any charge.

645. When the excavation has been completed in accordance with the application and plans, or when the licence has expired and no renewal thereof granted, the floor of the excavated area shall be levelled to an even surface and the sides sloped to a batter sufficient to prevent subsidence of the surrounding area.

646. If any person shall fail to comply with any of the terms of an agreement entered into by the licensee and the Council relative to the quarrying and excavating, or shall commit a breach of any of these by-laws, the Council may cancel the licence.

647. The Council may refuse to grant a licence or to renew a licence to carry on an extractive industry.

PART VII.—ENFORCEMENT OF BY-LAWS.

Offences and Penalties.

648. Any person who shall fail to comply with the terms of a notice or order given to him in pursuance of the provisions of any of these by-laws within the time specified in the notice or order, or if no time is specified therein within two months from the service of the notice upon him, shall be guilty of an offence.

649. Any person who shall commit a breach of any of the terms or conditions of a licence granted to him under any of these by-laws shall be guilty of an offence.

650. Any person who shall be guilty of an offence against these by-laws (except where otherwise provided in these by-laws) shall be liable to—

- (a) a maximum penalty of one hundred dollars; and
- (b) a maximum daily penalty during the breach of ten dollars per day;
- (c) a minimum penalty of one-tenth of the maximum penalty and of one-tenth of the maximum daily penalty for the breach.

Power of Arrest.

651. A Ranger is authorised without warrant to arrest and remove any person offending against the Act or against any regulations or by-laws made under the Act.

Rangers to Wear Badges.

652. The Council shall supply each Ranger with a written appointment signed by the Town Clerk and with a badge in the shape of a shield bearing the word "Ranger". Every Ranger when on duty shall wear such badge on the front of his dress or bathing costume or if not wearing the badge shall if demanded when exercising authority under these by-laws produce his written appointment.

Impersonation of Officers.

653. No person shall falsely represent himself to be an officer of or person employed by the Council or to be a person having the authority of the Council to do a thing.

Offences Against By-laws Made Under Section 234.

Preservation of Council Property.

654. (1) In this by-law "owner" in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Traffic Act in respect of the vehicle, or if the vehicle is not licensed under that Act the person who owns the vehicle or is entitled to possession of the vehicle.

(2) The owner of a vehicle shall if required by a member of the Police Force or the Town Clerk or a Ranger inform the member or the Town Clerk or Ranger as to the identity and address of the driver or person in charge of the vehicle at the time when an offence, of which the use, parking or standing of a vehicle is an element, is alleged to have been committed by the driver or person in charge of the vehicle against a by-law made under section 234 of the Act.

(3) Where the driver or person in charge of a vehicle is alleged to have committed an offence referred to in the preceding sub-by-law against a by-law made under section 234 of the Act and the owner of the vehicle at the time the offence was alleged to have been committed, fails when required so to do, within seven days of the commission of the alleged offence, to inform a member of the Police Force or the Town Clerk or a Ranger as to the identity and address of the person who was the driver or person in charge of the vehicle at that time, the owner shall be deemed to be the person who committed that offence and shall then be liable to the penalty prescribed in respect thereof unless the member of the Police Force or the Town Clerk is satisfied from information furnished by the owner, that the owner could not reasonably have been aware of the identity of the driver or person in charge, or that the vehicle was stolen or being unlawfully used at the time the offence was alleged to have been committed.

(4) Where the member of the Police Force requiring the information under the preceding sub-by-law or the Town Clerk is satisfied that the owner could not reasonably have been aware of the identity of the driver or person in charge of the vehicle or that the vehicle was stolen or being unlawfully used at the time the offence referred to in sub-by-law (2) was alleged to have been committed, no proceedings shall be taken against the owner for the recovery of the penalty prescribed in respect thereof.

PART VIII.—MISCELLANEOUS.

Hawkers and Stallkeepers.

655. In By-laws 655 to 667 the terms "hawker", "stall" and "stallholder" have the meanings assigned to them by Sections 217 and 242 of the Act. These definitions are as follows:—

"hawker" means a hawker, pedlar or other person who, with or without any horse or other beast bearing or drawing burden, travels and trades and goes from town to town or to other men's houses or is in any street there soliciting orders for or carrying to sell or exposing for sale any goods, wares or merchandise, but does not include—

- (a) commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers;
- (b) sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals;
- (c) persons selling or exposing for sale goods, wares or merchandise in any public market or fair lawfully established, or upon any racecourse, agricultural show ground, or public recreation ground;
- (d) sellers of goods of their own manufacture;
- (e) persons representing a manufacturer whose goods are sold direct to consumers only and not through the medium of a shop.

"stall" means a movable or temporarily fixed stall for the sale of goods, wares, merchandise or services;

"stallholder" means a person in charge of a stall.

656. Any person who desires to hawk any goods, wares or merchandise, or to be a stallholder within the District, shall make application in writing to the Council for a licence so to do.

657. The Council shall not entertain any application for a hawker's licence (other than an application for a licence by way of renewal of a licence) unless the applicant produces a certificate signed by two Justices of the Peace certifying that the person sought to be licensed is of good character and reputation and is a fit person to exercise the trade of a hawker.

658. The Council may grant a licence to the applicant or may refuse to grant the licence on any of the following grounds:—

- (a) that the applicant has committed a breach of any of By-laws 664 to 667;
- (b) that the applicant is not of good character or has been convicted of a criminal offence;
- (c) that the needs of the District or the portion thereof for which the licence is sought are adequately catered for by established shops or by persons to whom licences have been issued.

