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LG302*

LOCAL GOVERNMENT ACT 1995

Shire of York

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of York resolved on 18 February 2013 to make the following local law.

1. Citation

This local law is cited as the *Shire of York Parking and Parking Facilities Amendment Local Law 2013*.

2. Commencement

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

3. Principal Local Law

In this local law, the *Shire of York Parking and Parking Facilities Local Law* published in the *Government Gazette* on 22 February 2000 is referred to as the principal local law. The principal local law is amended.

4. Various amendments to terminology

(1) Delete "stall" where it appears in this local law and substitute—
bay

(2) Delete "stalls" where it appears in this local law and substitute—
bays

5. Part 1 Clause 1.3 amended

(1) Delete the definitions "bicycle", "carriageway", "centre", "footpath", "motorcycle", "no parking area", "parking area", "parking region", "pedestrian crossing", "special purpose vehicle" and "vehicle", and insert the following in the appropriate alphabetical order—

"bicycle" has the meaning given to it in the Code;

"carriageway" has the meaning given to it in the Code;

"centre" has the meaning given to it in the Code;

"footpath" has the meaning given to it in the Code;

"motorcycle" has the meaning given to it in the Code;

"no parking area" has the meaning given to it in the Code;

"no parking sign" means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

"no stopping area" has the meaning given to it in the Code;

"no stopping sign" means a sign with words 'no stopping' in red letters on a white background, or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

"parking area" has the meaning given to it in the Code;

"parking region" means the area described in Schedule 1;

"right of way" means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;

"special purpose vehicle" has the meaning given to it in the Code;

"vehicle" has the meaning given to it in the Code.

(2) Amend the definition "Code" by deleting "1975" and substituting—
2000

(3) Amend the definition "symbol" by deleting "1989" and substituting—
1999

6. Part 1 Clause 1.4 amended

(1) In subclause (2) delete—
(a) "or a parking station"; and
(b) "or station".

(2) Delete subclause (4).

7. Part 2 Heading amended

Delete "AND PARKING STATIONS".

8. Part 2 Clause 2.1 amended

(1) Insert before the word "The", the number "(1)".

(2) Delete "and also indicate by signs".

- (3) Delete paragraph (b).
- (4) In paragraph (c) delete "and parking stations".
- (5) In paragraph (d) delete "and parking stations".
- (6) In paragraph (e) delete "or parking stations".
- (7) In paragraph (f) delete "and parking stations".
- (8) After paragraph (f) insert—
 - (2) Where the local government makes a determination under subsection (1), it shall erect signs to give effect to the determination.

9. Part 2 Clause 2.3 deleted

Delete clause 2.3.

10. Part 2 Clause 2.4 amended

- (1) Delete subclause (1) and substitute—

A person shall not park or attempt to park a vehicle in a parking bay stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked "M/C", if the bicycle is parked in accordance with subclause (2).

- (2) After subclause (2)(b) insert—

(3) A driver may park a vehicle in a permissive parking bay (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) The driver's vehicle displays an ACROD sticker; and
- (b) A person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

11. Part 3 Clause 3.2 amended

- (1) Subclause (1) is amended by deleting the words " , or part of a parking station";
- (2) Delete subclause (3) and renumber remaining subclauses.

12. Part 3 Clause 3.3 amended

Delete "A person" and substitute—

Unless otherwise permitted by a sign, a person

13. Part 3 Clause 3.7 amended

- (1) In subclause (2) delete "A person" and substitute—

Subject to any law relating to intersections with traffic control signals a person

- (2) In paragraph (e) of subclause (2), delete "9" and substitute "10".
- (3) In paragraph (g) of subclause (2) delete "or other elevated structure or within a tunnel or underpass".
- (4) In paragraph (j) of subclause (2), after the semicolon insert—

or
- (5) Delete paragraph (k) of subclause (2).
- (6) Redesignate paragraph "(l)" to "(k)".
- (7) Delete subclause (3), and substitute—
 - (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of a children's crossing.
- (8) Delete subclause (4) and substitute—
 - (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a children's crossing.
- (9) In the appropriate numerical order insert—
 - (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side or departure side of the nearest rail of a railway level crossing.

