

GOLD COAST CITY COUNCIL



LOCAL LAW No. 34

(JETTIES AND WHARFS AND PUBLIC BOAT RAMPS)

REPEALED (GAZETTE 19/12/08)

**GOLD COAST CITY COUNCIL
LOCAL LAW NO. 34
(JETTIES AND WHARFS AND
PUBLIC BOAT RAMPS)**

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Citation

1. This local law may be cited as Gold Coast City Council Local Law No. 34 (Jetties and Wharfs and Public Boat Ramps).

Objects

2. The objects of this local law are to:-
 - (a) regulate the use of jetties, wharfs and public boat ramps;
 - (b) regulate the conduct of persons on jetties, wharfs and public boat ramps;
 - (c) regulate the construction or demolition of jetties, wharfs and public boat ramps.

Definitions

3. In this local law the following terms shall mean and include the words and terms set after them unless the context otherwise indicates:-

“Authorised Person” means a person authorised by the local government to exercise the powers of an authorised person under this local law.

“Boat Ramp” - a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving trailable vessels where the Boat Ramp is situated within the area of the City of Gold Coast and is under the control and management of the Council.

“Commercial Operator” - any person who, as principal or as servant, employee or agent, uses or navigates a vessel within or partly within Gold Coast Waterways as defined in the Gold Coast Waterways Authority act or within any canal for remuneration or reward whether in money or in kind.

“Jetty” - wharf, pier, jetty, or landing place of a like nature which is the property of or under control of the Council.

“Trailable Vessel” - any vessel capable of being transported overland by trailer and launched or recovered on or by the use of a ramp or sloping surface leading into a waterway.

“Vessel” - ship, steamer, yacht, boat, barge, or any other kind of vessel whether powered or not.

Charge for Use of Jetties

4. (1) The owner, charterer, master, or person in charge of or in command of any vessel shall pay to the caretaker of any jetty, or to the relevant fee as fixed by resolution of the Council for every occasion upon which he shall berth any vessel at, or make any vessel fast to, or moor any vessel to any jetty.
- (2) Any owner, charterer, master, or person in charge of or in command of any vessel having berthed, moored, or made fast any vessel at or to any jetty who does not pay, or who fails or refuses to pay the prescribed fee before leaving or departing with his vessel from any jetty, shall be guilty of an offence.
- (3) No person shall enter upon or go upon any jetty except through the entrance at the shore end of such jetty or from any vessel berthed, moored, or made fast at or to any jetty for the purpose of landing passengers.

Public Convenience or Safety

5. (1) An Authorised Person may close or cause to be closed any jetty or part of any jetty, or exclude or cause to be excluded the public and all persons or so many of the public or so many persons as in his discretion he shall deem necessary for public convenience or safety.
- (2) Any person who fails or refuses when requested by an Authorised Person to leave or depart from any jetty when he has notified that it is intended to close any jetty and to exclude the public and all persons or such number of persons as the Authorised Person shall deem necessary from the jetty for the public convenience or safety, shall be guilty of an offence.
- (3) Any person who enters upon or goes upon any jetty or any part of any jetty which has been closed or from which the public have been excluded, for the public convenience or safety as in this local law provided, shall be guilty of an offence: Provided that no person being a bona fide passenger who lands or goes upon any jetty for the purpose of going ashore by means of such jetty, from any vessel, shall be deemed guilty of an offence.
- (4) No person shall remove, destroy, damage, deface, disfigure, write upon, or otherwise injure any jetty or any notice, tank, buoy, rails, trolley, lamp, or thing on or affixed to any part of any jetty and no person shall put out or extinguish or diminish or increase any light burning on any jetty.
- (5) No person who removed, destroys, damages, defaces, disfigures, writes upon, or otherwise injures any jetty or any notice, tank, buoy, rails, trolley, lamp, or thing on or affixed to any part of any jetty, or who extinguishes or puts out or increases or diminishes any light burning on any jetty shall be guilty of an offence and shall in addition to any other penalty pay to the Council the value of the property so damaged, destroyed, disfigured, or injured as aforesaid.

Moorings, etc

6. No person shall fasten or moor any vessel, punt, boat, log, or thing of any kind to any wharf, jetty, piles, steps, or to any pontoon, staging, shed, or structure attached to or alongside any

wharf or jetty or upon any foreshore or creek, in such a manner as to prevent free access to any wharf, jetty, steps, pontoons, staging, shed, or other such structure.

Limitation of Time of Mooring

7. No person shall without the consent of the Council or an Authorised Person, moor any vessel to any jetty or wharf for any period exceeding twenty minutes.

Riding on Jetties Prohibited

8. No person shall ride any horse or propel any velocipede or drive any vehicle upon or along any wharf or jetty without permission of the Council.

