

Cities/Councils

**KING ISLAND COUNCIL
KING ISLAND AERODROME BY-LAW
BY-LAW NO 1 OF 2012**

A By-law of the King Island Council made under section 145 of the Local Government Act 1993 and numbered 1 for the purpose of regulating the use and operation of the King Island Aerodrome at Currie in the municipal area of King Island.

SHORT TITLE

1. This By-law may be cited as the King Island Aerodrome By-law No 1. of 2012.

APPLICATION

2. This By-law applies to the whole of the King Island Aerodrome, managed by the King Island Council.
3. This By-law is divided into the parts and schedules as follows:
 - Part A – Interpretation
 - Part B – Use of Aerodrome
 - Part C – Parking
 - Part D – Charges
 - Part E – General Provisions

PART A –INTERPRETATION

4. In this By-law unless a different intention appears

'Aerodrome' means the King Island Aerodrome, consisting of the area of landing comprising 97.11 hectares or thereabouts situate in the Parish of Loorana, King Island and comprised in Certificate of Title Volume 87156 Folio 1 and Volume 198039 Folio 1, together with such additional areas as may be acquired and utilised for the purposes of aircraft movements and includes all structures and buildings erected or placed thereon;

'Aerodrome Supervisor' means the person appointed by the Council to control and supervise the use of the Aerodrome.

'Aircraft' means any machine capable of achieving flight whether as the result of its own power or aided by other aircraft and includes aeroplanes, helicopters, balloons, airships and gliders;

'Aircraft Operation' means an air service operation in which an aircraft is available for the transport of members of the public, or for use by members of the public for the transport of cargo for hire or reward;

'Airsides' means that area of the Aerodrome intended for use either wholly or partly in connection with the arrival, departure and/or movement of aircraft but does not include the terminal building;

'Air Transport Operator' means the owner and/or operator of any aircraft that carries passengers or cargo for reward

'Authorised Person' means –

the Aerodrome Supervisor, or

- (a) a person authorised in writing by the General Manager pursuant to the powers conferred by this By-law to exercise the power or function in relation to which the expression is used; or
- (b) any person acting under the direction of the General Manager in pursuance of this By-law;
- (c) a member of the Police Force of the State of Tasmania; or
- (d) a Federal Police Officer.

'Council' means the King Island Council;

'General Manager' means the person holding the position of General Manager of the King Island Council'

'Loading Zone' means a part of a road defined by an official traffic sign and set aside for the standing, in conformity with the sign, in that area, of vehicles:-

- (a) of a class of vehicle indicated by the sign; or
- (b) where no class of vehicle is so indicated, generally whilst actually engaged in the purposed indicated by the sign or where no purpose is indicated in picking up or setting down passengers or loading or unloading goods and, in any case for a period not exceeding:-
 - (i) 3 minutes or such longer period as is indicated by the sign in picking up or setting down passengers; or

- (ii) 20 minutes or such longer period as indicated by the sign in loading or unloading goods;

'Official Traffic Sign' means any sign, signal, marking, light or device placed or erected by the Council for the purpose of regulating, warning, or guiding vehicular traffic within the Aerodrome;

'Operator' means a person other than an Air Transport Operator engaged in, or offering to engage in the operation of an aircraft;

'Owner' in relation to an aircraft, includes the lessee or charterer of the aircraft;

'Parking' includes:-

- (a) the standing of a vehicle whether occupied or not or whether the person for the time being in charge thereof is present or absent;
- (b) standing at a time when such vehicle is not actually engaged in picking up or setting down passengers;
- (c) when such vehicle is not required to stand or wait in obedience to an official traffic sign or an order or a direction authorised, issued, made or given under this By-law;
- (d) the term 'Park' shall have a corresponding meaning;

'Parking Space' means an area marked or indicated as a parking area by means of lines, strips or other marks or devices for the parking of a vehicle;

