



BY-LAW AMENDMENT BY-LAW 2023

By-law No. 7 of 2023

A By-law to amend various By-laws of the City of Prospect to address matters raised by the Legislative Review Committee

CONTENTS

PART 1 – PRELIMINARY	2
1. Title	2
2. Authorising Law	2
3. Purpose	2
4. Commencement, Revocation and Expiry	2
5. Interpretation	2
PART 2 – AMENDMENTS TO BY-LAWS	3
6. Amendments to the <i>Moveable Signs By-law 2022</i>	3
7. Amendments to the <i>Local Government Land By-law 2022</i>	3
8. Amendments to the <i>Roads By-law 2022</i>	3
9. Amendments to the <i>Dogs By-law 2022</i>	4
10. Amendments to <i>Waste Management By-law 2022</i>	4

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the '*By-law Amendment By-law 2023*' and is By-law No. 7 of the City of Prospect.

2. Authorising Law

This By-law is made under sections 246 and 249 of the *Local Government Act 1999*.

3. Purpose

The objective of this By-law is to amend, consistent with feedback from the Legislative Review Committee and in the manner set out in Part 2, various provisions in Council By-laws. The By-laws amended by this By-law are the following By-laws made by the Council on 23 August 2022 and published in the *Government Gazette* on 1 September 2022:

3.1 By-law No. 2 - *Moveable Signs By-law 2022*;

3.2 By-law No. 3 - *Local Government Land By-law 2022*.

3.3 By-law No. 4 - *Roads By-law 2022*

3.4 By-law No. 5 - *Dogs By-law 2022*; and

3.5 By-law No. 6 - *Waste Management By-law 2022*.

4. Commencement, Revocation and Expiry

4.1 Pursuant to section 249(6)(d) of the *Local Government Act 1999*, this By-law will take effect on the date that it is published in the *Government Gazette*.

4.2 This By-law will expire on 1 January 2030.

5. Interpretation

In this By-law, unless the contrary intention appears:

5.1 **Act** means the *Local Government Act 1999*;

5.2 **Council** means the City of Prospect;

5.3 **By-law 2** means the *Moveable Signs By-law 2022* made by the Council on 23 August 2022 and published in the *Government Gazette* on 1 September 2022;

5.4 **By-law 3** means the *Local Government Land By-law 2022* made by the Council on 9 August 2022 and published in the *Government Gazette* on 1 September 2022;

5.5 **By-law 4** means the *Roads By-law 2022* made by the Council on 9 August 2022 and published in the *Government Gazette* on 1 September 2022;

5.6 **By-law 5** means the *Dogs By-law 2022* made by the Council on 23 August 2022 and published in the *Government Gazette* on 1 September 2022; and

5.7 **By-law 6** means the *Waste Management By-law 2022* made by the Council on 9 August 2022 and published in the *Government Gazette* on 1 September 2022.

PART 2 – AMENDMENTS TO BY-LAWS**6. Amendments to the *Moveable Signs By-law 2022***

As and from the date that this By-law takes effect:

- 6.1 clause 10.1 of By-law 2 is deleted and substituted with the following:

10.1 in the reasonable opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign

- 6.2 clause 10.2 of By-law 2 is deleted and substituted with the following:

10.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign.

7. Amendments to the *Local Government Land By-law 2022*

As and from the date that this By-law takes effect:

- 7.1 clause 4.16 of By-law 3 is deleted and substituted with the following:

4.16 Donations

ask for or receive or indicate that the person desires a donation of money or any other thing.

- 7.2 clause 7.1.1 of By-law 3 is deleted and substituted with the following:

7.1.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and

- 7.3 clause 7.1.2 of By-law 3 is deleted and substituted with the following:

7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if the authorised person reasonably believes no person is in charge of the animal.

- 7.4 clause 7.2 of By-law 3 is deleted and substituted with the following:

7.2 An authorised person (acting reasonably) may direct any person who is considered to be committing, or has committed, a breach of this by-law to leave local government land

8. Amendments to the *Roads By-law 2022*

As and from the date that this By-law takes effect:

- 8.1 clause 4.6 of By-law 4 is deleted and substituted with the following:

4.6 Donations

ask for or receive or indicate that the person desires a donation of money or any other thing.

9. Amendments to the *Dogs By-law 2022*

- 9.1 As and from the date that this By-law takes effect, clause 6.1 of By-law 5 is deleted and substituted with the following:

6.1 *Subject to paragraphs 4 and 5, a person may enter any dog off leash area for the purpose of exercising a dog under the person's control.*

10. Amendments to *Waste Management By-law 2022*

As and from the date that this By-law takes effect:

- 10.1 clause 4.1 of By-law 6 is deleted and substituted with the following:

4.1 *An occupier of domestic premises must keep on the occupier's premises a household waste container and a recyclables container as approved by Council.*

- 10.2 clause 4.2 of By-law 6 is deleted and substituted with the following:

4.2 *An occupier of domestic premises may keep on the occupier's premises a green organics container as approved by the Council.*

- 10.3 clause 5.1.1 of By-law 6 is deleted and substituted with the following:

5.1.1 *ensure that the household waste container kept on the occupier's premises is approved by the Council; and*

- 10.4 clause 5.2.1 of By-law 6 is deleted and substituted with the following:

5.2.1 *ensure that the recyclables container kept on the occupier's premises is approved by the Council; and*

This By-law was duly made and passed at a meeting of the City of Prospect held on 25 July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



CHRIS WHITE
Chief Executive Officer