



Mildura Rural City Council

**COMMUNITY LOCAL LAW  
LOCAL LAW NO. 2**

**APRIL 2017**

## TABLE OF CONTENTS

PART 1 PRELIMINARY .....	5
1.1 Title .....	5
1.2 Objectives .....	5
1.3 Operation Date .....	5
1.4 Revocation Date .....	5
1.5 Revocation of Existing Local Laws .....	5
1.6 Application.....	5
1.7 Authorising Provisions .....	6
1.8 Scope of this Local Law.....	6
1.9 Definitions .....	6
PART 2 ANIMALS .....	11
2.1 Keeping of Animals .....	11
2.2 Litter of Animals.....	13
2.3 Noise and smell.....	13
2.4 Effective Fencing.....	14
2.5 Leashed Areas .....	14
2.6 Grazing .....	14
2.7 Bees/Wasps/Fruit Flies.....	15
2.8 Riding Horses on Reservations and Footpaths.....	15
2.9 Permission .....	15
PART 3 ENVIRONMENT .....	16
3.1 Transportation of Waste .....	18
3.2 Depositing of Waste at a Municipal Tip/Transfer Station.....	18
3.3 Unsightly Land .....	19
3.4 The emission of offensive material, odour and noise .....	20
3.5 Incinerators/Open Air Burning .....	21
3.6 Application.....	21
3.7 Plan Incorporated by Reference .....	22
3.8 All Waste Septic Systems.....	22
PART 4 PROTECTION OF COMMUNITY ASSETS.....	22
4.1 Drainage Tappings.....	22
4.2 Damage to Watercourses.....	22
4.3 Vehicle Crossings.....	22
4.4 Temporary Vehicle Crossings.....	23
4.5 Redundant Vehicle Crossings .....	24
4.6 Street Levels .....	24
4.7 Repairs on Roads and Footpaths .....	24
4.8 Letter Boxes on Road Reserves.....	25
4.9 Discharge of Water Prohibited.....	25
4.10 Control of Sprinklers.....	26
4.11 Parking or Driving in Langtree Mall.....	26
PART 5 COMMUNITY SAFETY AND AMENITY .....	26
5.1 Road and Footpath Obstructions.....	26
5.2 Storage of Materials on Road.....	27
5.3 Street Parties, Street Festivals and Processions .....	27
5.4 Street Activities .....	28
5.5 Trees and Plants, Signs and Structures Not To Obstruct or Obscure .....	29

5.6 Behaviour in Public Reserves.....	29
5.7 Damaging or Defacing Council Land Including a Road.....	30
5.8 Behaviour on Council Land .....	31
5.9 Motor Vehicles .....	31
5.10 Removal of Offenders from a Reserve .....	31
5.11 Erection of Notices and Signs by the Council in Public Reserves .....	32
5.12 Public Swimming Pools .....	32
5.13 Camping.....	33
5.14 Caravans.....	33
5.15 Temporary Dwellings.....	33
5.16 Leaving Shopping Trolleys .....	34
5.17 Abandoned Shopping Trolleys.....	34
5.18 Naming a Road .....	34
5.19 Property Numbers to be displayed.....	34
5.20 Residential Parking Scheme.....	35
5.21 Use of Skateboards and Bicycles .....	36
5.22 Other Obstructions .....	36
5.23 Clothing Bins .....	36
PART 6 CONSUMPTION OF LIQUOR IN PUBLIC PLACES .....	37
6.1 Roads/Car Parks/Public Reserves.....	37
6.2 Prescribed Area.....	37
6.3 Prescribed Period.....	37
6.4 Exemption from this part.....	38
PART 7 BEHAVIOUR.....	38
7.1 Misuse of Shopping Trolleys .....	38
7.2 Urination, Defecation and Vomiting in Public.....	38
7.3 Behaviour in Certain Public Places.....	38
7.4 Music Noise (Vehicles, Public Places).....	39
7.5 Damage to Council Property.....	39
7.6 Wetlands and Fountains.....	39
PART 8 COMMERCIAL ACTIVITY ON COUNCIL LAND .....	40
8.1 Commercial activity on Council Land.....	40
8.2 Advertising Signs / Display Of Goods .....	40
8.3 Signs relating to Sale of Real Estate .....	41
8.4 Trading From Roadside.....	41
8.5 Outdoor Eating Facilities .....	43
8.6 Outdoor Eating Facilities - Hotels And Licensed Restaurants.....	44
PART 9 GENERAL .....	45
9.1 Notice to Comply .....	45
9.2 Failure to Adhere To Notice.....	45
9.3 Power to Act in Urgent Circumstances .....	45
9.4 Notice to Comply - Not A Precondition to Enforcement Proceedings.....	46
9.5 Appeal against Notice To Comply .....	46
9.6 Application for Permit .....	46
9.7 Permits May Be Conditional .....	46
9.8 Additional Information.....	47
9.9 Duration of Permits.....	47
9.10 Cancellation of Permits.....	47
9.11 Power of Authorised Officer to Impound .....	48
9.12 Offences.....	48
9.13 General Penalty.....	49

9.14 Infringement Penalty .....	49
9.15 Infringement Notices .....	49
9.16 Council Staff and Contractors.....	50

## **PART 1 PRELIMINARY**

### **1.1 Title**

This is Community Local Law No. 2 (2017).

### **1.2 Objectives**

The purposes of this Local Law are to: -

- (1) provide for the peace, order and good government of the municipal district;
- (2) provide a safe and healthy environment, in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community;
- (3) control and regulate emissions to the air in order to improve the amenity, environment and quality of life in the municipal district;
- (4) ensure that the public can properly use and enjoy Public Reserves by regulating activities and behaviour in Public Reserves;
- (5) control the consumption of alcohol in designated areas within the municipal district;
- (6) control the different uses to which Streets, Roads, Footpaths and Council Land can be put so as to ensure that there is a proper balance between private uses and the need to maintain freedom of movement for the public;
- (7) manage, regulate and control the keeping of animals and birds; and
- (8) embrace best practice local law making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency.

### **1.3 Operation Date**

This Local Law operates from the day following its making.

### **1.4 Revocation Date**

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

### **1.5 Revocation of Existing Local Laws**

Mildura Rural City Council Community Local Law No 2 is revoked on the date on which this Local Law comes into operation.

### **1.6 Application**

This Local Law applies throughout the Council's municipal district.

## **1.7 Authorising Provisions**

The Council's authority to make this Local Law is contained in section 111 of the *Local Government Act 1989* and section 42 of the *Domestic Animals Act 1994* and Clause 52.27 and 62.01 of the Planning Scheme.