659. The licence shall state the type of commodities which the licensee is authorised to sell.

660. The licence granted to a hawker by the Council may be in respect of the whole District, or for any portion of the District specified in the licence, and in the case of a licence granted to a stallholder the licence may specify the place where the stall may be situated. The licence may be granted upon the condition that the licensee shall not carry on business within a specified radius of any shop which sells commodities similar to those to be sold by the licensee.

661. A licence granted by the Council shall remain valid until the 31st day of December next after the issue of the licence unless previously revoked.

662. The fees set out hereunder shall be payable to the Council in respect of each licence—

Hawkers Licence—\$20.00.

Stallholders Licence—\$40.00.

663. The Council may revoke any licence issued by it on any of the grounds set out in By-law 658 hereof, or on the grounds—

- (a) that the licensee has committed a breach of the terms or conditions of the licence;
- (b) that the licensee is not conducting his business in a respectable or sober manner;
- (c) that he has assigned his licence or does not himself carry on the business; or
- (d) that he is not regularly carrying on the business for which the licence was granted.

664. No person shall hawk goods, wares or merchandise, or act as a stallholder—

- (a) without being licensed by the Council;
- (b) in any part of the District other than that specified in the licence;
- (c) in the case of a stallholder have a stall at any place other than that specified in the licence.
- (d) in respect of commodities of a type not specified in the licence; or
- (e) otherwise than in accordance with any conditions imposed by the Council when granting the licence.

665. No hawker or stallholder shall—

- (a) sell or offer for sale any commodity excepting between the hours of 7 a.m. and 11.30 p.m.;
- (b) deposit or store any box or basket under his vehicle or on the roadway or footpath;
- (c) shout his wares or make any violent outcry noise or disturbance to the annoyance of the inhabitants or passers by;
- (d) obstruct the free passage of pedestrians or vehicles on any footpath or roadway; or
- (e) act in an offensive manner.

666. A hawker or stallholder shall carry his licence with him and produce it upon demand to any employee of the Council or to a member of the Police Force.

667. A stallholder shall have his name legibly displayed on every stall operated by him.

Dogs.

668. By order in Council published in the *Government Gazette* of the 3rd day of July, 1953, and reprinted hereunder the Council (then the Perth Road Board) was empowered to make by-laws as therein mentioned:—

Extract from *Government Gazette* of 3rd July, 1953.

Dog Act, 1903-1948.

ORDER IN COUNCIL.

HIS Excellency the Governor, acting by and with the advice and consent of the Executive Council, hereby makes the following order under the authority of section 35A of the Dog Act, 1903-1948, namely, that the Perth Road Board is hereby empowered to make by-laws in pursuance of section 35 of the said Act, to have effect within the Perth Road District—

- (1) empowering it, subject to the provisions of the Act under which it is constituted, to establish and maintain a pound or pounds for the impounding of dogs seized, pursuant to the provisions of the Act;

- (2) for the care, detention, release, disposal and destruction of dogs so seized;
- (3) prescribing fees to be payable in respect of the seizing, care, detention, release, disposal and destruction of dogs seized;
- (4) prescribing the liability of any person in respect of payment of the fees referred to in the last preceding paragraph;
- (5) prohibiting the release from any pound of any dog except in accordance with the regulations;
- (6) prohibiting the obstruction or hindrance of any employee of the Perth Road Board or any member of the Police Force in the performance of anything authorised by the provisions of the Act or the regulations made in pursuance of those provisions;
- (7) imposing as an absolute prohibition an obligation on the owner of any dog shall not enter or be in—
 - (i) such places as may be prescribed in any circumstances whatever; or
 - (ii) such places as may be prescribed, unless on a leash held by a person.

(Sgd.) R. GREEN,
Acting Clerk of the Council.

669. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act, 1903.

670. A dog seized by a member of the Police Force or by a Poundkeeper or a Ranger may be placed in a pound.

671. Where a dog has been seized or placed in a pound the keeper of the pound, a Ranger, or other officer authorised by the Council shall, if the owner or person usually in charge of the dog is known to him forthwith notify such person that the dog has been impounded.

672. If the owner or person apparently acting on behalf of the owner of a dog seized or impounded shall claim such dog, then upon payment of the fee specified hereunder the dog shall be released to such person—

For the seizure or impounding of a dog—\$3.00.

For sustenance and maintenance of a dog in the Pound—50c per day.

673. The Poundkeeper shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the Council. In the absence of the Poundkeeper a claim for a dog seized or impounded may be made to the Council, or to a Ranger.

674. Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of the Poundkeeper or other employee of the Council the ownership of the dog and his authority to take delivery of it. The Poundkeeper or other employee of the Council may accept such proof as he considers satisfactory and no person shall have any right of action against him or the Council in respect of the delivery of a dog in good faith.

675. If a dog shall not be claimed and the said fees paid within 48 hours of its being seized or if a dog having a collar around its neck with a registration label for the current year affixed thereto shall not be claimed and the said fees paid within 48 hours of the service of a notice upon the registered owner, the Poundkeeper or other employee authorised by the Council may sell such dog.

676. Upon the sale of a dog the proceeds of sale shall be the property of the Council and may be disposed of in such manner as the Council thinks fit. The owner of a dog sold pursuant to these by-laws shall have no claim against the Council in respect of the proceeds thereof.

677. If within the times mentioned in By-law 675 hereof, or at any time before the destruction of a dog the dog has not been claimed as aforesaid and the said fees paid and if no offer has been received for its purchase, the dog may be destroyed.

678. Notwithstanding anything herein contained but subject to the provisions of Section 19 of the Dog Act, 1903, any dog seized or impounded may at any time be destroyed upon the authority of the Town Clerk, or a Ranger, if in his opinion the dog is too savage or noisy to be kept, or is suffering from an injury, disease or sickness.