14. Part 3 Clause 3.9 amended

- (1) In the title of the clause, delete "2,000" and substitute—

5,000
- (2) In the first line of the clause, delete "2,000" and substitute—

5,000

15. Part 3 Clause 3.15 amended

- (1) In subclause (1)(c) delete "or".
- (2) In subclause (1)(d) delete "; or" and substitute—
 - (3) Delete paragraph (e) of subclause (1).

16. Part 3 Clause 3.16 amended

Delete the title of clause 3.16 and substitute—

3.16 Driving or parking on reserves**17. New Part 4 inserted**

Insert a new Part 4 as follows—

PART 4—STOPPING GENERALLY**4.1 No Stopping**

A driver shall not stop on a part of a carriageway, or in an area—

- (a) to which a 'no stopping' sign applies; or
- (b) during the times a sign specifies a 'no stopping' restriction is in operation.

4.2 No Parking

(1) A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(2) For the purposes of subclause (1)—"unattended", in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

4.3 Stopping in a parking bay for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver's vehicle displays an ACROD sticker; or
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this clause a 'parking area for people with disabilities' is a length or area—

- (a) to which a 'permissive parking' sign displaying a "people with disabilities" symbol applies;
- (b) to which a 'people with disabilities parking' sign applies;
- (c) indicated by a road marking that consists of, or includes, a "people with disabilities" symbol; or
- (d) set aside within a parking region as a 'parking bay for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

18. Part 5 Clause 5.1 amended

(1) In subclause (3) delete—

- (a) "\$1,000" and substitute—
\$5,000

- (b) delete the number "\$100" and substitute—
\$500

(2) In subclause (4) delete "Second Schedule" and substitute—
Schedule 2**19. Part 5 Clause 5.2 deleted**

Delete clause 5.2.

20. Part 5 Clause 5.3 amendedDelete "Third Schedule" where it appears in this clause and substitute—
Schedule 3**21. First Schedule amended**

Delete the First Schedule and substitute—

Schedule 1—Parking Region

The parking region is the area of the Shire of York enclosed by the following roads—

- | | |
|--|--------------------|
| 1. Macartney Street | 6. Monger Street |
| 2. Howick Street | 7. South Street |
| 3. Railway line (between Henrietta and Christie Streets) | 8. Lowe Street |
| 4. Henrietta Street | 9. Christie Street |
| 5. Thorn Street | 10. Neville Street |

and includes both sides of the above named roads within that area, but excludes the following portions of the district—

