



LOCAL LAW NO. 11

General Local Law

**Incorporating Amendments
to Clause 30.1 from Local Law No 13
and
inserting Clause 39A and Schedule 2 from
Local Law No 14**

History of Maroondah City Council's Local Laws

Revoked Local Laws

No.	Title	Date made	Date revoked	Period operative	Status
1	Environment Local Law	11/12/1995	14/12/1999	12/12/1995 to 31/12/1999	Revoked
2	Municipal Places	11/12/1995	14/12/1999	12/12/1995 to 31/12/1999	Revoked
3	Meetings Procedure and Use of Common Seal	12/2/1997	17/10/2006	17/3/1997 to 31/12/2006	Revoked
4	Administration and Enforcement of Council's Local Laws	14/12/1999	16/11/2009	1/1/2000 to 31/12/2009	Revoked
5	Public Safety and Amenity	14/12/1999	16/11/2009	1/1/2000 to 31/12/2009	Revoked
6	Use of Roads and Other Council Property	14/12/1999	16/11/2009	1/1/2000 to 31/12/2009	Revoked
8	General Local Law	16/11/2009	14/12/2015	1/1/2010 to 14/12/2015	Revoked
10	General (Amendment) Local Law	13/12/2010	14/12/2015	27/12/ 2010 to 14/12/2015	Revoked

Current Local Laws

No.	Title	Date made	Date revoked	Period operative	Status
7	Meetings Procedure and Use of Common Seal	17/10/2006		1/1/2007 to 31/12/2016	Operative
9	To Amend Meetings Procedure and Use of Common Seal Local Law	16/08/2010		1/9/2010 to 31/12/2016	Operative
11	General Local Law	14/12/2015		01/01/2016 to 31/12/2025	Operative
13	General (Amendment) Local Law	22/08/2016		01/09/2016 to 31/12/2025	Operative
14	General (Amendment) Local Law	26/11/2018		01/01/2019 to 31/12/2025	Operative

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PART A – INTRODUCTORY

1. TITLE

This Local Law is the MAROONDAH CITY COUNCIL “Local Law No. 11 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 Law* 8 and 10 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

- 3.1 This Local Law is made under section 111 of the *Act* and comes into operation on 1 January 2016.

4. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on 31 December 2025.

5. SCOPE AND STATUS OF THIS LOCAL LAW

- 5.1 This Local Law operates throughout the *Municipal District*
- 5.2 Upon this Local Law coming into operation, Local Law No. 8 General Local Law and Local Law No. 10 General (Amendment) Local Law made by *Council* are revoked.

6. DEFINITIONS

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

'Acceptable No Smoking Sign' has the same meaning as “acceptable no smoking sign” in the *Tobacco Act 1987*

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

'Advertising Sign' means any placard, board, sign, card, flag, inflatable item, projected image or banner, whether portable or affixed or attached to any land, building or vehicle which:

6.1.1 provides information about a business or industry;

6.1.2 advertises the sale of goods or hire, a service, an event or a competition; or

6.1.3 contains information or a promotion of a political nature;

'Animals' means animals and birds of a type listed in the table in *Clause 40*;

'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' means any:

6.1.4 Road;

6.1.5 drain;

6.1.6 drainage infrastructure;

6.1.7 street tree;

6.1.8 street sign; or

6.1.9 other property vested in or under the control of *Council*.

'Asset Protection Permit' means a *Permit* issued by *Council* under *Clause 24*;

'Asset Protection Permit Bond' means a sum of money the amount of which has been determined after taking account of:

6.1.10 the nature of the *Building Works*;

6.1.11 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*; and

6.1.12 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 structure or device designed or constructed for the exclusive purpose of cooking food in the open air for human consumption;

'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);

'Bulk Rubbish Container' means a bin, skip or other container used for the deposit of waste (including *trade waste*, building waste and other bulk waste) but excludes a *Garbage Bin*, *Garden Organics Bin* and *Recyclable Bin* used in connection with *Council's* waste or garbage collection service;

'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 releases 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 and where appropriate an authorised officer of Council, an employee of Council or a person engaged by Council and authorised to act on behalf of Council;

'Council Infrastructure Asset' 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, tree, vegetation, vehicle crossing, street furniture, sign, pole, light, batter or retaining wall;

'Council Land' means any land, including a road reserve, 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*, *Council 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 a premises by *Council* for the purposes of collecting and disposing of household, commercial or industrial waste;

'Garden Organics' means:

6.1.13 waste material from domestic gardens and includes grass clippings, weeds, leaves, garden prunings, branches and small logs up to ten (10) centimetres in diameter and forty (40) centimetres in length; and

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

but excludes putrescible waste;

'Garden Organics Bin' means a receptacle supplied to a 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:

6.1.15 used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;

6.1.16 not licensed or otherwise subject to control under the provisions of any *Act*; and

6.1.17 not a *Barbecue*;

'Infringement Notice' means a notice prepared in accordance with *Clause 74* of this Local Law;

'Large Bird' means any cockatoo, parrot, pheasant, peafowl, goose or turkey or other similar sized bird but excludes *Poultry*, pigeons and any *Domestic Bird*;

'Licensed Premises' means any hotel, tavern, bottle shop, bar, nightclub or other premises from which *Liquor* is sold;

'Liquor' means a substance intended for human consumption which, at 20 degrees Celsius, contains more than 1.15% ethanol by volume or any other substance that is, for the purposes of sale, held out to be such a substance;

'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 environmental, cultural, recreational or entertainment purposes;

'Notice to Comply' is a notice prepared in accordance with *Clause 70* of this Local Law;

'Occupier' means the person or persons in charge, or having the management or control, of or legally entitled to occupy any land (including 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 to Comply* or a direction issued under a *Local Law* or *Permit*;

'Owner', in relation to any land (including a *Site* or premises), 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 this *Local Law*, and issued in accordance with the provisions of this Local Law;

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

'Poultry' means any chicken, duck, fowl, and other domestic fowl or similar sized bird but does not include any *Large Bird*, Rooster or *Domestic Bird*;

'Prescribe' and *'Prescribed'* means determine or determined by *Council* and then specified in a notice published in a newspaper generally circulating within the *Municipal District* and in a map set out on *Council's* website;

;

'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:

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

'Public Place' has the same meaning as in section 3 of the *Summary Offences Act 1966*;

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

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

'Recyclables Bin' means a receptacle supplied to premises by *Council* for the purposes of collecting and disposing of premises *Recyclable Material*;

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

'Road' means:

- 6.1.24 a street; and
- 6.1.25 a right of way; and
- 6.1.26 any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*; and
- 6.1.27 a public road under the *Road Management Act 2004*; and
- 6.1.28 a passage; and
- 6.1.29 a cul de sac; and
- 6.1.30 a by-pass; and

6.1.31 a bridge or ford; and

6.1.32 a footpath, bicycle path or nature strip; and

6.1.33 any culvert or kerbing or other land or works forming part of the road;

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

'Schedule' means a *Schedule* to this Local Law;

'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;

'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' means an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycle riders and pedestrians beginning at a shared path sign or shared path road marking and ending at the nearest of the following:

6.1.34 an end shared path sign or end shared path road marking;

6.1.35 a no bicycles sign or no bicycles road marking;

6.1.36 a bicycle path sign or bicycles path road marking;

6.1.37 a *Road* (except a road related area);

6.1.38 the end of the path.

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

'Site' means the land where *Building Works* are occurring and includes any land to which *Building Works* relate;

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

6.1.39 at a height of not less than eighteen hundred (1800) millimetres;

6.1.40 capable of preventing litter from being transported from a building *Site* by wind;

6.1.41 capable of preventing unauthorised persons accessing the *Site*; and

6.1.42 having not more than one access opening fitted with gates, which is located to correspond with the vehicle crossing for the *Site*;

'Site Identification' means a sign that is at least six hundred (600) millimetres in height and four hundred (400) millimetres in length, is erected

at the entrance to the *Site* and is clearly visible from the road, and includes on the sign the:

- 6.1.43 lot number, as described on the Certificate of Title relevant to the land;
- 6.1.44 name of the *Owner*, developer or builder responsible for the *Site*;
- 6.1.45 relevant building surveyor's contact name and phone number; and
- 6.1.46 twenty-four (24) hour contact telephone number or numbers for the *Owner*, developer or builder responsible for the *Site*;

'*Smoke*' means to:

- (a) smoke, hold or otherwise have control over an ignited tobacco product; or
- (b) light a *Tobacco Product*;

'*Smoke Free Area*' means an area:

- (a) identified in Part A of Schedule 2 to this Local Law; or
- (b) *Prescribed* to be a *Smoke Free Area* in accordance with clause 39A.4;

'*Stormwater System*' means the system that provides for the conveyance of stormwater run off including kerb and channel, open channels, underground pipe systems and natural waterways;

'*Tobacco Product*' has the same meaning as "tobacco product" in the *Tobacco Act 1987*;

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

'*Vehicle*' means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock; and

'*VicRoads*' means the Roads Corporation.

