

THURINGOWA SHIRE COUNCIL

Department of Local Government,
Brisbane, 27th October, 1983.

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Local Government Act 1936-1983*, has been pleased to approve of the following by-laws made by the Council of the Shire of Thuringowa.

R. J. HINZE

WHEREAS by the *Local Government Act 1936-1983*, a Local Authority is empowered to make by-laws for all or any of the purposes in the said Act mentioned, and it is further provided that a by-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Thuringowa, with the approval of His Excellency the Governor in Council, that the following by-laws for the general good rule and government of the Area and its inhabitants, and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council, shall be in force from the date of publication hereof in the *Gazette*.

The by-laws of the Council of the Shire of Thuringowa, published in the *Gazette* on the 11th February, 1918, as amended from time to time, are hereby further amended by repealing Chapter 19 and inserting the following new Chapter in its stead:-

"CHAPTER 19

WATER SUPPLY

1. The provisions of the Sewerage and Water Supply Act and the Standard Water Supply By-laws prescribed by the Act shall extend and apply to these by-laws as far as the same relate thereto.

Interpretation

2. In the interpretation of these by-laws the terms used, unless the context otherwise indicates or requires, or the same are hereinafter defined, shall have the meanings assigned to them by the Sewerage and Water Supply Act and the Standard Water Supply By-laws prescribed by the Act, and the following terms shall, unless the context otherwise indicates or requires, have the meanings respectively assigned to them, that is to say:-

"Local Government Act" - The *Local Government Act 1936-1983*, and any Act for the time being in force amending or in substitution therefor.

"Occupied Land" - Land upon which there is a building, or upon which any trade or occupation is carried on, and the term includes any rateable land to which a water service is connected.

"Reserve" - A reserve for water supply purposes under the control of Council.

"Sewerage and Water Supply Act" - The *Sewerage and Water Supply Act 1949-1982* and any Act for the time being in force amending or in substitution therefor.

"Water Area" - All lands in the Shire contained within a valuation made under the *Valuation of Land Act 1949-1980* which land is located either wholly or partially within one hundred (100) metres of the centre line of any road in which water mains are laid down and from which the Council is prepared to supply water to such lands.

"Vacant Land" - Land upon which a building or other structure (excluding fences) is not erected.

Supply Subject to By-laws

3. The supply of water by the Council shall be deemed to be at all times subject to the by-laws and in compliance with all or any of the provisions thereof by the person for whose benefit or to whose land, or to the premises of whom such supply is provided.

Permission to Enter Water Reserve

4. No person shall enter or be upon a water reserve other than a part clearly sign-posted as open to the public, without the permission of the Clerk.

Bathing

5. No person shall bathe in or enter any stream or water in or upon any reserve or any land under the control of the Council for water supply purposes, or permit to enter therein any person or animal under his control.

Fouling Streams

6. No person shall wash any material or thing of any kind in any stream or water in or upon any reserve or any land under the control of the Council for water supply purposes, or throw or put, or cause or permit to be thrown or put, any rubbish, dirt, filth, or any other noisome thing into such stream or water, or do anything whereby such stream or water or any part thereof may be soiled, fouled or polluted.

No Person to Deposit Rubbish

7. No person shall deposit, place, or leave any rubbish, filth, glass bottles, or broken glass or other noxious substance in or upon any place where the same or any portion thereof may be liable to be carried into any watercourse, reserve, land, reservoir, or stream belonging to or under the control of the Council.

Animals

8. No person shall bring or take or permit or suffer to be brought or taken on to any reserve or any land under the control of the Council for water supply purposes, any animal of any description, nor shall he allow any animal of any description to remain or stray on such reserve or land under the control of the Council for water supply purposes without the written permission of the Council first had and obtained.

Fires

9. No person shall make or cause to be made a fire on any reserve or any land under the control of the Council for water supply purposes except in a fire-place provided by the Council.

Firearms

10. No person shall enter upon any reserve or any land under the control of the Council for water supply purposes with or have thereon any firearms of any kind without the written permission of the Council first had and obtained.

Fauna and Flora

11. No person shall destroy or remove from any reserve or any land under the control of the Council for water supply purposes any flora or fauna without the permission of the Council first had and obtained.