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

22. Second Schedule amended

Delete the Second Schedule and substitute the following—

Schedule 2—Prescribed Offences

Prescribed Offences

[cl. 6.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2(1)(b)	Failure to park wholly within parking bay	60
2	3.2(1)(a)	Parking wrong class of vehicle	100
3	3.2(1)(b)	Parking by persons of a different class	100
4	3.2(1)(c)	Parking during prohibited period	100
5	3.2(2)(a)	Parking in no parking area	80
6	3.2(2)(b)	Parking contrary to signs or limitations	60
7	3.2(2)(c)	Parking vehicle in motor cycle only area	60
8	3.2(3)	Parking without permission in an area designated for 'Authorised Vehicles Only'	65
9	3.3(a)	Failure to park on the left of two-way carriageway	80
10	3.3(b)	Failure to park on boundary of one-way carriageway	60
11	3.3(a) and 3.3(b)	Parking against the flow of traffic	80
12	3.3(c)	Parking when distance from farther boundary less than 3 metres	60
13	3.3(e)	Causing obstruction	125
14	3.5(a) or (b)	Failure to park at approximate right angle or parallel to carriageway	60
15	3.6(2)	Failure to park at an appropriate angle	60
16	3.7(2)(a)	Double parking	125
17	3.7(2)(b)	Parking on or adjacent to a median strip	80
18	3.7(2)(c)	Denying access to private drive or right of way	125
19	3.7(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
20	3.7(2)(e)	Parking within 10 metres of traffic island	60
21	3.7(2)(f)	Parking on footpath/pedestrian crossing	150
22	3.7(2)(h)	Parking contrary to continuous line markings	60
23	3.7(2)(i)	Parking on intersection	150
24	3.7(2)(j)	Parking within 1 metre of fire hydrant or fire plug	80
25	3.7(2)(k)	Parking within 6 metres of intersection	60
26	3.7(3)	Parking vehicle within 10 metres of departure side of a children's crossing	60
27	3.7(4)	Parking vehicle within 20 metres of approach side of a children's crossing	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
28	3.7(5)	Parking vehicle within 20 metres of the approach side or departure side of a railway level crossing	60
29	3.8(1)(b)	Parking commercial vehicle, bus or caravan on verge	60
30	3.8(1)(c)	Parking on verge contrary to sign	60
31	3.9	Parking vehicle with tare of over 5,000kgs for over 2 hours	100
32	3.10	Parking over length vehicle in excess of 2 hours	100
33	3.11	Parking contrary to direction of Authorized Person	60
34	3.14(c)	Parking a trailer/caravan on a thoroughfare	100
35	3.15(2)	Parking on land that is not a parking facility without consent	125
36	3.15(3)	Parking on land not in accordance with consent	125
37	3.16	Driving or parking on reserve	125
38	4.1	Stopping contrary to a 'no stopping' sign	125
39	4.2	Parking contrary to a 'no parking' sign	85
40	4.3(1)	Stopping in disabled parking area	120
41	5.6	Leaving vehicle so as to obstruct a public place	80
42		All other offences not specified	80

23. Third Schedule Form 1 amended

Delete title and substitute—

Schedule 3—Form 1**Notice to Owner of Vehicle Involved in Offence****24. Third Schedule Form 2 amended**

Delete title and substitute—

Schedule 3—Form 2**Infringement Notice****25. Third Schedule Form 3 amended**

Delete title and substitute—

Schedule 3—Form 3**Infringement Notice****26. Third Schedule Form 4 amended**

Delete title and substitute—

Schedule 3—Form 4**Withdrawal of Infringement Notice****27. Fourth Schedule deleted**

Delete the Fourth Schedule.

28. Redesignation of clauses

- (1) In clause 1.4, redesignate subclauses "(5)" and "(6)" to "(4)" and "(5)" respectively.
- (2) In clause 2.1(1), redesignate paragraphs "(c)" through to "(f)" to "(b)" through to "(e)".
- (3) Redesignate clause "2.4" to "2.3".
- (4) In the Part 4 title, delete "4" and substitute—
5
- (5) Redesignate "4.1" through to "4.6" to "5.1" through to "5.6".
- (6) In the Part 5 title delete "5" and substitute—
6
- (7) Redesignate clause "5.1" to "6.1".
- (8) Redesignate clause "5.3" to "6.2".

29. Table of Contents amended

- (1) Delete item 2.3.
- (2) Renumber item "2.4" to "2.3".
- (3) Insert a new Part 4 as follows—
 - PART 4—STOPPING GENERALLY**
 - 4.1 No Stopping
 - 4.2 No Parking
 - 4.3 Stopping in a parking bay for people with disabilities
- (4) Renumber Part "4" to Part "5".
- (5) Renumber items "4.1" through to "4.6" to "5.1" to "5.6", respectively.
- (6) Renumber Part "5" to Part "6".
- (7) Renumber item "5.1" "6.1".
- (8) Renumber item "5.3" to "6.2".
- (9) Delete Schedule 4.

Dated: 18 February 2013.