'Passenger' means a traveller on an aircraft and the term includes such a traveller whilst in or upon the Aerodrome for the purpose of embarking on an aircraft or after having disembarked from an aircraft following a flight in that aircraft;

'Penalty Unit' means an amount of money set under the *Penalty Units and Other Penalties Act 1987*;

'Pilot' means the person responsible for the operation and safety of an aircraft during the flight of the aircraft and the term includes any person apparently in possession or control of an aircraft;

'Registered Operator' of a motor vehicle or trailer includes:

- (a) the meaning assigned to the expression under the Vehicle and Traffic Act 1999; or
- (b) the registered operator of the vehicle within the meaning of the law of another jurisdiction: or
- (c) in the case of a vehicle to which a trade plate or similar device is affixed under the Vehicle and Traffic Act 1999 or the law of another jurisdiction – the person to whom the trade plate has been issued; or
- (d) .in the case of vehicle to which a short term unregistered vehicle permit or similar permit has been issued under the Vehicle and Traffic Act 1999; or the law of another jurisdiction – the person to whom the permit has been issued.

'Road' includes any street, road, land or place open to or used by the public as a thoroughfare for passage with or without vehicles, and whether formally dedicated or not;

'Signs' means any advertisement, sign, notice or other device or representation, whether illuminated or not, which is employed wholly or in part for the purpose of advertisement, announcement or direction, including bunting, decorative flags or similar items excludes –

- (1) any sign of the Council for the purpose of Aerodrome aircraft and passenger safety and/or directing the movement of persons or vehicles on the Aerodrome;
- (2) the Australian Flag, Union Jack and Tasmania State Flag;

'Vehicle' includes any barrow, carriage, dray, handcart, motor vehicle, multi-wheeled vehicle, tractor or traction engine, trailer, trolley vehicle, velocipede wagon or other means of transport conveyance whatsoever designed for movement upon wheels, whether or not such vehicle is or not for the time being capable of being operated or used;

PART B – USE OF AERODROME

5. Entry to Aerodrome –

- (1) The Aerodrome Supervisor may prohibit the entry of any person into or upon all or any part of the Aerodrome.
- (2) An Authorised Person may prohibit the entry of any person into or upon all or any part of the Aerodrome.

- (3) The Aerodrome Supervisor may effect the prohibition of any person by the display of a notice at the entrance into the Aerodrome or upon any part of the Aerodrome.
- (4) A person must not bring, or permit to stray, onto the Aerodrome any animal without authority in writing from the General Manager. Any such animal found without authority may be removed from the Aerodrome by an Authorised Person. Any person bringing or permitting any such animal to stray onto the Aerodrome without authority is guilty of an offence.

Penalty: a fine not exceeding 10 penalty units

6. Conduct of Persons on Aerodrome –

- (1) Any person who is in or on the Aerodrome must –
 - (a) behave in a manner so as not to cause annoyance or inconvenience to any other person;

Penalty: a fine not exceeding 5 penalty units

- (b) Obey any directions –
 - (i) contained within notices displayed within the Aerodrome, or
 - (ii) given by any Authorised Person for the purpose of preserving order or security or promoting or facilitating the proper use and enjoyment of the Aerodrome.

Penalty: a fine not exceeding 5 penalty units

- (2) An Authorised Person may give reasonable directions to –
 - (a) a person apparently in control of an aircraft, vehicle or animal within the Aerodrome including a direction to move an aircraft from one area of the Aerodrome to another; or
 - (b) any other person within the Aerodrome; which are in his opinion necessary for the proper management of the Aerodrome and/or for ensuring the safety of any person who may be using the Aerodrome or for any aircraft using the Aerodrome;

- (3) A person must not, without reasonable excuse, refuse or fail to comply with a direction given by an Authorised Person in accordance with this By-law.

Penalty: a fine not exceeding 10 penalty units

- (4) In the event that an Authorised Person gives a direction to move an aircraft from one area of the Aerodrome to another and the person to whom the direction is given does not immediately comply with that direction, the Authorised Person may authorise the removal of the aircraft.