679. If the Council shall destroy a dog at the request of its owner, whether such dog shall have been seized or impounded or not, the owner shall pay to the Council the fee of one dollar.

680. No person shall—

- (a) unless a Poundkeeper or other employee of the Council duly authorised in that regard, release or attempt to release a dog from a pound;
- (b) destroy, break into, damage, or in any way interfere with or render not dog-proof any pound;
- (c) destroy, break into, damage, or in any way interfere with or render not dog-proof any dog cart, vehicle or container used for the purpose of catching, holding, or conveying dogs which have been seized.

681. The owner of a dog shall at all times keep such dog under effective control.

682. The owner of a dog shall prevent that dog from entering or being in any of the following places:—

- (a) A public building.
- (b) A theatre or picture gardens.
- (c) A house of worship.
- (d) A school or school ground.
- (e) A shop or other public business premises not being a shop where dogs are sold or treated for illness.
- (f) Any of the beaches specified hereunder—

Maylands.

- (a) East Street Jetty: The banks of the Swan River foreshore along the southern boundaries of Lots 400/403 inclusive, and Lots 1/3 inclusive, and including the whole of the East Street Jetty.
- (b) Bath Lane Swimming Pool: The banks of the Swan River foreshore along the north-eastern boundary of Lots 496/504 inclusive, 506 and 575, and including the whole of the Road Reserve known as Bath Lane.

Scarborough.

Scarborough Beach: That portion of Reserve No. 12992 on the Indian Ocean foreshore extending northwards from the production west of the southern side of Kay Street to the production west of the northern side of Reserve Street.

Hamersley.

Those portions of Reserve No. 12992 on the Indian Ocean foreshore as detailed hereunder:—

- (a) Trigg Island: Extending northwards from the production west of the southern boundary of Swan Location 1154 to the production west of the northern side of Kathleen Street.
- (b) Mettam's Pool: Extending northwards from the southern extremity of that portion of the foreshore adjacent to the junction of West Coast Highway and Lynn Street, to the production west of the northern side of Sholl Avenue.
- (c) Hamersley Pool: The whole of the Foreshore immediately adjoining the waters known as Hamersley Pool being that portion of the foreshore adjacent to West Coast Highway between Hamersley Street on the south and Beachton Street on the north.
- (d) North Beach: Extending northwards from the production west of the southern side of North Beach Road to the production west of the north side of Castle Street.
- (e) Waterman's Bay: Extending northwards from the production west of the southern side of Ada Street to the northern boundary of the City of Stirling.

683. The owner of a dog shall prevent that dog from entering or being in any of the following places unless on a leash held by a person:—

- (a) A shopping centre or shopping arcade.
- (b) A sports ground.
- (c) A public reserve.
- (d) A car park.
- (e) Any land vested in or under the control of the Council including a street.

684. No person shall obstruct or hinder an employee of the Council or member of the Police Force in the performance of anything authorised by the provisions of the Dog Act, 1903, or the Regulations made in pursuance of those provisions.

685. The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of it of liability to a penalty under any of the provisions of these by-laws.

686. Any person who shall commit a breach of any of the By-laws numbered 669 to 685 shall upon conviction be liable to a penalty not exceeding ten dollars.

Keeping of Goats.

687. No person shall, except within a Rural Zone, keep a goat unless he shall be a holder of a licence from the Council authorising him so to do.

688. Any person who desires to keep a goat unless within a Rural Zone shall make application in writing to the Council for a licence so to do.

689. The applicant for a licence to keep a goat shall with his application submit—

- (a) A medical certificate stating that due to medical reasons, goats milk is required for a member of the family of the applicant or of the occupier of the premises where it is intended to keep the goat.
- (b) Plans and specifications of a structure for housing the goat complying with the terms of these by-laws and showing the site of the proposed structure.

690. The Council may grant a licence to the applicant in respect of each goat and shall specify the place at which the goat may be kept.

691. A licence granted by the Council shall remain valid until the 31st day of December next after the issue of the licence, unless previously revoked.

692. The fee payable to the Council in respect of each licence is 50 cents for each goat.

693. The person to whom a licence has been issued shall—

- (a) prevent the goat from being at large in any yard or place unless provision is made to prevent the animal from approaching within thirty feet of any dwelling-house, shop, or place where food is manufactured, stored or exposed for sale;
- (b) provide at the place where the goat is kept a structure for the housing of the goat and the structure shall comply with the following:—
 - (i) It shall not be at any less distance than 30 feet from any dwelling-house, shop, or place where food is manufactured, stored or exposed for sale.
 - (ii) It shall have walls constructed of concrete, brick, stone, wood or galvanised iron; and
 - (iii) It shall have a roof to be constructed of some impervious material.
 - (iv) There shall be on all sides of the structure between the wall and the roof a continuous clear space of at least six inches in height.

- (v) The upper surface of the floor shall be raised at least three inches above the surface of the surrounding ground, and shall be constructed of some impervious material and the floor shall have a fall of one in one hundred to a drain.
- (vi) There shall be provided outside each such structure a receptacle for manure. The receptacle shall be constructed of brick faced with some impervious material and shall be provided with a tight-fitting fly-proof cover.
- (c) Maintain the said structure in a clean condition.
- (d) Have all manure produced on the premises collected daily and placed in the said receptacle for manure.
- (e) Have the said receptacle for manure emptied at least once weekly.

694. A person shall not keep a goat at a place other than that specified in the licence.

Pollution of Water.

695. No person shall pollute, obstruct, injure or damage any water course, water channel, pool, well, dam, tank, reservoir or other waters without the written authority of the Council.

