



PROPOSED
LOCAL LAW NO. 8
General Local Law

History of Maroondah City Council's Local Laws

Repealed Local Laws

No.	Title	Date made	Date repealed	Period operative	Status
1	Environment Local Law	11/12/1995	14/12/1999	12/12/1995 to 31/12/1999	Repealed
2	Municipal Places	11/12/1995	14/12/1999	12/12/1995 to 31/12/1999	Repealed
3	Meetings Procedure and Use of Common Seal	12/2/1997	17/10/2006	?/3/1997 to 31/12/2006	Repealed
4	Administration and Enforcement of Council's Local Laws	14/12/1999		1/1/2000 to 31/12/2009	Repealed
5	Public Safety and Amenity	14/12/1999		1/1/2000 to 31/12/2009	Repealed
6	Use of Roads and Other Council Property	14/12/1999		1/1/2000 to 31/12/2009	Repealed

Current Local Laws

No.	Title	Date made	Date repealed	Period operative	Status
7	Meetings Procedure and Use of Common Seal	17/10/2006		1/3/1997 to 31/12/2006	Operative
8	General Local Law			1/1/2010 to	Operative

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PART A – INTRODUCTORY

1. TITLE

This Local Law is the MAROONDAH CITY COUNCIL “Local Law No. 8 General Local Law” and is referred to below as “this Local Law”.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- 2.1 revoke **Local Laws** 4, 5 and 6 made by **Council**;
- 2.2 provide for and assure equitable, orderly and enjoyable use by people of community facilities, including roads;
- 2.3 protect **Council Property** and other community assets from loss or unnecessary or avoidable damage;
- 2.4 support provision by **Council** of a safe, clean and healthy environment in areas under its control and management; and
- 2.5 provide generally for the peace, order and good government of the **Municipal District**.

3. ENABLING POWER AND COMMENCEMENT

This Local Law is made under section 111 of the **Act** and comes into operation on 1 January 2010.

4. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on 31 December 2019.

5. SCOPE AND STATUS OF THIS LOCAL LAW

5.1 This Local Law operates throughout the **Municipal District** except for **Clause 31 Shopping Trolleys** which only relates to the **Ringwood Central Activities District** which is bounded by Heatherdale Road to the west, Ringwood Bypass to the north, Mount Dandenong Road to the east and the Belgrave/Lilydale Rail line to the south and which have 3 months from the commencement of this local law to comply.

5.2 Upon this Local Law coming into operation, Local Law No. 4, Local Law No. 5 and Local Law No. 6 made by **Council** are revoked.

6. DEFINITIONS

6.1 In this Local Law, unless inconsistent with the context:

'Act' means the *Local Government Act* 1989;

'Animals' means animals and birds of a type listed in the table in **Clause 47**;

'Applicant' means a person who applies for a **Permit** under this Local Law;

'Approved Toilet System' means an existing toilet facility connected to a sewerage or a temporary effluent system that does not cause odours or detriment to the amenity of the area in which the Site is located and is kept in a clean and sanitary condition at all times;

'Asset Protection Permit' means a **Permit** issued by **Council** under **Clause 15**;

'Asset Protection Permit Bond' means a sum of money, or another means of security acceptable to **Council**, the amount of which has been determined after taking account of:

6.1.1 the nature of the **Building Works**;

6.1.2 likely costs that would be incurred for repairs to **Council Infrastructure Assets**, if damage does occur to them, during or as a result of the **Building Works**;

6.1.3 requirements which are commonly applied in comparable situations; and

any relevant Commonwealth or State government legislation or policy directives;

'Authorised Officer' means a person appointed by **Council** to be an Authorised Officer under section 224 of the **Act**;

'Authorised Token' means any object the same size as an Australian Currency one dollar (\$1.00) or two dollar (\$2.00) coin approved by a **Retailer** to release a trolley from a coin mechanism, other than an Australian Currency one dollar (\$1.00) or two dollar (\$2.00) coin;

'Barbecue' means a device (whether powered by gas, electricity, liquid or solid fuel or any combination of them), the primary purpose of which is to be used for the cooking of food outdoors and constructed predominantly of metal or other non flammable material and includes a device for spit roasting when used outdoors;

'Builder' means a person to whom a building permit has been issued under the *Building Act* 1993 or a person who is or is about to undertake **Building Works**;

'Building Works' includes any works with respect to the construction, demolition, renovation, alteration or removal of, or to, any building, structure or land or any work for which a permit is required under the Building Act 1993 or any other legislation (including this Local Law);

'Chief Executive Officer' means the Chief Executive Officer of **Council**;

'Clause' means a clause of this Local Law;

'Clothing Bin' means a receptacle used for the donation of clothing or household goods of a type which accords with the bin operator's description of what may be deposited therein;

'Coin mechanism' means a coin operated lock that operates with the insertion of an Australian Currency one dollar (\$1.00) or two dollar (\$2.00) coin or equivalent authorised token of the same size;

'Council' means Maroondah City Council;

'Council Infrastructure Assets' means any physical asset owned by, vested in or under the care, control or management of **Council**, including but not limited to any **Road**, drain, kerb and channel, footpath, nature strip, street tree, vehicle crossing, street furniture, sign, pole, light, batter or retaining wall;

'Council Land' means any land owned by, vested in or under the control or care or management of **Council**, other than a **Road**;

'Council Property' includes any **Road**, **Council Land**, **Infrastructure Asset** and structure, fixture, fitting, equipment or furnishing or other such asset, which is owned by or under the control or care or management of **Council**;

'Domestic Birds' means small birds such as canaries, finches, budgerigars and the like;

'Floating Vessel' means any kayak, canoe, boat, yacht, raft, tyre tube or any other object that can carry a person on or in water;

'Garbage Bin' means a receptacle supplied to premises by **Council** for the purposes of collecting and disposing of household, commercial or industrial waste;

'Garden Organics' means:

6.1.4 waste material from domestic gardens and includes grass clippings, weeds, leaves, garden prunings, branches and small logs up to 10cm in diameter and 40cm in length; and

6.1.5 any other material **Prescribed** from time to time to be garden organics for the purposes of this Local Law,

but excludes household scraps;

'Garden Organics Bin' means a receptacle supplied to premises by **Council** for the purposes of collecting and disposing of **Garden Organics**;

'Hard Waste' means any substance or article **Prescribed** from time to time to be hard waste for the purposes of this Local Law;

'Incinerator' means a structure, device or contraption (not enclosed in a building) which is:

- 6.1.6 used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;
- 6.1.7 not licensed or otherwise subject to control under the provisions of any other Act;
- 6.1.8 not a **Barbecue** or a device the primary purpose of which is for outdoor heating; and
- 6.1.9 not a lantern, combustion engine or similar device;

'Infringement Notice' means a notice prepared in accordance with **Clause 68** of this Local Law;

'Large Bird' means any cockatoo, parrot, pheasant, goose or turkey or other similar sized bird but excludes poultry, pigeons and any domestic bird;

'Liquor' means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

'Litter Device' means an apparatus designed for the purpose of removing animal excrement, and includes a paper or plastic bag;

'Local Law' means a local law of **Council**;

'Municipal Building' means any building owned, occupied or under the control of **Council**;

'Municipal District' means the area proclaimed under the **Act** to be under the local government of **Council**;

'Municipal Planning Scheme' means a planning scheme approved under the *Planning and Environment Act 1987* that operates within the **Municipal District**;

'Municipal Reserve' means any **Council Land** dedicated or used for cultural, recreational or entertainment purposes;

'Notice to Comply' is a notice prepared in accordance with **Clause 64** of this Local Law;

'Occupier' means the person or persons legally entitled to occupy any premises and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land;

'Offence' includes an offence against or a breach of a provision of any **Local Law**, or a breach of a **Permit** or a notice or a direction issued under it;

'Owner', in relation to any land, means the person who is registered on the certificate of title as the owner of the land or the person who is or is entitled to exercise any rights of ownership of the land;

'Penalty Unit' has the same meaning as in the *Sentencing Act 1991*;

'Permit' means a permit, authorised or required under a **Local Law**, and issued in accordance with the provisions of this Local Law;

'Permit Holder' means a person or persons in whose names a **Permit** has been issued;

'Prescribed' means determined by **Council** and then specified in a notice published in a newspaper generally circulating within the **Municipal District**;

'Property Address' means the **Road** name and street number allocated to a property within the Municipal District and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers;

'Proper Authority' means consent, verbal or written, of **Council** or of an **Authorised Officer**, given after taking into account where relevant:

- 6.1.10 the health and safety of the public;
- 6.1.11 the need to ensure that activities of a person or group do not adversely affect the activities or enjoyment of another person or group;
- 6.1.12 the need to protect **Council** or **Service Authority** assets or infrastructure from damage;
- 6.1.13 emergency situations and disasters;
- 6.1.14 legislation and policy directives of the Commonwealth and State governments; and
- 6.1.15 the need for work to occur which is authorised by Commonwealth or State legislation, or by **Council** or a **Service Authority**;

'Putrescible Refuse' means refuse that is liable to rot or become putrid and most commonly relates to normal domestic waste;

'Recyclable Material' means any substance or article **Prescribed** from time to time to be recyclable material for the purposes of this Local Law:

6.1.16

'Recyclables Bin' means a receptacle supplied to a property by **Council** for the purpose of the collecting **Recyclable Material**;

'Retailer' means a person who sells goods by retail and provides **Shopping Trolleys** to their customers;

'Ringwood Central Activities District' means land which is bounded by Heatherdale Road to the west, Ringwood Bypass to the north, Mount Dandenong Road to the east and the Belgrave/Lilydale Rail line to the south.

'Road' has the same meaning as in the **Act**;

'Road Management Plan' means a Road Management Plan made under the *Road Management Act 2004*;

'Schedule' means a Schedule to this Local Law;

'Service Authority' means any public authority or corporation other than **Council**, whether a government department, a government agency, a statutory body or a private sector corporation, responsible for providing infrastructure or utility facilities or services to the community;

'Shared Pathway' has the same meaning as in rule 242(2) of the *Road Rules - Victoria*;

'Shopping Trolley' means a vehicle used primarily for the carriage of goods by customers of a Retailer;

'Site' means the land to which the **Building Works** relate;

'Trade Waste' means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking;

'Trade Waste Hopper' means a purpose-built receptacle for the deposit of **Trade Waste** that is ordinarily emptied by mechanical means;

'Vehicle' has the same meaning as in the *Road Safety Act 1986*; and

'Vermin' has the same meaning as in the *Catchment and Land Protection Act 1994*.

- 6.2 Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have the same meaning.

PART B – MUNICIPAL BUILDINGS

7. OPENING HOURS OF MUNICIPAL BUILDINGS

- 7.1 Municipal buildings will be open to the public during such hours as **Council** determines.
- 7.2 **Council** may at any time close a **Municipal Building** or any part of it for any purpose, including for maintenance and cleaning.