## **1.8 Scope of this Local Law**

- (1) This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a Clause or provision applies to a specific area.
- (2) Where this Local Law applies to a Road, it applies to all parts of the Road.
- (3) The provisions of this Local Law apply to the extent that they are not inconsistent with any Act or Regulation applicable to the Council or its Municipal District.
- (4) Where this Local Law prohibits any act, matter or thing or provides that such act, matter or thing can only be done or exist with a Permit, that prohibition or provision will not apply if the act, matter or thing can be done or can exist by reason of an express permission in the Planning Scheme.
- (5) References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water and any structures over any water affixed to the land or to the land covered with water.

## **1.9 Definitions**

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

Act	means the <i>Local Government Act 1989</i> .
Advertising sign	includes any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or services or promoting a brand or person or notifying people of the presence of an adjacent property organisation, business, or event or directing people to a place, whether real, internet-based or electronic, where goods or services may be obtained.
Alcohol	See 'Liquor'.
Alcohol Free Area	Means an area of, or in, any Municipal Place, which has been declared by the Council as an "alcohol free" area and has appropriate signage erected and maintained.
Animal	excludes a Person but includes, although is not limited to, any of the species or groups listed in the first column of the Table of Animal Numbers and Types in Clause 2.1 Keeping Animals, and includes Livestock, reptiles, insects and any other living animal tame or wild kept by a person.
Applicant	means the person who applies for a permit under this Local Law.
Asset Protection Permit	means a Permit referred to in Clauses 9.6 of this Local Law.

Authorised Officer	means any person appointed pursuant to section 224 of the Act and, in relation to a provision regulating the use, possession or consumption of alcohol where a notice has been published in the Government Gazette pursuant to section 224A of the Act, any police officer.
Barbecue	means a device used for the cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them and includes kettles, rotisserie spits and traditional in-ground fire pit cooking.
Bin	means a receptacle for the storage of household refuse and rubbish as approved by the Council.
Built-up area	means an area consisting of Roads along which there is urban development or along which street lighting is provided.
Bulk rubbish container	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with the Council's regular domestic rubbish collections.
Busk	means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Camping	means erecting, occupying or using any tent or temporary, makeshift or similar form of accommodation, or parking, occupying or using any caravan or other movable form of accommodation.
Commercial activity	includes the sale of goods or services, the use of Council Land when that use forms part of a service being sold or provided for gain, the use of fixtures on Council Land where the use of those fixtures forms part of a service being sold or provided for gain and the collection of abandoned goods for gain or reward but excludes the use of public Roads or thoroughfares for the purpose of travelling from place to place.
Contaminated Material	means any material designated by Council as unacceptable for deposit in a Council-provided mobile bin or other Council-provided bin or class of such mobile or other bins and publicised by printed matter or on Council's website.
the Council	means Mildura Rural City Council.
Council Land	means land owned by, vested in, leased by, or otherwise occupied by the Council or under its management or control, which the public may or may not have access to (whether an admittance fee is required or not), and includes any building, structure or fence thereon and every Council sewer or drain.
Council sewer or drain	means any sewer or drain vested in the Council pursuant to section 198 of the Act.
Domestic birds	means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary.
Dwelling	means a building used as a self-contained residence which normally includes a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin, and includes out-buildings and works normal to a Dwelling.

Emergency service	includes the ambulance service, fire brigade service, police or state emergency service.
Footpath	means any path that is provided for the use of pedestrians, only or that is regularly used by pedestrians and not vehicles, or that is a segregated footway or a shared footway.
Graffiti	means any defacement of property whether written, drawn, sprayed, scratched or otherwise marked on a wall or other surface, which is not readily removable by wiping with a dry cloth, is detrimental to the visual amenity of the neighbourhood and is not part of any approved artistic exhibition.
Green Waste	means all types of organic Waste produced or accumulated on any land that Council designates as acceptable Waste for any Green Waste collection as described by Council in any newspaper generally circulating in the Municipal District.
Incinerator	means a structure, device or contraption (not enclosed in a building) which is: (a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; (b) not licensed or otherwise subject to control under the provisions of any legislation; and (c) not a barbecue while being used for cooking food.
Infringement Notice	means an Infringement Notice issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.
Land	includes buildings and other structures permanently affixed to land, land covered with water and any estate, interest, easement, servitude, privilege or right in or over land.
Liquor	means a beverage or other prescribed substance intended for human consumption with an alcohol content greater than 0.5% by volume at a temperature of 20 degrees Celsius.
Litter	has the meaning ascribed to it in section 4 of the <i>Environment Protection Act 1970</i> as amended from time to time. any solid or liquid domestic or commercial waste, refuse, debris or rubbish and, without limiting the generality of the above, includes any waste glass, metal, plastic, paper, fabric, wood, food, soil, sand, concrete or rocks, abandoned vehicles, abandoned vehicle parts and garden remnants and clippings, but does not include any gases, dust or smoke or any waste that is produced or emitted during, or as a result of, any of the normal operations of the mining, building or manufacturing industry or of any primary industry.
Livestock	means an Animal of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.
Municipal Building	means any building (and its grounds) owned, occupied, controlled or managed by the Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access, including a recreation centre.
Municipal District	means the district under the local government of the Council.
Environmental Health Officer	means any Environmental Health Officer appointed by the Council from time to time.



Fire Prevention Officer		means any Fire Prevention Officer appointed by the Council from time to time.
Notice to Comply		means a notice to comply issued under this Local Law.
Offensive		means in relation to the emission of noise, dust, smoke, ash, odour, waste or other thing, which due to its intensity, duration, frequency, or other factor, results in a level of personal discomfort that a reasonable person would not expect to endure, or results in an unreasonable disruption to normal living activity.
Outdoor Facility	Eating	means any table and /or chairs used for commercial purposes and located on Council Land at which food or drink is served and may be consumed in connection with premises adjoining or situated nearby.
Park		means a Public Reserve or part of a Public Reserve that has been improved by the construction of a playing field, or contains playground equipment, or contains provisions for cooking or other eating facilities or has established and maintained lawns and garden beds.
Penalty unit		has the same meaning as in section 110 of the <i>Sentencing Act 1991</i> .
Permit		means a written permit issued pursuant to this Local Law and signed by an Authorised Officer.
Person		includes an individual, partnership, unincorporated body, association and corporation.
Planning Scheme		means a planning scheme approved under the <i>Planning and Environment Act 1987</i> that operates within the Municipal District.
Poultry		includes any fowl, duck, goose, ostrich, turkey, pheasant, quail, guinea fowl, squab and any other avian species kept for the production of eggs or ordinarily consumed as food by humans.
Procession		means an organised group of people, proceeding along a Road or a gathering for a ceremony or function and includes fun runs and bicycle events.
Public Place		has the same meaning as in section 3 of the <i>Summary Offences Act 1966</i> .
Public Reserve		means any Park, garden, lake, sporting or recreation ground or common owned by the Council or under its management or control and includes any Road, parking area, hall or other building located thereon.
Recreational vehicle		includes all motorised bikes, trail bikes, motor bikes, motor cars, motor scooters, go-carts and any other vehicles which are propelled by a motor and which are normally used for recreation.
Recyclables		means any substances or articles which Council designates as Recyclables and are described by Council in any newspaper generally circulating in the Municipal District.
Refuse Facility		means in relation to Building Works a receptacle capable of retaining builder's refuse within a Building Site and preventing removal of the builder's refuse by unauthorised persons or by wind or rain.
Road		has the meaning ascribed to it in the <i>Local Government Act 1989 and the Road Safety Act 1986 and includes a road related area as defined in the Road Safety Act 1986 as amended from time to time</i>

