

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

AMENDMENT LOCAL LAW 2001

ARRANGEMENT

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PART 1 - PRELIMINARY

Title

- 1 This local law may be referred to as the City of Joondalup Amendment Local Law 2001.

Commencement

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

Purpose

- 3 The purpose of this local law is to amend various clauses in the Parking, Private Property, Animals, Local Government and Public Property, Health and Bushfire Prevention and Control Local Laws to ensure information is current with prevailing legislation and better clarify the requirements of the local laws.

PART 2 - PARKING

Amendment

- 4 The City of Joondalup Parking Local Law 1998 published in the Government Gazette on Monday, 9 November 1998, is hereby amended in the following manner:

PRELIMINARY

Definitions

4.1 Insert the following new definition:

“ACROD sticker” means a current parking sticker issued by ACROD Limited (Western Australian Division) a corporation, being a company limited by guarantee incorporated under the *Companies Ordinance 1962* of the Australian Capital Territory.

4.2 Delete the existing definition of “cycle” and insert the following:

“cycle” means any wheeled vehicle that is designed to be propelled solely by human power but does not include a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

4.3 Delete the definition of “omnibus” and insert the following new definition:

“bus” means a motor vehicle built mainly to carry people, that seats over 12 adults (including the driver).

4.4 Delete the existing definition of “emergency vehicle” and insert the following:

“emergency vehicle” means a motor vehicle-

- a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with official duty;
- b) of a fire brigade on official duty in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- e) duly authorised as an emergency vehicle for the purpose of the Road Traffic Code 2000, by the Director General.

4.5 Insert the following new definition:

“fire hydrant” means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of a fire or other emergency.

4.6 Delete the definition of “stand” and insert the following new definition:

“stop” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and “stopping” and “stopped” have correlative meaning.

4.7 Delete the existing definition of “motorcycle” and insert the following:

“motorcycle” means a motor vehicle designed to travel on two wheels and includes a motorcycle to which a side car is attached and a motor vehicle with three wheels that is ridden in the same way as a motor vehicle with two wheels but does not include any trailer.

4.8 Delete the definition of “footway” and insert the following new definition:

“footpath” means an area that is open to the public that is designed for, or has one of its main uses, use by pedestrians.

4.9 Delete the existing definition of “vehicle” and insert the following:

“vehicle” includes every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means and where the context permits, an animal being driven or ridden but does not include a wheeled toy or wheeled recreation device.

4.10 Insert the following new definition:

“obstruct” means to hinder in passing and “obstruction” has correlative meaning.

4.11 Insert the following new definition:

“painted island” means an area of road surrounded by a line or lines (whether broken or continuous), which may be further identified by stripes marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including road within a dividing line.

4.12 Delete the existing definition of “median strip” and insert the following:

“median strip” means –

- a) any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions in parking stations; or
- b) any physical provision, other than lines, including a traffic island, designed to separate parked vehicles from vehicle movement areas.

4.13 Amend the definition of “sign” by inserting the word “, stopping” before the words “or movement of vehicles”.

4.14 Delete the existing definition of “taxi” and insert the following:

“taxi” means a vehicle which is used for the purpose of stopping or plying for hire or otherwise for the carrying of passengers for reward but does not include a bus.

4.15 Delete the existing definition of “tow truck” and insert the following:

“tow truck” means a motor vehicle equipped with a crane or winch used or intended to be used for the lifting, salvaging, carrying or towing of vehicles and includes any motor vehicle to which is attached (temporarily or otherwise) a device or trailer which is used or intended to be used for the lifting, salvaging and carrying of any motor vehicle.

4.16 Delete the existing definition of “trailer” and insert the following:

“trailer” means any vehicle without a motor of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or a side-car.

4.17 Delete the existing definition of “verge” and insert the following:

“verge” means that portion of a road that lies between the nearest property line, and a carriageway designed or ordinarily used for vehicular traffic but does not include a footpath.