Offensive Waters from Factories.

696. No person shall permit poisonous or offensive waters from any mine, factory or other work or undertaking to flow outside the limits of any land occupied or owned by him, unless into a drain approved by the Council.

697. No person shall permit poisonous or offensive waters to flow from any mine, factory or other work or undertaking on to land owned or occupied by him unless the land is sufficiently fenced to prevent persons from entering upon the said land.

Offensive Noises or Odours for Advertisement Purposes.

698. No person shall, for advertisement purposes, in a street way footpath or other public place or in private property—

- (a) make any noise; or
- (b) cause an obnoxious odour;

which by reason of its nature intensity or persistence causes a nuisance annoyance or distress to any person or is offensive to any person.

Itinerant Photographers.

699. No person shall take or offer to take photographs for sale on any public place or on any property vested in or under the care control or management of the Council without the appropriate licence from the Council.

700. A person wishing to operate as or carry on the business of an itinerant photographer shall make application to the Council for a licence to do so.

701. The Council may grant a licence to an itinerant photographer and such licence shall specify the place or places at which the business may be carried on.

702. No itinerant photographer shall—

- (a) obstruct or cause any obstruction in, or
- (b) cause any nuisance or annoyance to the users of

any public place or on any property under the care control or management of the Council.

703. No person shall operate as or carry on the business of an itinerant photographer within 50 feet of any building, tent, article of playground equipment, or other structure on any public place or on any property under the care control or management of the Council.

Caravans.

704. In By-laws 704 to 729, unless the context otherwise requires—

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

“owner” when used in reference to a caravan, includes the licensee or person in charge of the caravan;

“owner of caravan park” shall include the owner, lessee or manager of a caravan park.

705. A person shall not, except during the hours of day-light, park a caravan or allow it to be stationary on any street.

706. (1) An owner of a caravan shall not park it or allow it to be stationary on any land other than a street, unless—

(a) the caravan is not used as a dwelling or for sleeping purposes; or

(b) the caravan is on land, either—

(i) set aside by the Council as a caravan park; or

(ii) set aside by the owner thereof as a caravan park and registered as such with the Council; or

(c) it is parked on the same land as a dwelling occupied by the owner of the caravan and is used with the consent of the Council in conjunction with the dwelling itself for residence by one or more members of the family of the occupier of that dwelling.

(2) The Council shall not consent to the use of a caravan under paragraph (c) of sub-Clause (1) of this by-law 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 used by an owner if that permission is authorised by an absolute majority of the Council.

707. A person wishing to register a caravan park shall before commencing the construction of the park make written application to the Council, setting out the full particulars of the proposal, specifying the land on which the caravan park is to be conducted and submitting a plan for the retention of the Council showing the full details of the caravan park, the sites for parking of the caravans, all roads and buildings and the caravan storage area (if any).

708. (1) Subject to the provisions of By-laws 727 and 728 the Council shall not register any land as a caravan park unless that land is at least one acre in area and has or provision is made for it to have—

(a) grasses planted wherever practicable and some trees;

(b) any portions set aside for the standing of caravans and towing vehicles paved grassed or treated to the satisfaction of the Council;

(c) an entrance road and interior roads of a width of not less than twenty feet and so sealed as to prevent dust arising therefrom;

(d) set aside for the parking of each caravan, together with its towing vehicle, an area of at least six hundred square feet being not less than twenty feet in width or thirty feet in length provided that ten per cent. (10%) of the total number of caravan parking sites shall have an area of at least seven hundred and eighty square feet being not less than twenty-six feet in width or thirty feet in length.

(e) a clear space of not less than seven feet six inches, separating any portion of a caravan, or annexe used in conjunction therewith, or any site, from the boundary of any adjoining site and from any building on the land;

(f) no portion of a caravan parking site or of any building nearer to a street than the building line, or where there is no building line nearer than thirty feet;

(g) no portion of a caravan parking site nearer to a side or the rear boundary of the land than twenty feet, where the land abuts a Residential Zone, or nearer than ten feet, where the land does not so abut;

(h) every caravan parking site clearly delineated and bearing a distinguishing mark or number;

- (i) accommodation for a caretaker, either on the land, or with the consent of the Council in close proximity thereto;
- (j) no building erected thereon, other than—
 - (i) a residence and ancillary building, in conformity with paragraph (i) of this clause;
 - (ii) buildings for sanitary ablutionary and laundry facilities, in conformity with the Caravan and Camp Regulations 1970;
 - (iii) any buildings such as a restaurant, cafe, cafeteria or recreation room, approved by the Council, for the use of occupiers of the caravan sites;
- (k) an adequate supply of potable water;
- (l) stormwater drains in accordance with the relevant by-laws;
- (m) the name and address of the person registered with the Council as the owner of the caravan park exhibited at the entrance;
- (n) fire extinguishers to the satisfaction of the Fire Brigades Board.

(2) Electric power and lighting points shall be installed in accordance with the Electricity Act Regulations 1947, to which every parked caravan may be connected.

709. The owner of a caravan park shall have a paved crossing place constructed from the road to the entrance of the caravan park.

710. (1) A person shall not establish, carry on or conduct a caravan park, or on any land owned by him permit a caravan park to be conducted, unless that land is registered with the Council as a caravan park.

(2) Every registration of a caravan park shall be for the period ending on the 31st day of December next after the date of registration except where the registration is made in the month of November or December when it shall be valid until the 31st day of December in the year next following unless previously cancelled.

(3) The annual fee payable to the Council on the registration of a caravan park shall be twenty dollars.