Sell	means to offer, negotiate, accept or undertake an exchange of goods or services for consideration. Under this local law includes to barter or exchange, to agree to sell, to offer or display for sale, to have or keep goods in possession for the immediate purpose of sale rather than storage, to use any machine or mechanical device for the purpose, and to direct, cause or attempt any of these things.
Service authority	means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth and may include an emergency service.
Shopping trolley	means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
Smoke Free Area	means an area of, or in, any Public Reserve or Council Land, which has been declared by the Council as a “smoke free” or “non-smoking” area and has Smoke Free Area signage erected and maintained.
Spruik	means attracting custom by public aural appeals to passers-by, with or without sound amplification equipment.
State road authority	has the meaning ascribed to it in the <i>Road Management Act 2004</i> .
Street	has the same meaning as Road.
Street festival	means an organised recreational, cultural, commercial or social gathering of people that is held on a Road or Footpath.
Street party	means an organised social gathering of people from one or several adjacent Roads that is held on a Road or Footpath.
Trade Waste	means any Waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.
Traffic	means the movement of people by foot, or in, or on, a Vehicle along, across or within a Road.
Traffic Control Device	means a Traffic Control Device, within the meaning of the <i>Road Safety Road Rules 2009</i> as amended from time to time: a traffic sign, road marking, traffic signals, or other device, to direct or warn traffic on, entering or leaving a road.
Vehicle	has the meaning ascribed to it in the <i>Road Safety Act 1986</i> .
Vehicle Crossing	means the constructed surface between the road pavement to the property boundary for vehicle access, including any Footpath section, crossing culverts, kerb and channel or layback.

- Waste has the meaning ascribed to it in section 4 of the *Environment Protection Act 1970* as amended from time to time:
- (a) any matter whether solid, liquid, gaseous or radioactive which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment;
  - (b) any discarded, rejected, unwanted, surplus or abandoned matter;
  - (c) any otherwise discarded, rejected, abandoned, unwanted or surplus matter intended for -
    - (i) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or
    - (ii) sale; and
  - (d) any matter prescribed to be waste.

## PART 2 ANIMALS

### 2.1 Keeping of Animals

A person must not, without a permit: -

- (a) keep or allow to be kept more than four different types of animals on any one property at any time; or
- (b) keep or allow to be kept any more animals or types of animals than set out in the following table:-

TYPE OF ANIMALS	MAXIMUM NUMBERS	
	PROPERTY AREA NOT EXCEEDING 0.5 HECTARE	PROPERTY AREA EXCEEDING 0.5 HECTARE
Dogs	2	2
Cats	2	2
Poultry	10	100
Domestic Birds (includes Pigeons)	30	100
Domestic Mice	10	10
Guinea Pigs	2	10

TYPE OF ANIMALS	MAXIMUM NUMBERS	
	PROPERTY AREA NOT EXCEEDING 0.5 HECTARE	PROPERTY AREA EXCEEDING 0.5 HECTARE
Ferrets	4	10
Domestic Rabbits	2	2
Pigs	Not Permitted	6
Horses/Donkeys/Mules	Not Permitted	No Maximum Limit
Camel	Not Permitted	No Maximum Limit
Cattle	Not Permitted	No Maximum Limit
Sheep	Not Permitted	No Maximum Limit
Goats / Alpacas	Not Permitted	No Maximum Limit
Ostriches	Not Permitted	No Maximum Limit
Emus	Not Permitted	No Maximum Limit
Roosters	Not Permitted	No Maximum Limit
Peacocks	Not Permitted	No Maximum Limit
Any other agricultural animal	Not Permitted	No Maximum Limit

In determining whether to grant a permit for the keeping of animals where the number exceeds that set out in the Table, the Council must take into account-

- (c) the zoning of the property;
- (d) the proximity to adjoining properties;
- (e) the amenity of the area;
- (f) the type and additional numbers of animals to be kept;
- (g) the likely effects on the owners or occupiers of adjoining properties;
- (h) the adequacy of animal shelters;
- (i) the effect on the property's drainage; and
- (j) any other matter relevant to the circumstances associated with the application.

Clause 2.1 does not apply where a planning permit has been obtained for a property used for the purposes of animal boarding or breeding or where the occupier is licensed in accordance with the *Wildlife Act 1975*, or where the occupier is a member of a breeding or racing organisation which is approved by the Council.

Dogs kept for working stock on land exceeding 20 hectares are not covered by clause 2.1.

Penalty: 5 penalty units

## **2.2 Litter of Animals**

For the purpose of calculating the maximum limit of the number of animals kept on a single property, the progeny of any animal lawfully kept will be exempt for a period of 12 weeks after birth.

## **2.3 Noise and smell**

For the purposes of this clause, “owner”, includes a person who keeps or harbours the animal or has the animal in his or her care for the time being whether the animal is at large or in confinement.

- (a) Each owner and each occupier of any land where any animal or bird is kept must ensure that the keeping of the animal or bird does not allow any noise, smell or discharge to emanate from the Animal or Animal accommodation which is Offensive or interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 2 penalty units

- (b) The owner of a dog that defecates in a Park, in or on a Road that contains a constructed Footpath or maintained nature-strip, or any walking path or shared Footpath or any other Public Place that has constructed surfaces or equipment or fixtures provided for the enjoyment of the public, must remove the faeces and deposit it as litter in a lawful manner.

Penalty: 2 penalty units

- (c) A Person in charge of any dog on any Road or other Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer or Delegated Officer.

## **2.4 Effective Fencing**

Each owner and each occupier of land must ensure that livestock kept or grazed on the land under his or her control does not cause a threat to public safety.

- (a) Each owner and each occupier of land must not use the land for the grazing or keeping of livestock unless it is adequately fenced for the purpose of preventing the livestock from straying onto any Road or Council Land.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

- (b) If an Authorised Officer is of the opinion that land used for the grazing or keeping of livestock is not adequately fenced then in addition to any penalty that may be imposed he or she may issue a Notice to Comply directing the owner or occupier of the land to do any or all of the following:

- (i) install, repair, replace or modify fences and gates;
- (ii) remove any livestock from the land; and
- (iii) not to permit the grazing and keeping of livestock until required works have been completed.

