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FILE: L.1. 14/5

SHIRE OF BUSSELTON

BYLAW RELATING TO USE OF PUBLIC JETTY

Citation

1. These By-laws may be cited as the Shire of Busselton By-laws relating to the Use of a Public Jetty.

Definition

2. In these By-laws unless the context otherwise requires:
 - "authorised officer" means an officer of the council authorised by the council to perform duties in accordance with these By-laws.
 - "authorised obstruction" means any obstruction placed on the Jetty by an authorised officer for the purpose of controlling access.
 - "council" means the council of the municipality of the Shire of Busselton.
 - "jetty" means any jetty, pier, wharf or landing place whether in or adjacent to a sea or river, 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, cargo, property or chattel.
 - "vessel" includes any ship or boat or any other description of vessel howsoever navigated.
3. These By-laws apply in relation to all persons in, on or about the Busselton Jetty, as specified in the first schedule to these By-laws.

Use of Jetties

4. No person shall:
 - a. Land at, use or enter a jetty except in accordance with these By-laws.
 - 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 consent of the Shire Clerk.
 - c. Use a jetty for any purpose other than that for which the jetty is designated.
 - d. Enter upon the Busselton Jetty without first having paid the entry fee as designated by resolution of the Shire of Busselton from time to time.
Failure to comply will be an offence, penalty ten dollars.
5. Subject to the provisions of these By-laws, 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 poles, 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.

Vehicles on Jetties

6. No person shall:
 - a. Drive or allow a vehicle to remain on a jetty without the written permission of the Shire Clerk.
 - b. Ride or permit to remain on a jetty, any bicycle. Penalty twenty dollars.

Fishing From Jetties

7. No persons 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. Land or spread a fishing net from or over any part of a jetty. This Sub-By-Law does not apply to drop nets.
 - c. Use more than 2 fishing lines or 4 drop nets.

Nuisance on Jetties

8. No person shall:
 - a. Without the written consent of Council, offer goods for sale on a jetty.
 - b. By any means tout or solicit anyone to proceed as a passenger on any vessel or vehicle.
 - c. Without the written consent of council, display any sign or advertisement or use any loud speaking device on a jetty.
 - d. Conduct him or herself so as to interfere with the free movement of persons entering upon or leaving the jetty.

Material not to be Removed

9. No person shall remove or cause to be removed from a jetty or from the approaches thereto any gravel, stone, bolts, fittings, rails, barriers, signs or parts thereof, timber, trees, shrubs, grasses or other material without the written permission of the Shire Clerk.

Damage to Jetty

10. Where damage is caused to a jetty by a vessel or a vehicle, the council may repair such damage and the cost of such repair shall be a debt to council and payable by the person or persons responsible for the control of such vessel or vehicle and such debt may be recovered in a court of competent jurisdiction.

Cargo or Property on Jetties

11. No person shall store or place on a jetty, any property intended for shipment onto 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.

12. Any person unloading property from a vessel onto 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 6.00pm on the day on which it was so placed.

13. An authorised officer may direct the removal of property which remains on a jetty contrary to these By-laws and the cost of removal and of any subsequent storage of the property shall be a debt to the council by the owner of the property and such debt may be recovered by action in a court of competent jurisdiction.

14. No person shall tip or deposit onto a jetty, any property or thing so as to cause damage to a jetty or to pollute the surrounding area.

Vessels Not to Remain at Jetties

15. 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.

16. Subject to these By-laws, 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.

17. No person in control of a vessel shall permit a vessel to load or discharge cargo or come alongside to 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 Shire Clerk, no person in control of a vessel shall permit it to remain alongside a jetty for the purpose of loading or unloading cargo between 6.00pm and 6.00am the next day.

19. The owner or person in control of a vessel moored at a jetty in accordance with these By-laws, and requiring to so remain for a period in excess of four hours, shall obtain written permission from the Shire Clerk and shall be charged a fee as specified from time to time by the council. In the event of permission being granted, the duration shall not exceed seven days.

Obstruction of Jetties or Officers

20. No person shall cause an obstruction excepting an authorised obstruction, or place, or cause to be placed on a jetty any obstruction, without written permission of the Shire Clerk.

21. No person shall obstruct or hinder any authorised officer.

22. No person shall cause any obstruction on or to any public steps or landing place for members of the public or impede the free passage of any persons on or along such steps or places.

General

23. No person shall on any jetty—

- a. Except in a receptacle provided for the purpose, deposit any litter.
- b. Light, place or keep a naked flame 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 supplies carried for lawful purpose.

- f. Do anything which may destroy, damage or deface a jetty or any part thereof, or carry any weapon or speargun other than a fishing knife.
 - 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.
 - i. Interfere with any lifesaving or firefighting device except to use it for its designed purpose.
 - j. Post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter.
24. No person shall launch or permit the launching of a vessel from or over any jetty without written consent of the Shire Clerk.
25. 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 to effect the minimum repairs necessary to enable the vessel to be removed elsewhere.
26. No person shall moor a vessel to a jetty for the purpose of effecting maintenance to that or any other vessel without permission of an authorised officer.
27. Every person who by any act or omission, fails, in any respect to observe, perform, or comply with any provisions or requirements of any of the foregoing By-laws, commits an offence against these By-laws and shall, on conviction, be liable:
- a. to a penalty not exceeding five hundred dollars;
 - b. to a maximum daily penalty during the continuance of any offence of fifty dollars per day.
28. The use of the railway lines by authorised engines will only be permitted if such are under the direct control and management of the Shire of Busselton—Jetty Management Committee. All safety precautions must be carried out prior to the use of the train.
29. Council may close the jetty to use at any time and have control over who may enter and use the jetty

First Schedule

Busselton Jetty, includes all the Jetty structures constructed on and abutting Reserve Number 26595, on the foreshore and extending into Geograph Bay, Busselton.

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