

LG303

LOCAL GOVERNMENT ACT 1995

Shire of Menzies

Activities in Thoroughfares and Public Places Local Law 2007

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Menzies resolved on 18 May 2007 to make the following local law—

The Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 16 May 2000, is adopted as a local law of the Shire of Menzies, with the modifications which follow—

1. Preliminary

1.1 Wherever the "Shire of Kojonup" is mentioned in the local law, substitute "Shire of Menzies".

1.2 Delete the title of the local law wherever it is mentioned and substitute "Activities in Thoroughfares and Public Places Local Law 2007".

2. Clause 1.2—Definitions

2.1 In the definition of "built-up area" delete "1975" and substitute "2000".

2.2 Delete the definition of "carriageway" and substitute—

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

2.3 Delete the definition of "footpath" and substitute—

" "footpath" has the meaning given to it in the Road Traffic Code 2000;"

2.4 In the definition of "intersection" delete "1975" and substitute "2000".

2.5 In the appropriate alphabetical position insert the definition—

" "**thoroughfare**" has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;"

2.6 Delete the definition of "townsite" and substitute—

" "**townsite**" means the townsites of Menzies and Kookynie which are—

(a) constituted under section 26(2) of the Land Administration Act 1997; or

(b) referred to in clause 37 of Schedule 9.3 of the Act;'

3. Clause 1.4—Repeal

3.1 After clause 1.3, insert the clause designation "1.4" before the heading "Repeal".

3.2 Delete subclause (1) and substitute—

"(1) The following local law is repealed—

Shire of Menzies General Provisions Local Law 1999 published in the *Government Gazette* on 7 September 1999."

4. PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

In the heading to Part 2, delete "ON" and substitute "IN".

5. Clause 2.1—General prohibitions

5.1 In paragraph (a) delete "6 metre" and substitute "10 metres".

5.2 In paragraph (e) add "or" after ";".

5.3 In paragraph (f) delete "; or" and substitute ".".

5.4 Delete paragraph (g).

6. Clause 2.2—Activities allowed with a permit—general

In subclause (1)—

(a) in paragraph (b) after "only" insert "in accordance with the terms and conditions and";

(b) in paragraph (g), delete "or under a permit issued under clause 5.13"; and

(c) in paragraph (i) after "installing" insert ", or in order to maintain,".

7. PART 2, Division 2—Vehicle crossing

Delete Division 2 of Part 2 relating to vehicle crossings.

8. Clause 2.7—Application

Delete "townsite" where it appears, and substitute "townsites of Menzies and Kookynie".

9. Clause 2.8—Permissible verge treatments

In subclause (2) paragraph (b)(i) after "thoroughfare" in the second place where it occurs, insert "or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare".

10. PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Delete all of Part 3.

11. PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

11.1 In the heading of Part 4, delete "OR SHOPPING TROLLEYS".

11.2 Delete Division 2 of Part 4 relating to shopping trolleys.

12. PART 5—ROADSIDE CONSERVATION

Delete all of Part 5.

13. PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Delete all of Part 6.

14. Clause 7.10—Cancellation of permit

Delete subclause (1) and substitute—

"(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

(a) condition of the permit; or

(b) provision of any written law which may relate to the activity regulated by the permit."

15. SCHEDULE 1—PRESCRIBED OFFENCES

15.1 In the "DESCRIPTION" column, alongside the clause designation 2.1 (a) delete "6m" and substitute "10m".

15.2 In the "CLAUSE" column, after the clause designation 2.2 wherever it occurs, insert the subclause designation "(1)" before each paragraph designation.

15.3 Delete the clause reference, the offence description, and the modified penalty value in each line of Schedule 1 which begin with the following clause numbers—

"2.1(g), 2.4(1), 2.5(2), 3.2(1), 3.2(3), 4.5, 4.6(2), 5.6(1), 5.9, 5.11, 5.13, 5.17, 5.19, 5.20(1), 6.2(1), 6.3(1), 6.8(1)(a), 6.8(1)(b), 6.8(1)(c), 6.8(2), 6.10, 6.11(2), 6.14, 6.16, 6.18, 6.20(1), and 6.20(2)".

16. Forms

Delete Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Dated this 18th day of May 2007.

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

S. F. TONKIN, President.
N. P. CRAWFORD, Chief Executive Officer.

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