4.18 Throughout the Parking Local Law:

Substitute the words “stand” and “standing” with the words “stop”, “stopped” and “stopping” as the context requires.

4.19 Throughout the Parking Local Law:

Substitute the words “omnibus” and “omnibuses” with the words “bus” and “buses”, as the context requires.

4.20 Throughout the Parking Local Law:

Substitute the word “footway” with the word “footpath”, as the context requires.

PARKING ON ROADS

4.21 Amend clause 34 Parking Contrary to Signs by:

Inserting the following new sub clause 34(4):

- (4) Notwithstanding the provisions of sub clause 34(3), a driver may park a vehicle in a permissible parking stall or station for twice the length of time specified by a sign, provided that:
 - (a) the driver's vehicle displays a current ACROD sticker; and
 - (b) a person with disabilities is either the driver or a passenger in the vehicle.

4.22 Amend clause 36 Traffic Islands and Median Strips by:

Deleting sub clause 36(c).

Inserting (1) in front of the word "A" in line 1 and inserting the word "or" after the semi colon at the end of sub clause (a). Replace the semi colon at the end of sub clause (b) with a full stop and delete the word "or".

Inserting the following new sub clause 36(2):

- (2) A person shall not park a vehicle on any part of a road so that any portion of the vehicle is on a painted island.

4.23 Amend clause 39 Parking Near a Fire Hydrant and Post Box by:

Deleting sub clause 39(2) and inserting the following clause 39(2):

- (2) A person shall not stop or park a vehicle within 3 metres of a public post box, unless the vehicle is being used for the purpose of dropping off, or picking up passengers or mail.

4.24 Amend clause 40 Intersections, Footpaths and Traffic Obstructions by:

Deleting sub clause 40(a) and inserting the following clause 40(a):

- (a) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic control signals) intersecting that carriageway on the side on which the vehicle is stopped;

4.25 Delete clause 41 and insert the following clause 41:

- (1) A person shall not stop or park a vehicle so that any portion of a vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to a person who stops a vehicle in traffic or in parking a vehicle in a parking stall.

4.26 Amend clause 43 Bus Stops, Pedestrian and Children’s Crossings by:

Amending sub clause 43(1) by deleting the numeral “9” and inserting the numerals “10”.

Amending sub clause 43(2) by deleting the numerals “18” and inserting the numerals “20”.

MISCELLANEOUS

First Schedule Modified Penalties

4.27 Amend the First Schedule by:

Amending clause 40(a) by deleting the numeral “6” and inserting the numerals “10”.

Amending clause 43(1) by deleting the numeral “9” and inserting the numerals “10”.

Amending clause 43(2) by deleting the numerals “18” and inserting the numerals “20”.

Inserting the following clause and modified penalty:

Clause 36(2) Parking on a painted island.....40

Amending the following Clause numbers with the new modified penalty:

Clause 10 Parking in a metered/ticketed zone outside a parking stall.....40

Clause 12(1)(b) Stopping or parking against an expired meter in a metered Stall.....40

Clause 13(2)(a) Parking during a prohibited period in a metered or ticket parking stall.....40

Clause 13(3) Parking longer than the time allowed in a metered or ticket stall.....40

Clause 14(a) Stopping or parking a vehicle with an expired ticket in a ticket zone.....40

Clause 21(1)(a) Failing to display an unexpired parking ticket in a metered zone.....40

Clause 23(1) Parking in a parking station not wholly within a parking stall.....40

Clause 34(3) Parking on a road for more than the maximum period.....40

Clause 35 Stopping or parking in an occupied parking stall.....40

Clause 40(c) Stopping or parking in front of a right of way, driveway etc.....60

Clause 41 Double parking.....60

Clause 42(2) Parking on a street verge without consent.....40

Clause 47(b) Vehicle for sale on road or verge.....40

Clause 50 Drive, ride, park or stop a vehicle on a reserve or foreshore.....60

All other offences not classified.....40

Second Schedule Parking Stations

4.28 Delete “Schedule 2” from the local law.

PART 3 - ANIMALS

Amendment

5 The City of Joondalup Animals Local Law 1999 published in the Government Gazette on Friday 27 August 1999, is hereby amended in the following manner:

DOGS

5.1 Amend clause 10 Dog Exercise Areas by:

Inserting (1) in front of the word “All” in line 1 and insert the following new sub clause 10(2):

(2) A person may exercise a dog on the coastal dual use path that extends through the Foreshore Reserve 20561 and abutting reserves and road reserves, provided the dog remains under effective control on a leash at all times.

