

Local Law relating to **Public Jetties**

Extract from Government Gazette (No. 173) of 12 December 1995
Local Government Act 1960-1981
The Municipality of the City of Melville

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on seventeenth day of August 1995 to repeal the whole of the Local Laws Relating to Use of Public Jetties published in the Government Gazette (No 75) of 25 September 1981 and to make and submit for confirmation by Governor the following Local Law Relating to the Use of Public Jetties.

Definition

1. This Local Law shall be cited as the City of Melville Local Law relating to the Use of Public Jetties.

2. In this Local Law unless the context otherwise requires -

"Authorised Officer" means an officer of the Council authorised by the Council to perform duties in accordance with this Local Law.

"Council" means the Council of the Municipality of the City of Melville.

"Jetty" means any Jetty, pier, wharf or landing place, whether in or adjacent to a river or lake, and under the care, control and management of the Council.

"Owner" means that person who is the lawful owner or that person legally entitled to possession of any Vessel, vehicle, cargo, property or chattel.

"Town Clerk" means the Town Clerk of the City of Melville.

"Vessel" includes any ship or boat, or any other description of vessel used in navigation.

Use of Jetties

3. No person shall -

(a) land at, use or enter a Jetty except in accordance with this Local Law.

(b) land at, use or enter a Jetty which is under construction or under repair, or is closed under section 6 of the Jetties Act 1926 unless such person is engaged in the construction or repair of that Jetty, and then only with the written authorisation of the Town Clerk.

- (c) use a Jetty for any purpose other than that for which the Jetty is designated.

Mooring Vessels to Jetties

4. Subject to the provisions of this Local Law, no person in control of a Vessel shall moor or make fast any Vessel to a Jetty, or any part thereof except to such mooring piles, ring bolts or other fastenings as are provided and no person in control of a Vessel shall permit a Vessel to remain alongside a Jetty unless such Vessel is so moored or fastened.
5. No person shall moor a Vessel to a Jetty for the purpose of effecting repairs to the Vessel, other than a Vessel in distress and then only to effect the minimum repairs necessary to enable the Vessel to be moved elsewhere.
6. No person shall moor a Vessel to a Jetty for the purpose of effecting maintenance to that or any other Vessel.

Vessels not to Remain at Jetties

7. Subject to clauses 16, 20 and 26 of this Local Law, no person in control of a Vessel shall permit the Vessel to remain fastened to or alongside any Jetty unless the embarking or disembarking of passengers or the loading or unloading of cargo is in progress.
8. (1) Subject to clause 8(2), the owner or person in control of a Vessel moored at a Jetty in accordance with this Local Law, and requiring to so remain for a period in excess of two hours, shall obtain written consent from the Town Clerk and shall be charged a fee as specified in the First Schedule hereto. In the event of permission having been granted the duration shall not exceed seven days.

(2) The owner or person in control of a Vessel used for commercial purposes shall, prior to use of the jetty, pay to the Council the fees prescribed in the First Schedule and being additional to those of the First Schedule.
9. A person in control of a vessel shall remove the Vessel fastened to or alongside a Jetty forthwith when so ordered by an Authorised Officer.

Launching of Vessels

10. No person shall launch or permit the launching of a Vessel from or over any Jetty before receiving the written consent of the Town Clerk and paying to the Council a fee as specified in the First Schedule hereto;
11. No person shall launch or permit the launching of a Vessel in excess of 8 tonnes gross from or over a Jetty.

Vehicles on Jetties

12. No person shall -
- (a) drive or allow a vehicle other than a wheelchair to remain on a Jetty without written consent of the Town Clerk.
 - (b) ride on any Jetty any bicycle.

Fishing from Jetties

13. No person shall -
- (a) fish from any Jetty so as to obstruct or interfere with the free movement of a Vessel approaching or leaving the Jetty or so as to cause a nuisance on the Jetty.
 - (b) hang or spread a fishing net from on or over any part of a Jetty.

Nuisance on Jetties

14. No person shall -
- (a) without the written consent of the Town Clerk offer for sale or sell goods on a Jetty;
 - (b) by any means, on or near a Jetty, tout or solicit anyone to proceed as a passenger on any Vessel or vehicle;
 - (c) without the prior written consent of the Town Clerk display any sign or advertisement or use any loud speaking device on a Jetty;
 - (d) interfere with free movement of persons entering upon or leaving a Jetty; or
 - (e) dive from a Jetty.

Material not to be Removed

15. No person shall remove or cause to be removed from a Jetty or from the approaches thereto any gravel, stone, timber, trees, shrubs, grasses or other material without the written permission of the Town Clerk.