8. USE OF MUNICIPAL BUILDINGS

- 8.1 **Council** may from time to time determine conditions of or limitations on use that apply to any **Municipal Building** or class of **Municipal Buildings**. In determining those conditions or limitations, **Council** may take account of the following where relevant:

- 8.1.1 the health and safety of the public;

- 8.1.2 the need to ensure that the activities of a person or group do not adversely affect the activities or enjoyment of another person or group;
- 8.1.3 whether the costs of operating or maintaining the **Municipal Building** are being contributed to by those who use the **Municipal Building**;
- 8.1.4 the need to protect **Council** or **Service Authority** assets or infrastructure from wilful or unnecessary damage;
- 8.1.5 emergency situations and disasters; and
- 8.1.6 legislation and policy directives of the Commonwealth and State governments.
- 8.2 A person entering a **Municipal Building** must comply with any conditions of or limitations of use determined under **Clause 8.1**.
- 8.3 Conditions of or limitations on use, determined by **Council** under **Clause 8.1** for any **Municipal Building**, must be made available for inspection by any person at all times on **Council's** internet website, and at the **Municipal Building** when it is open for use to the general public, and at the **Council's** principal office and **Council's** customer service centres during office hours.
- 8.4 Without limiting the scope of **Clause 8.2**, a person must not, without **Proper Authority**:
- 8.4.1 organise any function or event in a **Municipal Building**;
- 8.4.2 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a **Municipal Building**;
- 8.4.3 enter or remain in a **Municipal Building** otherwise than during the hours in which the **Municipal Building** is open to the public;
- 8.4.4 enter or remain in any part of a **Municipal Building** not set aside for public use;
- 8.4.5 enter a **Municipal Building** otherwise than through an entrance provided for the purpose of public entry;
- 8.4.6 bring any animal into, or allow any animal under his or her control to remain in, a **Municipal Building**, except for a guide dog being used by a visually impaired person or a hearing dog being used by a hearing impaired person or a guard dog being used by security personnel retained by or on behalf of Council or a dog used and under the control of a law enforcement or emergency services provider;
- 8.4.7 bring any **Vehicle** into a **Municipal Building**, except for:
- 8.4.7.1 a pram or pusher being used by a parent to transport a child;

- 8.4.7.2 a wheelchair being used by a person with a disability;
or
- 8.4.7.3 a motorised mobility aid used by people with limited mobility, provided access is available and that no damage to the building will result from the use of the mobility aid;
- 8.4.8 bring or deliver **Liquor** to a **Municipal Building**;
- 8.4.9 bring into a **Municipal Building** any substance, liquid or powder which may:
 - 8.4.9.1 be dangerous or injurious to health;
 - 8.4.9.2 have the potential to foul, pollute or soil any part of the **Municipal Building**; or
 - 8.4.9.3 cause discomfort to any persons; or
- 8.4.10 ride a bicycle, scooter, skateboard, or in-line or roller skates, or similar device except in an area set aside for and designated by a sign erected by **Council** as being available for such a purpose.

PENALTY: MAXIMUM 20 PENALTY UNITS

9. PROHIBITION ON ENTRY TO A MUNICIPAL BUILDING

A person must not:

- 9.1 enter or remain in a **Municipal Building** while under the adverse influence of **Liquor** or any illegal drug or bring any illegal drug or substance into a **Municipal Building**;
- 9.2 enter or remain in a **Municipal Building** while speaking or acting in a manner that is threatening or harassing or which interferes with the lawful duty of a member of **Council** staff or the lawful enjoyment of the **Municipal Building** by other users or occupants;
- 9.3 re-enter a **Municipal Building** within 24 hours after being directed to leave for any breach of a **Local Law**; or
- 9.4 be admitted to a **Municipal Building** if under the age of ten (10) years unless in the care or under the supervision of an adult.

PENALTY: MAXIMUM 20 PENALTY UNITS

10. CONDUCT IN A MUNICIPAL BUILDING

A person in a **Municipal Building** must not:

- 10.1 deposit any litter except in receptacles provided for that purpose; or
- 10.2 obstruct, hinder or interfere with any person employed by, or acting on behalf of, **Council** at the **Municipal Building** in the performance of their duties.

PENALTY: MAXIMUM 20 PENALTY UNITS

11. SMOKING PROHIBITED IN MUNICIPAL BUILDINGS

- 11.1 A person must not smoke any tobacco product in a **Municipal Building**.
- 11.2 For the purpose of **Clause 11.1**, "**Municipal Building**" does not include any courtyard, car park or garden or the grounds of a **Municipal Building**.

PENALTY: MAXIMUM 20 PENALTY UNITS

PART C – MUNICIPAL RESERVES

12. USE OF MUNICIPAL RESERVES

- 12.1 **Council** may from time to time determine conditions of use, or limitations on use, that apply to any **Municipal Reserve** or class of **Municipal Reserves**. In determining those conditions or limitations, **Council** may take account of the following where relevant:
 - 12.1.1 the health and safety of the public;
 - 12.1.2 the need to ensure that the activities of a person or group do not adversely affect the activities or enjoyment of another person or group;
 - 12.1.3 the constraints on use by persons necessary to provide for the conduct of organised sports events;
 - 12.1.4 whether the costs of operating or maintaining the **Municipal Reserve** are being contributed to by those who use the **Municipal Reserve**;
 - 12.1.5 the need to protect **Council** or **Service Authority** assets or infrastructure from wilful or unnecessary damage;
 - 12.1.6 emergency situations and disasters; and
 - 12.1.7 legislation and policy directives of the Commonwealth and State governments.
- 12.2 A person entering a **Municipal Reserve** must comply with any conditions of or limitations on use determined under **Clause 12.1**.
- 12.3 Conditions of, or limitations on, use determined by **Council** under **Clause 12.1** for any **Municipal Reserve** must be made available for inspection on **Council's** internet website at any time and during office hours at the **Council's** principal office and at **Council's** customer service centres.
- 12.4 Without limiting the scope of **Clause 12.2**, a person must not, without **Proper Authority**:
 - 12.4.1 organise any function or sports event in a **Municipal Reserve**;

- 12.4.2 being a person other than a player, official or competitor at any organised sports event, or an **Authorised Officer**, enter or remain within or upon the playing arena of a **Municipal Reserve** during the progress of such event;
- 12.4.3 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a **Municipal Reserve**;
- 12.4.4 enter or remain in a **Municipal Reserve** otherwise than during the hours which the **Municipal Reserve** is open to the public;
- 12.4.5 enter or remain in any part of a **Municipal Reserve** not set aside for public use;
- 12.4.6 drive, ride or park any **Vehicle** within a **Municipal Reserve**, except on designated access **Roads** and in parking areas within a **Municipal Reserve**;
- 12.4.7 ride a bicycle, scooter, skateboard, or in-line or roller skates within a **Municipal Reserve**, unless it is done so that it does not interfere with the use or enjoyment of the **Municipal Reserve** or any part thereof by any other person;
- 12.4.8 fly or permit to be flown any model aeroplane, aircraft or similar apparatus of any kind (excluding kites) over a **Municipal Reserve**;
- 12.4.9 swim in, wade through, or enter for recreation purposes or fish in or use any **Floating Vessel** upon any lake, pond or excavation containing water located on or in a **Municipal Reserve**;
- 12.4.10 install or permit to be installed a gateway or other means of access to or from a **Municipal Reserve**;
- 12.4.11 use in any **Municipal Reserve** any amplifier, musical instrument or sound broadcasting equipment in a manner that is likely to disturb other persons;
- 12.4.12 install or erect or place on or in any **Municipal Reserve** any item, equipment or thing which may damage the **Municipal Reserve** or interfere with the use or enjoyment of the **Municipal Reserve** or any part thereof by any other person;
- 12.4.13 bring into a **Municipal Reserve** any substance, liquid or powder which may:
- 12.4.13.1 be dangerous or injurious to health; or
 - 12.4.13.2 have the potential to foul, pollute or soil any part of the **Municipal Reserve**; or
 - 12.4.13.3 cause discomfort to any persons.

PENALTY: MAXIMUM 20 PENALTY UNITS

13. CONDUCT IN A MUNICIPAL RESERVE

A person in or upon any **Municipal Reserve** must not:

- 13.1 except with **Proper Authority**, engage in, play or practise cricket, football, bowls, tennis, lacrosse, golf, archery, or any like games, in a manner that may interfere with public safety or the use and enjoyment of the **Municipal Reserve** or any part thereof by any other person;
- 13.2 ride or lead a horse, except in areas designated and signposted for horse riding or leading;
- 13.3 interfere with any structure, notice, building or part thereof, fence, seat, tree or plant;
- 13.4 walk on flower beds or borders, climb steep banks or cliff faces, or enter any prohibited areas delineated as such by **Council** from time to time;
- 13.5 behave in a disorderly manner;
- 13.6 remain at any time when lawfully directed to leave the same by an **Authorised Officer**, notwithstanding that a fee or charge for admission may have been paid;
- 13.7 deposit any litter except in receptacles provided for that purpose;
- 13.8 obstruct, hinder or interfere with the duties of any person employed by **Council** in the performance of their duties; or
- 13.9 act contrary to any sign which specifies activities prohibited under a **Local Law**, or advises of conditions of use applicable under a **Local Law**.

PENALTY: MAXIMUM 20 PENALTY UNITS

PART D – COUNCIL PROPERTY

14. DAMAGING OR DEFACING COUNCIL PROPERTY

- 14.1 A person must not, without **Proper Authority**, destroy, damage, write on, affix anything to, remove, or interfere with any **Council Property**.
- 14.2 Without limiting the scope of **Clause** 14.1, a person must not, without **Proper Authority**:
 - 14.2.1 remove or interfere with any trees, dead or alive, or plants on or within any **Council Land** or **Road**;
 - 14.2.2 destroy, damage or interfere with a water course, ditch, creek, swale, gutter, drain¹, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of **Council**; or

¹ see also clause 15, 45 and 56, relating to drains

- 14.2.3 remove anything belonging to **Council** from any **Council Land** or **Road**.

PENALTY: MAXIMUM 20 PENALTY UNITS

15. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS

- 15.1 In any case where a building permit has been issued under the *Building Act* 1993 or **Building Works** are about to commence on land, the **Owner** of the land, at least seven days before commencing or causing or allowing works on the land, must:

15.1.1 obtain an **Asset Protection Permit**;

15.1.2 advise **Council** in writing of any damage that exists to any **Council Infrastructure Assets** likely to be affected by the **Building Works**; and

15.1.3 pay any **Asset Protection Permit** fee determined by **Council** from time to time.

PENALTY: MAXIMUM 20 PENALTY UNITS

15.2 An Asset Protection Permit

will require the payment or lodgement of an **Asset Protection Permit Bond** and may contain conditions that:

15.2.1 require works to be done on or around the **Site** to protect **Council Infrastructure Assets**, the health and safety of the public, the environment and the amenity of the area or to be in accordance with the relevant legislative framework; and/or

15.2.2 require entry to and exit from the **Site** only at designated locations.

- 15.3 If **Council** does not receive advice in writing as required under **Clause** 15.1.2, it is deemed, for the purposes of **Clause** 15.5, that there was no existing damage to **Council Infrastructure Assets**.