## **2.5 Leashed Areas**

- (a) All dogs and cats must be on a leash at all times when in the following locations:

- All streets and roads within urban areas;
- Apex Park Beach;
- All Public Reserves, unless specifically designated as an off leash area by Council;
- Langtree Mall;
- All shopping precincts; and
- Within 10 metres of all playgrounds

Penalty: 10 penalty units

Infringement notice: 2 penalty units

## **2.6 Grazing**

- (a) A person must not, without a permit, allow any livestock to graze on any Council Land or Road.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

- (b) An Authorised Officer may impound any livestock found on any Road or Council land in breach of this clause.

## **2.7 Bees/Wasps/Fruit Flies**

- (a) Any person keeping bees must comply with the Beekeeping Code of Practice as prepared and amended from time to time by the Victorian Apiarists Association Inc for and on behalf of the Ministry of Planning.

Penalty: 2 penalty units

- (b) An occupier of any land on which a beehive is kept must not create a nuisance through interfering with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

In determining whether to grant a permit under sub-clause (2), the Council or Authorised officer must have regard to the Beekeeping Code of Practice.

- (c) Each owner and each occupier of land must destroy English and European wasps nesting on the land and must comply with any direction to do so in writing by an Authorised Officer.

Penalty: 2 penalty units

- (d) For the Prevention of Fruit Fly, each owner and each occupier of land: -
- (i) who leaves, or allows to remain any fruit on the ground of the land; or
  - (ii) does not annually prune and maintain any fruit trees on the land;  
Is guilty of an offence, and:
  - (iii) must dispose of any fruit that lies on the ground of the land by sealing the fruit in a receptacle or container such as a plastic bag and placing it in a rubbish bin.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

## **2.8 Riding Horses on Reservations and Footpaths**

- (a) A person must not, without a permit, ride a horse or cause or authorise another person to ride a horse upon a Road or Footpath in a built-up area, or in a Park.

## **2.9 Permission**

- (a) The Council may issue a permit for a horse to be ridden upon a Road or Footpath or in a Park where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

## **PART 3 ENVIRONMENT**

### ***3.1 Recycling and Waste Collection System***

To use the Recycling and Waste Collection System provided by Council, the occupier of any residential premises must:

- 3.1.1. use only Council-provided mobile bins or other Council-approved bins, which bins remain the property of Council and which are liable to be removed from the residential premises if, after exhausting all other options, the occupier continues to persistently place contaminated material in the recycle bin;
- 3.1.2. not place any contaminated material in a mobile recycle bin; not cause contamination of mobile recycle bins by depositing items or material in the bins other than garbage in the designated mobile garbage bin, recyclables in the designated mobile recycling bin and green waste in the designated mobile garbage bin.
- 3.1.3. If directed by Council to remove contaminated material from any mobile bin, comply with that direction;
- 3.1.4. if directed by Council to dispose of all contents of a mobile bin containing contaminated material, comply with that direction;
- 3.1.5. place the mobile bins out for collection prior to 5.00am on the day of collection or such other time as designated by Council from time to time;
- 3.1.6. not leave any mobile bin out for collection more than one day before or one day after a designated collection day, unless otherwise requested by an Authorised Officer;
- 3.1.7. place all mobile bins:
  - (a) adjacent to the kerb outside the front of the premises, at least half a metre clear of any fixed object or adjacent bin and, as far as practicable, free of any other obstruction to collection; or
  - (b) at an alternative collection point as approved or designated by an Authorised Officer;
- 3.1.8. ensure that any mobile bin (including contents) placed out for collection does not exceed 50 kilograms;
- 3.1.9. maintain all mobile bins in a clean and sanitary condition;
- 3.1.10. ensure that the area where the mobile bins are kept on the premises is kept clean and in a sanitary condition;
- 3.1.11. ensure that the lid of any mobile bin is closed, other than when in functional use;
- 3.1.12. not cause damage to any mobile bins;



- 3.1.13. ensure that each mobile bin is not overfilled thereby preventing the lid from being completely closed down;
- 3.1.14. not place out for collection any material immediately adjacent to the mobile bin; and
- 3.1.15. ensure that no mobile bin is removed from the premises except for collection of material in accordance with this Local Law.
- 3.1.16 Council-provided mobile bins or other Council-approved bins remain the property of Council and may be:
  - (a) removed in whole or part; or
  - (b) replaced or exchanged in whole or part with bins of a different designated Waste type;by Council from any Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections) if the occupier fails to comply with conditions of use outlined in Sub-clause (1) of this provision.
- 3.2. An occupier or owner of any Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections) must not after receiving one initial written warning place any Contaminated Material in a Council-provided mobile bin or other Council-approved bin.

Penalty for First Offence: 5 Penalty Units

Penalty for Second Offence: 10 Penalty Units

Penalty for Third and Subsequent Offences: 20 Penalty Units

### 3.3. Bulk Rubbish Containers

- 3.3.1. An occupier of premises who arranges for the collection of trade waste from or in respect of the premises or for the placement of a bulk rubbish container on the premises must ensure that the requirements of this Clause 9.6 are complied with.
- 3.3.2. Bulk rubbish containers or bins used for the collection and storage of trade waste must be managed to Council's reasonable satisfaction including:
  - (a) constructed of impermeable material;
  - (b) watertight;
  - (c) water, fly and vermin proof;
  - (d) equipped with any removable drainage plug required by an Authorised Officer, for public health or safety or amenity reasons;
  - (e) thoroughly cleaned following each occasion when it is emptied; and

- (f) have a fitted lid which is kept closed at all times except when trade waste is being deposited or removed.
- (g) bulk rubbish containers or bins must be emptied at least weekly or more regularly if the contents become Offensive.

3.3.3. an occupier of premises must ensure that:

- (a) the bin is stored and maintained in a clean, sanitary and inoffensive condition and kept clear of any footway, pavement or ground adjoining the storage area, to the satisfaction of the Council's Environmental Health Officer; and
- (b) the storage site is supplied with a tap connection and hose of a size approved by the Council's Environmental Health Officer;

### ***3.4 Transportation of Waste***

A person must not convey or cause to be conveyed in any vehicle on any Road any manure, dead animals or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish or other waste matter unless the vehicle is constructed, fitted, loaded and covered so that:

- (a) no leakage occurs or other material is dropped or deposited on any Street, Road, Council Land or adjacent area from the vehicle; and
- (b) the possibility of escape of offensive odours is reduced.

Penalty: 2 penalty units

### ***3.5 Depositing of Waste at a Municipal Landfill/Transfer Station***

- (a) Every person using a municipal landfill or transfer station must deposit waste in accordance with any directions of the attendant on duty and any signs erected at the facility and must pay the appropriate fee as set by Council resolution from time to time.
- (b) The Council may, by resolution, require persons to be registered with the Council before being able to use a municipal landfill or transfer station.
- (c) The Council may, by resolution, prohibit categories of waste from being deposited at a municipal landfill or transfer station.