Interference

12. No person shall, without the authority of the Council first had and obtained, damage or in any way interfere with any fences, buildings, plant, machinery, works, pipes, pipelines, valves or other appliances, power lines, switches, or other electrical equipment erected or installed in or on any reserve or any land under the control of the Council for water supply purposes, or in or on any road or easement under the control of the Council.

Control of Conduct

13. No person shall on any land under the control of the Council for water supply purposes -

- (a) enter or remain thereon when in a state of intoxication or under the influence of alcohol or of any drug whatsoever;
- (b) expose to view an obscene book, print, picture, drawing, painting or other indecent exhibition or representation;
- (c) behave in a riotous, disorderly, indecent, offensive, threatening or insulting manner;
- (d) sing an obscene song or ballad, or write or draw an indecent or obscene word, figure, or representation;
- (e) use profane, indecent or obscene language;
- (f) use any threatening, abusive or insulting words to a person;
- (g) wear any apparel that offends against decency;
- (h) enter a building or other structure in the vicinity of such land, which building or other structure has been set apart for the use of persons of the opposite sex, provided that this prohibition shall not apply to children under the age of five years;
- (i) damage, mutilate, defile or destroy a building or other structure thereon.

Dead Animals Must be Removed

14. The owner, or other persons in charge of any animal which has died, and the carcass of which is found in or upon any dam, watercourse, reserve land or stream belonging to or under the control of the Council, or upon any land, in such a position that there is, in the opinion of the person finding the carcass, and of any employee of the Council inspecting it, a danger of such carcass or any portion thereof being carried into such dam, watercourse, reserve, reservoir, or stream, or a danger of any water for water supply purposes being in any way contaminated or polluted by such carcass, shall remove or destroy such carcass in such manner as to avoid any danger of such carcass or any portion thereof being washed by rain or carried by any other means into such dam, watercourse, reserve, reservoir, or stream or any danger of the said water being contaminated or polluted as aforesaid. Any such owner or person in charge who refuses or neglects to remove or destroy such carcass as aforesaid within twelve hours after he has received notice in writing from the Council in that behalf shall be guilty of an offence and be liable to a penalty not exceeding five hundred dollars (\$500.00).

Basis and Principal of Water Charges

15. The Council may in each year by resolution make and levy a rate and/or make charges on such basis or on such several bases as in its descretion it thinks just and reasonable in respect of the various water supplies in the Shire area.

Reduction in Water Charges

16. A reduction in the water charge made on any land shall not be made by reason of any alteration of user, or the removal or partial removal of a building until notice in writing of such alteration, removal or partial removal shall have been given to the Council. On receipt of a notice of the alteration of user of the removal or partial removal of a building a refund may be allowed by the Council *pro rata* for the unexpired portion of the period of the year for which the water charge has been made and paid.

Sub-services Each Pay Charges

17. When premises in the separate occupation of several persons are supplied by one common pipe or set of fittings, each part thereof so separately occupied may be assessed the same charges as each part would have been liable to be assessed had each such part received the supply from a separate pipe or fittings.

Average May be Charged When Meter is Not Registering Accurately

18. If any meter in use ceases to register or is reported by an officer of the Council to be out of order or registering inaccurately the Clerk may estimate the amount to be paid for the water supplied during the period such meter was not in working order by taking an average of the quantity used during the previous year or during a corresponding period of the previous year or upon the consumption registered by the meter after being readjusted, as the Clerk thinks fit; or the Clerk may cause a check meter to be fixed and estimate the charge upon the registration thereof.

Provision of Meters

19. All meters for registering the consumption of water supplied by the Council shall be provided, fixed, and maintained by the Council, and all such meters shall remain the property of the Council. Every meter shall be installed by the Council upon the ground in a conveniently accessible position. Every meter shall be properly protected by the occupier of the land or premises or if there be no occupier then the owner of such land or premises whereon it is installed and such occupier or owner as the case may be shall at all times ensure that the position in which such meter is fixed is maintained free of grass, weeds and rubbish and that such meter is at all times maintained in such a condition as to ensure that the reading thereof shall not be obstructed in any way.

Damaging or Destroying Meter

20. No person shall damage or destroy a meter the property of the Council. A person guilty of an offence against this by-law in addition to any penalty to which he may be liable, shall be liable for the cost of repairing or replacing, as the case may be, the meter so damaged or destroyed provided that if the identity of a person or persons who shall have damaged or destroyed the meter is unknown and notwithstanding that there has been no negligence on the part of the owner or occupier of the land or premises on which such meter is fixed then such occupier or if there shall be no occupier then such owner shall pay to the Council on demand the cost of replacing or repairing such meter and in default of payment the Council shall be entitled to recover such cost in any Court of competent jurisdiction.

