

CITY OF HOLDFAST BAY

By-law made under the Local Government Act 1999

By-Law No 1 - Permits And Penalties

To provide for a permit system, to fix maximum and continuing penalties for breaches of Council by-laws, to clarify the construction of such by-laws and to repeal by-laws.

1. Repeal of By-laws

All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed effective from the day on which this by-law comes into operation.

2. Definition

In this by-law 'person' includes a natural person, a body corporate, an incorporated association and an unincorporated association.

3. Permits

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing prior to the act, event or activity to which it relates.

3.2 Where a by-law requires that permission be obtained, any person seeking a grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

3.3 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

3.4 Any permit holder shall comply with every such condition.

3.5 The Council, or such other person as the Council may by resolution authorise for that purpose, may revoke such grant of permission at any time by notice in writing to the permit holder.

4. Offences and Penalties

4.1 Any person who commits a breach of any by-law of the Council shall be guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the Local Government Act 1999 that may be fixed by by-law for any breach of a by-law.

4.2 Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to a further penalty for every day on which the offence is continued, such penalty being the maximum penalty referred to in the

Local Government Act 1999 which may be fixed by by-law for a breach of any by-law of a continuing nature.

5. Construction

5.1 Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

5.2 In any by-law of the Council, 'the Council' means the City of Holdfast Bay.

The foregoing by-law was duly made and passed at a meeting of the City of Holdfast Bay held on the 14th day of February 2012 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr Justin Lynch
Chief Executive Officer