

**Please note – this version includes the amendment gazetted on
19 November 1982 (shown in green)**

LOCAL GOVERNMENT ACT, 1960

The Municipality of the Shire of Kalamunda

**Adoption of Draft Model By law Relating to Removal and Disposal of
Obstructing Animals or Vehicles, No. 7.**

L.G. 410/63

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Shire records having resolved on the 17th day of June, 1963, to adopt without amendment the Local Government Model By-law (Removal and Disposal of Obstructing Animals or Vehicles) No. 7, as published in the Government Gazette of the 1st August, 1962.

The Common Seal of the Shire of Kalamunda was hereunto affixed on the 21st day of June, 1963, in the presence of –

RAY C. OWEN, President.
P.A. MORAN, Shire Clerk.

Recommended –

L.A. LOGAN, Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 7th day of August, 1963

W.S. LONNIE, Acting Clerk of the Council

The text of the Model By-law that was adopted (gazetted on 1 August 1962) is as follows:

LOCAL GOVERNMENT ACT, 1960 – 1961

Local Government Department,
Perth, 23rd July, 1962

L.G. 928/61

HIS Excellency the Lieutenant-Governor in Executive Council, acting pursuant to the powers conferred by the Local Government Act, 1960-1961, has been pleased to make the draft model by-laws set out in the schedule hereto.

A.E. WHITE, Secretary for Local Government.

Schedule.
Draft Model By-Laws.

1. These by-laws may be cited as the Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7.
2. (1) In these by-laws -

"Act" means the Local Government Act, 1960;

"appointed place" means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed, pursuant to these by-laws;

"authorised person" means a person appointed by the Council to seize animals or vehicles, pursuant to these by-laws;

"public place" has the meaning given it by the Act.
- (2) An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, for the purposes of these by-laws, unless in the case of an animal, it is so secured for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty- four hours, without the consent in writing of the Clerk of the Council.
3. A person shall not leave an animal or vehicle in a public place so as to obstruct any portion of that place.
4. A person who leaves an animal or vehicle in a public place, contrary to the provisions of by-law 3 of these by-laws commits an offence.
5. The Council may appoint a person as an authorised person for the purposes of these by-laws.
6. The Council may appoint a yard or other piece of land as a place to which vehicles may be removed pursuant to these by-laws and shall give notice in the *Gazette* and in a newspaper circulating within its district of the situation of any appointed place.
7. Where an authorised person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of by-law 3 of these by-laws, he may remove the animal or vehicle therefrom and shall, thereupon -
 - (a) in the case of an animal, place it in a public pound;
 - (b) in the case of a vehicle, place it in an appointed place.
8. Where an authorised person places an animal in a public pound, pursuant to by-law 7 of these by-laws, the animal shall thereafter be dealt with according to law.

9. Where an authorised person places a vehicle in an appointed place, pursuant to by-law 7 of these by-laws, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed; and shall notify the Clerk of the Council.
10. The Clerk of the Council shall exhibit on the Notice Board of the Council a notification that a vehicle therein described has been placed in the appointed place and shall, unless the vehicle is sooner recovered, keep that notification exhibited for a period of not less than seven days.
11. A person may recover a seized vehicle from an appointed place, by paying to the Clerk of the Council -
 - (a) the cost incurred by the Council in removing the vehicle thereto; and
 - (b) the sum of ten shillings per day for each day or part of a day that the vehicle has remained in the appointed place; and upon payment of that cost and charge the 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.
12. Where a vehicle, placed in an appointed place, in accordance with the provisions of 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 there placed, the Council may cause the vehicle to be offered for sale by public auction or by public tender and thereupon accept the best offer made; and where no offer is made for the purchase of the vehicle, the Council may cause it to be destroyed.
13. A person is not entitled to any claim, by way of damages or otherwise, against the authorised person, member of the Police Force, or the Council in respect of any vehicle or animal seized and dealt with under the provisions of these by-laws or against any person who purchases a vehicle sold by a Council under the provisions of by-law 12 of these by-laws.
14. (1) The proceeds of the sale of a vehicle under the provisions of by-law 12 of these by-laws 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 appointed place, and a sum of ten shillings for each day or part of a day that the vehicle remained in that place; and those sums shall be paid into the Municipal Fund.(2) Any surplus of the proceeds of the sale shall be paid by the Council into its trust fund, and may be paid within ten years, to any person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.

- (3) Any surplus of the proceeds of the sale may, if not paid to the owner within ten years, be paid into the Municipal Fund
15. A person committing a breach of these by-laws is liable to a penalty not exceeding two hundred and fifty dollars (\$250).