- 15.4 As soon as practicable after receiving notice of completion of the **Building Works**, **Council** may cause an inspection of **Council Infrastructure Assets** to be carried out.

- 15.5 If, as a result of the inspection under **Clause** 15.4, **Council** considers that the **Building Works** have damaged **Council Infrastructure Assets**, **Council** may:

15.5.1 direct the the **Owner** of the **Site** to repair the damage at the **Owner's** cost, in accordance with standards specified by **Council** and within a period of not more than 28 days; and/or

15.5.2 initially protect **Council's Infrastructure Assets**, the cost of which can be recovered from the the **Owner**; and/or

15.5.3 repair the damage and recover the cost from the **Asset Protection Permit Bond**.

15.6 If repair of damaged **Council Infrastructure Assets** is required under **Clause 15.5.1**, the **Owner** must effect the repairs to the standards and within the time specified by **Council**.

PENALTY: MAXIMUM 20 PENALTY UNITS

15.7 If the repair work is done under **Clause 15.5.1** and/or 15.5.2 and the cost is greater than the amount of the **Asset Protection Permit Bond**, then the **Owner** must pay to **Council** the amount of the shortfall, being the difference between the cost of the repair work and the amount of the **Asset Protection Permit Bond**.

15.8 If the repair work is done under **Clause 15.5.1** and/or 15.5.2 and the cost is less than the amount of the **Asset Protection Permit Bond**, **Council** must refund or release the unused portion of the **Asset Protection Permit Bond** to the person who paid it to **Council**.

15.9 If, as a result of the inspection under **Clause 15.4**, **Council** considers that the **Building Works** have not damaged **Council Infrastructure Assets**, **Council** must refund or release the entire **Asset Protection Permit Bond** to the person who paid it to **Council**.

15.10 Pursuant to section 112 of the **Act**, **Council's** 'Building Site Code of Practice' published by **Council** on 16 November 2009 is incorporated into this **Local Law**.

15.11 An **Owner** must comply with any requirements imposed by any provision of Council's 'Building Site Code of Practice' in respect of any **Building Works** or a **Site**.

16. VEHICLE CROSSINGS

16.1 An **Owner** of land must ensure that each point of **Vehicle** access from a **Road** to the land has a properly constructed and maintained vehicle crossing between the carriageway and the boundary of such property abutting the **Road**. For the purposes of this **Clause**, properly constructed means having obtained a **Permit** from **Council** and having constructed the vehicle crossing in compliance with the conditions of that **Permit**.

PENALTY: MAXIMUM 20 PENALTY UNITS

16.2 Prior to installation, construction, alteration or reconstruction of a vehicle crossing, the **Owner** of land, or the person who is doing the work with the **Owner's** authority, must obtain a **Permit** from **Council**.

PENALTY: MAXIMUM 20 PENALTY UNITS

16.3 **Council** may by notice in writing require the **Owner** of land to remove any part of, or all of, a **Vehicle** crossing for which there is no effective point of **Vehicle** access, and to reinstate the **Road** and **Council Infrastructure Assets** to Council's required standard.

- 16.4 The **Owner** must comply with a notice given under **Clause** 16.3 within the period stated therein.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 16.5 If there is more than one vehicle crossing at a property or a second vehicle crossing being constructed without **Proper Authority** then **Council** can direct the **Owner** or the person constructing the second vehicle crossing to promptly remove it. If the **Owner** or the person constructing the second vehicle crossing fails to remove the second vehicle crossing promptly then **Council** may arrange for its removal and recover any costs **Council** incurs in doing so from the **Owner**.

PENALTY: MAXIMUM 20 PENALTY UNITS

17. ACTIVITIES ON COUNCIL LAND OR ROADS

A person must not, without **Proper Authority**, on **Council Land** or a **Road**:

- 17.1 act in a manner which unreasonably interferes with the use or enjoyment by any person of the **Council Land** or **Road**; or
- 17.2 act in a way which endangers any person; or
- 17.3 use any life saving or fire fighting device unless during an emergency; or
- 17.4 undertake any **Building Works** or construction activities.

PENALTY: MAXIMUM 20 PENALTY UNITS

18. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER²

- 18.1 A person must not, without a **Permit**, on a **Road**, any **Council Land** or any open space to which the public have access:
- 18.1.1 consume or ingest any **Liquor**; or
- 18.1.2 have in his or her possession a bottle, can, wine cask or other receptacle, which contains **Liquor** and has been opened.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 18.2 **Clause** 18.1 does not apply:
- 18.2.1 to a person in licensed premises or authorised premises under the *Liquor Control Reform Act 1998*; or
- 18.2.2 where the consumption of **Liquor** is taking place at an organised function conducted with **Proper Authority** or as part of a picnic with family and/or friends within a **Council** reserve, provided that no nuisance is caused to other persons in the area and the

² section 224A of the Act specifies a procedure for authorising any police officer to enforce the regulation of "use, possession or consumption of alcohol", imposed by a **local law**

persons concerned leave the area in a clean and tidy condition afterwards.

- 18.3 A person must not arrive at, depart from, or remain within a 200 metre radius of a licensed premises and behave in a manner likely to be detrimental to the amenity of the neighbourhood.

PENALTY: MAXIMUM PENALTY 20 UNITS

19. ROADSIDE/STREET TRADING AND PERFORMING

- 19.1 A person must not, without a **Permit**, erect or place on any **Road** or **Council Land** a **Vehicle**, caravan, trailer, table, stall or other similar structure other than for the legal parking of a **Vehicle**.
- 19.2 A person must not, without a **Permit**, sell or offer for sale any goods or services on any **Road** or **Council Land**.
- 19.3 A person with the objective, or apparent objective, of collecting money must not, without a **Permit**, on any **Road** or **Council Land** sing, perform, entertain or play any musical instrument.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 19.4 **Council** may impound³ any **Vehicle**, caravan, trailer, table, stall or other similar structure placed on a **Road** or **Council Land** in breach of **Clause** 19.1 or **Clause** 19.2.

20. STREET COLLECTIONS

A person must not, without a **Permit**, solicit or collect on any **Road** or on any **Council Land** or from house to house any gifts of money or subscriptions for any purpose⁴.

PENALTY: MAXIMUM 20 PENALTY UNITS

21. STREET PARTIES, FESTIVALS AND PROCESSIONS

A person must not, without a **Permit**, conduct, organise or otherwise hold a function in the nature of a street party, street festival or procession on a **Road**.

PENALTY: MAXIMUM 20 PENALTY UNITS

22. VEHICLES USING ROADS CONTRARY TO RESTRICTED USE SIGNS

If **Council** exercises its powers under the **Act**⁵ to restrict the use of roads and erects signs advising of the nature of the restriction, a person must not, without **Proper Authority**, contravene any of those restrictions.

PENALTY: MAXIMUM 20 PENALTY UNITS

³ as to process in regard to impounding items, see clause 66

⁴ persons undertaking street collections should note that, in addition to a permit under this Local Law, a permit may be required under other legislation including the *Fundraising Act* 1998

⁵ refer to the Act (sections 206 and 207, and Schedules 10 and 11)

23. LEADING OR RIDING HORSES ON SHARED FOOTWAYS

A person must not, without a **Permit**, lead or ride a horse along a **Shared Pathway** unless otherwise signposted by **Council**.

PENALTY: MAXIMUM 20 PENALTY UNITS

24. USE OF VEHICLES ON COUNCIL LAND

A person must not, without a **Permit**, use a **Vehicle** on any **Council Land** unless the land has been designated and signposted for that purpose.

PENALTY: MAXIMUM 20 PENALTY UNITS

25. BICYCLES, SCOOTERS, SKATEBOARDS, IN-LINE AND ROLLER SKATES⁶

25.1 **Council** may designate areas in which the riding of a bicycle, scooter, skateboard, or in-line or roller skates or similar device is prohibited.

25.2 If **Council** designates areas under **Clause** 25.1, it must cause signs to be erected in or on those areas advising of the prohibition.

25.3 A person must not ride a bicycle, scooter, a skateboard, or in-line or roller skates or similar device in an area designated by **Council** under **Clause** 25.1.

PENALTY: MAXIMUM 20 PENALTY UNITS

25.4 Any person who uses a bicycle, a scooter, a skateboard, or in-line or roller skates or a similar device or causes or authorises another person to use any of those items on a **Road** must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the **Road**, whether in or on a **Vehicle** or not.

PENALTY: MAXIMUM 20 PENALTY UNITS

25.5 This **Clause** 25 does not apply to a person with a disability or infirmity who is using a motorised mobility aid for its intended purpose.

26. REPAIRING VEHICLES

26.1 A person must not, without a **Permit**, paint, service, dismantle or make any major repairs to any **Vehicle** on any **Road** or **Council Land**.

PENALTY: MAXIMUM 20 PENALTY UNITS

26.2 **Clause** 26.1 does not apply to any minor repairs carried out to a **Vehicle** which has broken down and which are reasonably necessary to allow the **Vehicle** to be removed under its own propulsion.

⁶ see also clauses 8.4.10 and 12.4.7 with regard to the use of these items in Council buildings and municipal reserves (respectively)

27. GENERAL OBSTRUCTIONS

- 27.1 A person must not, without a **Permit**, place or keep any thing, item or structure of any kind on a **Road** or **Council Land** which does or is likely to unreasonably impede, obstruct or hinder the movement of pedestrian or vehicular traffic thereon or therein, or interfere with **Council's Infrastructure Assets** or the ability to maintain or replace them.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 27.2 An **Owner** of any land must ensure that no gate, door or other means of access from that land to a **Road** or **Council Land** opens outwards onto a **Road** or **Council Land**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 27.3 **Council** may impound⁷ any thing, item or structure of any kind, placed or kept on or over a **Road** or **Council Land** in breach of **Clause** 27.1 or 27.2.

28. CHAIRS AND TABLES

- 28.1 A person must not, without a **Permit**, place chairs, tables or other similar objects on a **Road** or **Council Land**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 28.2 **Council** may impound⁸ any chairs, tables or similar objects, placed on a **Road** or **Council Land** in breach of **Clause** 28.1.

- 28.3 **Clause** 28.1 does not apply in cases where chairs or tables or similar objects are placed in a public park or reserve to cater for a family picnic or similar function, provided that:

- 28.3.1 the tables and chairs are removed at the conclusion of the picnic or function;
- 28.3.2 no nuisance is caused to other persons in the area; and
- 28.3.3 the persons concerned leave the area in a clean and tidy condition afterwards.

29. LOCATING GOODS OR DISPLAY OF GOODS FOR SALE

- 29.1 A person must not, without a **Permit**, place or display any goods for sale or cause or allow another person under his or her control or direction to do so on a **Road** or **Council Land**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 29.2 **Council** may impound⁹ any goods for sale placed or displayed on a **Road** or **Council Land** in breach of **Clause** 29.1.

