

Local Law relating to **Parks, Recreation Grounds and Public Reserves**

Extract from the Government Gazette (No.37) of 15 March 1996

Local Government Act 1960

City of Melville

Local Law Relating to Parks, Recreation Grounds and Public Reserves

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 21 March 1995 to repeal the whole of the Local Laws relating to Parks, Recreation Grounds and Public Reserves published in the Government Gazette on 21 May 1992 and amended from time to time thereafter, and to repeal the whole of the Local Laws relating to the Control and Management of Wireless Hill Park published in the Government Gazette on 22nd May 1972, and to make and submit for confirmation by the Governor the following Local Law-

Citation

1. This Local Law may be cited as the City of Melville Local Law Relating to Parks, Recreation Grounds and Public Reserves.

Interpretation

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

“Act” means the Local Government Act 1960;

“Authorised Officer” is any officer duly authorised by the Council;

“Event” means and includes any show, carnival, exhibition, concert, fete, sporting Event, a training or practice session in connection with a sport or other activity, by a group or team of 5 or more persons, or a picnic or gathering of more than 10 persons;

“Liquor” has the same meaning given to it in the Liquor Licensing Act 1988;

“Reserve” includes parklands, squares, reserves, beaches and other lands included in or adjoining the district, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes and vested in or under the care, control and management of the Council;

“Vehicle” has the same meaning given to it in the Road Traffic Act 1974;

Application

3. This Local Law shall apply to all Reserves vested in or under the care, control and management of the municipality of the City of Melville;

Prohibited Activities

5. No person shall -
 - (a) enter or remain on a Reserve whilst offending against decency or good order as regards dress, language, conduct or otherwise;
 - (b) deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind except in a receptacle provided for that purpose;
 - (c) commit any nuisance or create or take part in any disturbance on a Reserve;
 - (d) cause inconvenience, annoyance, interference or obstruction to any member of the public, and/or an authorised officer;
 - (e) take any Liquor onto or consume or sell any Liquor on a Reserve without having first obtained-
 - (i) a permit from the Council to consume Liquor in accordance with Section of 119 of the Liquor Licensing Act 1988; and
 - (ii) the appropriate permit from the Liquor Licensing Division of the Office of Racing and Gaming in accordance with the Liquor Licensing Act 1988;
 - (f) enter or remain on a Reserve when, in the opinion of an Authorised Officer, that person is in a state of intoxication;
 - (g) take any prohibited drug onto, or consume or use any prohibited drug on a Reserve;
6. Unless authorised to do so by the Council, no person shall-
 - (a) prune, lop, damage, or injure any plant, lawn, flower, shrub, tree or any other vegetation;
 - (b) kill, injure or interfere with any fauna on a Reserve;
 - (c) damage or interfere with any building, property or thing placed or used on a Reserve belonging to the Council;
 - (d) enter or remain upon any portion of a Reserve if, by doing so, damage is likely to be caused;
 - (e) enter or remain upon any portion of a Reserve where notices have been posted directing persons not to so enter or remain on that Reserve or contrary to any instruction or direction given by an Authorised Officer;



- (f) leave on a Reserve any object, thing or any animal;
- (g) bring on to or discharge or fire any arms, bow, slingshot or other similar weapon or device on or from a Reserve;
- (h) bring on to, set or use or attempt to bring on to, set or use on a Reserve any animal trap, bird trap, fish trap, net or similar device;
- (i) use any taps, showers, hand basins, toilet and related facilities other than for the purposes and in the manner for which the same are designed;
- (j) sell, offer or expose for sale, exchange or hire, any goods or articles of any description;
- (k) use any lake or ornamental pond within a Reserve for swimming, boating, sailing, fishing or any other sport, recreation or activity;
- (l) light a fire within a Reserve except in an authorised barbecue provided by the Council;
- (m) erect or place on or within a Reserve any tent, stall, platform, table or associated sporting equipment for public amusement or for any performance whether for gain or otherwise;
- (n) practice golf on any portion of a Reserve, except and only on those parts as may from time to time be set aside by the Council for golf practice;
- (o) while driving, using or parking any Vehicle on any portion of a Reserve paved, marked, and set aside for the purpose, refuse or fail to comply with all applicable signs, and any order or direction given by an Authorised Officer of the Council;
- (p) take onto a Reserve a Vehicle except where-
 - (i) the Vehicle is used on roads or parked in parking areas in accordance with directions as specified by clause 6(o); or
 - (ii) the Vehicle is a wheelchair; or
 - (iii) the Vehicle is under the control of an Authorised Officer;