Tampering with Meter

21. No person shall tamper with a meter installed on premises so as to prejudice or affect the proper determination of the quantity of water supplied.

Taking of Water form Hydrant Plugs

22. No person, unless authorised in writing by the Clerk, other than an employee of the Council or a member of the Fire Brigade, shall take water from a hydrant plug for any purpose other than the extinction of or prevention of the spread of fire.

Rental of Meters

23. The Council may decide be resolution to charge a rental for the use of any or all meters and may fix such rental on an annual basis. The rental shall be in addition to the amount chargeable for the water supplied.

Meter to be Sealed

24. Every meter shall be sealed before being installed and any person other than an officer of the Council who shall break any seal affixed to a meter or in any way tamper or interfere therewith shall be guilty of an offence.

Council May Disconnect Meter for Test

25. The Council may at any time disconnect any meter for the purpose of ascertaining the accuracy of the working of such meter.

Testing of Meters

"26. (i) If any consumer shall question the accuracy of the working of the meter through which his supply of water is obtained, the Council may cause such meter to be tested upon payment of a fee fixed by Council resolution.

(ii) A water meter shall be tested by attaching a check or test meter to such meter and passing a minimum quantity of two hundred and fifty (250) litres of water through both meters at full flow from the main and by the carrying out of a test to determine the sensitivity of such meter by passing at least two hundred and fifty (250) litres of water through both meters at varying flow rates.

(iii) The fee referred to in paragraph (i) hereof may be refunded by Council if upon testing the meter is found to be registering inaccurately.

(iv) For the purposes of this by-law a water meter shall be deemed to be registering inaccurately if the measurement of the water passed through it, as recorded by that meter, during the test prescribed by this by-law, exceeds that recorded by the check or test meter by more than five percent (5%).

Council May Install Check Meter

27. The Council may install a meter or check meter on the service pipe supplying any premises in order to ascertain the quantity of water used on such premises, and may remove it when that object has been attained.

Meter to be Kept in Repair

28. (i) When a meter installed on premises for registering the quantity of water supplied to such premises is out of repair, the owner or occupier of such premises shall forthwith give the Council notice in writing thereof.

(ii) Repairs to a meter shall be carried out by or under the direction and supervision of an officer appointed by the Council.

(iii) No person shall repair or attempt to repair a meter, except as provided by subclause (ii) of this clause.

Water May be Shut Off Until Meter Repaired

29. If a person refuses to allow or delays in allowing a meter installed on his premises to be properly repaired and put in proper working order after having been required by an officer of the Council so to do, the Council in addition to any other remedy it may have, may shut off the supply of water to such premises either by cutting the water service or otherwise, until such meter shall have been properly repaired, and certified by an officer of the Council as being in proper working order.

Removal or Alteration to Meter

30. The owner of land desiring to have a meter on his land or the water service connected thereto removed, or the position thereof altered in any way, shall give not less than forty-eight hours' notice in writing to that effect to the Council at its office and such meter or water service shall not be removed, nor the position thereof altered in any way unless and until a reading of the registration of such meter has been made by an officer of the Council. Such meter or water service shall only be removed, or the position thereof altered, by an officer of the Council, at the cost of such owner.

Limit of Consumption by Meter

31. When water is supplied to a consumer by meter the Council may by written notice to the consumer from time to time restrict the quantity of water that may be used on the premises in any one week. Any consumer who, after written notice of such restriction has been given or left at his premises, uses or allows to be used on his premises in any one week more than the quantity allowed under such restriction, shall be guilty of an offence and shall in addition be liable to pay for the water used in excess of the restricted quantity.

Special Agreement

32. Nothing contained in this Chapter shall prejudice the right or power of the Council to supply water to any consumer for specified purposes under any special agreement and on such reasonable terms and conditions as to payment and otherwise as may be arranged between such consumer and the Council and specified in such agreement.

Lands Above Reticulation Level

33. (i) The Council may at any time and from time to time by resolution fix the level above which water cannot be supplied by reticulation.