- 6.2 Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have the same meaning.
- 6.3 Unless the context suggests otherwise, where a penalty appears at the foot of a subclause it applies not only to an offence against that provision but to any other offence against the *Clause*. For example, the penalty appearing after *Clause 23.3* applies to offences against *Clause 23.1, 23.2 and 23.3*. The penalty appearing after *Clause 45.9* likewise applies to offences against *Clause 45.1, 45.6 and 45.7*.

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* other 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*, unless the *Animal* is:
 - 8.4.6.1 a guide dog being used by a vision impaired person;
 - 8.4.6.2 a hearing dog being used by a hearing impaired person;
 - 8.4.6.3 an assistance dog being used by a person with a disability;
 - 8.4.6.4 a medical detection dog;
 - 8.4.6.5 a guard dog being used by a security personnel retained by or on behalf of *Council*; or
 - 8.4.6.6 a dog used 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.

PENALTY: MAXIMUM TWENTY (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 twenty four (24) hours after being directed to leave for any breach of a *Local Law*; or

PENALTY: MAXIMUM TWENTY (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 his or her duties.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART C – MUNICIPAL RESERVES

11. USE OF MUNICIPAL RESERVES

- 11.1 *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:
- 11.1.1 the health and safety of the public;
 - 11.1.2 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;
 - 11.1.3 the constraints on use by persons necessary to provide for the conduct of organised sports events;
 - 11.1.4 whether the costs of operating or maintaining the *Municipal Reserve* are being contributed to by those who use the *Municipal Reserve*;
 - 11.1.5 the need to protect *Council* or *Service Authority* assets or infrastructure from wilful or unnecessary damage;
 - 11.1.6 emergency situations and disasters; and
 - 11.1.7 legislation and policy directives of the Commonwealth and State governments.
- 11.2 A person entering a *Municipal Reserve* must comply with any conditions of or limitations on use determined under *Clause* 11.1.
- 11.3 Conditions of, or limitations on, use determined by *Council* under *Clause* 11.1 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.
- 11.4 Without limiting the scope of *Clause* 11.2, a person must not, without *Proper Authority*:
- 11.4.1 organise any function or sports event in a *Municipal Reserve*;
 - 11.4.2 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;
 - 11.4.3 hawk, sell, offer for sale or hire out or supply or promote any goods, articles or services in a *Municipal Reserve*;

- 11.4.4 enter or remain in a *Municipal Reserve* otherwise than during the hours which the *Municipal Reserve* is open to the public;
- 11.4.5 enter or remain in any part of a *Municipal Reserve* not set aside for public use;
- 11.4.6 drive, ride or park any *Vehicle* within a *Municipal Reserve*, except on a designated access *Road* or in a designated parking area within a *Municipal Reserve*;
- 11.4.7 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;
- 11.4.8 use or permit to be used any remote controlled aeroplane, car, boat, aircraft (excluding kites) or similar apparatus in or over a *Municipal Reserve*;
- 11.4.9 swim in, wade through, enter for recreation purposes, or use any *Floating Vessel* upon any lake, pond or excavation containing water located on or in a *Municipal Reserve*;
- 11.4.10 install or permit to be installed a gateway or other means of access to or from a *Municipal Reserve*;
- 11.4.11 use in any *Municipal Reserve* any amplifier, musical instrument or sound broadcasting equipment in a manner that is likely to disturb other persons;
- 11.4.12 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;
- 11.4.13 bring into a *Municipal Reserve* any substance, liquid or powder which may:
 - 11.4.13.1 be dangerous or injurious to health; or
 - 11.4.13.2 have the potential to foul, pollute or soil any part of the *Municipal Reserve*; or
 - 11.4.13.3 cause discomfort to any persons.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

12. CONDUCT IN A MUNICIPAL RESERVE

A person in any *Municipal Reserve* must not:

- 12.1 engage in, play or practise golf, archery or any like game that is likely to interfere with public safety or the use and enjoyment of the *Municipal Reserve* or any part thereof by any other person;
- 12.2 ride or lead a horse, except in areas designated and signposted for horse riding or leading;
- 12.3 interfere with any structure, notice, building or part thereof, fence, seat, tree or plant;
- 12.4 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;
- 12.5 behave in a disorderly manner;
- 12.6 remain at any time when lawfully directed to leave by an *Authorised Officer*, notwithstanding that a fee or charge for admission may have been paid;
- 12.7 obstruct, hinder or interfere with the duties of any person employed by *Council* in the performance of his or her duties;
- 12.8 act contrary to any sign which specifies activities prohibited under a *Local Law*, or advises of conditions of use applicable under a *Local Law*;
- 12.9 enter or remain within the playing area during the progress of a time-allocated and organised sport which is being conducted in accordance with a *Permit*; or
- 12.10 except with a *Permit*, use a *Municipal Reserve* for an organised sport or activity for which a charge or fee is imposed.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART D – USE OF COUNCIL LAND AND ROADS

13. ACTIVITIES ON COUNCIL LAND OR ROADS

A person must not, on *Council Land* or a *Road*:

- 13.1 act in a manner which unreasonably interferes with the use or enjoyment by any person of the *Council Land* or *Road*;
- 13.2 act in a way which endangers any person;
- 13.3 use any life saving or fire fighting device unless during an emergency;
- 13.4 undertake any unauthorised *Building Works* or construction activities; or
- 13.5 lead or ride a horse, except where signed or designated for that purpose.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

14. STREET ACTIVITIES

- 14.1 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*.
- 14.2 A person must not, without a *Permit*, sell or offer for sale any goods or services on any *Road* or *Council Land*.
- 14.3 A person with the objective of collecting money must not, without a *Permit*, on any *Road* or *Council Land* sing, perform, entertain or play any musical instrument.
- 14.4 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 purpose¹.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

15. ITEMS ON COUNCIL LAND

- 15.1 A person must not, without a *Permit*, place or keep or allow to be kept any thing, item, structure or goods of any kind on or over a *Road* or *Council Land*.

¹ 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*.

- 15.2 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 TWENTY (20) PENALTY UNITS

16. ADVERTISING AND ADVERTISING SIGNS

- 16.1 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*.
- 16.2 A person must not, without a *Permit*, erect or place an *Advertising Sign* on a *Road* or *Council Land* or any *Council Property* or cause or authorise another person to do so.
- 16.3 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 TWENTY (20) PENALTY UNITS

- 16.4 *Clauses* 16.1, 16.2 and 16.3 do not apply in any case where the relevant activity or act is authorised under a *Municipal Planning Scheme* or State or Commonwealth legislation.

17. SHOPPING TROLLEYS²

- 17.1 A person must not leave a *Shopping Trolley* on a *Road* or in a *Public Place* except in an area designated for that purpose.
- 17.2 A retailer must ensure that any *Shopping Trolley* which it allows or makes available for use has attached to it a fully operational *Coin Mechanism*, which is released by the customer for use.
- 17.3 *Clause* 17.2 does not apply when a *Retailer* makes available for use, or permits to be used, twenty five (25) *Shopping Trolleys* or less.
- 17.4 A *Retailer* may apply in writing to *Council* for an exemption from the application of *Clause* 17.2.
- 17.5 A *Retailer* must not obtain or attempt to obtain an exemption under *Clause* 17.4 by wilfully making or causing to be made any false representation.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

² This *Clause* only operates in the Ringwood Central Activities District, being that area bounded by EastLink to the west, Ringwood Bypass to the north, Maroondah Highway to the south to the point where Maroondah Highway intersects with the Ringwood Bypass to the east.