Penalty: a fine not exceeding 10 penalty units

- (5) Any expense incurred by the Council in removing the aircraft in accordance with clause 6(4) of this by-law shall be paid by the person to whom the direction is given and is recoverable as a debt due to the Council;

- (6) A person must not refuse or fail to comply with a request by an Authorised Person to permit and facilitate the inspection of any item that a passenger takes, intends, or wishes to take on board an Aircraft;

Penalty: a fine not exceeding 20 penalty units

- (7) A person must not –

- (a) use or modify any building or other structure, convenience or amenity provided in or on the Aerodrome for any purpose other than that for which it is provided or intended. Any variation to this clause must be with the written authority of the Aerodrome Supervisor;
- (b) destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for the direction, guidance, warning or information of persons using the Aerodrome.

Penalty: a fine not exceeding 10 penalty units

- (8) A person must not smoke, strike a match, or light an automatic lighter:-

- (a) On any part of the Airside of the Aerodrome within 100 metres of any aircraft.

Penalty: a fine not exceeding 20 penalty units

- (b) within any building erected upon the Aerodrome;

Penalty: a fine not exceeding 10 penalty units

- (9) In all cases concerning the operation of the Aerodrome, the Civil Aviation Act and Regulations, and other relevant legislation and guides are paramount and must be complied with by all those people, vehicles and aircraft using the Aerodrome.

PART C – PARKING

7. Aircraft Parking –

An Air Transport Operator, Operator and/or pilot of an aircraft must, when embarking or disembarking passengers, ensure that the aircraft is parked in an area set aside and designated for aircraft parking or as directed by the Aerodrome Supervisor.

8. Vehicle Parking -

- (1) The Council may control and regulate the parking of motor vehicles at the Aerodrome.
- (2) The Council may install official traffic signs on the Aerodrome to control and regulate any parking of motor vehicles.
- (3) A person must not park a vehicle at the Aerodrome so as to obstruct or impede the use of a designated parking space or area.

Penalty: a fine not exceeding 10 penalty units

- (4) A person must not drive a vehicle on any part of the Aerodrome in contravention of any traffic sign.

Penalty: a fine not exceeding 10 penalty units

- (5) (a) All hire vehicles must be parked in the area designated for that purpose by the Aerodrome Supervisor.

Penalty: a fine not exceeding 10 penalty units

- (b) A person must not park a vehicle at the Aerodrome for a period of longer than 14 days without the prior approval of the Aerodrome Supervisor.

Penalty: a fine not exceeding 10 penalty units

- (c) Vehicles left unattended without permission may be towed away at the discretion of the Aerodrome Supervisor.

- (d) The cost of towing the vehicle away and retrieving it shall be paid by the owner of the vehicle and such cost is recoverable as a debt due to the Council.

9. Vehicle Parking Fees –

- (1) The Council may prescribe a fee for the parking of a motor vehicle at the Aerodrome (hereinafter referred to as ‘the prescribed fee’)
- (2) The prescribed fee may be determined by resolution of the Council, the passing of which must be notified by public notice within seven days.
- (3) The prescribed fee, once determined by the Council, may only be varied by an amendment to the By-law.
- (4) Any person parking a motor vehicle on any part of the Aerodrome where parking is only permitted upon payment of the prescribed fee, must pay the prescribed fee to the council prior to the motor vehicle being parked.

Penalty: a fine not exceeding 5 penalty units

- (5) Any person parking a motor vehicle at the Aerodrome must obey any parking restrictions that are notified by a sign erected upon the Aerodrome.

Penalty: a fine not exceeding 5 penalty units

- (6) An Authorised Person may remove any vehicle that is parked in contravention of any parking restriction notified by a sign erected upon the Aerodrome.

PART D – CHARGES**10. Passenger Charge -**

- (1) An Air Transport Operator must pay to the Council a charge determined by resolution of the Council for each passenger arriving or departing from the Aerodrome,
- (2) Such charge must be paid not later than 14 days after the end of the month during which the liability for the charge was incurred.