(ii) A level fixed under this by-law may be fixed in respect of any part of the area or it may be fixed in respect of any particular land, building, or other structure.

(iii) A level fixed under this by-law may be amended by Council resolution from time to time.

(iv) If the owner of any land, building, or other structure which is above the level fixed desires to have water supplied thereto by the Council, he shall provide within the level fixed by the Council resolution and to the approval of the Shire Engineer a storage tank within the meaning of the Standard Water Supply By-laws made pursuant to the Sewerage and Water Supply Act.

(v) From the storage tank referred to in clause (iv) of this by-law the owner of the land, building, or other structure may install a private scheme for supplying water thereto.

Preventing the Waste or Misuse of Water

34. (i) If at any time the Council is of the opinion by reason of drought or otherwise the supply of water is likely to be inadequate for domestic purposes unless the consumption of water for all purposes is restricted or unless the consumption for all purposes is prohibited, the Council may by notice published in the manner hereinafter provided restrict the consumption of water for all or any purposes, and may prohibit the consumption of water for all purposes other than domestic purposes and for such periods as the Council may in its absolute discretion think fit. A copy of the notice hereinbefore mentioned shall be published in a newspaper circulating in the Shire area and after the publication of such notice water supplied by the Council shall not be used for any purposes otherwise than as set forth in such notice.

(ii) Any person who, while such prohibition or restriction by the Council under and by virtue of clause (i) of this by-law remains in force, is found offending against the provisions of such prohibition or restriction, shall be guilty of an offence, and in addition the Council may cause the supply of water to such premises to be shut off for such period as the Council may in its absolute discretion think fit.

(iii) Where a water tap or stand point has been installed on a road or land under the control of the Council, a person shall not, without the consent of the Council, affix to such water tap or stand point a hose, pipe or other fitting or connection whatsoever.

(iv) In areas where water meters are installed for the purpose of charging for water consumption a person shall not take by any means whatsoever from a tap or stand point on a road or land under the control of the Council, water for any use whatsoever on private property without the consent of the Council.

Maximum Quantity of Water

35. The Council may from time to time fix by resolution the maximum quantity of water which the occupier of any land or premises shall be entitled to receive from the Council in any one year or part thereof, and all water used in excess of the quantity so fixed shall be paid for at an additional rate per 1 000 litres as may be determined by resolution of the Council from time to time, and as ascertained by the register of an authorised meter.

Fees in Respect of Application for Supply

36. The fees to be charged in connection with any application for water supply or for any application for inspection or testing such water supply shall be as determined by resolution of the Council from time to time.

Installation of New Services

37. The Council shall from time to time fix by resolution the charge for the installation of new services and such charge shall be paid to the Council before the service is connected to the premises.

Delegation by Council

38. Where under the Standard Water Supply By-laws contained in the Second Schedule to the Sewerage and Water Supply Act, or these by-laws, the Council is empowered to give any notice to any person to do any act or thing or to desist from doing any act or thing, or where with respect to any matter or thing, the Council is empowered to grant any approval or permit, or may by resolution, delegate its authority to give such notice or to grant such approval or permit to an officer of the Council. Any such delegation may be given or made generally or with respect of a particular act, matter or thing or with respect to particular acts, matters or things.

Penalty Clause

39. (i) A person who in any respect contravenes or fails to comply with any of the provisions of this Chapter shall be guilty of an offence and shall be liable to a penalty not exceeding five hundred dollars (\$500).

(ii) In the case where the contravention or failure to comply is of such a nature that it may be committed from day to day, in any such case, a person shall be liable in addition to any other penalty to which he is liable pursuant to these by-laws to a penalty not exceeding fifty dollars (\$50) for each day during which it is continued as from the date of its occurrence until the date on which he is convicted of the offence or until the date on which the default is rectified, whichever date is the earlier."

Certificate

The foregoing resolution was passed on the twenty-first day of July, 1983, at a special meeting of the Council of the Shire of Thuringowa called for that purpose and the requirements of subsection (27) of section 31 of the *Local Government Act 1936-1983* have been complied with in respect of the by-laws the subject of such resolution.

D. T. J. GLEESON, Chairman.

D. A. WARD, Shire Clerk.
Gov, Gaz., 29th October, 1983, pages 857-9

Amendment: 21/2/85
Gov, Gaz., 23rd February, 1985, page 948