18. CLOTHING BINS

- 18.1 A person must not, without a *Permit*, place, cause or allow to be placed a *Clothing Bin* on a *Road* or *Council Land* or in any *Public Place*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

19. STREET PARTIES, FESTIVALS AND PROCESSIONS

- 19.1 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 TWENTY (20) PENALTY UNITS

PART E – VEHICLES

20. VEHICLES USING ROADS CONTRARY TO RESTRICTED USE SIGNS

- 20.1 If *Council* exercises its powers under the *Act*³ to restrict the use of a *Road* and erects signs advising of the nature of the restriction, a person must not, without a *Permit*, contravene any of those restrictions.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

21. USE OF VEHICLES ON COUNCIL LAND

- 21.1 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 TWENTY (20) PENALTY UNITS

22. REPAIRING VEHICLES

- 22.1 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 TWENTY (20) PENALTY UNITS

- 22.2 *Clause 22.1* 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.

23. VEHICLES IN A PUBLIC PLACE

- 23.1 A person must not allow any *Vehicle* not currently registered with or having a permit from *VicRoads* or any other relevant authority to be left standing in any *Public Place*.
- 23.2 A person must not allow any trailer, caravan, boat or any other *Vehicle* unable to move on its own accord to be kept in any *Public Place* for longer than forty-eight (48) hours.
- 23.3 A person must not abandon, leave or allow to be left in or on a *Public Place* any *Vehicle*, including a trailer, caravan, or recreational vehicle, that is derelict to such an extent that it is unable to move under normal means and is in disrepair, whether registered or not.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

³ Refer to the *Local Government Act 1989* (Vic) (sections 206 and 207, and Schedules 10 and 11).

PART F – CONDUCT GENERALLY

24. DAMAGING, DEFACING OR INTERFERING WITH COUNCIL PROPERTY

- 24.1 A person must not alter, destroy, damage, write on, affix anything to, remove, or interfere with any *Council Property*.
- 24.2 Without limiting the scope of *Clause 24.1*, a person must not, without a *Permit*:
- 24.2.1 remove or interfere with any trees, dead or alive, or plants on or within any *Council Land or Road*;
- 24.2.2 alter, destroy, damage or interfere with a water course, ditch, creek, swale, gutter, drain⁴, tunnel, bridge, levee, culvert or fence which belongs to or is under the control of *Council*; or
- 24.2.3 alter, destroy, damage, interfere or remove anything belonging to *Council* from any *Council Land or Road*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

25. VEHICLE CROSSINGS

- 25.1 A person must not, without a *Permit*, install, construct, alter, or reconstruct a vehicle crossing, whether permanent or temporary.
- 25.2 Each point of *Vehicle* access from any land to a *Road* must have a properly constructed and maintained vehicle crossing approved by *Council*.
- 25.3 A person must not, without a *Permit*, allow any *Vehicle* to enter or leave any land except in accordance with *Clause 25.2*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

26. CONSUMPTION OF LIQUOR OR POSSESSION IN UNSEALED CONTAINER AND BEHAVIOUR NEAR LICENSED PREMISES⁵

- 26.1 A person must not, without a *Permit*, on a *Road*, any *Council Land* or any open space to which the public have access :
- 26.1.1 consume or ingest any *Liquor*; or
- 26.1.2 have in his or her possession a bottle, can, wine cask or other receptacle, which contains *Liquor* and has been opened.
- 26.2 *Clause 26.1* does not apply:

⁴ See also *Clauses 38, 45, 54 and 62* which also regulate matters relating to drains.

⁵ 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*.

26.2.1 to a person in licensed premises or authorised premises under the *Liquor Control Reform Act 1998*; or

26.2.2 where the consumption of *Liquor* is taking place at an organised function conducted with a *Permit* or as part of a picnic with family and/or friends within a *Municipal Reserve* between the hours of 7.00 am and 10.00 pm, provided that no nuisance is being caused.

26.3 A person:

26.3.1 must not in the course of arriving at or departing from *Licensed Premises* or any carpark designated for the use of patrons of such *Licensed Premises*; or

26.3.2 who, having departed from *Licensed Premises*, then remains within a radius of two hundred (200) metres from the *Licensed Premises*, must not behave in a manner which is, or is likely to be, detrimental to the amenity of the neighbourhood.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

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

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

27.2 If *Council* designates areas under *Clause 27.1*, it must cause signs to be erected in or on those areas advising of the prohibition.

27.3 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 27.1*.

27.4 Any person who uses a bicycle, a scooter, a skateboard, in-line or roller skates or a similar device or causes or authorises a person or child under their care or control 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 TWENTY (20) PENALTY UNITS

27.5 This *Clause 27* does not apply to a person with a disability or infirmity who is using a motorised mobility aid for its intended purpose.

⁶ See also *Clauses 8.4.10 and 11.4.7* with regard to the use of these items in *Municipal Buildings* and *Municipal Reserves* (respectively).

28. PROPERTY ADDRESS AND NUMBERS

- 28.1 Council may allocate a *Property Address* to each property in the *Municipal District* and, from time to time, may make changes to *Property Addresses*.
- 28.2 For each property that has been allocated a *Property Address* under *Clause* 28.1, 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.
- 28.3 An *Owner* or *Occupier* must not use an address other than a *Property Address* for any property in the *Municipal District*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS**29. PREVENTION OF FIRE**

- 29.1 An *Owner* or *Occupier* of land must:
- 29.1.1 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
- 29.1.2 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 TWENTY (20) PENALTY UNITS**30. INCINERATORS AND BURNING**

- 30.1 A person must not light, allow to be lit, or allow to remain alight any fire:
- 30.1.1 in the open air or in an *Incinerator* unless the fire is authorised or directed to be lit under the provisions of any Act or Regulations or the Municipal Planning Scheme; or
- 30.1.2 in an *Incinerator* unless authorised by, and managed under and in accordance with, a Permit issued under *Clause* 30.2; or
- 30.1.3 in the open air unless the fire is in a permanent or portable *Barbecue* that is being used for the exclusive purpose of cooking food in the open air for human consumption; or
- 30.1.4 in the open air unless the fire is in a properly constructed and safe device the purpose of which is for outdoor heating, and the device is being used for outdoor heating,
- and unless it is appropriately located and managed so as to not cause a nuisance to occupiers of neighbouring properties.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

- 30.2 An *Owner* or *Occupier* of any land, the area of which is ten thousand (10,000) square metres (one {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 0*.

31 CONDITION OF LAND

- 31.1 An *Owner* or *Occupier* of any land must not cause or allow his or her land to:
- 31.1.1 be kept in a manner which is unsightly or detrimental to the general amenity of the area in which the land is located;
 - 31.1.2 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;
 - 31.1.3 be kept in a manner which is dangerous or likely to cause danger to life or property;
 - 31.1.4 become infested with blackberry or other invasive plants or vermin;
or
 - 31.1.5 become a source of offensive odour discernible beyond the land.
- 31.2 An *Authorised Officer* may direct an *Owner* to secure the *Owner's* land to prevent unauthorised entry.
- 31.3 An *Owner* of land to whom a direction is given under *Clause 31.2* must comply with that direction

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

32 VACANT BUILDINGS

- 32.1 An *Owner* of a vacant building must not cause or allow the vacant building to be kept in a manner to the extent that the exterior of the building:
- 32.1.1 is in a state of disrepair;
 - 32.1.2 is damaged or defaced;
 - 32.1.3 affects the amenity of the surrounding neighbourhood;
 - 32.1.4 causes the building to be out of conformity with the visual appearance of other buildings in the vicinity; or
 - 32.1.5 is declared in writing by an *Authorised Officer* to be unsafe.
- 32.2 Before any liability can arise under *Clause 32.1.5* details of the declaration must be sent to the *Owner* at the vacant building and a reasonable time must

elapse to allow the *Owner* of the vacant building to carry out or cause to carries out works which render safe the exterior of the building.

- 32.3 The *Owner* of a vacant building must ensure that the vacant building is secure to prevent unauthorised entry.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

33 STORAGE OF DANGEROUS OR HAZARDOUS SUBSTANCES ON LAND

- 33.1 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 TWENTY (20) PENALTY UNITS

34 STORAGE, VEHICLES AND MACHINERY

- 34.1 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.
- 34.2 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.
- 34.3 Nothing in *Clauses* 34.1 or 34.2 applies to a person who is using land in a manner permitted under the *Municipal Planning Scheme*.
- 34.4 Nothing in *Clause* 34.1 and 34.2 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:
- 34.4.1 for financial gain or reward;
 - 34.4.2 on more than two (2) *Vehicles* at any one time such that there are no more than two (2) *Vehicles* that are not registered with *VicRoads* on the land at any one time; or
 - 34.4.3 in a manner which is unsightly or detrimental to the general amenity of the area.
- 34.5 Where an unregistered *Vehicle* is visible from an adjoining *Road*, the owner or person in control of the *Vehicle* must ensure that the *Vehicle* is confined to a paved, formed, concreted or otherwise identifiable area that is used as a driveway and is generally used to store *Vehicles*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

35 SHIPPING CONTAINERS AND TEMPORARY STRUCTURES

- 35.1 A person, must not, without a *Permit*, place or keep or allow to be kept a shipping container or other like temporary structure on any land which is used or intended to be used primarily for residential purposes for any period longer than twenty eight (28) days.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

36 INTRUDER ALARMS

- 36.1 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:

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

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

- 36.2 Despite *Clause* 36.1, an intruder alarm may operate for a further period of up to ten (10) minutes, should another detection device in the same building be activated following the cessation of the alarm noise in accordance with *Clause* 36.1.1.