11. Cargo Charge -

- (1) An Air Transport Operator must pay to the Council a cargo charge determined by resolution of the Council.
- (2) Such charge must be paid not later than 14 days after the end of the month during which the liability for the charge was incurred.

12. Returns of Charges –

Payment of the total charges as prescribed in respect of clauses 10 and 11 must be accompanied by passenger charge and cargo charge returns in a form approved by the Council.

13. Landing Charge –

- (1) An Operator, Air Transport Operator, and where the Operator and Air Transport Operator are not also the owner of an aircraft that lands on the Aerodrome, the owner, of an aircraft using the Aerodrome, must pay to the Council a charge determined by resolution for the Council, before the landing of an aircraft or by prior arrangement with the Council.
- (2) Such charge must be paid not later than 14 days after the end of the month during which the liability for the charge was incurred.

14. Exemptions from Charges –

The Royal Flying Doctor Service and any Aerial Ambulance Service is exempted from the charges prescribed by clauses 10, 11 and 13.

15. Prohibition on Use of Terminal: -

The Council may prohibit the use of the Aerodrome terminal building and facilities associated with that building by any air transport operator who has

failed to pay any passenger charge, cargo charge or landing charge as provided for in this Part.

PART E – GENERAL PROVISIONS

16. Vehicles Must Be Registered –

- (1) Any vehicle that is used Airside must be registered as required by the Vehicle and Traffic Act 1999.

17. Signs –

- (1) No person is, without first obtaining a permit in writing from the Council, to erect, affix, paint, paste, mark, alter, exhibit or maintain any sign on, over or in any part of the Aerodrome.

Penalty: a fine not exceeding 5 penalty units

- (2) The Council may on such terms and conditions as it deems appropriate grant a permit in writing for the erection, affixing, painting, pasting or marking of any sign on the Aerodrome for a maximum period of 12 months.

18. Removal of Offenders –

- (1) An Authorised Person has the power to remove from the Aerodrome any person whom the Authorised Person believes may have committed an offence against this By-law.

- (2) Any Police Officer who –

- (a) finds a person in the Aerodrome committing an offence against the provisions of this By-law; or

- (b) finds in the Aerodrome a person whom he suspects may have committed an offence against the provisions of this By-law;

may arrest without warrant that person or may remove (using such force as necessary for such purposes) such person from the Aerodrome.

19. Abandoned or Obstruction Vehicles –

- (1) An Authorised Person may seize and remove and detained any vehicle which is parked on the Aerodrome and whose presence in the opinion of the Authorised Person constitutes an obstruction,

or prevents, hinders or is likely to obstruct, prevent or hinder the proper management of the Aerodrome or whose presence may pose a danger to any other person, vehicle or aircraft using the Aerodrome.

- (2)
 - (a) As soon as practicable after removal of such vehicle the General Manager must cause notice in writing to be given to the registered owner of the vehicle, if he or she can be ascertained, of such removal and of the place at which such vehicle is then detained;
 - (b) Such notice, if practicable, must be served upon the registered operator personally but if it is not so served within 14 days from the date of such removal it may be given by public advertisement in a newspaper circulating within the municipal area.
- (3) If within one month from the date of service or publication of the advertisement of such notice the registered owner of such vehicle or a person acting on his behalf or a person claiming a right to the possession of such vehicle has not obtained possession of such vehicle in accordance with the provisions of the By-law, the Council may sell the vehicle.
- (4) Before selling the vehicle the Council must –
 - (a) by notice published in a newspaper circulating in the municipal area advertise that it will offer such vehicle by public auction at the place and time stated in the advertisement;
 - (b) at the time of the day stated in the advertisement (which day must not be earlier than 14 days after the date when the advertisement was published) and at the place stated in the advertisement, offer such vehicle for sale by public auction, unless the registered owner thereof or a person acting on his behalf or a person claiming a right to possession thereof has sooner obtained possession of such vehicle in accordance with the provisions of this By-law;
 - (c) if no offer for such vehicle is received at such auction, dispose of it in such manner and on such terms that the Council may by resolution determine.