### **3.6 Unsightly Land**

Each owner and occupier of land must not allow or permit the land or any nature strip or grassed area of a Road abutting the land to be kept in a manner which is unsightly or detrimental to the general amenity of the surrounding area, and, without limiting the generality of this clause, must not allow or permit the land or nature strip or grassed area to-

- (a) harbour rubbish;
- (b) harbour machinery and/or implements;
- (c) contain disused excavation or waste material; or
- (d) be a haven for vermin or excessive vegetation growth or any noxious weed.

Penalty: 5 penalty units

Where the Council, or an Authorised Officer, is of the opinion that the condition of any land is unsightly or detrimental to the general amenity of the surrounding area, a Notice to Comply may be served on the owner or occupier of the land.

### **3.7 Dangerous Land**

An owner or occupier of any land must not cause or allow the land to be kept in a manner which is dangerous or likely to cause danger to a person, life or property, including but not limited to land which is:

- (a) haven for vermin or any noxious weed;
- (b) used without a Permit for the storage of any substance which is dangerous or is likely to cause danger to a person, life or property;
- (c) occupied by any unsecured dangerous item likely to be an attraction to children;  
or
- (d) occupied by an unsecured hole or excavation.

An owner or occupier of land must create a fire break around the land if directed to do so by the Municipal Fire Prevention Officer.

Penalty: 5 Penalty units

### **3.8 The emission of offensive material, odour and noise**

- (a) A person must not cause or allow any domestic chimney or incinerator to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to health or is offensive to another person.

Penalty: 5 penalty units

- (b) Any person who, in the opinion of an Authorised Officer, is deemed to be creating and causing a nuisance to any person by burning any material must immediately extinguish the fire upon being directed to do so by such Authorised Officer.

Penalty: 5 penalty units

- 3.8.1. A person must not burn or cause to burn any offensive materials including any substance which contains any:-manufactured chemical;

- (a) rubber or plastic;
- (b) petroleum or oil, other than in a properly constructed and operating heating appliance;
- (c) paint or receptacle which contains or which contained paint;
- (d) food waste, fish or other offensive or noxious matter; or
- (e) other material, which emits dense or offensive smoke.

Penalty: 5 penalty units

- (f) A person must not cause or allow the emission of any dust, grit, ashes, fumes or other material created by any chemical, mechanical or manual process from any land owned or occupied by him or her to such an extent that it is offensive to another person not within the boundaries of such land.

Penalty: 5 Penalty units

- (g) A person must not cause or allow the emission of any noise caused by any chemical, mechanical or manual process from land owned or occupied by him or her to such an extent that it is offensive to another person not within the boundaries of such land.

Penalty: 5 penalty units

### **3.9 Incinerators/Open Air Burning**

- (a) A person must not light or allow to be lit or remain alight any incinerator of any kind in any part of the municipal district which is zoned commercial or residential under the Council's Planning Scheme.
- (b) Sub-clause (a) does not apply in respect of horticultural properties or land used for the grazing of stock, if the incinerator is 100 metres or more from a neighbouring residence.
- (c) A person must not, without a permit, burn or cause to burn any material in the open air on any land, Street or Road.
- (d) Sub-clause (c) does not apply in respect of land outside the area generally known as the irrigation area, or land outside the residential areas of the municipal district.
- (e) Permits shall not be issued in accordance with sub-clauses (a) and (b) during the 'fire danger period', as declared in accordance with the Country Fire Authority Act 1958.
- (f) Despite this clause a person must not light or allow to be lit or remain alight an incinerator in any part of the municipal district on a Fire Ban Day.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **3.10 Application**

- (a) The provisions of this Part shall not apply to a barbecue while the barbecue is being used for the purpose of cooking food.
- (b) The provisions of this Part shall not apply to:-
  - (i) any structure or device licensed under the provisions of the Environment Protection Act 1970;.
  - (ii) (any structure or device located on commercial or industrial premises subject to control under the provisions of the Environment Protection Act 1970;.
  - (iii) any person engaged in fuel reduction burning pursuant to section 11(2) of the Summary Offences Act 1966; or
  - (iv) any person performing any act in order to comply with the Country Fire Authority Act 1958 or any regulations made under it.

### ***3.11 Plan Incorporated by Reference***

- (a) The Council's Domestic Wastewater Management Plan is incorporated into and forms part of this Local Law.

### ***3.12 All Waste Septic Systems***

- (a) Where a reticulated sewerage system is not available for connection, the sewage shall be discharged to a septic tank or otherwise disposed of subject to a permit issued by the Council or an Authorised Officer.

## **PART 4 PROTECTION OF COMMUNITY ASSETS**

### ***4.1 Drainage Tappings***

- (a) A person must not, without a permit, enter, destroy, damage, interfere with or tap into any Council sewer or drain.

Penalty: 5 penalty units

### ***4.2 Damage to Watercourses***

- (a) A person must not, without a permit, destroy, damage or interfere with a ditch, Swale, Drainage basin, creek or drain or other watercourse on Council Land.

Penalty: 5 penalty units

### ***4.3 Vehicle Crossings***

- (a) Owners of land where kerb and channel are constructed, or as determined by the Council in accordance with this Local Law, must ensure that each point of vehicular access from a carriageway on a Road to their land has a properly constructed vehicle crossing.

Penalty: 5 penalty units

Infringement Notice: 2 penalty units

- (b) Where a properly constructed vehicular crossing exists, a person must not use any other passage or route for vehicular access to the land.

Penalty: 5 penalty units

Infringement Notice: 2 penalty units

- (c) Where access to land is not via a properly constructed vehicular crossing, the Council or an Authorised Officer may serve a Notice to Comply on the owner of the land.

- (d) For the purposes of this clause a vehicle crossing is properly constructed if-

- a) it was constructed by or in accordance with the terms of an approval by the Council or a State Road Authority; or
  - b) the Council has approved in writing the method of construction of the particular vehicle crossing.
- (e) If a point of vehicular access from a carriageway on a road to adjacent land does not have a properly constructed vehicle crossing, the Council or an Authorised Officer may serve a Notice to Comply on the owner of the land.
- (f) In the case of roll-over type kerbing where a specific vehicular crossing point is not constructed, the Council may nominate the location at which vehicles are to cross the kerb. Where access to land is not in accordance with the location nominated by the Council, the Council or an Authorised Officer may serve a Notice to Comply on the owner of the land.

#### ***4.4 Temporary Vehicle Crossings***

- (a) Where it is likely that building works on any land will involve vehicles leaving a road and entering the land, the person responsible for the building works must obtain a permit for the construction of a temporary vehicle crossing which protects the existing road, kerb, drains, footpath and street trees.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

- (b) The Council or an Authorised Officer may serve a Notice to Comply on any person who should make application under clause 4.5(a) for a temporary vehicle crossing.
- (c) The person responsible for the building works must repair any damage to the existing road, kerb, drains and footpath.
- (d) Where, in the opinion of the Council or an Authorised Officer, an existing vehicle crossing, footpath, street tree, kerb or other part of the road may be damaged, the person responsible for the building works must pay a bond to the Council.
- (e) The permit holder must, within 48 hours of completion of the works, arrange with the Council for an inspection of the site.
- (f) The amount of the bond required under clause 9.6 (d) must be proportionate to the likely cost of repairing any damage and may be refunded on completion of the inspection referred to in clause 9.6 (e) or may be retained by the Council to offset the costs of repairing any damage.