- 36.3 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:

36.3.1 adjust or replace the alarm to comply with the requirements; or

36.3.2 permanently disconnect the alarm.

- 36.4 An *Owner* or *Occupier* of premises to which a direction is given under *Clause* 36.3 must comply with that direction.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

37 CAMPING

- 37.1 A person must not camp on *Council Land* or a *Road* in a tent, caravan or any other temporary or makeshift structure

- 37.2 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 TWENTY (20) PENALTY UNITS

37.3 *Clause 37.2 does not apply to:*

37.3.1 the storage of a caravan or similar facility on any private property;

37.3.2 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 twenty eight (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

37.3.3 any land on which such activities are authorised under the *Municipal Planning Scheme*.

38 TREES AND VEGETATION

38.1 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:

38.1.1 overhangs onto or over any footpath, naturestrip or *Road* abutting that land at a height of less than three (3) metres from the level of the adjacent footpath or nature strip;

38.1.2 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;

38.1.3 otherwise prejudices the safe and convenient use of any footpath, naturestrip or *Road* adjacent to or near the land; or

38.1.4 causes damage to or interference with any:

38.1.4.1 fixture or other structure in a *Road*, or on *Council Land*; or

38.1.4.2 drain⁷ vested in or under the control of *Council*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

39 WASP NESTS AND BEES

39.1 Upon becoming aware of the existence of:

39.1.1 a wasp nest; or

39.1.2 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 TWENTY (20) PENALTY UNITS

⁷ See also *Clauses 24, 38, 54, and 62*, relating to drains.

39A SMOKE FREE AREAS

- 39A.1 A person must not *Smoke a Tobacco Product* in a *Smoke Free Area*.

PENALTY: MAXIMUM TWO (2) PENALTY UNITS

- 39A.2 Where an *Authorised Officer* believes on reasonable grounds that a person is contravening or has contravened clause 39A.1 the *Authorised Officer* may direct the person to extinguish and then dispose of the *Tobacco Product*.
- 39A.3 A person to whom a direction is given under clause 39A.2 must comply with that direction.

PENALTY: MAXIMUM TWO (2) PENALTY UNITS

- 39A.4 In addition to the *Smoke Free Areas* identified in Part A of Schedule 2 to this Local Law, *Council* may *Prescribe* any other area within the *Municipal District* to be a *Smoke Free Area*.
- 39A.5 *Council* must follow the guidelines incorporated in Part B of Schedule 2 to this Local Law when deciding whether to *Prescribe* an area as a *Smoke Free Area* under clause 39A.4.
- 39A.6 *Council* or an *Authorised Officer* may erect, or cause to be erected, an *Acceptable No Smoking Sign* in a *Smoke Free Area*.

PART G – ANIMAL MANAGEMENT

40 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 (5,000) square metres (half {0.5} a hectare), must not, without a *Permit*, keep or allow to be kept more than four (4) different types of *Animals* on any one (1) 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:

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

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

41 REMOVAL OF ANIMAL FAECES

41.1 A person in charge of an *Animal* must:

41.1.1 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

41.1.2 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.

41.2 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 TWENTY (20) PENALTY UNITS

42 ANIMAL HOUSING

42.1 The owner of an *Animal* and the *Owner* or *Occupier* of the land on which the *Animal* is housed must ensure that;

42.1.1 the animal housing is kept in a clean and sanitary condition to the satisfaction of an *Authorised Officer*;

42.1.2 the size of the enclosure or other form of housing is adequate to house the number of animals;

42.1.3 the animal housing meets the welfare needs of the *Animal*;

42.1.4 the animal housing is maintained in good repair so as to not cause nuisance to neighbouring premises;

42.1.5 the animal housing is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises;

42.1.6 the land surrounding the animal housing is kept clear of materials which may harbour vermin;

42.1.7 the animal housing is located at a distance from neighbouring premises and dwellings that is to the satisfaction of the *Authorised Officer*; and

42.1.8 boundary fencing does not form part of the enclosure or other form of housing.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

43 PROVISION OF EFFECTIVE FENCING TO CONTAIN ANIMALS

43.1 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 TWENTY (20) PENALTY UNITS

44 POWER TO IMPOUND ADDITIONAL ANIMALS

44.1 Where a Magistrate has found a person to be in breach of *Clause 40* and a *Permit* for additional *Animals* has not been granted, *Council* may enter the land on which the *Animals* are being kept and seize and dispose of any *Animals* being kept on land in breach of *Clause 40* for the purpose of sale, re-homing or destruction.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART H – BUILDING SITE MANAGEMENT

45 PROTECTION OF COUNCIL INFRASTRUCTURE ASSETS DURING BUILDING WORKS

45.1 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, the occupier or the person acting on behalf of the *Owner*, at least seven (7) days before commencing or causing or allowing *Building Works* to commence on the land must:

45.1.1 obtain an *Asset Protection Permit*;

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

45.1.3 pay any *Asset Protection Permit* fee determined by *Council* from time to time; and

45.1.4 pay any *Asset Protection Permit Bond* determined by *Council* from time to time.

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

45.2.1 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

45.2.2 require entry to and exit from the *Site* only at designated locations; and/or

45.2.3 address any other matter referred to in this Part.

45.3 If *Council* does not receive advice in writing as required under *Clause* 45.1.2, it is deemed, for the purposes of *Clause* 45.5, that there was no existing damage to *Council Infrastructure Assets*.

45.4 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.

45.5 If, as a result of any inspection under *Clause* 45.4, *Council* considers that the *Building Works* have damaged *Council Infrastructure Assets*, *Council* may:

45.5.1 direct 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 twenty eight (28) days; and/or

- 45.5.2 initially protect *Council's Infrastructure Assets*, the cost of which can be recovered from the *Owner*, and/or
- 45.5.3 repair the damage and recover the cost from the *Asset Protection Permit Bond* and/or the *Owner*.
- 45.6 If repair of damaged *Council Infrastructure Assets* is required under *Clause 45.5.1*, the *Owner* must effect the repairs to the standards and within the time specified by *Council*.
- 45.7 If the repair work is done under *Clause 45.5.2* and/or *45.5.3* 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*.
- 45.8 If the repair work is done under *Clause 45.5.2* and/or *45.5.3* and the cost is less than the amount of the *Asset Protection Permit Bond*, *Council* must refund the unused portion of the *Asset Protection Permit Bond* to the person who paid it to *Council*.
- 45.9 If, as a result of the inspection under *Clause 45.4*, *Council* considers that the *Building Works* have not damaged *Council Infrastructure Assets*, *Council* must refund the entire *Asset Protection Permit Bond* to the person who paid it to *Council*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

46 CONTAINMENT OF BUILDING SITES

- 46.1 The *Owner* of a *Site* must ensure that:
- 46.1.1 the *Building Works* being carried out on the *Site* are contained entirely within a *Site*;
- 46.1.2 the *Site* is provided with *Site Fencing*; and
- 46.1.3 gates or access points in the *Site Fencing* do not open out onto *Council Land*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

47 ENTRY TO BUILDING SITES

- 47.1 The *Owner* of a *Site* must ensure that:
- 47.1.1 the point of entry to the *Site* is be by way of a vehicle crossing; and

- 47.1.2 any temporary vehicle crossing or vehicle crossing protector is not constructed of timber but rather made from crushed rock or other material approved by *Council*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

48 BUILDING SITE IDENTIFICATION

- 48.1 The Owner of a *Site* must ensure that the *Site* is provided with clearly legible and clean *Site Identification*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

49 APPROVED TOILET SYSTEMS

- 49.1 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 and is thereafter maintained to the satisfaction of the *Authorised Officer*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

50 BUILDING SITE WASTE

- 50.1 The Owner of a *Site* must ensure that waste produced as a result of *Building Works* on the *Site* is:

- 50.1.1 contained entirely within the *Site*;
- 50.1.2 stored in a manner that does not attract the depositing of waste from sources other than the *Site*;
- 50.1.3 stored in a manner that does not cause detriment to the visual amenity of the area in which the *Site* is located; and
- 50.1.4 disposed of regularly, and, where that waste is in the form of stormwater, to a legal point of discharge.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

51 PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY

- 51.1 The Owner of a *Site* must ensure that *Building Works* on the *Site* do not cause detriment to pedestrian or vehicular traffic or become unsafe.