⁷ as to process in regard to impounding items, see clause 66

⁸ as to process in regard to impounding items, see clause 66

⁹ as to process in regard to impounding items, see clause 66

30. ADVERTISING, ADVERTISING SIGNS & BILL POSTING

- 30.1 A person must not, without a **Permit**, write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in **Council**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 30.2 A person must not, without a **Permit**, erect or place an advertising sign on any **Council Property** or cause or authorise another person to do so.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 30.3 A person must not, without a **Permit**, erect or place any structure, banner or the like, on or across any **Council Land** or any **Road**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 30.4 **Council** may impound¹⁰ any:

30.4.1 item, advertising sign or the like, which is placed or erected on any **Council Property**; or

30.4.2 item, structure, banner or the like, which is erected or placed on or across any **Council Land** or any **Road**,

without a **Permit** or contrary to the conditions of a **Permit** issued under **Clauses** 30.1, 30.2 and 30.3.

- 30.5 **Clause** 30 does not apply in any case where the relevant activity or act is authorised under a **Municipal Planning Scheme** or State or Commonwealth legislation.

31. SHOPPING TROLLEYS (SEE CLAUSE 5 – SCOPE)

- 31.1 Subject to **Clause** 31.2, a **Retailer** must not make available for use, or permit to be used, a **Shopping Trolley** which does not have a **Coin Mechanism** attached.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 31.2 **Clause** 31.1 does not apply when a **Retailer** makes available for use, or permits to be used, 25 **Shopping Trolleys** or less.

- 31.3 A person must not leave a **Shopping Trolley** on a **Road** or in a public place except in an area designated for that purpose.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 31.4 A **Retailer** may apply in writing to **Council** for an exemption from the application of **Clause** 31.1.

- 31.5 **Council** may decide in its absolute discretion to exempt any **Retailer** from the application of **Clause** 31.1 in respect either, of all **Shopping Trolleys**,

¹⁰ as to process in regard to impounding items, see clause 66

or particular types of **Shopping Trolleys** provided by that **Retailer**, either temporarily or permanently.

- 31.6 A decision under **Clause** 31.5 must be made by a resolution of **Council**.
- 31.7 A **Retailer** must not obtain or attempt to obtain an exemption under **Clause** 31.5 by wilfully making or causing to be made any false representation.
- 31.8 An **Authorised Officer**, or a person engaged by **Council** for this purpose, may seize and impound any **Shopping Trolley** which is being made available for use, or which is being used or has been left on a **Road** or in a public place, in contravention of this **Local Law**.
- 31.9 On the first business day of each month or as soon as possible thereafter a list of **Shopping Trolleys** that have been impounded by **Council** will be forwarded to each **Retailer** stating:
- 31.9.1 The period within which the **Shopping Trolleys** must be claimed;
- 31.9.2 that unclaimed **Shopping Trolleys** may be disposed of by **Council** after the period; and
- 31.9.3 that it is an offence for a **Retailer** to not claim an impounded **Shopping Trolley**.
- 31.10 Any impounded **Shopping Trolley** may be claimed by the **Retailer** that owns the **Shopping Trolley** after payment of the fee set by **Council**. The fee set by **Council** must not exceed an amount that reasonably represents the cost to **Council** of impounding, moving, keeping and releasing the **Shopping Trolley** including any relevant overhead and other indirect costs.
- 31.11 Any impounded **Shopping Trolleys** not claimed within the time specified on the list of impounded **Shopping Trolleys** issued under **Clause** 31.9 may be disposed of by **Council**.
- 31.12 A **Retailer** who does not claim an impounded **Shopping Trolley** within the period stated by **Council** under this **Clause** 31 is guilty of an offence.

PENALTY: MAXIMUM 20 PENALTY UNITS

32. CLOTHING BINS

- 32.1 An **Owner** of land (other than **Council**) must not place a **Clothing Bin** on the land, or allow a **Clothing Bin** to be placed or remain on the land, unless:
- 32.1.1 a **Permit** has been issued under this **Clause**;
- 32.1.2 the use of the land for that purpose is not prohibited under the **Municipal Planning Scheme** and any **Permit** required thereunder has been obtained;
- 32.1.3 the requirements of the *Fundraising Act* 1998 and any other applicable legislation are complied with;

- 32.1.4 the bin is constructed, designed and finished in a manner which ensures stability and accessibility, restricts entry by persons and minimises vandalism;
- 32.1.5 the bin is located so as to be stable in all conditions;
- 32.1.6 the site is highly visible and well lit;
- 32.1.7 a sign is erected on the site and the bin specifying that:
- 32.1.7.1 materials must be placed in the bin and not alongside it;
 - 32.1.7.2 materials must be clean and of a specified type; and
 - 32.1.7.3 materials which are **Putrescible Refuse** or offensive or dangerous must not be placed in the bin or on the site;
- 32.1.8 the bin and site are kept in a neat and tidy condition at all times and free from any condition that may adversely affect the health and safety of any person;
- 32.1.9 any **Putrescible Refuse** or offensive or dangerous material placed in or alongside the bin is promptly removed and in any case within 24 hours of the giving of any notice by **Council**;
- 32.1.10 the bin is placed in a position on the land that:
- 32.1.10.1 allows vehicular and pedestrian traffic good visibility and access when entering and leaving the site, and
 - 32.1.10.2 does not interfere with access to adjacent or nearby restricted parking zones;
- 32.1.11 the bin is cleared at regular intervals, so that the contents at any time do not spill out onto the land;
- 32.1.12 the bin is cleared within 24 hours of receiving a notice from **Council** to do so; and
- 32.1.13 any graffiti on the bin is removed or obscured promptly and in any case within 24 hours of receiving a notice from **Council** to do so.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 32.2 **Council** may impound¹¹ any **Clothing Bin** which is placed or left on any **Road** or **Council Land** without a **Permit** or contrary to the conditions of a **Permit**.

¹¹ as to process in regard to impounding items, see clause 66

33. ABANDONED VEHICLES¹²

- 33.1 A person must not allow any **Vehicle** not currently registered with or having a permit from Vic Roads or any relevant authority to be left standing in any public place.
- 33.2 A person must not allow any **Vehicle** currently registered with Vic Roads or any other relevant authority to be left standing continuously in any public place for a period in excess of seven (7) consecutive days.

PENALTY: MAXIMUM 20 PENALTY UNITS

34. PARKING IN DESIGNATED AREAS

A person must not, without a **Permit**, park in an area designated for resident or other **Permit** parking except in accordance with the conditions applicable to such area.

PENALTY: MAXIMUM 0.5 PENALTY UNIT

35. NOT USED

PART E – PUBLIC SAFETY AND AMENITY

36. PROPERTY ADDRESS AND NUMBERS

- 36.1 **Council** may allocate a **Property Address** to each property in the **Municipal District** and, from time to time, may make changes to **Property Addresses**.
- 36.2 For each property that has been allocated a **Property Address** under **Clause 36.1**, the **Owner** must mark the property with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the **Road**, which the property fronts, under all normal lighting conditions.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 36.3 An **Owner** or **Occupier** must not use an address other than a **Property Address** for any property in the **Municipal District**.

PENALTY: MAXIMUM 20 PENALTY UNITS

37. PREVENTION OF FIRE

An **Owner** or **Occupier** of land must:

¹² the Act, Schedule 11, clause 3 enables Council to impound abandoned or unregistered vehicle.

- 37.1 ensure that all necessary steps are taken to prevent fires commencing on his or her land and minimise the possibility of the spread of fire from that land; and
- 37.2 at all times, keep any undergrowth, scrub, bracken, ferns, weeds, stubble and grass or similar vegetation (whether alive or dead and whether standing or not standing) and any other material or substance on the land in a condition that will not assist in the starting or spread of fire.

PENALTY: MAXIMUM 20 PENALTY UNITS

38. INCINERATORS AND BURNING

- 38.1 A person must not light or allow to be lit or allow to remain alight any fire in the open air or in an **Incinerator** unless the fire is:
- 38.1.1 authorised or directed to be lit under the provisions of any Act or Regulations or the **Municipal Planning Scheme**;
- 38.1.2 authorised by, and managed under and in accordance with, a **Permit** issued following an application under **Clause 38.2**;
- 38.1.3 in a permanent or portable **Barbecue** that is being used for the cooking of food;
- 38.1.4 in a properly constructed device the primary purpose of which is for outdoor heating and the device is being used for outdoor heating; or
- 38.1.5 in a lantern, combustion engine or similar device being used for its intended purpose.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 38.2 An **Owner** or **Occupier** of any land, the area of which is ten thousand square metres (1 hectare) or more, may apply for a **Permit** to use an **Incinerator** or light a fire in the open air and, in the event that a **Permit** is granted and all conditions are complied with, such a fire will not constitute an **Offence** under **Clause 38.1**.

39. CONDITION OF LAND

An **Owner** or **Occupier** of any land must not cause or allow his or her land to:

- 39.1 be kept in a manner which is unsightly or detrimental to the general amenity of the area in which the land is located;
- 39.2 be used for storage of such amounts of goods or materials that the amenity or the area is adversely affected, or the land is, or has the potential to become infested, by rats and/or other **Vermin** and pests;
- 39.3 be kept in a manner which is dangerous or likely to cause danger to life or property;
- 39.4 become infested with blackberry or other declared weed species or **Vermin**; or

39.5 become a source of offensive odour discernible beyond the property.

PENALTY: MAXIMUM 20 PENALTY UNITS

40. STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND

An **Owner** or **Occupier** of any land must not, without a **Permit**, cause or allow his or her land to be used for storage of any dangerous or hazardous substances in a manner or in quantities which is or are dangerous or is or are likely to cause danger to life or property.

PENALTY: MAXIMUM 20 PENALTY UNITS

41. STORAGE OF VEHICLES AND MACHINERY

41.1 A person must not, without a **Permit**, use any land for the storage of **Vehicles** or machinery or for the dismantling or breaking up of **Vehicles** or machinery.

41.2 A person must not, without a **Permit**, use land which is used or intended to be used primarily for residential purposes for the repair or servicing of any **Vehicle** other than a **Vehicle** registered or normally housed at the address of that land.

41.3 Nothing in **Clauses** 41.1 or 41.2 applies to a person who is using land in a manner permitted under the **Municipal Planning Scheme**.

41.4 Nothing in **Clause** 41.1 and 41.2 applies to a person who, for recreational purposes, repairs, services, assembles, dismantles or stores old or second hand **Vehicles** or machinery provided that such activity is not conducted:

41.4.1 for financial gain or reward;

41.4.2 on more than two (2) **Vehicles** at any one time such that there are no more than three (3) **Vehicles** that are not registered with Vic Roads on the land at any one time; or

41.4.3 in a manner which is unsightly or detrimental to the general amenity of the area.