#### **4.5 Redundant Vehicle Crossings**

- (a) Where works on any land involve the relocation or closure of a point of vehicular access, any redundant part of a vehicle crossing must be removed and the kerb, drain, footpath, nature strip or other part of the road reinstated to the satisfaction of the Council.
- (b) The Council or an Authorised Officer may serve a Notice to Comply on the owner of any land, requiring the removal of part or all of a vehicle crossing which does not provide an effective point of vehicle access to the land.
- (c) If the removal of all or part of a vehicle crossing or the reinstatement of the Road is not carried out in accordance with the Notice to Comply, the Council may carry out the work at the full cost of the owner or occupier of the land.
- (d) The Notice to Comply may require the reinstatement of any part of the road.

#### **4.6 Street Levels**

- (a) A person must not carry out any building or other works or fence on any part of any land immediately abutting a Street, Road or Public Reserve which is inconsistent with the level fixed by the Council for the Street, Road or Public Reserve.
- (b) The Council or an Authorised Officer may serve a Notice to Comply on any person who has not complied with clause 4.8 (a).
- (c) If the works required in accordance with the Notice to Comply are not complied with the Council may carry out the works at the full cost of the owner.
- (d) Any person may obtain details of the levels fixed by the Council for any Street, Road or Public Reserve by making application to the Council.

#### **4.7 Repairs on Roads and Footpaths**

- (a) A person must not dismantle, paint, carry out maintenance on or repair a vehicle on a Road or Footpath or permit or authorise another person to do so.

Penalty: 5 penalty units

- (b) Nothing in clause 4.8 (a) shall prevent a person making a temporary repair to a vehicle on a Road solely for the purpose of removing that vehicle or in an emergency.



#### **4.8 Letter Boxes on Road Reserves**

- (a) A person must not, without a permit, erect or allow to be erected a letter box on a Road or Footpath.

Penalty: 3 penalty units

- (b) Permits for the erection of letter boxes on Roads shall be subject to the following conditions:
- (i) such letterboxes be sited, erected and maintained to the satisfaction of an Authorised Officer;.
  - (ii) the Authorised Officer may order such alterations or repairs to such letter boxes as he or she deems necessary, or order the removal of any letter box which is in his or her opinion unsafe, unsuitable or inappropriately located; and.
  - (iii) permission to erect letterboxes on the Road shall be dependent upon the placement of underground facilities in the Road.
- (c) Where an Authorised Officer is of the opinion that sub clause (a) or the conditions of sub clause (b) are being breached, he or she may serve a Notice to Comply on the owner or occupier of the land.

#### **4.9 Discharge of Water Prohibited**

- (a) A person must not, without a permit, cause or permit: -
- (i) the direct or indirect flow of any irrigation water onto any Council Land;
  - (ii) the discharge of any water onto any Council Land;
  - (iii) the discharge of any water onto any land (including land of that person) so as to cause or permit such water to discharge onto Council Land; or
  - (iv) any substance other than storm water to be discharged into the stormwater system.
  - (v) Flow of storm water run off from undeveloped/construction sites that causes soil to be deposited onto council land, roads or stormwater drains.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

#### **4.10 Control of Sprinklers**

- (a) The owner of land must ensure that any irrigation sprinkler heads on the land be fitted with either half circle sprinkler heads or standard sprinkler heads fitted with adequate solid metal guards so as to prevent the discharge of irrigation water onto the adjacent Road.

Penalty: 2 penalty units

#### **4.11 Parking or Driving in Langtree Mall**

- (a) A person must not, without a permit, drive or park a vehicle in the Langtree Mall.
- (b) Subclause (a) does not apply to persons driving emergency vehicles or to staff of public authorities while carrying out their duties.
- (c) When determining whether to grant a permit, the Council or Authorised Officer will have regard to the time of access requested and the safety of pedestrians.

Penalty: 2 penalty units

#### **4.12 Works on Council Land and Buildings**

- (a) A person must not construct, redevelop or undertake improvement works on Council owned, managed or controlled land and facilities without the prior written consent of Council.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **PART 5 COMMUNITY SAFETY AND AMENITY**

#### **5.1 Road and Footpath Obstructions**

- (a) A person must not, without a permit:-
- (i) occupy or fence off part of a Road or Footpath;
  - (ii) erect a hoarding or overhead protective awning on a Road or Footpath;
  - (iii) use a mobile crane or travel tower for any work on a Road or Footpath;
  - (iv) remove or prune any street tree on a Road or Footpath; or
  - (v) plant any tree or shrub or landscape any part of a Road or Footpath.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

- (b) The Council may from time to time determine fees for the reinstatement of Roads, Footpaths or street trees damaged or altered by works of a type listed in clause 5.1 (a) (i) to (v) inclusive.
- (c) The Council may require payment of the fees prior to the issue of a permit.
- (d) The Council may, before issuing a permit, require the payment of a bond to secure the cost of repairs to a Road, Footpath or Council asset damaged or affected by works of a type listed in sub-clause 5.1 (a) (i) to (v) inclusive.
- (e) The permit holder must within 48 hours of completion of the work arrange with the Council for an inspection of the site.
- (f) The amount of the bond must be proportionate to the likely cost of repairing any damage or replacing any Road, Footpath or Council asset and may be refunded on completion of the inspection referred to in clause 5.1 (e) or may be retained by the Council to offset the cost of making good any damage.

### **5.2 Storage of Materials on Road**

- (a) A person must not, without a permit, deposit or place any soil, garden refuse, prunings, building materials, refuse containers, building rubbish, electrical cords, air hoses, shipping containers or other similar obstructions on, upon, across or over any Road or Footpath, or Council asset.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **5.3 Street Parties, Street Festivals and Processions**

- (a) A person must not, without a permit, hold a street party, street festival or procession on any Road.

Penalty: 5 penalty units

- (b) In determining whether or not to grant a permit for a street festival or procession, the Council or Authorised Officer may take into account:-
  - (i) whether the festival or procession will unreasonably inconvenience road users including all owners and occupiers of properties with vehicular access to the section of Road to be closed;
  - (ii) whether the written permission of the Victoria Police and the relevant State Road Authority has been obtained and their requirements met;
  - (iii) whether the Road can be closed to vehicular traffic, or partly closed to vehicular traffic with safe and effective separation of vehicular traffic from festival or procession patrons and equipment; and
  - (iv) any other matter relevant to the circumstances of the application.
- (c) In determining whether to grant a permit for a street party, the Council or Authorised Officer must take into account:-

- (i) whether the Road can be closed to vehicular traffic without detriment to the traffic management of the area, for the duration of the street party;
  - (ii) whether the owners or occupiers of land with any vehicular access via the section of Road to be closed have been advised by letter and given seven days to comment or object;
  - (iii) whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by an Authorised Officer;
  - (iv) whether the Footpath on at least one side of the Road can be kept clear of obstructions; and
  - (v) any other matter relevant to the circumstances of the application.
- (d) Where the application is to conduct a street party the application must be made at least 14 days before the street party is to take place.
- (e) Where the application is to conduct a street festival or procession, the application must be made at least 28 days before the street festival or procession (as the case may be) is to take place.