Damage to Jetties

16. (1) No person shall tip or deposit any thing onto a jetty so as to cause damage to the Jetty or pollute the surrounding area;
- (2) Where damage is caused to a Jetty, whether by a Vessel or a vehicle or otherwise, the Council may repair such damage and the costs of the repair shall be a debt due to the City; and
- (3) The debt is payable -
 - (a) where the damage is caused to a Jetty by a Vessel or a vehicle, by the person responsible for the control of such Vessel or vehicle: or
 - (b) where the damage is not caused by a Vessel or vehicle, by the person or persons who caused the damage;
 - (c) The debt may be recovered by the City in a court of competent jurisdiction.

Cargo or Property

17. No person in control of a Vessel shall permit a Vessel to load or discharge cargo or come alongside or be fastened to any Jetty until such cargo is ready to be loaded or discharged, as the case may be.
18. Except with the written permission of the Town Clerk, no person in control of a Vessel shall permit it to remain alongside a Jetty for the purpose of loading or discharging cargo between 6.00 pm and 6.00 am the next day.
19. Any person unloading property from a Vessel on to a Jetty shall cause it to be removed from the Jetty as soon as practicable or upon demand by an Authorised Officer and in any event not later than 6.00 pm on the day on which it was so placed.
20. No person shall store or place on a Jetty any property intended for shipment on to a Vessel unless and until the Vessel is alongside the Jetty, and such property shall be removed from the Jetty as soon as practicable after being placed thereon.
21. An Authorised Officer may direct the removal of property which remains on a Jetty contrary to this Local Law and the cost of removal and of any subsequent storage of the property shall be a debt to the City by the owner of the property and such debt may be recovered by action in a court of Competent jurisdiction.

Bulk Cargoes on Jetties

22. Except with the prior written consent of the Council, a person shall not tip or deposit bulk cargo from a vehicle or Vessel onto a Jetty.

Obstruction of Jetties or Officer

23. No person shall without the written consent of the Town Clerk, cause, or place, or cause to be placed on a Jetty any obstruction
24. No person shall obstruct or hinder any representative, officer or worker engaged in construction or repair of any Jetty, or any Authorised Officer in the course of his or her duties;
25. No person shall cause any obstruction on or to any public steps or landing place for passengers on or at a Jetty or impede the free passage of other persons on or along such steps or places.

General

26. No person shall on any Jetty -
- (a) except in a receptacle provided for that purpose, deposit any litter;
 - (b) light, place or keep a fire upon or so near as to endanger any jetty;
 - (c) throw or impel any stone, or other missile onto or therefrom, except for the express purpose of fishing;
 - (d) permit an animal to remain thereon;
 - (e) be in a state of intoxication or in possession of any intoxicating substance unless such intoxicating substance is cargo or medical supply carried for lawful purpose.
 - (f) do anything which may destroy, damage or deface a Jetty or any part thereof;
 - (g) behave in a disorderly manner, or create or take part in any disturbance or use any foul or indecent language or commit any act of indecency;
 - (h) throw, place or deposit any offensive, noxious or dangerous substances from, or near or onto a Jetty; or
 - (i) post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter.

Penalties

27. A person who fails to comply with any provision of this Local Law commits an offence and shall on conviction be liable to -
- (a) a penalty not exceeding \$500; and
 - (b) a maximum daily penalty during the continuance of any offence of \$60.

First Schedule

Fees for services inclusive but not limited to the following will be determined from time to time by resolution of the Council of the City of Melville and in accordance with Section 6.16 and 6.17 of the Local Government Act 1995.

For permission to moor a vessel in excess of two hours but not in excess of eight hours.

For permission to moor a vessel in excess of eight hours, for each subsequent four hours or part thereof.

For permission to launch a vessel from or over a jetty.

Second Schedule

Fees for services inclusive but not limited to the following will be determined from time to time by resolution of the Council of the City of Melville and in accordance with Section 6.16 and 6.17 of the Local Government Act 1995.

Prescribed fee for permission to moor a vessel used for commercial purpose.

Amendments

Government Gazette 31/1/86 pages 346/7 - additions to 1st schedule and amending charges

Government Gazette 29/4/88 page 1319 - amending wording Local Law 20 and schedule 2

Government Gazette 26/7/91 page 3899 - amending fees - 2nd schedule

Government Gazette 10/7/92 page 3259 - including wheelchair provisions

Government Gazette 12/12/95 page 6023/6 - new Local Law

Government Gazette 12/07/02 page 3377

Government Gazette 17/06/03 – amendment to schedule 1 and schedule 2