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

A. S. BOYLE, Shire President.
R. HOOPER, Chief Executive Officer.

LG303*

LOCAL GOVERNMENT ACT 1995

Shire of York

**ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND
PUBLIC PLACES AMENDMENT LOCAL LAW 2013**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of York resolved on 18 February 2013 to make the following local law.

1. Citation

This local law is cited as the *Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2013*.

2. Commencement

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

3. Principal local law

In this local law, the *Shire of York Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* published in the *Government Gazette* on 17 January 2001 is referred to as the principal local law. The principal local law is amended.

4. Various amendments to terminology

(1) Delete—

- (a) "*Town Planning and Development Act 1928*" where it appears in this local law and substitute—
Planning and Development Act 2005
- (b) "*Road Traffic Code 1975*" where it appears in this local law and substitute—
Road Traffic Code 2000
- (c) "*Weight and Measures Act 1915*" where it appears in this local law and substitute—
Trade Measurement Administration Act 2006
- (d) "*Liquor Licensing Act 1988*" where it appears in this local law and substitute—
Liquor Control Act 1988

5. Part 1 Clause 1.2 amended

(1) Delete the definitions—

- (a) "carriageway";
- (b) "footpath";

(c) “town planning scheme”;

(d) “Regulations”;

(2) In the appropriate alphabetical order insert the following definitions—

“bicycle” has the meaning given to it in the *Road Traffic Code 2000*;

“carriageway” has the meaning given to it in the *Road Traffic Act 2000*;

“crossover” has the same meaning as “crossing”;

“footpath” has the meaning given to it in the *Road Traffic Act 2000*;

“General Regulations” means the *Local Government (Functions and General) Regulations 1996*;

“local planning scheme” means a local planning scheme of the local government made under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*, which applies throughout the whole or a part of the district;

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

“thoroughfare” has the same 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;

6. Part 2 Clause 2.1 amended

(1) In paragraph (a) delete “6m of an intersection” and substitute—

10m of an intersection, or plant any plant, other than grass and similar plants within 6m of an intersection

(2) In paragraph (g) after “any”, insert—

bicycle,

7. Part 2 Clause 2.2 amended

Delete subclause (2) and substitute—

(2) The local government may exempt a person from compliance with subclause (1)—

(a) if that person complies with a policy issued by the local government issued under clause 7.5 in relation to a specific activity in a thoroughfare, verge or footpath; or

(b) on the application of that person.

8. Part 2 Clause 2.8 amended

(1) In subclause (b) delete “and”.

(2) In the appropriate alphabetical order, insert—

(d) ensure the verge treatment does not cause a sight distance obstruction to any person using a footpath on the verge or a carriageway or crossing adjoining the verge or in proximity to it;

(e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, or tree planted by the local government; and

(f) ensure that any sprinklers or pipes installed to irrigate a verge treatment—

(i) do not protrude above the level of the lawn when not in use,

(ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons, and

(iii) do not otherwise present a hazard to pedestrians or other persons.

9. Part 2, Division 4, Clause 2.16 Public Place amended

Renumber clause “2.16” to “2.14”.

10. Part 4 Clause 4.2 amended

(1) In subclause (2)(b) after “place” delete “or”.

(2) In subclause (2)(c) after “thoroughfare;” insert—

or

(3) After subclause (2)(c) insert—

(d) subject to subclause (4), allow an animal to excrete on a thoroughfare.

(4) After subclause (3) insert—

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

11. Part 4 New Clause 4.3

Insert—

4.3 Removal of Vehicle or Animal

An authorised person may impound an animal or vehicle left in contravention of clause 4.1.

12. Part 4 New Division 2

In the appropriate numerical order insert—

*Division 2—Shopping trolleys***4.4 Definitions**

In this Division—

“**retailer**” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

“**shopping trolley**” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.5 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.6 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place or on City property other than in an area set aside for the storage of shopping trolleys.