711. A person shall not establish, carry on or conduct a caravan park on any land under his control, except in conformity with the provisions of these by-laws and unless there are provided on that land the amenities specified in By-law 708, and in the Caravan and Camp Regulations 1970.

712. The owner of a caravan park shall maintain the area of the caravan park in a clean condition and shall keep all improvements thereon and all equipment required by these by-laws in good order and condition.

713. A person shall not use a caravan park for any purpose other than for the parking, using or storing of caravans and towing vehicles used therewith, or for the construction and occupation of buildings authorised by By-law 708.

714. No person shall erect any annexe or structure not fitted to and forming part of the caravan.

715. No person shall in or about any caravan park cause any nuisance or annoyance to the owners or occupiers of land or buildings adjacent or in the vicinity of the caravan park.

716. No person shall park and the owner of the caravan park shall prevent any person from parking more than one caravan and towing vehicle in any one caravan parking site.

717. The owner of a caravan park shall not store or permit to be stored in a caravan storage area more caravans than the number specified upon the registration of the caravan park.

718. No person shall occupy and the owner of the caravan park shall prevent any person from occupying a caravan whilst such caravan is in a caravan storage area.

719. Subject to By-law 727 the owner of a caravan park shall not have caravans owned by him of a greater number than one-half of the total number of caravan parking sites, parked at any one time in caravan parking sites in the caravan park.

720. The owner of a caravan park shall keep in the caravan storage area all unoccupied caravans owned by him.

721. The owner of a caravan park shall not keep or permit to remain on a caravan park, a caravan for more than three months in any one year unless such caravan be stored in the caravan storage area or unless with the consent of the Council.

722. The owner of a caravan park shall not keep or permit to remain in a caravan park any caravan which is not licensed under the Traffic Act, 1919, or in such a condition that it may be licensed under the said Act.

723. A person shall not connect any point installed on a caravan to the electricity supply, unless that caravan is branded by the State Electricity Commission or a competent authority of another State, as complying with the Standard Association of Australia Code No. CC7—"Electrical Installations in Caravans and Caravan Parks".

724. A person shall not park a caravan or vehicle used for towing that caravan on any part of a caravan park other than a caravan parking site or in the caravan storage area for a period of more than a half hour, at any one time.

725. A person shall not park or permit the parking of a caravan or vehicle used for towing that caravan on a caravan park except in the caravan storage area if the number of caravan parking sites for which the caravan park is registered are already occupied.

726. A person who parks a caravan or vehicle used for towing that caravan on a caravan park under the authority of these by-laws shall upon the termination of his occupancy of any site in that park forthwith remove that caravan and any annexe attached to it and any vehicle used for towing that caravan from the park.

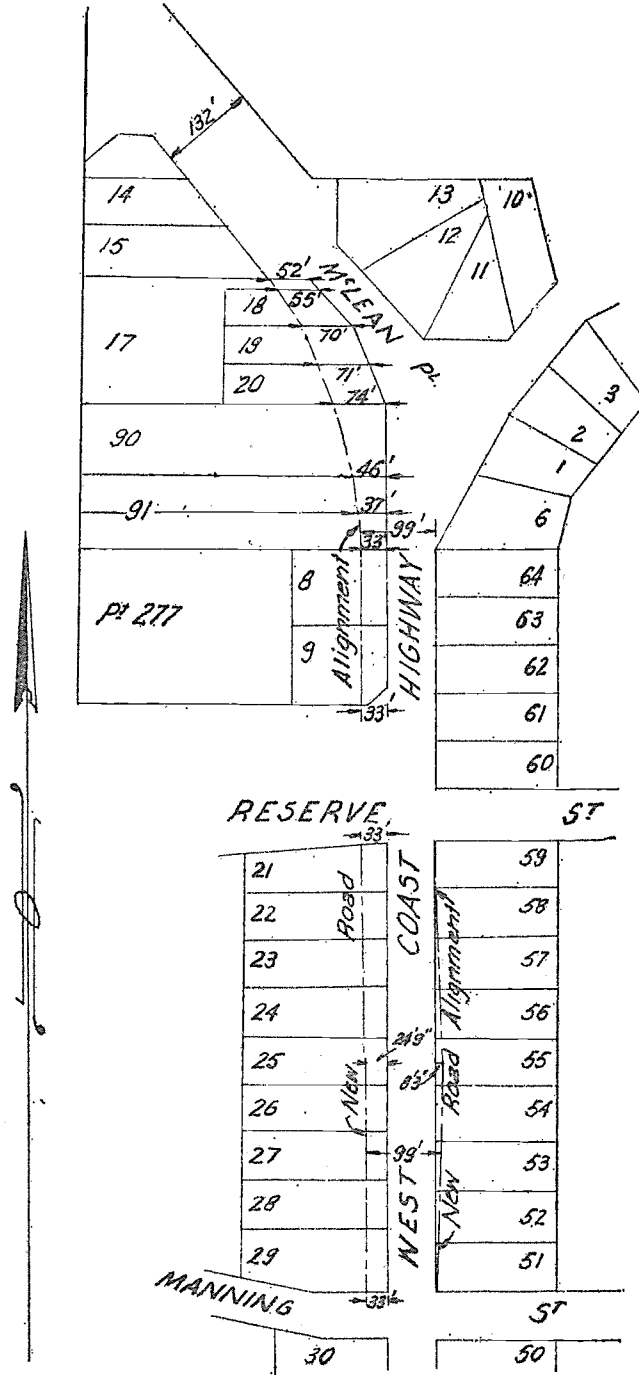
727. Notwithstanding the provisions of these by-laws the Council may, if authority to do so is given by a resolution passed by an absolute majority of the Council—

- (a) register a caravan park which has been established prior to these by-laws coming into operation if—
 - (i) the area of the caravan park is less than one acre but not less than one-half of an acre; or
 - (ii) the entrance road and interior roads are less than 20 feet in width but are not less than 12 feet in width; or
 - (iii) portion of a caravan parking site is nearer to a side or rear boundary of the land than 20 feet but not nearer than 12 feet, where such land abuts a Residential Zone; or
 - (iv) portion of a caravan parking site is nearer to a side or rear boundary of the land than 10 feet but not nearer than five feet where the land abuts any zone other than those mentioned in sub-paragraph (iii) above;
- (b) permit the number of caravans owned by the owner of the caravan park to exceed one half of the total number of caravan parking sites available.