51.2 For the purposes of *Clause* 51.2, detriment to pedestrians or vehicular traffic will be deemed to be caused by, and *Building Works* will be deemed to have become unsafe, if:

51.2.1 there is mud or debris on a *Road*; or

51.2.2 there are excavation works on or immediately adjacent to a *Road* that is unauthorised or poses a risk to persons or property.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

52 SOIL STOCKPILES

52.1 The *Owner* of a *Site* must ensure that soil that is stripped from the *Site* is stockpiled on the *Site* for re-use or is transported to a legal place of disposal.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

53 AMENITY CONTROLS

53.1 The *Owner* of a *Site* must ensure that activities on the *Site* (including *Building Works*) do not damage or cause detriment to the natural or built environment in which the *Site* is located.

53.2 A person in charge of a *Site* must manage any dust or air pollutants from the *Site* to minimise detriment to the amenity of the area.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

54 DRAINS

54.1 The *Owner* of a *Site* must ensure that *Building Works* on the *Site* do not cause detriment to any *Stormwater System* or *Asset*.

54.2 For the purposes of *Clause* 54.1 detriment to a *Stormwater System* or *Asset* occurs if:

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

54.2.2 there is any alteration to or interference with a *Stormwater System* or *Asset* for which a *Permit* has not been issued.

54.3 The *Owner* of a *Site* must ensure that the *Site* is provided with *Sediment/Fencing Barriers* that ensure 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.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

55 BUILDING OR INDUSTRIAL NOISE

- 55.1 *A person must not carry out Building Works or allow Building Works to be carried out on any land between the hours 8.00 pm and 7.00 am on weekdays, or between the hours of 8.00 pm and 9.00 am on any Saturday, Sunday, or all Public Holidays.*
- 55.2 *Clause 55.1 does not apply if the Building Works or other works to be carried out will be more than two hundred and fifty (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.*

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART I – WASTE MANAGEMENT

56 DOMESTIC, COMMERCIAL AND INDUSTRIAL GARBAGE SERVICES

56.1 The *Occupier* of every premises to which *Council* supplies a *Garbage Bin* must:

56.1.1 only deposit in the *Garbage Bin* bagged, wrapped or otherwise securely contained solid waste other than those items referred to within *Clause* 56.1.2;

56.1.2 not deposit in the *Garbage Bin*:

56.1.2.1 waste derived from building construction or demolition activities;

56.1.2.2 vegetation that can be recycled using *Council's* bin-based garden organics service;

56.1.2.3 hot or burning ashes;

56.1.2.4 medical or infectious waste;

56.1.2.5 volatile, explosive or flammable substances;

56.1.2.6 dust, fine particle waste, polystyrene beads or similar unless securely wrapped

56.1.2.7 oil, paint, solvents or any material or item which may damage the bin; or

56.1.2.8 heavy materials or items that cause the weight of the bin to be more than forty (40) kilograms;

56.1.3 not leave any *Garbage Bin* or other form of domestic service garbage 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*;

56.1.4 not leave any commercial or industrial service garbage bin (whether it be subject to a *Council* or private service collection) out on *Council Property* for more than twelve (12) hours before or after a collection day unless permitted to do so by an *Authorised Officer*;

56.1.5 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;

56.1.6 ensure that the *Garbage Bin* is not removed from the, or transferred to other, premises except for collection of refuse in accordance with *Clause 56.1.5*;

56.1.7 maintain the *Garbage Bin* in a clean and sanitary condition;

56.1.8 ensure that the area where the *Garbage Bin* is kept on the property is kept clean and in a sanitary condition;

56.1.9 ensure that the lid of the *Garbage Bin* is closed other than when refuse is being deposited in it; *and*

56.1.10 ensure that the *Garbage Bin* is not overfilled such that the lid cannot be completely closed down.

56.2 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 TWENTY (20) PENALTY UNITS

56.3 *Clause 56.2* 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.

57 RECYCLABLE MATERIALS SERVICE

57.1 The *Occupier* of every premises to which *Council* supplies a *Recyclables Bin* must:

57.1.1 deposit only loose, not bagged or wrapped, *Recyclable Material* in such bin;

57.1.2 only place *Recyclable Material* in the *Recyclables Bin*;

57.1.3 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*;

57.1.4 place, when placing the *Recyclables Bin* out for collection of the contents, 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*;

57.1.5 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 57.1.4*;

57.1.6 maintain the *Recyclables Bin* in a clean and sanitary condition;

57.1.7 ensure that the area where the *Recyclables Bin* is kept on the premises is kept clean and in a sanitary condition;

57.1.8 ensure that the lid of the *Recyclables Bin* is closed other than when *Recyclable Material* is being deposited in it; and

57.1.9 ensure that the *Recyclables Bin* is not overfilled such that the lid cannot be completely closed down.

57.2 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 TWENTY (20) PENALTY UNITS

57.3 *Clause 57.2* 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.

58 HARD WASTE SERVICE

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

58.1.1 make a prior booking with *Council* for the collection service;

58.1.2 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*;

58.1.3 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

58.1.4 remove all non-collected material within two (2) days following the specified collection period as advised by *Council* at the time of booking the service.

58.2 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 TWENTY (20) PENALTY UNITS

58.3 *Clause 58.2* 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.

59 LEAVING OR PLACING OF CONTAINERS WITH AN EXTERNAL DOOR OR LID FASTENER

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

59.1.1 a compartment in it of 0.04 cubic metres or more; and

59.1.2 a door or lid fastener or latch, only operable from the outside, without first:

59.1.3 removing every door and lid of the container;

59.1.4 removing every lock, catch and hinge attached to a door or lid; or

59.1.5 otherwise rendering every door and lid incapable of being fastened.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

60 GARDEN ORGANICS SERVICE

60.1 The *Occupier* of every premises to which *Council* supplies a *Garden Organics Bin* must:

60.1.1 only deposit loose, not bagged or wrapped, *Garden Organics* in the *Garden Organics Bin*;

60.1.2 only place *Garden Organics* in the *Garden Organics Bin*;

60.1.3 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*;

60.1.4 place, when placing the *Garden Organics Bin* for collection, 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

60.1.5 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* 60.1.4;

60.1.6 maintain the *Garden Organics Bin* in a clean and sanitary condition;

60.1.7 ensure that the area where the *Garden Organics Bin* is kept on the property is kept clean and in a sanitary condition;

60.1.8 ensure that the lid of the *Garden Organics Bin* is closed other than when garden organics are being deposited in it; and

60.1.9 ensure that the *Garden Organics Bin* is not overfilled such that the lid cannot be completely closed down.

60.2 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 TWENTY (20) PENALTY UNITS

60.3 *Clause 60.2* 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.

61 BULK RUBBISH CONTAINERS

61.1 A person must not, without a *Permit*, place, cause or allow to be placed a *Bulk Rubbish Container* on a *Road* or *Council Land* or in any *Public Place*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

62 USE OF DRAINS ⁸ AND LEGAL POINTS OF DISCHARGE

62.1 A person must not, without a *Permit*:

62.1.1 connect to;

62.1.2 alter;

62.1.3 interfere with;

62.1.4 excavate;

62.1.5 damage;

62.1.6 destroy; or

62.1.7 obstruct the function of any drain under the control of *Council*

62.2 The *Owner* or *Occupier* of land must ensure that:

⁸ See also *Clauses 24, 38, 45 and 54*, relating to drains.

62.2.1 each building and/or structure on the land is connected to a legal point of discharge nominated by *Council* through a properly constructed and maintained underground drainage system; and

62.2.2 the land is adequately drained to the satisfaction of an *Authorised Officer*.