Erection of Wharf or Jetty Prohibited

9. No person shall, without the consent in writing of the Council, erect, demolish or re-erect upon or adjacent to the foreshore or the bank of any creek or other stream any wharf, jetty, boat ramp or other structure.
10. A Commercial Operator shall not use a Boat Ramp for the conduct of his commercial enterprise or for any purpose connected directly or indirectly with that enterprise unless he has first been granted a permit pursuant to this local law.
11. A person whether a Commercial Operator or not shall not use a Boat Ramp for any purpose for which it was not designed and in particular but without limiting the generality of the foregoing, a person shall not so use a Boat Ramp or any part of the adjoining foreshore as to obstruct public usage of that Boat Ramp.
12. A Commercial Operator shall not use a Boat Ramp for the purpose of embarking or disembarking a passenger or passengers in the course of or for the purposes of that Commercial Operator's business or in connection with any other business unless he is the holder of a permit issued pursuant to this local law.
13. A Commercial Operator shall not use for the conduct of his commercial enterprise or for any purpose connected directly or indirectly with that enterprise any land under the control of the Council and situate within 50 metres of the nearest point of any boat ramp except pursuant to and strictly in accordance with the conditions of a permit issued by the Council under Section 17.
14. The Council may pursuant to this local law issue to a Commercial Operator a permit to use Boat Ramps or any designated Boat Ramp or Boat Ramps either generally or during specified times and for specified purposes and either without conditions or subject to such conditions as the Council may see fit.
15. Every application for a permit under the provisions of this local law shall be made in writing to the Council in such form as an Authorised Person may from time to time require and until a form has been appointed by an Authorised Person for the purpose, every such application shall specify:-
 - (a) The name and residential address of the applicant;
 - (b) A description of the vessel or vessels used by the applicant or intended to be used by him pursuant to the permit if granted;

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- (c) The name of the person or persons in charge of the vessel or vessels for which the permit is required;
 - (d) The nature of the applicant's business for which the permit is required;
 - (e) The boat ramp or boat ramps for which the permit is required;
 - (f) The nature of the applicant's proposed use of the boat ramp or boat ramps;
 - (g) The hours during which the applicant proposes to carry on his business using the specified boat ramp or boat ramps; and
 - (h) Such further information, if any, as the Council or its delegated officer may require.
16. Every application made pursuant to Section 16 for a permit under Section 15 shall be accompanied by payment of such fee as the Council may determine by resolution from time to time. Until otherwise determined the amount of the fee shall be twenty-five dollars.
17. A permit granted by the Council pursuant to this local law shall be in or to the effect of a form approved by an Authorised Person and shall state the terms and conditions upon and subject to which it is issued. An Authorised Person shall keep a register of permits in which he shall from time to time enter or cause to be entered the names of the persons to whom such permits have been issued and such particulars of the permits issued as the Council may from time to time by resolution direct.
18. Without limiting the power of the Council to impose conditions on the issue of any permit, the Council may where it considers it reasonable to do so require as a condition precedent to the issuing of any permit the lodgement by the applicant with the Council of security to the reasonable satisfaction of an Authorised Person for payment by the applicant of damage caused by him to any boat ramp or facility associated therewith and used in conjunction with the boat ramp or the foreshore in the vicinity of the boat ramp.
19. The Council may at any time cancel a permit issued pursuant to this local law without assigning any reason for so doing and upon notice in writing of such cancellation being delivered to the holder of the permit thereupon the permit shall cease to have any force or effect on and from the date specified in the notice as the date upon which the cancellation takes effect. It will be sufficient service of a notice of cancellation of a permit to forward such notice by post in a prepaid letter addressed to the holder thereof at his address shown in his application for the permit or at such other address, if any, as shall have been notified by the holder to the Council.
20. Unless previously cancelled pursuant to the last preceding Section a permit granted pursuant to this local law will remain in force until the Thirty-first day of August next following the issue thereof but may be renewed from year to year upon payment of such fee, if any, as the Council may fix from time to time by resolution, upon written request made by the applicant in such form as an Authorised Person may require.
21. The powers and discretion of the Council contained in this local law may be exercised on behalf of the Council by an Authorised Person and such other Officer of the Council as the Council may from time to time by resolution appoint for the purpose PROVIDED ALWAYS that a person dissatisfied with any decision made by an Authorised Person may within thirty days of receipt of that decision appeal to the Council by notice in writing signed by the applicant and delivered to an Authorised Person. The Council shall decide any such appeal at its next Ordinary general meeting held not earlier than three days after the receipt of the applicant's said written notice of appeal against the Authorised Person's decision.

22. A certificate signed by an Authorised Person certifying that a person named therein is a commercial operator and that on a date and at a time and place specified in such certificate used a boat ramp or land under the control of the Council specified in the certificate contrary to the provisions of this local law in a manner stated in the certificate shall be for all purposes sufficient prima facie evidence of the facts certified.

Penalty

23. Any person guilty of an offence against any of the Sections numbered 3 to 22 inclusive shall be liable to a penalty.

Maximum Penalty Units: 30 Penalty Units

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