5.2 Amend clause 14 Maximum Number of Dogs by:

Deleting the words “and have planning approval under the town planning scheme” after the word “Act”.

LIVESTOCK

5.3 Amend Clause 26 Horse Exercise Area by:

Deleting the words “shown delineated in black and stippled on Department of Land Administration Diagram 585,” in sub clause 26(6).

ANIMALS, BIRDS AND POULTRY

5.4 Amend clause 45 Keeping of Cats by:

Deleting sub clause 45(1) and inserting the following sub clause 45(1):

- (1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.

MISCELLANEOUS

Second Schedule – Prohibited Dog Exercise Areas

5.5 Amend the Second Schedule by:

Inserting the word “Neil” in front of the word “Hawkins” in clause 1.

Inserting the following line in clause 1:

Tom Simpson Park, Mullaloo, being Reserve No 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo.

Deleting clause 2 and inserting the following clause 2:

2. Foreshore Reserve 20561, other than:

All that area of the Foreshore Reserve Swan Location 11918 (Reserve 20561) as shown delineated in black on Diagram 1 – Dog Exercise Area, from the constructed horse access path southwards for a distance of 650 metres as designated by signs.

Deleting “Department of Land Administration Miscellaneous Diagram 586” map and inserting “Diagram 1 – Dog Exercise Area” to the Second Schedule.

Third Schedule – Horse Exercise Area, Restricted Dog Exercise Area

5.6 Amend the Third Schedule by:

Deleting the existing clause and inserting “All that area of the Foreshore Reserve Swan Location 11918 (Reserve 20561) as shown delineated in black on Diagram 2 – Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.”.

Deleting “Department of Land Administration Miscellaneous Diagram 585” map and inserting “Diagram 2 – Horse Exercise Area” to the Third Schedule.

PART 4 - HEALTH

- 6 The City of Joondalup Health Local Law 1999 published in the Government Gazette on Friday 27 August 1999, is hereby amended in the following manner:

HOUSING AND GENERAL

- 6.1 Insert the following new clause:

3.7 Swimming Pools

The owner or occupier of a premises where there is a swimming pool shall ensure that backwash or other water emptied from the pool does not discharge onto any other property unless approved by an Environmental Health Officer.

PEST CONTROL

- 6.2 Amend clause 6.4 Swimming pools by:

Deleting sub clause 6.4(1)(d) and inserting the following sub clause 6.4(1)(d):

- (d) Pour a minimum of 1 litre of paraffin oil or kerosene into the pool to maintain a thin visible film over the entire water surface.

PART 5 - PRIVATE PROPERTY

- 7 The City of Joondalup Private Property Local Law 1998 published in the Government Gazette on Monday 8 March 1999, is hereby amended in the following manner:

PRELIMINARY

Definitions

- 7.1 Insert the following new definition:

“sand” means any granular material consisting of small eroded fragments of rock finer than gravel and includes dust and organic matter.

Renumbering of Clauses and Parts

- 7.2 Renumber clauses “39” through to “45” inclusive to new clause numbers “40” through to “46” inclusive throughout the local law including schedules.
- 7.3 Renumber “Part 10” and “Part 11” of the local law to read “Part 11” and “Part 12” respectively.