62.3 The *Owner* or Occupier of land must ensure that all drainage servicing his or her land is maintained in sound working order and does not cause damage to any other property, including *Council Property*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

PART J – LOCAL LAW PERMITS

63 PERMIT APPLICATIONS AND FEES

- 63.1 An application for a *Permit* under this Local Law must be in a form determined by *Council* from time to time.
- 63.2 An application must be accompanied by any fee fixed by *Council* in accordance with *Clauses* 63.3 and 63.4.
- 63.3 *Council* may, from time to time by resolution, determine fees that must be paid by the *Applicant* for a *Permit*.
- 63.4 In fixing a fee or fees under this *Clause* 63.4, *Council* may take into account:
- 63.4.1 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*;
 - 63.4.2 the capacity of likely applicants to pay the fee; and
 - 63.4.3 Commonwealth and State Government legislation or policy directives.
- 63.5 *Council* may require a person making application for a *Permit* to give public notice of such application.
- 63.6 Where a *Permit* is issued for a standard period that applies to all such *Permits*, *Council* may reduce the normal fee by fifty (50) per cent if the period remaining is less than half of that standard period.
- 63.7 *Council* may waive, reduce or alter any fee or charge if the financial circumstances of the *Applicant* are such as to warrant such action.
- 63.8 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*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

64 ISSUING OR REFUSING PERMITS

- 64.1 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:

- 64.1.1 the health and safety of the public;
- 64.1.2 the amenity of the *Municipal District*;
- 64.1.3 the impacts on other persons or their property;
- 64.1.4 the extent to which the granting of the *Permit* might affect the activities or enjoyment of another person or group;
- 64.1.5 the need to protect *Council* or *Service Authority* assets or infrastructure from damage;
- 64.1.6 legislation and policy directives of the Commonwealth and State Governments;
- 64.1.7 the need for work to occur which is authorised by Commonwealth or State Government legislation, or by *Council* or a *Service Authority*; and
- 64.1.8 any submission or comments that may be received in respect of the application.

64.2 *Council* may decide:

- 64.2.1 to issue a *Permit*
- 64.2.2 to issue a *Permit* subject to conditions; or
- 64.2.3 refuse to issue a *Permit*.

64.3 Where *Council* has refused to issue a *Permit*, the person seeking the *Permit* has fourteen (14) days after receiving a notice of refusal of permit *Clause* 64.2.3, or such other additional time, provided a fair and just reason exists, to provide written reasons to *Council* as to why the *Permit* should not be refused.

64.4 If a written submission is received by *Council* under *Clause* 64.3 within the fourteen (14) day or other period, the information provided shall be considered, and if applicable the person seeking the permit will be given an opportunity to be heard by *Council* or *Council's* delegate and any such verbal submissions have also been considered.

65 BREACH OF PERMIT CONDITIONS

65.1 A person who fails to comply with a *Permit* or any condition of a *Permit* is guilty of an *Offence*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

66. CANCELLATION OF PERMITS

- 66.1 A *Permit* may be cancelled by *Council* at any time, if, in the opinion of *Council*:
- 66.1.1 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
 - 66.1.2 there has been a failure to comply with any condition or conditions subject to which the *Permit* was issued.
- 66.2 If it is proposed that a *Permit* be cancelled under *Clause* 66.1.1, notice in writing must be given:
- 66.2.1 to the *Permit Holder*, and
 - 66.2.2 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*.
- 66.3 A *Permit Holder*, and if applicable an *Owner* has fourteen (14) days after receiving the notice under *Clause* 66.2, 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* 66.2 must specify that right.
- 66.4 If a written submission is received by *Council* under *Clause* 66.3 within the fourteen (14) 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, within a reasonable timeframe, and any such verbal submissions will also be considered.
- 66.5 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:
- 66.5.1 adverse effects on the environment, the amenity of the area, or the health or safety of any person, or property; or
 - 66.5.2 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* 66.4. For the purposes of this *Clause* 66.5, the *Permit Holder* must, for the duration of the suspension, cease all activities or things that would otherwise be allowed by the *Permit*.
- 66.6 If it is proposed that a *Permit* be cancelled under *Clause* 66.1.2, the same procedures as prescribed in *Clauses* 66.2, 66.3, 66.4 and 66.5 will apply, except that prior to notice being given of the proposed cancellation under *Clause* 66.2, the *Permit Holder*, and if applicable the *Owner*, must first:

66.6.1 be given a *Notice to Comply* under *Clause 70*; and

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

66.7 *Council* has a discretion to allow additional time for a *Permit Holder* to meet the timing requirements of this *Clause 66*, where it is reasonable to do so.

67. CORRECTION OF PERMITS

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

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

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

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

68. REGISTER OF PERMITS

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

69. APPLICATION OF LOCAL LAWS TO SERVICE AUTHORITIES

69.1 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*.

69.2 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.

PART K – OTHER ADMINISTRATIVE AND ENFORCEMENT MATTERS

70. NOTICE TO COMPLY

- 70.1 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.
- 70.2 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):
- 70.2.1 the amount of work to be performed in order to observe the *Notice to Comply*;
 - 70.2.2 the degree of difficulty of that work;
 - 70.2.3 the availability of necessary material or other necessary items;
 - 70.2.4 climatic conditions; or
 - 70.2.5 the degree of risk or potential risk.
- 70.3 A person who fails to observe any requirement specified in a *Notice to Comply* is guilty of an *Offence*.

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

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

- 71.1 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:
- 71.1.1 it appears to the *Authorised Officer* that a breach of a *Local Law* is likely to occur, is occurring or has occurred;
 - 71.1.2 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 to Comply* may place a person, animal, property or thing at risk or in danger; and
 - 71.1.3 wherever practicable, the prior consent of the *Chief Executive Officer*, or his or her delegate, is obtained.

- 71.2 In deciding whether circumstances are urgent, an *Authorised Officer* must take into consideration, to the extent relevant:
- 71.2.1 whether it is practicable to contact:
- 71.2.1.1 the person by whose default, permission or sufferance the situation has arisen; or
- 71.2.1.2 the *Owner* or the *Occupier* of the land affected; and
- 71.2.2 whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 71.3 The action taken by an *Authorised Officer* under this *Clause* 71 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 71.4 An *Authorised Officer* who takes action under this *Clause* 71 must ensure that as soon as practicable:
- 71.4.1 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
- 71.4.2 a report of the action taken is submitted to the *Chief Executive Officer*.
- 71.5 Any costs incurred by *Council* to remove, remedy or rectify a situation under this *Clause* 71 may be recovered by *Council* from the person responsible.

72. PROCEDURE FOR AN AUTHORISED OFFICER TO IMPOUND

- 72.1 An *Authorised Officer* may impound any item, object or thing found to be in breach of a permit condition, a *Notice to Comply*, or of any *Clause* in this *Local Law*.
- 72.2 Where any item, object or thing has been impounded under *Clause* 72, *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, object or thing wherever it is practicable to do so. If the *Owner* cannot be located then a sticker placed on the item, object or thing will represent adequate notification for the purposes of this *Clause* 72.
- 72.3 A notice of the impounding must specify:
- 72.3.1 the item;
- 72.3.2 the place and times when it may be retrieved;
- 72.3.3 the fee that must be paid for its retrieval;

- 72.3.4 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);
 - 72.3.5 that the item will be sold or disposed of in accordance with this *Clause 72*, if not so retrieved; and
 - 72.3.6 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.
- 72.4 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.
- 72.5 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:
- 72.5.1 evidence to the satisfaction of the *Authorised Officer* is provided of the *Owner's* right to the item;
 - 72.5.2 any fee, determined by *Council* from time to time, is paid; and
 - 72.5.3 any charge for cost recovery, is paid.
- 72.6 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:
- 72.6.1 where the item has no saleable value it may be disposed of in any manner considered appropriate in the circumstances; and
 - 72.6.2 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.
- 72.7 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.
- 72.8 If no valid claim is made with the six (6) months period under *Clause 72.7*, any surplus proceeds of the sale may be used for municipal purposes.

73. OFFENCES

- 73.1 A person who contravenes or fails to comply with:
 - 73.1.1 any provision of a *Local Law*;

73.1.2 any condition contained in a *Permit* issued under a *Local Law*; or

73.1.3 a *Notice to Comply*, issued under *Clause 70*,

is guilty of an *Offence*.

73.2 For a person who is guilty of an *Offence* under *Clause 73.1*, the penalty will be:

73.2.1 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 76*;

73.2.2 a further penalty of one (1) *Penalty Unit* for each day after conviction during which the contravention continues; and

73.2.3 upon conviction for a second or subsequent *Offence*, double such specific penalty or twenty (20) *Penalty Units*, whichever is the lesser.