PENALTY: MAXIMUM 20 PENALTY UNITS

42. INTRUDER ALARMS

42.1 An **Owner** or **Occupier** of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a noise audible beyond the boundary of the premises, unless such alarm is so constructed or regulated as to ensure that:

42.1.1 whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the premises within 10 minutes of it being activated; and

42.1.2 the intruder alarm cannot re-activate until the device has been re-set.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 42.2 Despite **Clause 42.1**, an intruder alarm may operate for a further period of up to ten minutes, should another detection device in the same building be activated following the cessation of the alarm noise in accordance with **Clause 42.1.1**.
- 42.3 The **Owner** or **Occupier** of a premises containing an intruder alarm which does not comply with the requirements of this **Clause** may be directed by **Council** to:
- 42.3.1 adjust the alarm to comply with the requirements;
 - 42.3.2 replace the alarm with an alarm that complies with the requirements; or
 - 42.3.3 permanently disconnect the alarm.
- 42.4 An **Owner** or **Occupier** of premises to which a direction is given under **Clause 42.3** must comply with that direction.

PENALTY: MAXIMUM 20 PENALTY UNITS

43. APPROVED TOILET FACILITIES ON BUILDING SITES

The **Owner** of any land on which **Building Works** are to occur must ensure that an **Approved Toilet System** is installed on the land prior to any **Building Works** commencing.

PENALTY: MAXIMUM 20 PENALTY UNITS

44. CAMPING

- 44.1 A person must not, without a **Permit**, camp on **Council Land** or a **Road** in a tent, caravan or any other temporary or makeshift structure unless such person is within a licensed caravan park or an area **Prescribed** as being available for camping purposes.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 44.2 A person must not, without a **Permit**, occupy, place or cause to be placed or use or cause to be used a tent, caravan or annex on any land.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 44.3 **Clause 44.2** does not apply to:
- 44.3.1 the storage of a caravan or similar facility on any private property;
 - 44.3.2 the reasonable use of a tent, caravan or annex on private property, with the permission of the **Owner** of that property, for periods up to 28 days provided there is access on the property to toilet facilities that ensure all human waste is properly discharged from the property to a **Council** or service authority approved sewer; or

44.3.3 Any land on which such activities are authorised under the **Municipal Planning Scheme**.

45. TREES AND VEGETATION

An **Owner** or **Occupier** of land must not allow any tree or part of a tree or any plant or part of a plant or other vegetation to grow on that land, so that it:

- 45.1 overhangs onto or over any pavement or **Road** abutting that land at a height of less than three metres from the level of the adjacent footpath or nature strip;
- 45.2 obstructs or impairs the vision of the driver of a **Vehicle** travelling along a **Road** adjacent to or near the land or approaching the intersection adjacent to or near the land;
- 45.3 otherwise prejudices the safe and convenient use of any pavement or **Road** adjacent to or near the land; or
- 45.4 causes damage to or interference with any:
 - 45.4.1 fixture or other structure in a **Road**, or on **Council Land**; or
 - 45.4.2 drain¹³ vested in or under the control of **Council**.

PENALTY: MAXIMUM 20 PENALTY UNITS

46. WASP NESTS AND BEES

Upon becoming aware of the existence of:

- 46.1 a wasps nest; or
- 46.2 bee hives that are not suitably constructed and maintained;

on land, the **Owner** or **Occupier** of the land must immediately take steps to cause the nest or hives to be destroyed.

PENALTY: MAXIMUM 20 PENALTY UNITS

PART F – ANIMAL MANAGEMENT

47. LIMITS ON NUMBER OF ANIMALS KEPT

An **Owner** or **Occupier** of any land, the area of which is less than or equal to five thousand square metres (half a hectare), must not, without a **Permit**, keep or allow to be kept more than four (4) different types of **Animals** on any one parcel of land at any time and must not keep or allow to be kept any more in number for each type of animal than is set out in the following table:

¹³ see also clauses 14, 15 and 56, relating to drains.

Type of Animal	Number
Dogs	2
Cats	2
Rooster	none
Domestic Birds	20
Large Birds	none
Poultry (not including Rooster)	5
Pigeons	20
Ferrets, Guinea Pigs, Rabbits or Rodents	5
Horse/Donkeys or similar	none
Cattle	none
Sheep, Alpacas, Llamas or similar	none
Goats	none
Pigs	none
Any other agricultural Animals	none

PENALTY: MAXIMUM 20 PENALTY UNITS

48. REMOVAL OF ANIMAL FAECES

48.1 A person in charge of an animal must:

48.1.1 remove any of that animal's faeces that is deposited on any **Road** or **Council Land** or land owned or occupied by another person; and

48.1.2 dispose of the animal's faeces in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

PENALTY: MAXIMUM 20 PENALTY UNITS

48.2 A person in charge of an animal on any **Road** or **Council Land** must carry a **Litter Device** suitable to clean up any faeces left by any animal under his or her care or control and must produce such device upon being requested to do so by an **Authorised Officer**.

PENALTY: MAXIMUM 20 PENALTY UNITS

49. PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS

The owner of an **Animal** and the **Owner** of the land upon which that **Animal** is kept must ensure that the land is adequately fenced so as to prevent all **Animals** being kept on the land from escaping from that land and straying on to any **Council Land** or **Road** or otherwise being at large.

PENALTY: MAXIMUM 20 PENALTY UNITS

PART G – WASTE MANAGEMENT

50. DOMESTIC, COMMERCIAL AND INDUSTRIAL GARBAGE SERVICES

- 50.1 The **Occupier** of every premises to which **Council** supplies a **Garbage Bin**:
- 50.1.1 must only deposit in the **Garbage Bin** bagged, wrapped or otherwise securely contained solid waste other than those items referred to within **Clause** 50.1.2;
 - 50.1.2 must not deposit in the **Garbage Bin**:
 - 50.1.2.1 waste derived from building construction or demolition activities;
 - 50.1.2.2 vegetation that can be recycled using **Council's** bin-based garden organics service;
 - 50.1.2.3 hot or burning ashes;
 - 50.1.2.4 medical or infectious waste;
 - 50.1.2.5 volatile, explosive or flammable substances;
 - 50.1.2.6 dust, fine particle waste, polystyrene beads or similar unless securely wrapped
 - 50.1.2.7 oil, paint, solvents or any material or item which may damage the bin; or
 - 50.1.2.8 heavy materials or items that cause the weight of the bin to be more than 40 kilograms;
 - 50.1.3 must not leave any bin (whether it be subject to a **Council** or private service collection) out on **Council Property** for more than one (1) day before or after a collection day unless permitted to do so by an **Authorised Officer**;
 - 50.1.4 must when placing the **Garbage Bin** out for collection of the contents, place it in a position the details of which are specified in advice given by public notice or to the **Occupier** by **Council**, in front of the premises, or in an alternative location that **Council** may specify, that allows a safe and efficient collection by a service **Vehicle**;
 - 50.1.5 must ensure that the **Garbage Bin** is not removed from the, or transferred to other, premises except for collection of refuse in accordance with **Clause** 50.1.4;
 - 50.1.6 must maintain the **Garbage Bin** in a clean and sanitary condition;
 - 50.1.7 must ensure that the area where the **Garbage Bin** is kept on the property is kept clean and in a sanitary condition;

- 50.1.8 must ensure that the lid of the **Garbage Bin** is closed other than when refuse is being deposited in it; and
- 50.1.9 must ensure that the **Garbage Bin** is not overfilled such that the lid cannot be completely closed down.
- 50.2 A person must not remove or interfere with a **Garbage Bin** or its contents when the **Garbage Bin** is left on a **Road**, or at any other collection point, without written authority from an **Authorised Officer**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 50.3 **Clause 50.2** does not apply to a person authorised by **Council** to remove garbage, or an employee of such person in the course of his or her employment, the person placing the garbage out for collection or an **Authorised Officer** in the course of his or her employment.

51. RECYCLABLE MATERIALS SERVICE

- 51.1 The **Occupier** of every premises to which **Council** supplies a **Recyclables Bin** must deposit only **Recyclable Material** in such bin, and:
- 51.1.1 must deposit only loose, not bagged or wrapped, **Recyclable Material** in such bin;
- 51.1.2 must only place **Recyclable Material in the Recyclables Bin**;
- 51.1.3 must not leave any **Recyclables Bin** or a bin used for a private recyclables service collection out on **Council Property** for more than one (1) day before or after a collection day unless permitted to do so by an **Authorised Officer**;
- 51.1.4 must, when placing the **Recyclables Bin** out for collection of the contents, place it in a position the details of which are specified in advice given by public notice or to the **Occupier** by **Council**, in front of the premises, or in an alternative location that **Council** may specify, that allows safe and efficient collection by a service **Vehicle**;
- 51.1.5 must ensure that the **Recyclables Bin** is not removed from the, or transferred to other, premises except for collection of **Recyclable Material**, in accordance with **Clause 51.1.2**;
- 51.1.6 must maintain the **Recyclables Bin** in a clean and sanitary condition;
- 51.1.7 must ensure that the area where the **Recyclables Bin** is kept on the premises is kept clean and in a sanitary condition;
- 51.1.8 must ensure that the lid of the **Recyclables Bin** is closed other than when **Recyclable Material** is being deposited in it; and
- 51.1.9 must ensure that the **Recyclables Bin** is not overfilled such that the lid cannot be completely closed down.

- 51.2 A person must not remove or interfere with any **Recyclables Bin** or its contents when the **Recyclables Bin** is left on a **Road**, or at any other collection point, without the written authority of an **Authorised Officer**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 51.3 **Clause 51.2** does not apply to a person authorised by **Council** to remove **Recyclable Material**, or an employee of such a person in the course of his or her employment, the person placing the **Recyclable Material** out for collection or an **Authorised Officer** in the course of his or her employment.

52. HARD WASTE SERVICE

- 52.1 The **Occupier** of every premises to which **Council** provides an on-call **Hard Waste** collection service:

- 52.1.1 must make a prior booking with **Council** for the collection service;
- 52.1.2 must only place out for collection **Hard Waste** items approved by **Council** and in quantities or dimensions approved by **Council** by public notice or in written material sent to the **Occupier**;
- 52.1.3 must place any **Hard Waste** out for collection only when instructed to do so by **Council** or an **Authorised Officer** in a position the details of which are specified in advice given by public notice or to the **Occupier** by **Council**, in front of the premises, or in an alternative location that **Council** may specify, that allows safe and efficient collection by the service provider; and
- 52.1.4 must remove all non-collected material within five (5) days following the specified collection period as advised by **Council** at the time of booking the service.

- 52.2 A person must not, without **Proper Authority**, remove or interfere with any **Hard Waste** placed out for collection in accordance with this Local Law, except that it will be lawful for an **Occupier** of a premises to which the service is to be provided to recover before collection any material he or she has placed out for collection.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 52.3 **Clause 52.2** does not apply to a person authorised by **Council** to collect or remove **Hard Waste**, or an employee of such a person in the course of his or her employment, the person placing the **Hard Waste** out for collection or an **Authorised Officer** in the course of his or her employment.