Events

- 7. (a) No person shall organise, arrange or take part in an Event on a Reserve unless permission to hold or organise that Event has been granted by the Council;
- (b) The Council may grant permission to a person to hold or organise an Event on a Reserve and may authorise a charge to be made for admission to that Event;



Council Staff or Agents

8. Nothing in this Local Law shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council from carrying out his normal lawful duties;

Penalties

9. (1) A person who contravenes this Local Law commits an offence against this Local Law, and on conviction shall be liable to the maximum penalty prescribed in section 190(7)(l) and (ii) of the Act;
- (2) The modified penalty for an offence against clause 6(f) as far as it relates to Vehicles and clauses 6(o) and 6(p) of this Local Law, if death with under Section 669D of the Act is \$50;
- (3) (a) A notice served under subsection (2) of Section 669D of the Act in respect of an offence against this Local Law shall be in, or to the same effect as Form 1 of the First Schedule of this Local Law;
- (b) An infringement notice served under Section 669D of the Act in respect of an offence against this Local Law shall be in, or to the same effect as Form 2 of the First Schedule of this Local Law;
- (c) A notice sent under subsection (5) of Section 669D of the Act withdrawing an infringement notice served under that Section in respect of an offence against this Local Law shall be in, or to the same effect as of Form 3 the First Schedule to this Local Law.



First Schedule: Form 1

Notice requiring Owner of Vehicle to Identify Driver

To _____ Serial No. _____

Owner of Vehicle: _____ Date _____

Make _____ Type _____

Plate No. _____

You are hereby notified that it is alleged that on the _____
day of _____ 20_____ at about _____

the driver or person in charge of the above Vehicle did _____

in contravention of the provisions of the City of Melville Local Law Relating to Parks, Recreation
Grounds and Public Reserves.

You are hereby required to identify the person who was the driver or person in charge of the above
Vehicle at the time when the above offence is alleged to have been committed.

Unless within twenty-one days after the date of the service of this notice you -

- (a) inform the Council of the City of Melville, Almondbury Road, Ardross as to the identity
and address of the person who was the driver or person in charge of the above
Vehicle at the time of the above offence; or
- (b) satisfy the Council that the above Vehicle had been stolen or unlawfully taken, or was
being unlawfully used, at the time of the above offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above
offence and Court proceedings may be instituted against you.

Signature of Authorised Officer _____ Designation _____



First Schedule: Form 2

Infringement Notice

To _____ Serial No. _____
(not to be completed where notice is attached to or left in or on Vehicle)

_____ Date _____

the owner of Vehicle: Make _____

Type _____ Plate No. _____

You are hereby notified that it is alleged that on _____

the _____ day of _____

at about _____ you did _____

in contravention of the provisions of the City of Melville Local Law Relating to Parks, Recreation Grounds and Public Reserves.

The modified penalty prescribed for this offence is \$ _____

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one days after the date of the service of this notice.

Unless within twenty-one days after the date of the service of this notice you-

- (a) the modified penalty is paid; or
- (b) inform the Council of the City of Melville
 - (i) as to the identity and address of the person who was the driver or person in charge of the above Vehicle at the time of the above offence; or
 - (ii) satisfy the Council that the above vehicle had been stolen or was being unlawfully used, at the time of the above offence, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ _____ to the City of Melville or by delivering this form and paying that amount at the Municipal Offices, Almondbury Road, Ardross.

Signature of Authorised Officer _____ Designation _____



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Adopted by the Council of the City of Melville on: 21/03/1995 under the powers of the
Local Government Act 1960

Effective Date: 15/03/1996 © City of Melville 2006

First Schedule: Form 3

Withdrawal of Infringement Notice

To _____

_____ Date _____

Infringement Notice No. _____ Date _____

for the alleged offence of _____

_____ Modified Penalty _____

is hereby withdrawn.

No further action will be taken

It is proposed to institute Court proceedings for the alleged offence.

Delete whichever does not apply.

Signature of Authorised Officer _____ Designation _____



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