74. INFRINGEMENT NOTICES

74.1 An *Authorised Officer* may issue an *Infringement Notice* for an *Offence*, as an alternative to prosecution.

74.2 If an *Offence* is a continuing *Offence*, then an *Infringement Notice* may be issued on each day the *Offence* continues.

74.3 The penalty indicated must be paid to *Council* within twenty eight (28) days of the issue of the *Infringement Notice*, to avoid prosecution.

74.4 A person issued with an *Infringement Notice* is entitled to apply to have the *Infringement Notice* internally reviewed by way of written objection to *Council* before the date of which the infringement penalty is due.

74.5 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*.

74.6 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:

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

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

75. INFRINGEMENT NOTICE PENALTIES

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

75.1.1 as set out in the table in *Schedule 1*; or

75.1.2 where the penalty is not listed – two (2) *Penalty Units*.

76. PENALTIES UNDER THIS LOCAL LAW GENERALLY

76.1 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*.

76.2 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).

77. OFFENCES IN RELATION TO AN AUTHORISED OFFICER

77.1 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.

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

PENALTY: MAXIMUM TWENTY (20) PENALTY UNITS

SCHEDULE 1

PENALTIES PRESCRIBED UNDER CLAUSE 75 OF THIS LOCAL LAW, FOR INFRINGEMENT NOTICE PURPOSES

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
8	Use of <i>Municipal Buildings</i>	Two (2) <i>Penalty Units</i>	--
9	Prohibition on entry to a <i>Municipal Building</i>	Two (2) <i>Penalty Units</i>	--
10	Conduct in a <i>Municipal Building</i>	Two (2) <i>Penalty Units</i>	--
11	Use of <i>Municipal Reserves</i>	Two (2) <i>Penalty Units</i>	--
12	Conduct in a <i>Municipal Reserve</i>	Two (2) <i>Penalty Units</i>	--
13	Activities on <i>Council Land</i> or <i>Roads</i>	Two (2) <i>Penalty Units</i>	--
14	Street Activities	One (1) <i>Penalty Unit</i>	--
15	Items on <i>Council Land</i>	Two (2) <i>Penalty Units</i>	--
16	Advertising and <i>Advertising Signs</i>	Two (2) <i>Penalty Units</i>	--
17	Shopping trolleys	Two (2) <i>Penalty Units</i>	--
18	Clothing bins	Two (2) <i>Penalty Units</i>	--
19	Street parties, festivals and processions	One (1) <i>Penalty Unit</i>	--
20	<i>Vehicles</i> using <i>Roads</i> contrary to restricted use signs	Two (2) <i>Penalty Units</i>	--
21	Use of <i>Vehicles</i> on <i>Council Land</i>	Two (2) <i>Penalty Units</i>	--

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
22	Repairing <i>Vehicles</i>	Two (2) <i>Penalty Units</i>	--
23	<i>Vehicles</i> in a <i>Public Place</i>	Two (2) <i>Penalty Units</i>	--
24	Damaging, defacing or interfering with <i>Council Property</i>	Four (4) <i>Penalty Units</i>	--
25	<i>Vehicle</i> crossings	Two (2) <i>Penalty Units</i>	--
26	Consumption of <i>Liquor</i> or possession in unsealed container and behaviour near <i>Licensed Premises</i>	Three (3) <i>Penalty Units</i>	--
27	Bicycles, scooters, skateboards, in-line and roller skates	One (1) <i>Penalty Unit</i>	--
28	Property address and numbers	Two (2) <i>Penalty Units</i>	--
29	Prevention of fire	Ten (10) <i>Penalty Units</i>	--
30	<i>Incinerators</i> and burning	Five (5) <i>Penalty Units</i>	--
31	Condition of land	Five (5) <i>Penalty Units</i>	--
32	Vacant buildings	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
33	Storage of dangerous or hazardous substances on land	Five (5) <i>Penalty Units</i>	--
34	Storage, vehicles and machinery	Two (2) <i>Penalty Units</i>	--
35	Shipping containers and temporary structures	Two (2) <i>Penalty Units</i>	--
36	Intruder alarms	Two (2) <i>Penalty Units</i>	--
37	Camping	One (1) <i>Penalty Unit</i>	--

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
38	Trees and vegetation	Two (2) <i>Penalty Units</i>	--
39	Wasp nests and bees	Two (2) <i>Penalty Units</i>	--
39A.1	<i>Smoking in a Smoke Free Area</i>	Two (2) <i>Penalty Units</i>	-
39A.3	Not complying with direction	Two (2) <i>Penalty Units</i>	-
40	Limits on number of animals kept	Two (2) <i>Penalty Units</i>	--
41	Removal of animal faeces	One (1) <i>Penalty Unit</i>	--
42	Animal housing	Two (2) <i>Penalty Units</i>	--
43	Provision of effective fencing to contain animals	Five (5) <i>Penalty Units</i>	--
45	Protection of <i>Council Infrastructure Assets</i>	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
46	Containment of building sites	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
47	Entry to building sites	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
48	Building site identification	One (1) <i>Penalty Unit</i>	Five (5) <i>Penalty Units</i>
49	Approved toilet systems	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
50	Building site waste	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
51	Pedestrian and traffic hazards, and safety	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
52	Soil stockpiles	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>

RELEVANT CLAUSE		Penalty for a natural person	Penalty for a company or incorporated body is identical to the penalty for a natural person unless indicated otherwise
53	Amenity controls	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
54	Drains	Five (5) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
55	Building or industrial noise	Two (2) <i>Penalty Units</i>	Ten (10) <i>Penalty Units</i>
56	Domestic, commercial and industrial garbage services	Two (2) <i>Penalty Units</i>	--
57	Recyclable materials service	Two (2) <i>Penalty Units</i>	--
58	Hard waste service	Five (5) <i>Penalty Units</i>	--
59	Leaving or placing of containers with an external door or lid fastener	Two (2) <i>Penalty Units</i>	--
60	Garden organics service	Two (2) <i>Penalty Units</i>	--
61	<i>Bulk Rubbish Containers</i>	Two (2) <i>Penalty Units</i>	--
62	Use of drains and legal points of discharge	Ten (10) <i>Penalty Units</i>	--
65	Breach of <i>Permit</i> conditions	Five (5) <i>Penalty Units</i>	--

SCHEDULE 2

PART A – SMOKE FREE AREAS

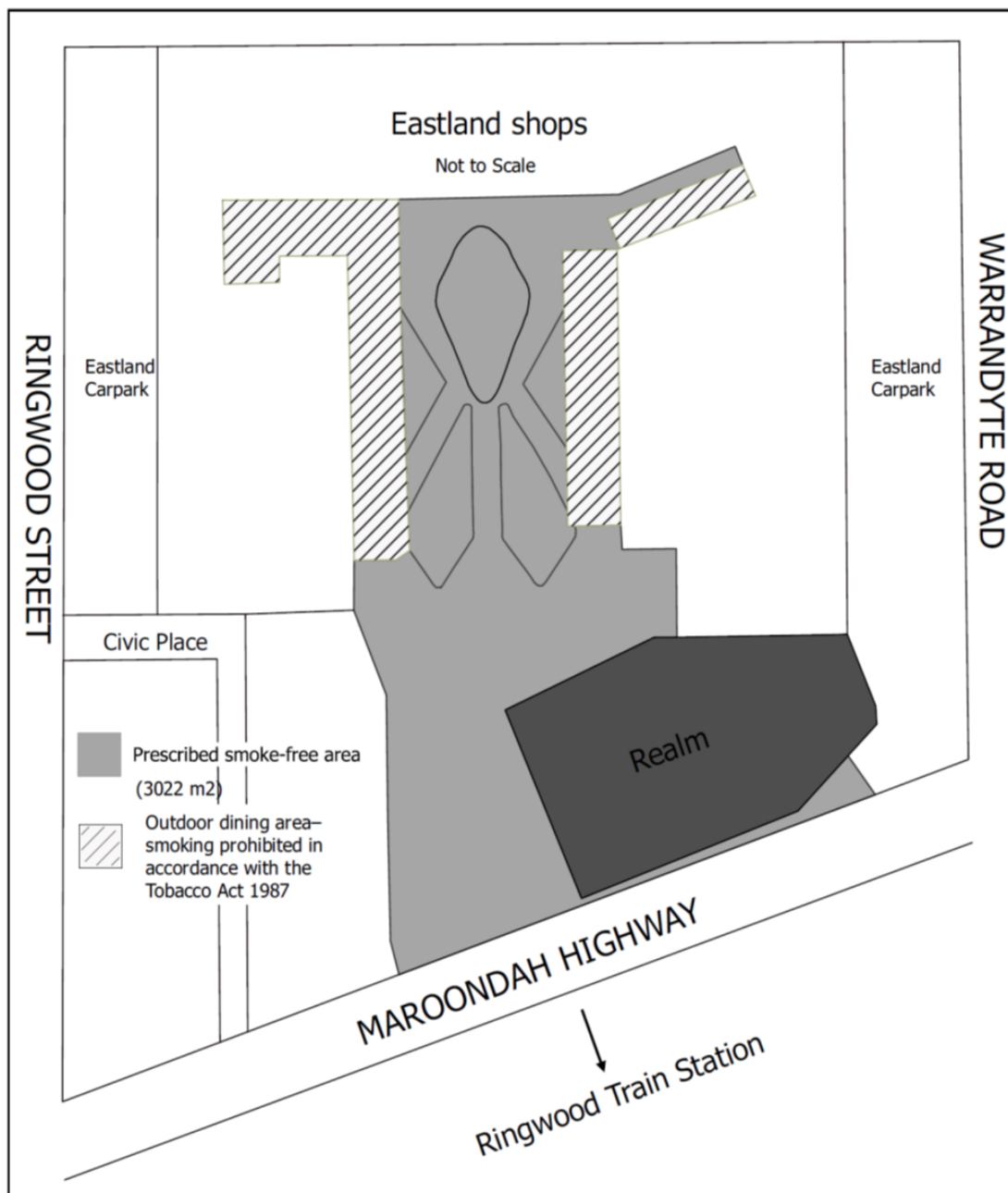
The following areas are *Smoke Free Areas* for the purposes of clause 39A.1 of this Local Law:

1. Ringwood Town Square – being the area more particularly described as such in the appended map.
2. Croydon Town Square – being the area more particularly described as such in the appended map.

SCHEDULE 2 (CONT)

A.1 – Ringwood Town Square

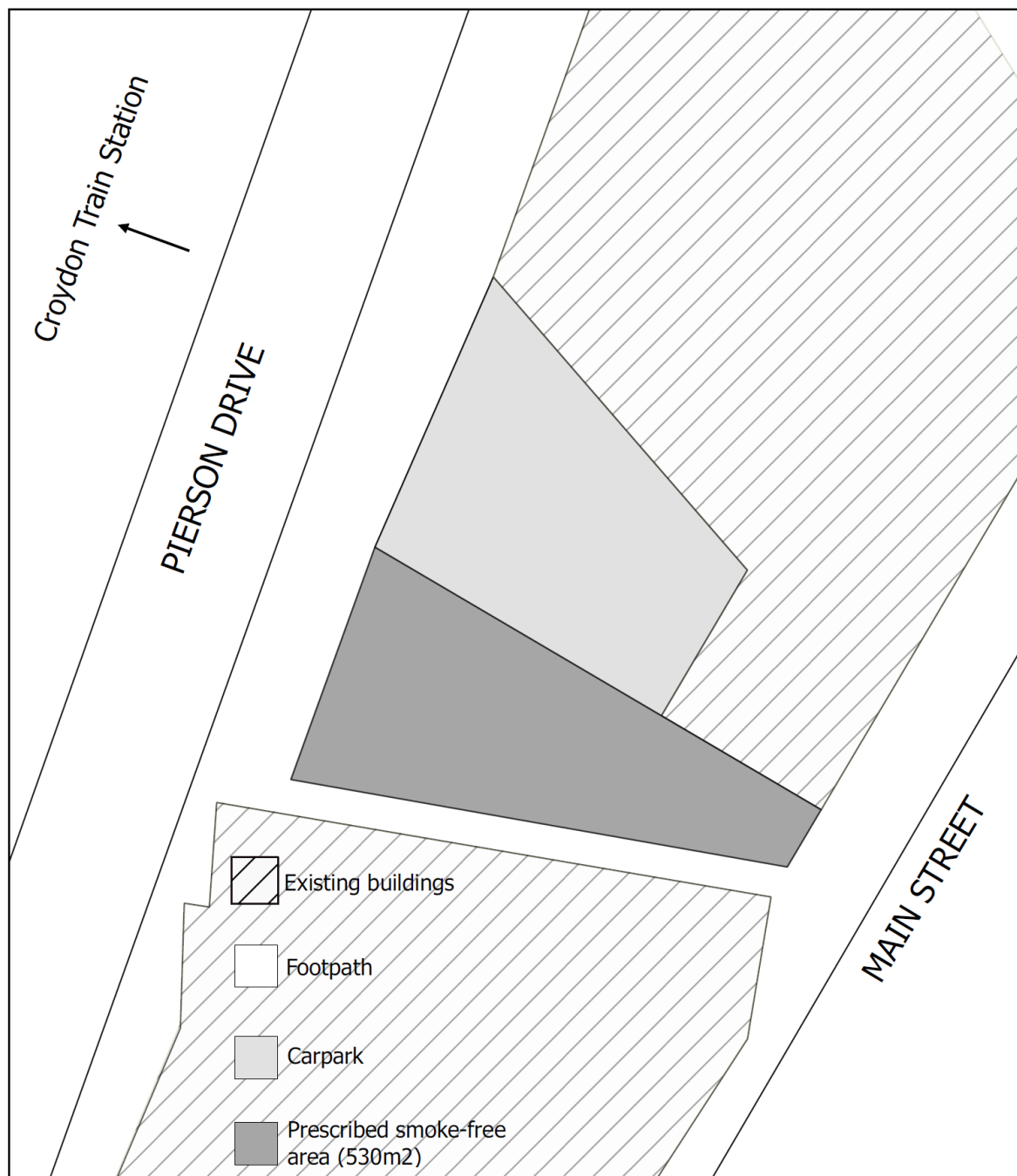
Note: To any extent smoking is prohibited in the prescribed smoke free area pursuant to the Tobacco Act 1987, the provisions of the Local Law 11 in respect to smoking are inoperative.



SCHEDULE 2 (CONT)

A.2 – Croydon Town Square

Note: To any extent smoking is prohibited in the prescribed smoke free area pursuant to the Tobacco Act 1987, the provisions of the Local Law 11 in respect to smoking are inoperative.



SCHEDULE 2 (CONT)

PART B – GUIDELINES FOR PRESCRIBING SMOKE FREE AREAS

When determining whether to *Prescribe* a *Smoke Free Area* for the purposes of clause 39A.4 of this Local Law, *Council* must have regard to the following factors:

1. the size of the proposed *Smoke Free Area*;
2. the opinions of any person who is the *Owner* or *Occupier* of any part of the proposed *Smoke Free Area*;
3. the proximity of the proposed *Smoke Free Area* to a *Public Place*, part or all of which is not in a *Smoke Free Area*;
4. the extent and outcome of any public consultation on the proposed *Smoke Free Area*;
5. any benefits to the community which would be achieved by *Council Prescribing* the proposed *Smoke Free Area*; and
6. any detriment to the community which would be caused by *Council Prescribing* the proposed *Smoke Free Area*.

THIS LOCAL LAW WAS MADE BY RESOLUTION OF MAROONDAH CITY COUNCIL AT A COUNCIL MEETING HELD ON Monday 14 December 2015, and the sealing of the document was authorised.

THE COMMON SEAL of MAROONDAH CITY COUNCIL was hereunto affixed on the _____ in the presence of :

Councillor

Steven Kozlowski
Chief Executive Officer

Council resolved to issue a Notice of Intention to make this Local Law at its meeting on Monday 19 October 2015 and a Notice of *Council's* Intention to make this Local Law was included in the Victoria Government Gazette on 22 October 2015 and Public Notices of *Council's* Intention to make this Local Law were included in the Age newspaper on 22 October 2015 and the Maroondah Leader on 27 October 2015.

Council resolved to make this Local Law at its meeting on Monday 14 December 2015 and a Notice of *Council* having made this Local Law was included in the Government Gazette on 17 December 2015 and Public Notices of *Council* having made this Local Law were included in the Age newspaper on 17 December 2015 and the Maroondah Leader on 22 December 2015.

A copy of this Local Law was sent to the Minister for Local Government on 23 December 2015 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.