728. In granting the registration of a caravan park pursuant to By-law 727, the Council may impose conditions which shall be complied with by the person conducting the caravan park.

729. Where, after a conviction for an offence against any of these by-laws, a caravan park is not conducted in accordance with these by-laws the Council may cancel the registration of the caravan park and until the land be again registered no person shall use or permit the use of the land as a caravan park.

First Schedule.
New Street Alignments.



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New Road Alignment

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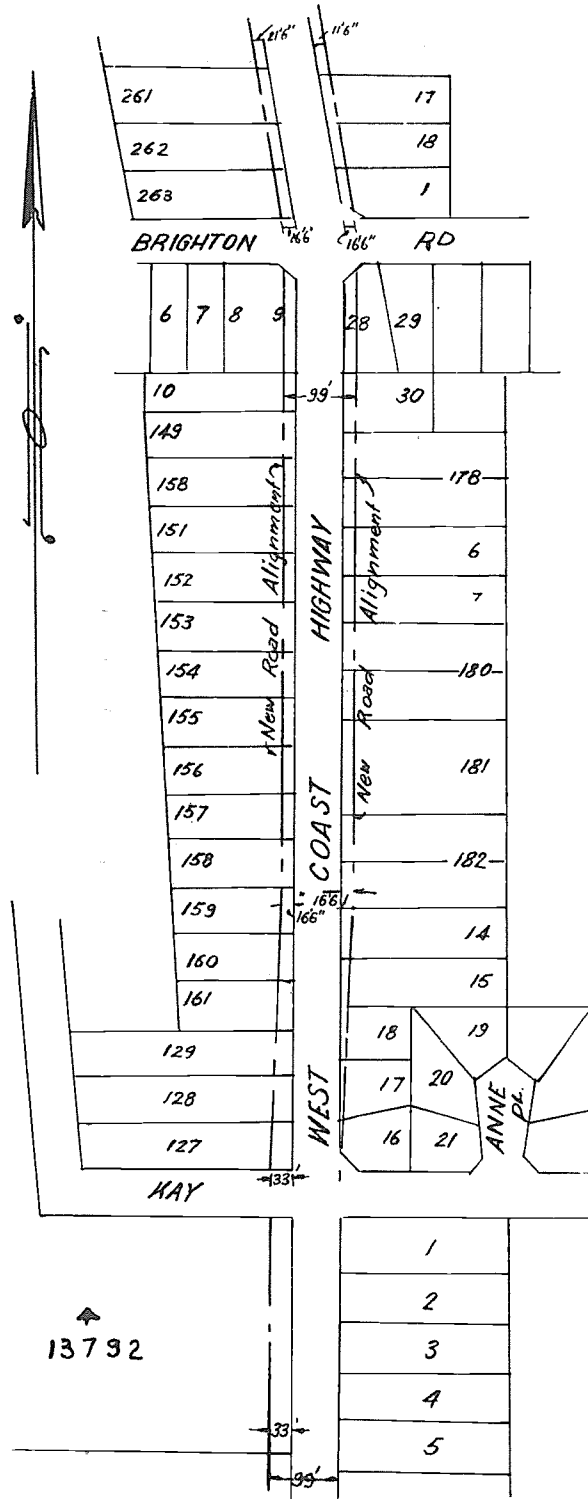
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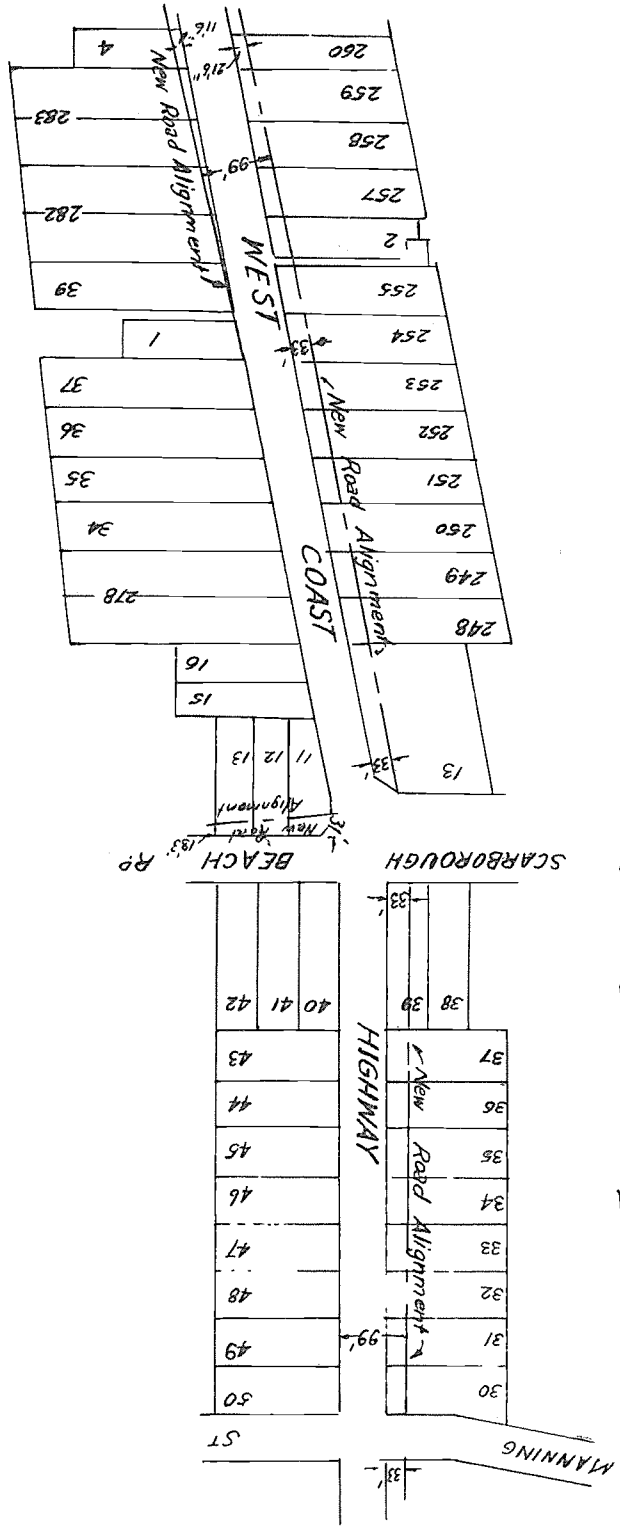
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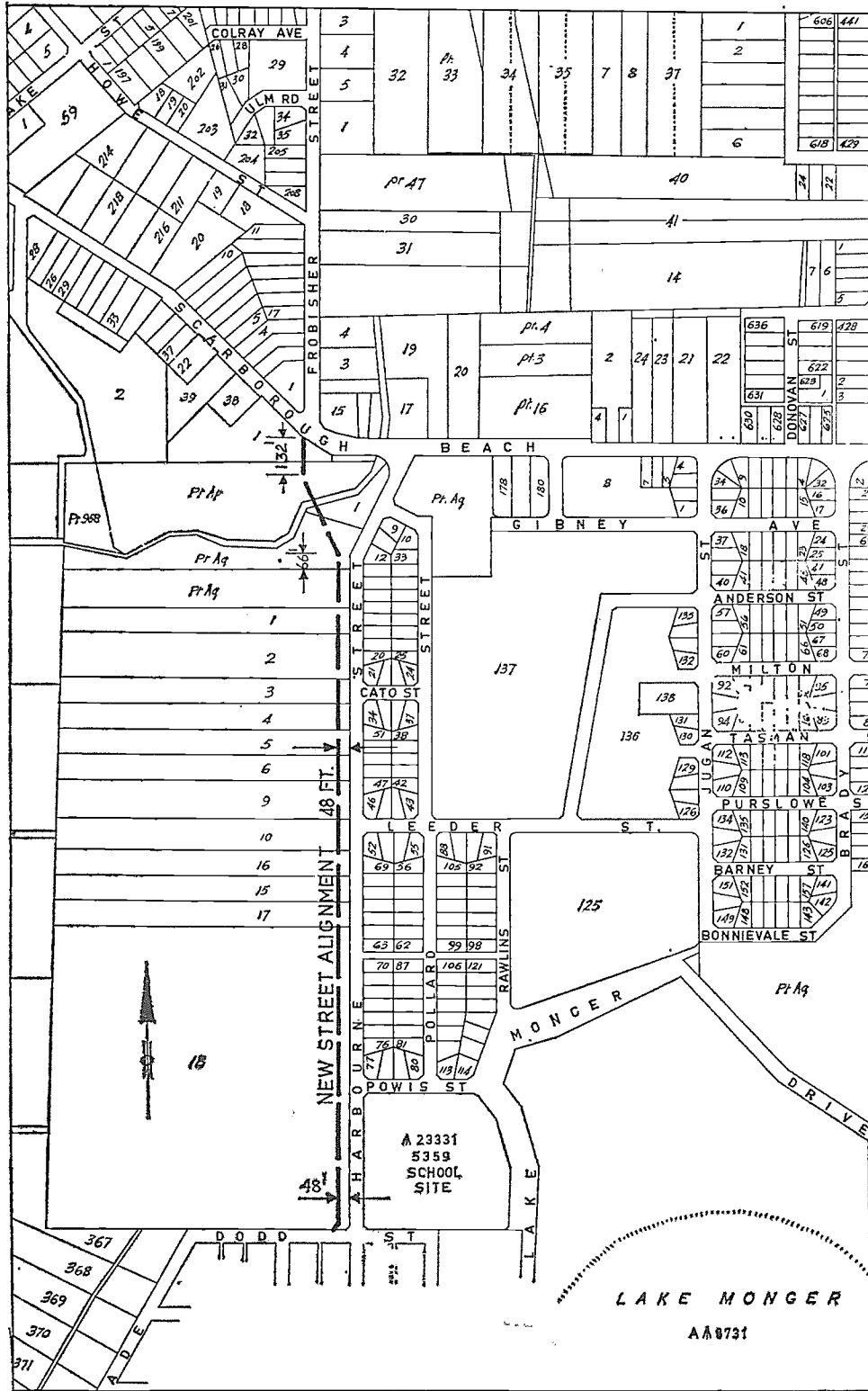
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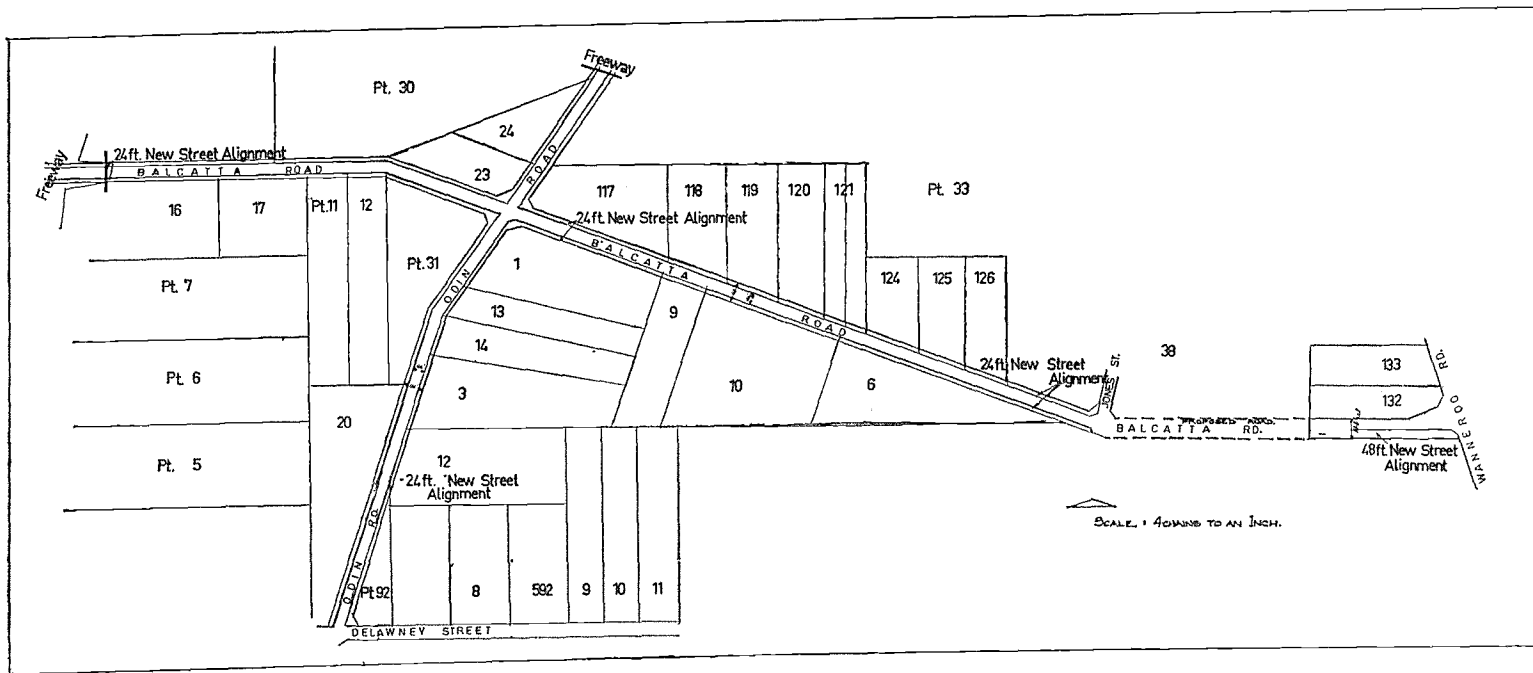