53. GARDEN ORGANICS SERVICE

- 53.1 The **Occupier** of every premises to which **Council** supplies a **Garden Organics Bin**:

- 53.1.1 must only deposit loose, not bagged or wrapped, **Garden Organics** in the **Garden Organics Bin**;
- 53.1.2 must only place **Garden Organics** in the **Garden Organics Bin**;

- 53.1.3 must not leave any **Garden Organics Bin** or a bin used for a private garden organics service collection out on **Council Property** for more than one (1) day before or after a collection day unless permitted to do so by an **Authorised Officer**;
- 53.1.4 must, when placing the **Garden Organics Bin** for collection, place it in a position the details of which are specified in advice by public notice or to the **Occupier** by **Council**, in front of the premises, or in an alternative location that **Council** may specify, that allows safe and efficient collection by the service **Vehicle**; and
- 53.1.5 must ensure that the **Garden Organics Bin** is not removed from the, or transferred to other, premises except for the collection of the material in accordance with **Clause 53.1.3**;
- 53.1.6 must maintain the **Garden Organics Bin** in a clean and sanitary condition;
- 53.1.7 must ensure that the area where the **Garden Organics Bin** is kept on the property is kept clean and in a sanitary condition;
- 53.1.8 must ensure that the lid of the **Garden Organics Bin** is closed other than when garden organics are being deposited in it; and
- 53.1.9 must ensure that the **Garden Organics Bin** is not overfilled such that the lid cannot be completely closed down.
- 53.2 A person must not remove or interfere with any **Garden Organics Bin** or its contents when the **Garden Organics Bin** is left on a **Road**, or at any other collection point, without the written authority of an **Authorised Officer**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 53.3 **Clause 53.2** does not apply to a person authorised by **Council** to collect or remove **Garden Organics**, or an employee of such a person in the course of his or her employment, the person placing the **Garden Organics Bin** out for collection or an **Authorised Officer** in the course of his or her employment.

54. TRADE WASTE HOPPERS

An **Owner** of land must not place on the land, or allow to be placed or remain there, a **Trade Waste Hopper**, or a similar container, unless:

- 54.1 the hopper, or container, is:
- 54.1.1 constructed and located so as to be stable in all conditions;
- 54.1.2 constructed of impermeable material;
- 54.1.3 watertight;
- 54.1.4 fly and **Vermin** proof and equipped with a lid or door, which is kept closed at all times except when **Trade Waste** is being deposited in or removed from the **Trade Waste Hopper**;

- 54.1.5 equipped with a removable drainage plug if required, for public health or safety reasons, by an **Authorised Officer**;
 - 54.1.6 emptied at appropriate times, so that the contents at any time do not spill out onto the site, or when an **Authorised Officer** directs for public health or safety reasons;
 - 54.1.7 thoroughly cleaned following each occasion when it is emptied;
 - 54.1.8 maintained in a clean, inoffensive and sanitary condition;
 - 54.1.9 appropriately screened by a well maintained fence or by other effective means, so that it is not unsightly, or detrimental to the general amenity of the neighbourhood; and
 - 54.1.10 placed in a position on the land that allows vehicular and pedestrian traffic good visibility and access when entering and leaving the site; and
- 54.2 the place where the hopper is located is kept in a neat and tidy condition at all times and free from any condition that may adversely affect the health and safety of any person.

PENALTY: MAXIMUM 20 PENALTY UNITS

55. LEAVING OR PLACING OF CONTAINERS WITH AN EXTERNAL DOOR OR LID FASTENER

A person must not place or leave or allow to remain on any land any container, such as a disused refrigerator, which has:

- 55.1 a compartment in it of 0.04 cubic metres or more; and
- 55.2 a door or lid fastener or latch, only operable from the outside, without first:
 - 55.3 removing every door and lid of the container;
 - 55.4 removing every lock, catch and hinge attached to a door or lid; or
 - 55.5 otherwise rendering every door and lid incapable of being fastened.

PENALTY : MAXIMUM 20 PENALTY UNITS

56. USE OF DRAINS ¹⁴ AND LEGAL POINTS OF DISCHARGE

A person must not, without a **Permit** or authority under State or Federal legislation:

- 56.1 tap into or alter any drain under the control of **Council**; or
- 56.2 discharge any substance into a drain unless it at all times is in a condition which is acceptable in terms of any relevant State environmental or public health policies or standards.

¹⁴ see also clause 14, 15 and 45, relating to drains.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 56.3 The **Owner** or **Occupier** of land must ensure that each proposed or existing dwelling, building and/or structure on the land that collects or concentrates the flow of water is connected to a legal point of discharge nominated by **Council** through a properly constructed and maintained underground drainage system.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 56.4 Prior to the connection of any non-**Council** drainage to **Council's** drainage infrastructure through a **Council** nominated legal point of discharge, the **Owner** or **Occupier** of land or the person who is doing the drainage work for the **Owner** or **Occupier**, must obtain a **Permit** from **Council**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 56.5 Any person who connects non-**Council** drainage servicing non-**Council** property to **Council's** drainage infrastructure must comply with the conditions of the **Permit** they have obtained from **Council** authorising those drainage works.
- 56.6 All drainage within non-**Council Land** or on **Council Land** but constructed to service non-**Council Land** is the property of the **Owner** of the non-**Council Land** it services and is the responsibility of that **Owner**. The approved connection to **Council's** drainage infrastructure becomes **Council's** property but the **Owner** of the non-**Council Land** it services is responsible for it.
- 56.7 The **Owner** or **Occupier** of land must ensure that all non-**Council** drainage servicing their land is maintained in sound working order and does not cause damage to **Council Land**, **Council Property**, a **Road** or **Council Infrastructure Assets**.

PENALTY: MAXIMUM 20 PENALTY UNITS

- 56.8 **Council** may by notice in writing require the owner of non-**Council Land** to:
- 56.8.1 connect the drainage from any building or structure on the land or from the land generally to **Council's** nominated legal point of discharge; or
- 56.8.2 remove a connection to **Council's** drainage infrastructure and reinstate the **Council** drainage infrastructure (such as, but not limited to, a stormwater drainage pit) to **Council's** satisfaction at the **Owner's** sole cost.
- 56.9 The **Owner** must comply with a notice given under **Clause** 56.8 within the period stated in the notice.
- 56.10 If any non-**Council** drainage causes any damage to any **Council Land**, **Council Property**, a **Road** or **Council Infrastructure Assets** then **Council** may repair or replace or cause to be repaired or replaced the **Council** and non-**Council** drainage infrastructure and the damaged **Council Land**, **Council Property**, a **Road** or **Council Infrastructure**

Assets and recover the costs of doing so from the **Owner** or **Owners** and/or **Occupier** or **Occupiers** of the non-**Council** land the non-**Council** drainage that caused the damage services.

- 56.11 **Council** must give an **Owner** of non-**Council** drainage that causes any damage to **Council Land**, **Council Property**, a **Road** or **Council Infrastructure Assets** notice of the damage and an opportunity to inspect it prior to **Council** repairing or replacing the damage.
- 56.12 **Council** may direct an **Owner** to undertake or cause to be performed the repair or replacement work referred to in **Clause** 56.10. Where **Council** issues such a direction it must give the **Owner** a reasonable time to comply and the direction must provide sufficient detail to enable the **Owner**, or an appropriately qualified and experienced tradesperson on the **Owner's** behalf to determine what works are required.
- 56.13 **Clause** 56.11 does not apply in urgent situations or where there are possible risks to public safety or property. In those situations, **Council** may make the situation safe and proceed with the repair or replacement works without notice to the relevant **Owner**, but must give the **Owner** the notice required by **Clause** 56.11 as soon as is reasonably practical once the urgency of the situation has subsided.

PART H - OFFENCES AND PENALTIES

57. INFRINGEMENT NOTICES

Where an **Infringement Notice** is issued under this Local Law the penalty payable in respect of the **Infringement Notice** will be:

- 57.1 as set out in the table in **Schedule** 1; or
- 57.2 where the penalty is not listed and **Clause** 69 applies – one (1) **Penalty Unit**.

PART I – LOCAL LAW PERMITS

58. PERMIT APPLICATIONS AND FEES

- 58.1 An application for a **Permit** under this Local Law must be in a form determined by **Council** from time to time.
- 58.2 An application must be accompanied by any fee fixed by **Council** in accordance with **Clauses** 58.3 and 58.4.
- 58.3 **Council** may, from time to time by resolution, determine fees that must be paid by the **Applicant** for a **Permit**.
- 58.4 In fixing a fee or fees under this **Clause** 58.4, **Council** may take into account:

- 58.4.1 the recovery of costs which are incurred by it in processing the application and/or the issue of the **Permit** and/or likely to be incurred in monitoring compliance with the **Permit** or any condition in the **Permit**;
- 58.4.2 the capacity of likely applicants to pay the fee; and
- 58.4.3 Commonwealth and State Government legislation or policy directives.
- 58.5 **Council** may require a person making application for a **Permit** to give public notice of such application.
- 58.6 Where a **Permit** is issued for a standard period that applies to all such **Permits**, **Council** may reduce the normal fee by 50% if the period remaining is less than half of that standard period.
- 58.7 **Council** may waive, reduce or alter any fee or charge if the financial circumstances of the **Applicant** are such as to warrant such action.
- 58.8 A person who makes any false representation or declaration or who omits any relevant information from the application for a **Permit**, whether verbally or in writing, is guilty of an **Offence**.
- 58.9 A person who fails to comply with a **Permit** or any condition in a **Permit** is guilty of an **Offence**.

PENALTY: MAXIMUM 20 PENALTY UNITS

59. ISSUING OR REFUSING PERMITS

In determining whether to issue a **Permit** and, if a **Permit** is to be issued, the scope and nature of conditions that will apply to it, **Council** may take into account the following where relevant:

- 59.1 the health and safety of the public;
- 59.2 the amenity of the **Municipal District**;
- 59.3 impacts on other persons or their property;
- 59.4 the extent to which the granting of the **Permit** might affect the activities or enjoyment of another person or group;
- 59.5 the need to protect **Council** or **Service Authority** assets or infrastructure from wilful damage;
- 59.6 legislation and policy directives of the Commonwealth and State Governments;
- 59.7 the need for work to occur which is authorised by Commonwealth or State Government legislation, or by **Council** or a **Service Authority**; and
- 59.8 any submission or comments that may be received in respect of the application.

60. APPLICATION OF LOCAL LAWS TO SERVICE AUTHORITIES

- 60.1 If a **Permit** is required, then any **Service Authority** which can be bound by this or any **Local Law**, is required to obtain such **Permit**.
- 60.2 Any **Service Authority** undertaking work on **Council Land** or **Council Infrastructure Assets** must obtain the consent of **Council** prior to commencement of the activity, unless specifically exempted by legislation.