4.7 Retailer to remove abandoned trolley

(1) If a shopping trolley is found in a public place or on City property, other than in an area set aside for the storage of shopping trolleys, the City may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

4.8 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

4.9 Impounding of abandoned trolley

An authorised person may impound a shopping trolley that is—

- (a) left on a thoroughfare, verge or local government property that is not marked in accordance with clause 4.5; or
- (b) not removed by a retailer after having been so advised under clause 4.7(2).

13. Part 5 Clause 5.16 amended

Delete clause 5.16 and substitute—

5.16 Prohibitions on burning

Subject to any other written law and notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna.

14. Part 6 Clause 6.1 amended

In paragraph (g) in the definition “**trading**” after “which are”, insert—
only

15. Part 6 Clause 6.3 amended

Delete subclause (3).

16. Part 6 Clauses 6.5 and 6.6 deleted

Delete clauses 6.5 and 6.6.

17. Part 6 New Division 2

Insert, in the appropriate numerical order, a new Division 2 as follows—

*Division 2—Outdoor eating facilities on public places***6.7 Interpretation**

In this Division—

“**Facility**” means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

“**permit holder**” means the person to whom a permit has been issued for the purpose of clause 6.16; and

“**public place**” has the meaning given to it in clause 6.1.

6.8 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

6.9 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not—

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the Food Act 2008 and whether the use of the premises is permitted under the local planning scheme;
- (c) the Facility will comply with the Food Act 2008;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would—
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.10 Obligations of permit holder

(1) The permit holder for a Facility shall—

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law and the Food Act 2008;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
- (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

(3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

6.11 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act.

6.12 Use of Facility by public

(1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.

(2) A person shall leave a Facility when requested to do so by the permit holder.

6.13 Temporary removal of Facility may be requested

(1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorized person or a member of the Police Service or an emergency service in the event of an emergency.

(2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

18. Part 7 Clause 7.1 amended

(1) In subclause (2)(c), delete "and".

(2) Renumber paragraph "(d)" to "(e)".

(3) After subclause (2)(d), insert—

- (d) contain any other information required, for that particular type of permit, under this local law; and

19. Part 7 Division 1 New Clause 7.3

(1) In the appropriate numerical order, insert—

7.3 Relevant consideration in determining application for permit

(1) In determining an application for a permit, the local government is to have regard to—

- (a) any relevant policy of the local government;
- (b) the National Competition Principles Agreement;
- (c) the desirability of the proposed activity;
- (d) the location of the proposed activity; and
- (e) such other matters as the local government may consider to be relevant in the circumstances of the case.

(2) The local government may refuse to approve an application for a permit on any one or more of the following grounds—

- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
- (b) that the applicant is not a desirable or suitable person to hold a permit;
- (c) such other grounds as the local government may consider to be relevant in the circumstances of the case.

20. Part 7 Clause 7.7 amended

(1) After “apply,” insert—

with appropriate modifications

(2) Delete “mutatis mutandis”.

21. Part 8 Heading amended

Delete “APPEALS” and substitute—

REVIEW**22. Clause 8.1 amended**

(1) Delete the heading of clause 8.1 and substitute—

Objections and review(2) Delete “regulations 33 and 34 of the Regulations” and substitute—
regulation 33 of the General Regulations**23. Schedule 1 amended**

Delete Schedule 1 and substitute—

Schedule 1—Prescribed Offences**Prescribed Offences**

[cl. 10.4]

Item No.	Clause No.	Description	Modified Penalty \$
1	2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2	2.1(b)	Damaging lawn or garden	125
3	2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
4	2.1(d)	Placing hazardous substance on footpath	200
5	2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
6	2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
7	2.1(g)	Riding of bicycle, skateboard or similar device on mall or veranda of shopping centre	125
8	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
9	2.2(1)(b)	Throwing or placing anything on a verge without a permit	200
10	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
11	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250

