

## LOCAL GOVERNMENT ACT 1960-1982.

## The Municipality of the Shire of Wyalkatchem.

## By-laws Relating to Fencing.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 17 June 1982 to make and submit for confirmation by the Governor the following by-laws:—

(1) In these by-laws unless the context requires otherwise "Council" means the Council or Municipality of the Shire of Wyalkatchem.

"Dangerous" in relation to any wall or fence, means a fence or wall declared to be in a dangerous condition by a Building Surveyor by reason of faulty design, location, construction, deterioration of materials, damage by termites, decay, changes in ground levels or any other cause.

"Fence" means a fence abutting a street or a fence on a boundary line of an allotment of land and includes a free standing wall or retaining wall.

"Height" in relation to a fence means the distance between the top of a fence at any point and the ground immediately below that point.

"Dividing Fence" means a fence that separates the land of different owners whether the fence is on the common boundary of the adjoining land or on a line other than the common boundary.

"Building Surveyor" means a Building Surveyor appointed by the Shire of Wyalkatchem.

(1A) The provisions of these by-laws shall apply only to the Townsite of Wyalkatchem.

(2) A fence constructed in accordance with the specifications set out in the Schedule hereto is hereby prescribed as a "sufficient fence" for the purposes of the Dividing Fence Act 1961.

(3) A person shall not—

(i) use galvanised iron as a fence or fence cover within 7.6 m of any street;

or

(ii) construct or cover a fence with sheet metal or second-hand materials, unless he shall have previously obtained the written consent of the Council, which consent the Council may, in its absolute discretion refuse or grant upon such conditions as it deems fit;

(4) Where an allotment is situated at the intersection or junction of two or more streets the fence on any street alignment other than on the frontage shall be constructed to a design and of material similar to those of the fence along the frontage for a distance equivalent to the sum of—

(a) the distance that the foremost building thereon is from the street alignment being the frontage; and

(b) the distance of that building from the street alignment other than the frontage; or

7.6 m whichever distance is the lesser and no part of any such fence shall be a greater height than .75 metres.

Where there is no fencing erected on the street alignment being the frontage, any fencing on the street alignment other than the frontage for a distance described in this By-law, shall be constructed of brick, concrete, galvanised link mesh, wrought iron, timber, corrugated asbestos or other materials approved by the Council and shall be of a height of not more than .75 metres.

(5) No person shall on an allotment of land situated at the corner of two streets, erect a fence or any other structure on or adjacent to the street boundary greater than .75 metres in height within six (6) metres of the street corner.

(6) No person shall erect a dividing fence behind a building line greater than two (2) metres in height without first having made written application to and obtained the written approval of the Council.

(7) No person shall erect a fence wholly or partly of "barbed wire", unless with the written approval of the Council, which shall in any event only be given if no barbed wire is to be used below a height of 1.8 m.

(8) The owners and occupiers of land on which a fence is erected shall maintain the fence in good condition and in such a manner as to prevent it from becoming dangerous, in bad condition and repair, dilapidated, unsightly or prejudicial to the property in or the habitants of the neighbourhood.

(9) A person may construct a fence of brick, concrete, wrought iron, tubular steel, galvanised link mesh, timber sheeted with pickets, corrugated asbestos or other materials approved by the Council.

(10) The Council may give notice in writing to the owners or the occupiers of any land upon which is erected a fence which is dangerous, in bad condition and repair, dilapidated, unsightly or prejudicial to the property in or the inhabitants of the neighbourhood or is contrary to the provisions of these by-laws, requiring such owner or occupier to repair, paint or maintain such fence within the time stipulated in the notice.

(11) Where the owners or occupiers of land who have been given notice under By-law 10 of these by-laws fails to comply therewith, the Council may enter upon such land and carry out works specified in the notice and costs and expenses incurred by the Council in so doing may be recovered from such owners or occupiers in a Court of Competent Jurisdiction.

(12) The use of broken glass or other potentially dangerous material on the top or sides of fences is expressly prohibited.

(13) "Any person who commits a breach of these by-laws shall be liable on conviction to a penalty of—

- (a) a maximum penalty of one hundred (\$100) dollars; and
- (b) in addition a maximum daily penalty of ten (\$10) dollars for each day during which the offence continues."

#### Schedule.

A sufficient fence, as required by By-law 2, shall conform to the following requirements, subject to By-laws 4 and 5.

- (a) All fences other than those referred to in paragraph (b) shall be constructed as follows—
  - (i) Corner posts shall be 125 mm x 125 mm x 2150 mm and intermediate posts shall be 125 mm x 75 mm x 2150 mm spaced at not more than three (3) metre centres;
  - (ii) Corner posts shall be strutted two ways with 100 mm x 50 mm sole plates and 75 mm x 50 mm struts;
  - (iii) Posts shall be checked for two rows of rails;
  - (iv) Fences shall be covered with 75 mm x 20 mm x 1800 mm sawn pickets placed close together so as to form a complete screen and shall be double nailed to each rail.
- (b) Supersix corrugated asbestos sheet fences shall be erected as follows—
  - (i) sheets under 1 800 mm in height to be trenched 450 mm in ground;
  - (ii) sheets over 1 800 mm in height to be trenched 600 mm in ground;
 Sheets to be lapped and fixed with three galvanised 6 mm gutter bolts, nut and washer. Sheets to be capped with asbestos moulded cap.

Dated this 16th day of September, 1982.

The Common Seal of the Shire of Wyalkatchem  
was hereto affixed by authority of a resolution  
of the Council in the presence of—

[L.S.]

J. S. HUTCHINSON,  
President.

C. L. FARRELL,  
Shire Clerk.

Recommended—

JUNE CRAIG,  
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 26th day of October, 1982.

R. D. DAVIES,  
Clerk of the Council.