61. CANCELLATION OF PERMITS

- 61.1 A **Permit** may be cancelled by **Council** at any time, if, in the opinion of **Council**:
- 61.1.1 there has been a significant change in circumstances relevant to the **Permit** or any material misstatement, omission or concealment in relation to the application for the **Permit**; or
- 61.1.2 there has been a failure to comply with any condition or conditions subject to which the **Permit** was issued.
- 61.2 If it is proposed that a **Permit** be cancelled under **Clause** 61.1.1, notice in writing must be given:
- 61.2.1 to the **Permit Holder**; and
- 61.2.2 if the **Permit** relates to an activity at a particular property and that person is not the **Owner** of the property, also to the **Owner**.
- 61.3 A **Permit Holder**, and if applicable an **Owner** of land, has seven (7) days after receiving the notice, or such other additional time determined by **Council**, to provide written reasons to **Council** as to why the **Permit** should not be cancelled and the notice under **Clause** 61.2 must specify that right.
- 61.4 If a written submission is received by **Council** under **Clause** 61.3 within the seven (7) day or other period, the information provided shall be considered and the **Permit** cannot be cancelled unless the **Permit Holder**, and if applicable the **Owner** of land, have been given an opportunity to be heard by **Council** or **Council's** delegate and any such verbal submissions have also been considered.
- 61.5 In any such case where it is proposed that a **Permit** be cancelled and the circumstances are such that the activity authorised should, in the opinion of **Council**, cease immediately due to the likelihood that if it continues there will be:
- 61.5.1 adverse effects on the environment, the amenity of the area, or the health or safety of any person, or property; or
- 61.5.2 damage to property or infrastructure assets of **Council** or any **Service Authority**,

then the **Permit** may be suspended forthwith, pending consideration of any written or verbal submissions under **Clause** 61.4. For the purposes of this

Clause 61.5, the **Permit Holder** must, for the duration of the suspension, cease all activities or things that would otherwise be allowed by the **Permit**.

61.6 If it is proposed that a **Permit** be cancelled under **Clause 61.1.2**, the same procedures as **Prescribed** in **Clauses 61.2, 61.3, 61.4 and 61.5** will apply, except that prior to notice being given of the proposed cancellation under **Clause 61.2**, the **Permit Holder**, and if applicable the **Owner**, must first:

61.6.1 be given a **Notice to Comply** under **Clause 64**; and

61.6.2 must have failed to take the action required and specified in that **Notice to Comply**, within the time allowed.

61.7 **Council** has a discretion to allow additional time for a **Permit Holder** to meet the timing requirements of this **Clause 61**, where it is reasonable to do so.

62. CORRECTION OF PERMITS

62.1 **Council** may correct any **Permit** in relation to:

62.1.1 a clerical mistake or other error arising unintentionally or an omission; or

62.1.2 an evident material miscalculation of figures or an evident material mistake in description of any person, thing or property referred to in the **Permit**.

62.2 **Council** must give notice of any correction of a **Permit** to the **Permit Holder**.

63. REGISTER OF PERMITS

Council must provide a register of **Permits** and enter in it relevant details of **Permits** issued and any **Permit** cancellations or corrections.

PART J – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS

64. NOTICE TO COMPLY

64.1 Any **Authorised Officer** may, by serving a **Notice to Comply**, direct any **Owner** or **Occupier** of land or other relevant person to remedy any situation which may constitute a breach of this Local Law.

64.2 The time specified in a **Notice to Comply** served under this Local Law must be reasonable in the circumstances and for that purpose shall take into account (if applicable):

64.2.1 the amount of work to be performed in order to observe the Notice;

64.2.2 the degree of difficulty;

64.2.3 the availability of necessary material or other necessary items;

- 64.2.4 climatic conditions; or
 - 64.2.5 the degree of risk or potential risk.
- 64.3 A person who fails to observe any requirement specified in a **Notice to Comply** is guilty of an **Offence**.

PENALTY MAXIMUM 20 PENALTY UNITS

65. POWER OF AN AUTHORISED OFFICER TO ACT IN URGENT CIRCUMSTANCES

- 65.1 In urgent circumstances arising as a result of a failure to comply with this Local Law, an **Authorised Officer** may take action to remove, remedy or rectify a situation without first serving a **Notice to Comply**, provided that:
- 65.1.1 it appears to the **Authorised Officer** that a breach of a **Local Law** is likely to occur, is occurring or has occurred;
 - 65.1.2 the **Authorised Officer** considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice may place a person, animal, property or thing at risk or in danger; and
 - 65.1.3 wherever practicable, the prior consent of the **Chief Executive Officer**, or his or her delegate, is obtained.
- 65.2 In deciding whether circumstances are urgent, an **Authorised Officer** must take into consideration, to the extent relevant:
- 65.2.1 whether it is practicable to contact:
 - 65.2.1.1 the person by whose default, permission or sufferance the situation has arisen; or
 - 65.2.1.2 the **Owner** or the **Occupier** of the land affected; and
 - 65.2.2 whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 65.3 The action taken by an **Authorised Officer** under this **Clause** 65 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 65.4 An **Authorised Officer** who takes action under this **Clause** 65 must ensure that as soon as practicable:
- 65.4.1 details of the circumstances and remedying action are forwarded to the person in breach of the provision of the **Local Law** in respect of which the action was taken; and
 - 65.4.2 a report of the action taken is submitted to the **Chief Executive Officer**.

- 65.5 Any costs incurred by **Council** to remove, remedy or rectify a situation under this **Clause** may be recovered by **Council** from the person responsible.

66. PROCEDURE FOR AN AUTHORISED OFFICER TO IMPOUND

- 66.1 Where any item has been impounded under this Local Law, **Council** or an **Authorised Officer** must serve written notice of the impounding personally or by pre-paid mail on the person who appears to be the **Owner** of the impounded item, wherever it is practicable to do so. If the **Owner** of the item to be impounded cannot be located then a sticker placed on the item will represent adequate notification for the purposes of this **Clause** 66.
- 66.2 A notice of the impounding must specify:
- 66.2.1 the item;
 - 66.2.2 the place and times when it may be retrieved;
 - 66.2.3 the fee that must be paid for its retrieval;
 - 66.2.4 the date by which the item must be retrieved (which must be not less than fourteen (14) days after the date on which the notice is issued);
 - 66.2.5 that the item will be sold or disposed of in accordance with this **Clause** 66, if not so retrieved; and
 - 66.2.6 the fact that all costs associated with the impounding of the item may be recovered by **Council** from the **Owner** or person responsible for the item.
- 66.3 In any case where the name or the whereabouts of the **Owner** of, or person responsible for, the impounded item is unknown, the **Authorised Officer** must take reasonable steps to ascertain that information.
- 66.4 An impounded item must be surrendered to its **Owner**, or a person acting on behalf of its **Owner**, who provides evidence to the satisfaction of an **Authorised Officer** of his or her authority from the **Owner**, if:
- 66.4.1 evidence to the satisfaction of the **Authorised Officer** is provided of the **Owner's** right to the item;
 - 66.4.2 any fee, determined by **Council** from time to time, is paid; and
 - 66.4.3 any charge for cost recovery, is paid.
- 66.5 If an impounded item is not retrieved by the date specified in the notice, an **Authorised Officer** may take action to dispose of it according to the following principles:
- 66.5.1 where the item has no saleable value it may be disposed of in any manner considered appropriate in the circumstances; and
 - 66.5.2 where the item has some saleable value, it may be disposed of by public auction or tender, or by private sale (if public auction or

tender fails to produce an offer or an auction or tender is inappropriate), but if no sale results from **Council's** efforts, the item may be disposed of in any manner which **Council** sees fit.

- 66.6 Proceeds of any sale of an impounded item, less any costs incurred by **Council** in impounding the item and complying with the requirements of this Local Law, are to be held by **Council** pending any claim by the **Owner**. If the **Owner** at any time provides reasonable proof of entitlement to the net proceeds of the sale of an impounded item, within six (6) months of the sale, payment of such must be made to that person.
- 66.7 If no valid claim is made with the six (6) months period under **Clause** 66.6, any surplus proceeds of the sale may be used for municipal purposes.

67. OFFENCES

- 67.1 A person who contravenes or fails to comply with:
- 67.1.1 any provision of a **Local Law**;
 - 67.1.2 any condition contained in a **Permit** issued under a **Local Law**; or
 - 67.1.3 a **Notice to Comply**, issued under **Clause** 64,
- is guilty of an **Offence**.
- 67.2 A person who is guilty of an **Offence** under **Clause** 67.1, the penalty will be:
- 67.2.1 the specific penalty stated under any clause of a **Local Law** or in cases where there is no specific penalty, the penalty specified under **Clause** 69;
 - 67.2.2 a further penalty of one (1) **Penalty Unit** for each day after conviction during which the contravention continues; and
 - 67.2.3 upon conviction for a second or subsequent **Offence**, double such specific penalty or twenty (20) **Penalty Units**, whichever is the lesser.

68. INFRINGEMENT NOTICES

- 68.1 An **Authorised Officer** may issue an **Infringement Notice** for an **Offence**, as an alternative to prosecution.
- 68.2 If an **Offence** is a continuing **Offence**, then an **Infringement Notice** may be issued on each day the **Offence** continues.
- 68.3 The penalty indicated must be paid to **Council** within twenty eight (28) days of the issue of the **Infringement Notice**, to avoid prosecution.
- 68.4 A person issued with an **Infringement Notice** is entitled to not pay the penalty indicated in the Notice and, instead, to defend the prosecution in Court.

68.5 Subject to the *Infringements Act* 2006, if payment of the amount specified in an **Infringement Notice** is not made within the twenty eight (28) day period and the notice is not withdrawn the **Authorised Officer** may:

68.5.1 pursue the matter by prosecuting for an **Offence**; or

68.5.2 take any steps which may be available for enforcing penalties by registration of **Infringement Notices**.

69. PENALTIES UNDER LOCAL LAWS

69.1 In cases where a penalty for an **Offence** is not specified in this Local Law, maximum penalties of two (2) **Penalty Units** will apply for a first **Offence** and twenty (20) **Penalty Units** or the highest number of maximum **Penalty Units** allowed for by the **Act** (whichever is the greater) for a second or subsequent **Offence**.

69.2 In cases where a maximum twenty (20) **Penalty Units** is specified in this **Local Law**, the maximum **Penalty Units** capable of being imposed will be twenty (20) **Penalty Units** or the highest maximum number of **Penalty Units** allowed for by the **Act** (whichever is the greater).

70. OFFENCES IN RELATION TO AN AUTHORISED OFFICER

70.1 A person must not give information that the person knows or believes to be false to an **Authorised Officer** who is performing a function under this Local Law.

PENALTY: MAXIMUM 20 PENALTY UNITS

70.2 A person must not mislead or deceive or omit any relevant information from a member of **Council** staff acting in accordance with their duties.