- (5) The proceeds of the sale of the disposal of such vehicle must be applied as follows:-
- (a) firstly in payment of the expenses of the sale or disposal;
 - (b) secondly in payment of the cost of removal and detention of such vehicle and the service and advertisement of any notice service or advertisement under this clause; and
 - (c) thirdly in payment of the balance of such proceeds to the registered owner of such vehicle, or if after reasonable enquiry he cannot be ascertained, into the general account of the Council.
- (6) The council may deal with any goods, equipment or thing contained in, on or about such vehicle at the time of its removal in the same manner as it may deal with the vehicle pursuant to this By-law. Provided that any perishable goods contained in such vehicle at the time of its removal may be disposed of in such manner as the General Manager may direct and the proceeds, if any, of such disposal shall be applied in accordance with the provisions of clause (5) of this By-law.
- (7) No person is to take delivery or obtain possession of or remove or attempt to remove from the detention of the Council a vehicle removed and detained pursuant to the provisions of this clause.
- Penalty: a fine not exceeding 5 penalty units
- (8) In this By-law the term 'vehicle' includes any part of a vehicle.

20. Infringement Notices

- (1) In this clause –
- “specified offence” means an offence against the clause specified in Column 1 of Schedule 1.
- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- (3) An authorised officer may:

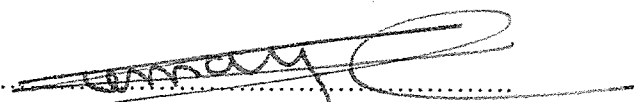
- (a) Issue an infringement notice to a person whom the authorised officer has reason to believe is guilty of a specified offence;
- (b) Issue one infringement notice in respect of more than one specified offence;
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

Schedule 1 – Aerodrome By-Law No 1 of 2010

INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
5(4)	Animals in the Aerodrome	2
6(1)(a)	Causing annoyance or inconvenience	1.5
6(1)(b)	Disobey directions	1.5
6(3)	Fail to comply with direction	2
6(4)	Failure to move an aircraft	5
6(6)	Failure to comply with inspection	5
6(7)(a)	Misuse or modification of structure or amenity	5
6(7)(b)	Destroy, remove, deface any notice or barricade, intended for information or warning for people using the Aerodrome	5
6(8)(a)	Smoking, strike a match, or light an automatic lighter	5
6(8)(b)	Smoking in building	2
8(3)	Obstructing the use of designated parking space with a vehicle	2
8(4)	Driving in contravention of traffic sign(s) on the Aerodrome	2
8(5)(a)	Park a rental car in a space other than that set aside for such vehicle	2

8(5)(b)	Parking a vehicle for longer than 14 days without approval	2
9(4)	Failure to comply with a fee under this clause	1
9(5)	Failure to obey parking restriction sign	1
17(1)	Without permit, erecting or altering any sign in the Aerodrome	1
19(7)	Removing, taking delivery or possession of any vehicle in the detention of the council	1



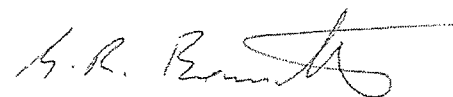
 G.W. Tremayne, legal Practitioner.

Dated this ... 15th day of May 2012 at Hobart.

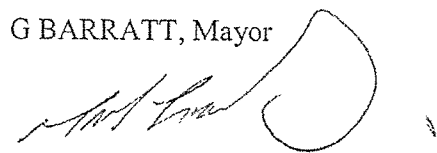
In witness whereof the
 Common Seal of the King
 Island Council has been affixed
 pursuant to a resolution at the
 Ordinary Meeting of Council
 this... 20th day of
 March 2012.



(Seal)



G BARRATT, Mayor


 M GOODE, General Manager