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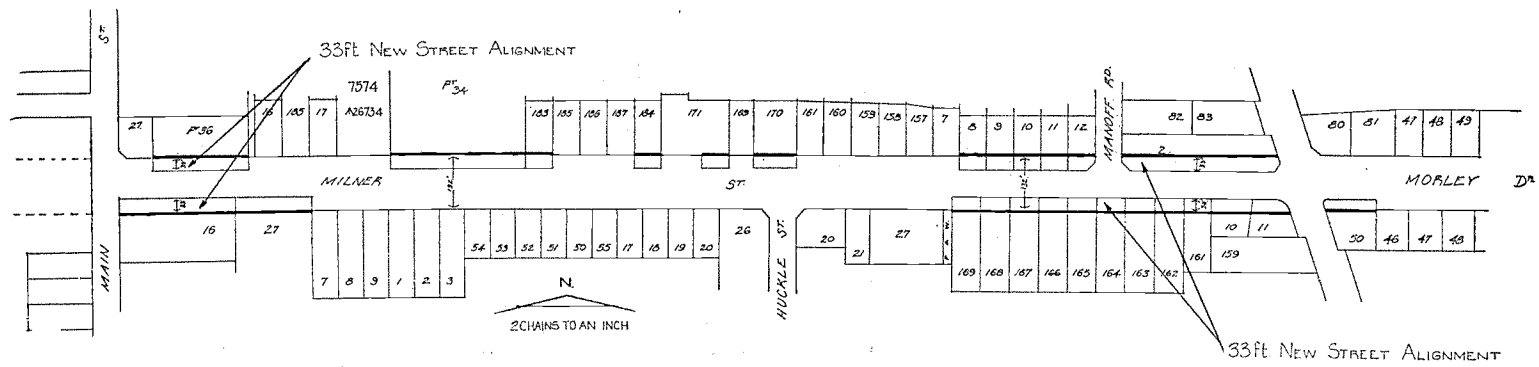


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Dated the 26th day of January, 1971.

The Common Seal of the City of Stirling was
hereunto affixed in the presence of—

M. STARKE,
Mayor.

LLOYD P. KNUCKEY,
Town Clerk.

[L.S.]

Recommended—

R. H. C. STUBBS,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 17th
day of March, 1971.

W. S. LONNIE,
Clerk of the Council.

CITY OF STIRLING

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