#### **5.4 Street Activities**

- (a) A person must not, without a permit, solicit or collect on any Council Land, on any Road or Footpath or from house to house any gifts of money.

Penalty: 5 penalty units

- (b) The Council may from time to time exempt any person or class of persons or any particular collection activity from the need for a permit.
- (c) A person must not, without a permit, on any Road, Footpath or Council Land:-
- (i) distribute any handbills, (other than electoral material on Commonwealth, State and Local Government polling days) goods, gifts or advertising material or other printed matter;
  - (ii) perform, busk or solicit money;
  - (iii) deliver any public address;
  - (iv) spruik, or call out from any business or retail premises in order to attract customers from a Road or Footpath to the premises, or
  - (v) use any sound amplification equipment.

Penalty: 5 penalty units

### **5.5 Trees and Plants, Signs and Structures Not To Obstruct or Obscure**

The owner or occupier of any land must not allow any vegetation growing on the land or any sign, structure or other thing located on the land:

- (1) to obstruct or interfere with:
  - (a) the passage of Traffic on a Road;
  - (b) the clear view of any driver or pedestrian lawfully using a Road of any other Vehicle, pedestrian or Traffic Control Device upon a Road;
  - (c) the view between motor vehicles and trains at a railway level crossing;  
or
  - (d) street lighting or any traffic control signal or sign;
- (2) to otherwise constitute a danger to vehicles or pedestrians or compromise the safe or convenient use of an abutting Road;
- (3) to extend over any part of the Footpath or Road in such a way that it obstructs the safe passage of persons using devices like a pram, wheel-chair, child's pusher or walking frame. For the purposes of this paragraph a tree or plant in or growing on land owned or occupied by a person is to be regarded as an obstruction if it enters the air space directly above a Footpath constructed on Council Land and is within 2.4 metres of ground level to overhang any Footpath or Road at a height lower than 2.4 metres from the surface of the Footpath or Road; or
- (4) to accumulate dropped berries, leaves or other materials on a Footpath so as to cause obstruction or danger to any pedestrian.

Penalty: 2 penalty units

### **5.6 Behaviour in Public Reserves**

A person must not while in a Public Reserve:-

- (a) light any fire other than a portable barbecue unless in a fireplace provided or subject to a permit;
- (b) act contrary to any sign;
- (c) play any games with a hard ball except in an area set aside for that purpose;
- (d) ride a horse in a Public Reserve other than on a Road or in an area designated for the riding of horses;
- (e) camp or erect a tent; or

- (f) take part in or organise any concert, public assembly or public event without first obtaining a permit from the Council.

### **5.7 Damaging or Defacing Council Land Including a Road**

- (1) A Person must not, unless employed, authorised or contracted by the Council for the purpose, do the following in, or on, Council Land:
- (a) destroy, damage or interfere with Council Land;
  - (b) construct an opening or gate in a fence on the boundary of Council land which is more than one (1) metre wide;
  - (c) destroy, damage or interfere with, or allow to be destroyed, damaged or interfered with, any Council Land or any Road or thing on any Council Land or any Road;
  - (d) destroy, damage, remove, plant or interfere with any tree, garden-bed or plant in, or on, Council Land, other than for the purposes of maintaining grass or other permitted plantings on a nature strip;
  - (e) do or omit to do anything which causes any natural or other material to escape or otherwise be conveyed onto a road and thereby become a hazard;
  - (f) destroy, damage or interfere with any other property or assets in, or on, Council Land that are owned or managed by the Council;
  - (g) remove, or allow to be removed, any thing from any Council Land or any Road which belongs to the Council or is affixed or attached to the Council Land or any Road (as the case may be), unless authorised by the Council to do so, whether under this Local Law or otherwise;
  - (h) cause any damage to any Council assets in, or on, as a result of a failure as an owner or occupier of any land to adequately maintain, or to rectify any faults within a reasonable time, in drainage systems, utility supply systems or any other matter for which the owner or occupier of the land is responsible for maintaining.

Penalty: 10 Penalty Units

- (2) An Authorised or Delegated officer may remove and impound anything that is in or on in contravention of this Clause. Where anything is impounded, there must be compliance with the provisions of Clause 5.7
- (3) A person who holds an Asset Protection Permit and is acting in accordance with its purpose, scope and conditions is exempt from this provision.

### **5.8 Behaviour on Council Land**

- (a) A Person must not, while in or on Council Land, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Council Land by any other Person.
- (b) An Authorised Officer may direct a person who in his or her opinion offends against the provisions of this Local Law on Council land to forthwith leave the Public Reserve, whereupon such person must comply with the direction.

### **5.9 Motor Vehicles**

- (a) A person must not park any motor vehicle within a Public Reserve except;
  - (i) in an area set apart for the purpose;
  - (ii) when and where directed or authorised by the Council or an Authorised Officer to do so; or
  - (iii) upon such payment of such fees (if any) as may be prescribed and authorised by the Council.
- (b) A person must not display a Vehicle for sale on a road or on Council land.
- (c) An Authorised Officer may remove or cause to be removed or order the removal of any illegally parked, unregistered or abandoned motor vehicle from any Road or area within a Public Reserve or if the vehicle is considered to be preventing fair and reasonable access to other users within a Public Reserve.

Penalty: 2 penalty units

### **5.10 Removal of Offenders from a Reserve**

- (a) An Authorised Officer may direct a person who in his or her opinion offends against the provisions of this Local Law in a Public Reserve to forthwith leave the Public Reserve, where upon such person must comply with the direction.

### **5.11 Erection of Notices and Signs by the Council in Public Reserves**

- (a) The Council may for the purposes of this Part and for the better control, management and preservation of a Public Reserve erect therein such notices or signs as it sees fit designating where and in what manner entry to or access to the Public Reserve or any part thereof or any specified activity is allowed, prohibited or otherwise controlled.
- (i) A person must not remove such notice or sign except with the authority of the Council.
  - (ii) A person must not contravene the provisions of any such notice or sign.