Item No.	Clause No.	Description	Modified Penalty \$
12	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
13	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
14	2.2(1)(h)	Felling tree onto thoroughfare without a permit	200
15	2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	200
16	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
17	2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	200
18	2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	200
19	2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	200
20	2.3(1)	Consumption or possession of liquor on thoroughfare	200
21	2.7(1)	Installation of verge treatment other than permissible verge treatment	250
22	2.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	200
23	2.9	Failure to comply with notice to rectify default	200
24	2.15(2)	Failure to comply with sign on public place	125
25	2.17(1)	Driving or taking a vehicle on a closed thoroughfare	350
26	3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare or verge	125
27	3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
28	4.1(1)	Animal or vehicle obstructing a public place or local government property	125
29	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
30	4.2(2)(b)	Animal on public place with infectious disease	125
31	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
32	4.2(2)(d)	Failure to remove animal excreta	125
33	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
34	5.6(1)	Driving a vehicle on other than the carriageway of a flora road	300
35	5.9	Planting in a thoroughfare without a permit	300
36	5.11	Failure to obtain a permit to clear a thoroughfare	500
37	5.13	Burning of a thoroughfare without a permit	500
38	5.17	Construction of firebreak on thoroughfare without a permit	500
39	5.19	Commercial harvesting of native flora on thoroughfare	500
40	5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
41	6.2(1)	Conducting of stall in public place without a permit	350
42	6.3(1)	Trading without a permit	350

Item No.	Clause No.	Description	Modified Penalty \$
43	6.6(1)(a)	Failure of stallholder or trader to display or carry permit	125
44	6.6(1)(b)	Stallholder or trader not displaying valid permit	125
45	6.6(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
46	6.6(2)	Stallholder or trader engaged in prohibited conduct	125
47	6.8	Establishment or conduct of outdoor eating facility without a permit	350
48	6.10	Failure of permit holder of outdoor eating facility to comply with obligations	200
49	6.12(1)	Use of equipment or outdoor eating facility without purchase of food or drink from facility	125
50	6.12(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	125
51	7.6	Failure to comply with a condition of a permit	200
52	7.10	Failure to produce permit on request of authorized person	125
53	10.1	Failure to comply with notice given under local law	200
54		All other offences not specified	125

24. Redesignation of clauses

- (1) Designations "6.7" through to "6.8" are redesignated "6.5" through to "6.6".
- (2) Designations "7.3" through to "7.10" are redesignated "7.4" through to "7.11".

25. Table of contents amended

- (1) In Part 2—
 - (a) delete all of Division 2;
 - (b) renumber Divisions "3" through to "7" to "2" through to "6" respectively;
 - (c) renumber Clauses "2.6" to "2.19", inclusive, to "2.4" to "2.17", respectively.
- (2) In Part 4—
 - (a) After clause 4.2 insert—
 - 4.3 Removal of vehicle or animal;
 - (b) renumber clauses "4.3" to "4.7", inclusive, to "4.4" to "4.8", respectively.
 - (c) After renumbered clause 4.8 insert—
 - 4.9 Impounding of abandoned trolley
- (3) Delete clauses "6.5" and "6.6".
- (4) Renumber clauses "6.7" to "6.8", inclusive, to "6.5" to "6.6", respectively.
- (5) After renumbered clause 6.6, insert—

Division 2—Outdoor eating facilities on public places

 - 6.7 Interpretation
 - 6.8 Permit required to conduct facility
 - 6.9 Matters considered in determining application
 - 6.10 Obligations of permit holder
 - 6.11 Removal of facility unlawfully conducted
 - 6.12 Use of facility by public
 - 6.13 Temporary removal of facility may be requested".
- (6) After clause 7.2, insert—
 - 7.3 Relevant considerations in determining permits
- (7) Renumber clauses "7.3" to "7.10", inclusive, to "7.4" to "7.11", respectively.

Dated: 18 February 2013.

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

A. S. BOYLE, Shire President.
R. P. HOOPER, Chief Executive Officer.