

# SHIRE OF THURINGOWA

## CHAPTER 2

### General Provisions

#### Interpretation

1. In the interpretation of the By-laws, unless the context otherwise requires, the following terms have the meanings set against them, respectively, that is to say:-

*"Councillor"* Any councillor of the Shire; the term whenever necessary includes the chairman.

*"Chairman"* The person acting for the time being as Chairman of the Council.

*"Shire"* The Shire of Thuringowa.

*"Shire engineer," "shire inspector," "inspector"* The person appointed by the Council to act as shire engineer or shire inspector, as the case may be; the term includes the person for the time being performing the duties of the shire engineer or shire inspector, as the case may be.

*"Council"* The Council of the Shire.

*"Road"* includes the carriageway and every footway.

*"Clerk"* The clerk of the shire; the term includes the officer for the time being performing the duties of the clerk.

*"Prescribed"* Prescribed by Act of Parliament or Regulation made thereunder or by these By-laws.

*"The By-laws"* The By-laws of the Shire of Thuringowa in force for the time being.

#### **Short Title**

2. The By-laws may be cited as "The Shire of Thuringowa By-laws."

#### **Application of By-laws**

3. The By-laws shall, unless where otherwise expressly provided apply to and be in force within the whole of the Shire.

#### **General Penalty**

4. Except where in any case it is otherwise expressly provided, any person who is guilty of any offence against any of the provisions of the By-laws shall be liable to a penalty not exceeding Five hundred dollars (\$500), and also, where any provision is made under the authority of "The Local Authorities Acts, 1902-1913," to a daily penalty not exceeding Fifty dollars (\$50).

## **Expenses**

5. Whenever any expense is incurred by the Council in consequence of a breach of any of the provisions of the By-laws or by the execution of work directed by the By-laws to be executed by any person and not executed by him, then, in addition to a penalty to which the person committing such breach or failing to execute such work may be liable, all such expense as aforesaid shall be paid to the Council by the person so committing such breach or failing to execute such work.

## **Arrest of Offenders**

6. Wherever under the By-laws any officer or servant of, or person appointed by, the Council or any member of the Police Force is authorised to arrest or remove any person offending against any provision made under the authority of "The Local Authorities Acts, 1902-1913," such authority shall be deemed to have been conferred in pursuance of the powers vested in the Council by Subdivision 3 of Schedule IV. of "The Local Authorities Acts, 1902-1913."

## **Delegation of Powers**

7. Wherever by the By-laws power is granted to the chairman or to any councillor or to any officer of the Council to sign, seal, or sign and seal, any notice, order, or agreement, or to issue, sign, seal, renew, revoke, or cancel any license, permit, authority, or consent which the Council is entitled to issue, sign, seal, renew, revoke, or cancel, or to sign any letter, receipt, or other document, or to do or perform any act, deed, or thing necessary, ancillary, or incidental to the carrying out of the powers or duties of the Council, such power shall be deemed for all purposes to have been granted and delegated under and in pursuance of subdivision 15 of Schedule IV. of "The Local Authorities Acts, 1902-1913."

## **Forms**

8. All forms prescribed by the By-laws to be used shall be deemed to have been prescribed in pursuance of subdivision 22 of Schedule IV. of "The Local Authorities Acts, 1902-1913."

(Local Authorities Acts, 1902-1913 - Schedule IV., Subdivision 29.)

Subsection (i.) Regulating the mode of application for licenses, permits, and registrations, the manner in which licenses, permits, and registrations shall be granted or transferred: and the duration and renewal of licenses, permits and registrations.

Subsection (ii.) Prescribing any conditions on which any licenses, permits, and registrations may be granted, transferred, suspended, or revoked by the Local Authority or the chairman.

## **Application for License, etc.**

9. Every person who desires to obtain a license, permit, or registration for any purpose under the By-laws, or the renewal of the same, shall make application in writing in that behalf to the clerk.

Such application shall be signed by the applicant, and shall be accompanied by the fee, if any, prescribed as payable in that behalf, and by the documents, if any required to be submitted therewith.

### **Suspension and Revocation of License by Chairman**

10. A license or registration current under the By-laws may be suspended for any period not exceeding three months or absolutely revoked by the chairman, in his discretion, upon the conviction of the licensee or person registered of an offence against any of the provisions of the By-laws relating to the duties of such licensee.

### **Deposit on License or Permit as Security Against Damage**

11. Wherever under the By-laws, any license or permit is prescribed to be obtained for the performance of any work, and it appears to the Council or officer authorised to grant the license or permit that the performance of such work may involve any alteration of or damage to any of the property of or under the control of the Council, the Council or such officer may, before granting such license or permit, require the applicant to deposit with the clerk such sum or to find satisfactory security in such amount as will in the opinion of the Council or such officer be sufficient to cover any expenditure by the Council that may be occasioned; such deposit, if made, shall be returned on completion of the work if any such expenditure is not required; any such alteration may be made, and any such damage may be made good, by the Council, and such deposit may be applied towards defraying the expenses incurred, and the balance only, if any shall be repaid to the person making the deposit.