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LOCAL GOVERNMENT ACT 1995
Shire of Menzies
Urban Environment and Nuisance 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.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Menzies Urban Environment and Nuisance Local Law 2007.

1.2 Application

This local law applies throughout the district.

1.3 Definitions

In this local law unless the context otherwise requires—

"**Act**" means the Local Government Act 1995;

"**CEO**" means the chief executive officer of the local government;

"**Council**" means the council of the local government;

"**district**" means the district of the local government;

"**local government**" means the Shire of Menzies;

"**local government property**" means anything—

(a) which belongs to the local government;

(b) of which the local government is the management body under the Land Administration Act 1997; or

(c) which is an "otherwise unvested facility" within section 3.53 of the Act;

"**person**" does not include the local government; and

"**Regulations**" means the Local Government (Functions and General) Regulations 1996.

PART 2—DISPOSING OF DISUSED REFRIGERATORS

2.1 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any local government property unless it is land that has been set aside for such purpose without first—

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or

(b) rendering every door and lid incapable of being fastened.

PART 3—ENFORCEMENT

Division 1—Notice given under this local law

3.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

3.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 3.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2—Offences and Penalties

Subdivision 1—General

3.3 Offences and general penalty

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

3.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

3.5 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1	Disposing of disused refrigerator or similar container with door or lid that can be fastened.	300

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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