PENALTY: MAXIMUM 20 PENALTY UNITS

SCHEDULE 1

PENALTIES PRESCRIBED UNDER CLAUSE 57 OF THIS LOCAL LAW, FOR INFRINGEMENT NOTICE PURPOSES

RELEVANT CLAUSE	Penalty
8 Use of Municipal Buildings	2 Penalty Units
9 Prohibition on entry to a Municipal Building	2 Penalty Units
10 Conduct in a Municipal Building	2 Penalty Units
11 Smoking prohibited in Municipal Buildings	1 Penalty Unit
12 Use of Municipal Reserves	2 Penalty Units
13 Conduct in a Municipal Reserve	2 Penalty Units
14 Damaging or defacing Council Property	2 Penalty Units
15 Protection of Council Infrastructure Assets during Building Works	5 Penalty Units
16 Vehicle crossings	2 Penalty Units
17 Activities on Council Land or roads	2 Penalty Units
18 Consumption of Liquor or possession in unsealed container	3 Penalty Units
19 Roadside/ street trading and performing	1 Penalty Unit
20 Street collections	1 Penalty Unit
21 Street parties, festivals and processions	1 Penalty Unit
22 Vehicles using roads contrary to restricted use signs	2 Penalty Units
23 Leading or riding horses on shared footways	1 Penalty Unit
24 Use of Vehicles on Council Land	2 Penalty Units
25 Bicycles, scooters, skateboards, in-line and roller skates	2 Penalty Units
26 Repairing Vehicles	2 Penalty Units
27 General obstructions	2 Penalty Units
28 Chairs and tables	1 Penalty Unit
29 Locating goods or display of goods for sale	1 Penalty Unit
30 Advertising, advertising signs & bill posting	1 Penalty Unit
31 Shopping Trolleys	2 Penalty Units

32	Clothing bins	2 Penalty Units
33	Abandoned Vehicles	1 Penalty Unit
34	Parking in designated areas	0.25 Penalty Units
35		
36	Property Address and Numbers	2 Penalty Units
37	Prevention of fire	10 Penalty Units
38	Incinerators and open air burning	2 Penalty Units
39	Condition of land	5 Penalty Units
40	Storage of dangerous or hazardous substances on land	5 Penalty Units
41	Storage of Vehicles and machinery	2 Penalty Units
42	Intruder alarms	2 Penalty Units
43	Approved toilet facilities on building sites	2 Penalty Units
44	Camping	1 Penalty Unit
45	Trees and vegetation	1 Penalty Unit
46	Wasp nests	1 Penalty Unit
47	Limits on number of Animals or birds kept	1 Penalty Unit
48	Removal of animal faeces	1 Penalty Unit
49	Provision of effective fencing to contain Animals	2 Penalty Units
50	Domestic, Commercial and Industrial garbage services	1 Penalty Unit
51	Recyclable Materials services	2 Penalty Units
52	Hard Waste service	5 Penalty Units
53	Garden Organics service	2 Penalty Units
Error! Reference source not found.	Trade Waste Hoppers	1 Penalty Unit
55	Leaving or placing of containers with an external door or lid fastener	1 Penalty Unit
56	Use of drains and Legal Points of Discharge	10 Penalty Units



MAROONDAH CITY COUNCIL BUILDING SITE CODE OF PRACTICE

Adopted and published by Council on 16 November 2009

1 Preamble

Building site practices have long been identified as significant sources of stormwater pollution that result in the degradation of our creeks, rivers, beaches and bays.

Soil, sand, rubbish and other building materials can be washed by rain, blown by wind or carried off site on vehicle tyres to be washed down street gutters into drains and end up polluting our waterways. This material can destroy the habitats of fish and aquatic plants, silt up streams and block stormwater pipes.

It is the responsibility of those developing and managing a building site to ensure that site activities do not cause pollution of waterways. This includes preventing soil and other potential pollutant materials leaving the site and entering our waterways via streets and gutters.

Poor storage of building material and waste can detract from the visual amenity of the site and surrounding area. Poor storage and storage off site, such as on the nature strip, also increases the risk of potential stormwater pollutants being washed, blown or otherwise carried off site to pollute the stormwater system.

Taking measures to prevent stormwater pollution can also help with site security and safety.

2 Code Objectives

The objectives of this *Building Site Code of Practice* are to:

- 2.1 reduce stormwater pollution due to building site activities;
- 2.2 improve Site safety and amenity; and
- 2.3 reduce damage to Council assets.

3 Relationship with Local Law 8 General Local Law

- 3.1 This *Building Site Code of Practice* has been incorporated by reference into **Council's** Local Law No. 8 General Local Law.
- 3.2 Clause 15.10 of Local Law No. 8 provides that an **Owner** must comply with any requirements imposed by a provision of the **Building Site Code of Practice** in respect of any **Building Works** or a **Site**.

4 Definitions

Any word or term defined in Local Law No. 8 has the same meaning in this Code of Practice and are indicated in bold. Further, in this Code of Practice:

“**Asset**” means any:

- (a) road;
- (b) drain;
- (c) drainage infrastructure;
- (d) street tree;
- (e) street sign; or
- (f) other property vested in or under the control of **Council**.

“**Building**” includes:

- (a) a structure and part of a building or a structure; and
- (b) fences, walls, out-buildings, service installations and other appurtenances of a building.

“**Potential Stormwater Pollutant**” means any material that upon entering the stormwater system, degrades the quality of stormwater to the detriment of the environment. It includes litter, sediment, soil, mud, sand, concrete, plaster, brick and tile dust, paint and acid.

“**Site Fencing**” means a fence around the entire perimeter of a **Site** at the commencement and for the duration of the **Building Works**:

- (a) at a height of not less than 1500 millimetres with the diamond size no greater than 80 mm x 80mm; and
- (b) so as to be capable of preventing litter from being transported from a building site by wind; and
- (c) having not more than one access opening fitted with gates, which is located to correspond with the **Vehicle** crossing for the **Site**.

“**Sediment Fencing/Barriers**” means a filter fence, sausage or other similar control measure, that prevents sediment, slurry, silt, soil and other materials being transported off **Site** by water.

“**Site Identification**” means a sign that is at least 600 millimetres in height and 400 millimetres in width, is erected at the entrance to the **Site** and is clearly visible from the road, and includes on the sign:

- (a) the lot number, as described on the Certificate of Title relevant to the land;
- (b) the name of the **Owner**;
- (c) the postal address of the **Owner**;
- (d) the 24 hour contact telephone number or numbers for the **Owner**;

“**Stormwater System**” means the system which provides for the conveyance of stormwater run off including kerb & channel, open channels, underground pipe systems and natural waterways.

“**Waste container**” means the container that is designed for the containment of litter and waste material within the **Site**, and which:

- (a) is of robust construction;
- (b) is not less than one cubic metre in volume;
- (c) has a lid which is attached to the container with hinges;
- (d) is closed at all times to prevent wind borne litter escaping from the container;

- (e) is emptied regularly; and
- (f) is not overfilled at any time.

5. PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS

- 5.1 Clause 15 of Local Law No 8 General Local Law addresses the issue of protection of **Council Infrastructure Assets** during **Building Works**.

6. CONTAINMENT OF BUILDING SITES

- 6.1 **Building Works** must be contained entirely within a **Site**.

- 6.2 A **Site** must be provided with Site Fencing.

7. ENTRY TO BUILDING SITES

- 7.1 The point of entry to a **Site** must be by way of a **Vehicle** crossing.

- 7.2 It is prohibited to use temporary **Vehicle** crossings constructed of timber or **Vehicle** crossing protectors constructed of timber. All temporary **Vehicle** crossings or material placed to protect a **Vehicle** crossing must be crushed rock or similar product approved by **Council**.

8. BUILDING SITE IDENTIFICATION

- 8.1 A **Site** must be provided with clearly legible and clean Site Identification

9. APPROVED TOILET FACILITIES ON BUILDING SITES

- 9.1 Clause 15 of Local Law No 8 General Local Law addresses the issue of **Approved Toilet Facilities** on **Sites**.

10. BUILDING SITE WASTE

- 10.1 Waste produced as a result of **Building Works** must be:

- 10.1.1 Contained entirely within the **Site**;

- 10.1.2 Stored in a manner that does not attract the depositing of waste from sources other than the **Site**;

- 10.1.3 Stored in a manner that does not cause detriment to the visual amenity of the area in which the **Site** is located; and

- 10.1.4 Disposed of regularly and where that waste is in the form of stormwater, to a legal point of discharge.

11. LITTER

- 11.1 Litter that is capable of being blown off **Site** by wind must be stored in a Waste Container.

12. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY

- 12.1 **Building Works** must not cause detriment to pedestrian or vehicular traffic or be unsafe.
- 12.2 For the purpose of this Code of Practice, detriment to pedestrian or vehicular traffic will be caused by, and **Building Works** will be unsafe if there is or are:
- 12.2.1 mud or debris on a **Road**;
 - 12.2.2 materials referable to **Building Works** on a **Road**;
 - 12.2.3 equipment referable to **Building Works** or other works on a **Road**;
 - 12.2.4 excavation on or immediately adjacent to a **Road**; or
 - 12.2.5 **Building Works** on a **Road**.

13. SOIL STOCKPILES

- 13.1 Soil that is stripped from a **Site** must be stockpiled on the **Site** for re-use or be transported to a legal place of disposal.

14. BLASTING CONTROLS

- 14.1 No blasting is to occur on a **Site** or as part of **Building Works** without prior permission from **Council**.

15. AMENITY CONTROLS

- 15.1 Activities on a **Site** (including **Building Works**) must not damage or cause detriment to the natural or built environment in which the **Site** is located.

16. DRAINS

- 16.1 **Building Works** must not cause detriment to any Stormwater System or Asset.
- 16.2 Detriment to a Stormwater System or Asset occurs if:

16.2.1 Material, equipment, litter, waste, mud, silt, sand or another product emanating from **Building Works** enters or interferes with the Stormwater System or Asset; or

16.2.2 There occurs any alteration to or interference with a Stormwater System or Asset.

16.3 **Sites** must be provided with Sediment/Fencing Barriers which ensures the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal.

17. BUILDING OR INDUSTRIAL NOISE

17.1 **Building Works** or other works that may produce noise may only be carried out on any land between the hours 7.00 am and 6.00 pm on weekdays, 9.00 am and 5.00 pm on Saturdays and 12.00 noon and 4.00 pm on Sundays.

17.2 Clause 17.1 does not apply if the Building Works or other works to be carried out will be more than 250 metres from any occupied residential dwelling and produce noise that is not of sufficient volume or intensity or duration or frequency to disturb people in such dwellings.

PROPOSED - 2019/2019

THIS LOCAL LAW WAS MADE BY RESOLUTION OF MAROONDAH CITY COUNCIL AT A COUNCIL MEETING HELD ON #####, and the sealing of the document was authorised.

THE COMMON SEAL of MAROONDAH CITY COUNCIL was hereunto affixed on ### of day #### 2009 in the presence of :

.....

COUNCILLOR

.....
MICHAEL MARASCO
CHIEF EXECUTIVE OFFICER

Council resolved to issue a Notice of Intention to make this Local Law at its meeting on ### and a Notice of **Council's** Intention to make this Local Law was included in the Government Gazette on ### and Public Notices of **Council's** Intention to make this Local Law were included in the Maroondah Post and Maroondah Journal on ##.

Council resolved to make this Local Law at its meeting on ### and a Notice of **Council** having made this Local Law was included in the Government Gazette on ### and Public Notices of **Council** having made this Local Law were included in the Maroondah Post and Maroondah Journal on ##.

A copy of this Local Law was sent to the Minister for Local Government on ### and a copy of this Local Law has been available for public inspection at and copies can be obtained from **Council's** Braeside Avenue, Ringwood offices during that office's office hours.