7.4 Insert the following new Part:

Part 10 – SAND DRIFT PREVENTION AND ABATEMENT

Sand Drifts from Private Property

- 39(1) A person shall not allow sand to be released or to drift from private property, whether by wind, water or any other means so as to cause a nuisance.
- (2) Where an authorised person is of the opinion that a person allows sand to be released or to drift from private property so as to cause a nuisance, the local government may issue a notice to the person to take specified measures for preventing or minimising sand drift from the property.

PENALTIES

Fourth Schedule Offences and Modified Penalties

7.5 Amend Fourth Schedule Offences and Modified Penalties by:

Inserting the following clause and modified penalty:

Clause 39(1) Allowing sand to be released or to drift from
private property.....100

PART 6 - LOCAL GOVERNMENT AND PUBLIC PROPERTY

8 The City of Joondalup Local Government and Public Property Local Law 1999 published in the Government Gazette on Tuesday 18 January 2000, is hereby amended in the following manner:

PRELIMINARY

Definitions

8.1 Insert the following definition:

“obstruct” means to hinder in passing and “obstruction” has correlative meaning.

RESERVES, BEACHES AND BATHING

8.2 Amend clause 40 Sandboarding and sand dune protection by:

Deleting sub clause 40(d) and inserting the following sub clause 40(d):

- (d) unless authorised to do so by the local government, or otherwise permitted by a sign, drive or take a vehicle of any kind onto a beach or sand dunes.

OFFENCES AND PENALTIES

8.3 Amend the First Schedule Offences and Modified Penalties by:

Deleting Item 37 and inserting the following:

40(d)	Drive or take a vehicle onto any beach or sand dunes:	
(i)	in the case of a first such offence.....	100
(ii)	in the case of a second such offence.....	250
(iii)	in the case of a third or subsequent such offence.....	500

PART 7 - BUSHFIRE PREVENTION AND CONTROL

9 The City of Joondalup Bushfire Prevention and Control Local Law 1998 published in the Government Gazette on Friday 8 January 1999, is hereby amended in the following manner:

PRELIMINARY

Definitions

9.1 Amend clause 5 Definitions by:

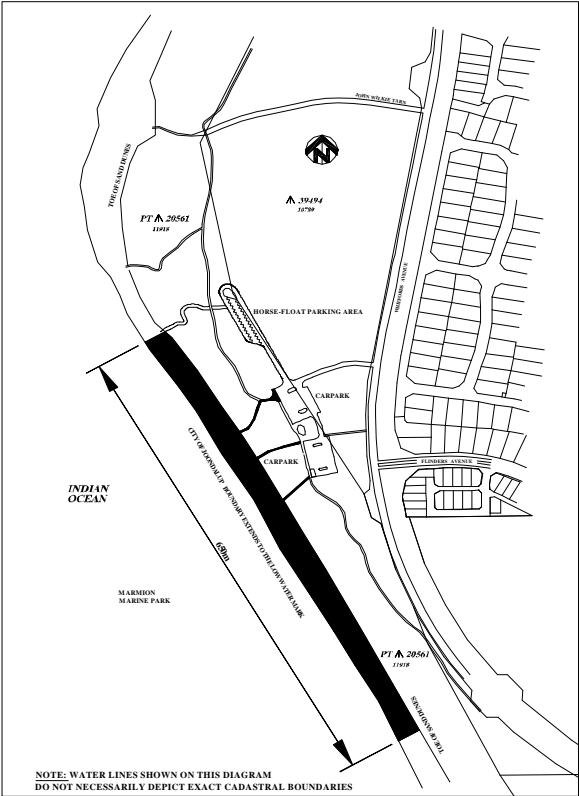
Deleting the existing definition of “firebreak period” and inserting the following:

“firebreak period” means the period of time between the 31st day of October in any year until the 31st day of May inclusive in the following year.

SECOND SCHEDULE

CITY OF JOONDALUP ANIMALS LOCAL LAW 1999

DIAGRAM 1 – DOG EXERCISE AREA



THIRD SCHEDULE

CITY OF JOONDALUP ANIMALS LOCAL LAW 1999

DIAGRAM 2 – HORSE EXERCISE AREA