### **5.12 Public Swimming Pools**

- (a) A person must not while attending a Public Swimming Pool:-
- (i) cause a nuisance or use Offensive behaviour towards another person;
  - (ii) act to endanger any person;
  - (iii) act to interfere with the quiet enjoyment of the Public Swimming Pool by any person;
  - (iv) destroy, damage or interfere with any Council property;
  - (v) bring any animal into the Public Swimming Pool site;
  - (vi) enter the Public Swimming Pool site without paying the appropriate fee as determined by the Council;
  - (vii) consume alcohol on the Public Swimming Pool site; or
  - (viii) bring into the Public Swimming Pool site any glass container;

Penalty: 5 penalty units



### **5.13 Camping**

- (a) A person must not, without a permit, camp on Council Land or in a Public Place or any Road in a tent, caravan, vehicle or other temporary or makeshift structure unless they are within a Caravan Park registered under the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999.
- (b) A person must not, without a permit, allow camping on any land which he or she owns or occupies.
- (c) The Council may exempt any person or class of person or any authority or all persons during any specified time from the need for a permit.
- (d) A permit is not required for camping directly associated with the accommodation of itinerant persons employed on the land for the purposes of the harvesting of produce.
- (e) Unless approved under sub-clause 5.14, a person must not, without a permit, occupy any tent or similar portable structure erected, constructed or placed on private land for a period of more than six (6) weeks in any twelve (12) months period.

Penalty: 2 penalty units

### **5.14 Caravans**

- (a) A person must not, without a permit, use a caravan on any privately owned land other than land within a Caravan Park registered under the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999.
- (b) Nothing in clause 5.13 (a) prevents the use of a caravan on privately owned land for sleeping purposes for seven (7) consecutive nights or less.

Penalty: 2 penalty units

### **5.15 Temporary Dwellings**

- (a) Subject to clause 5.14 (b) a person must not establish, erect or occupy a temporary dwelling.
- (b) Nothing in clause 5.14 (a) prevents a person who has obtained a permit from the Council from establishing, erecting or occupying a temporary dwelling in association with the construction of a permanent detached dwelling.
- (c) A permit issued pursuant to clause 5.14 (b) operates from the date of issue and expires on the expiry date stipulated in the permit or, if no expiry date is stipulated, after 12 months.

- (d) A person must not, after the issue of an Occupancy Permit for the permanent detached dwelling or the expiration of a permit for the temporary dwelling, occupy the temporary dwelling.

### **5.16 Leaving Shopping Trolleys**

- (a) A person must not leave, or cause or authorise another person to leave, a shopping trolley in any of the following areas:-
  - (i) a Road; or
  - (ii) Council Land except in an area designated by the Council for that purpose; or
  - (iii) any other Public Place.

Penalty: 5 penalty units

### **5.17 Abandoned Shopping Trolleys**

- (a) An Authorised Officer may impound any shopping trolley left in contravention of this Local Law.
- (b) An Authorised Officer who has impounded a shopping trolley must notify the owner of the shopping trolley of the impounding as soon as practicable.
- (c) The Council may, by resolution from time to time, determine a fee which must be paid by the owner of a shopping trolley before the Council is required to release the shopping trolley.
- (d) Shopping trolleys that have been impounded by the Council for three (3) months may be disposed of by the Council by tender or public auction or may be transferred to the municipal landfill or be given away.

### **5.18 Naming a Road**

- (a) A person must not erect a sign applying a name to a Road without first obtaining the consent of the Council.

Penalty: 2 penalty units

### **5.19 Property Numbers to be displayed**

- (a) The Council may allot such numbers as are in its opinion necessary to identify each premises in the municipal district and, from time to time, may make changes to any address number.
- (b) If the Council has allocated a number to a premises the owner of that premises must mark the premises with the number and must renew or replace the number as often as may be necessary.

Penalty: 5 penalty units

- (c) The owner of the premises must ensure that the number is of a sufficient size and is placed in such a position as to be clearly readable from the Street on which the premises have their frontage.

Penalty: 5 penalty units

## **5.20 Residential Parking Scheme**

- (a) The Council may, from time to time by resolution, designate any area of the municipal district as an area in which a residential parking scheme is in operation.
- (b) The Council may at any time by resolution rescind, amend or vary any resolution so made.
- (c) The Council must give appropriate public notice of any resolution made under clauses 5.19 (a) and (b).
- (d) A person who resides in an area in which a residential parking scheme is in operation may make application in the form of Schedule 3 to the Council for a Residential Parking Permit.
- (e) The Council may grant a Residential Parking Permit subject to such conditions as may be determined from time to time.
- (f) A Residential Parking Permit must specify the vehicle to which the permit applies.
- (g) A Residential Parking Permit may specify the Street or Streets or part of the Street to which the permit applies.
- (h) The holder of a Residential Parking Permit may park an eligible vehicle in the Street or Streets as specified in the permit without being required to comply with any parking restrictions as to time indicated by parking signs associated with the Street or Streets.
- (i) The Council may, from time to time by resolution, determine a fee to be paid for a Residential Parking Permit.
- (j) Prior to the introduction of a new residential parking scheme the Council must notify the owner and occupier of every residence in the area advising as to:-
  - (i) eligibility;
  - (ii) how to apply for a permit;
  - (iii) the cost of the permit; and
  - (iv) how the proposed scheme will operate.

### **5.21 Use of Skateboards and Bicycles**

- (a) A person must not use a skate-board, bicycle, toy vehicle, roller skates or in-line skates in an area that has been declared to be an area where such activity has been prohibited by:
  - (i) Council resolution and advertised in a newspaper generally circulating within the municipal district; or
  - (ii) signage authorised by Council resolution.

A Council resolution referred to in this clause may specify any or all of the conveyances mentioned.

- (b) A person must not use a skate-board, bicycle, toy vehicle, roller skates or in-line skates in a shopping mall.
- (c) Where any person uses a skate-board, bicycle, toy vehicle, roller skates or in-line skates in contravention of sub-clause 5.21 (a) or (b) an Authorised Officer may remove the item and impound it.
- (d) The Council may, determine a fee, which must be paid by the owner of a skate-board, bicycle, toy vehicle, roller skates, or in-line skates before the Council is required to release the impounded item.
- (e) Any skate-board, bicycle, toy vehicle, roller skates, in-line skates that has or have been impounded by the Council for more than one (1) month may be disposed of by the Council by tender or public auction or other manner determined by the Council.

Penalty: 2 penalty units

### **5.22 Other Obstructions**

- (a) Where, in the opinion of an Authorised Officer, a rubbish container, movable structure, device, material or other object is -causing an unlawful obstruction;
- (b) a danger to road users; or
- (c) getting in the way of or likely to get in the way of traffic- the obstruction may be removed and impounded.

### **5.23 Clothing Bins**

- (a) A person must not, without a permit, place a clothing bin on any Council Land.

## **PART 6 CONSUMPTION OF LIQUOR IN PUBLIC PLACES**

### **6.1 Roads/Car Parks/Public Reserves**

A person must not, on a Road or Public Reserve, or in a motor vehicle parked on a Road or Public Reserve, in a prescribed area during a prescribed period:-

- (a) consume any liquor; or
- (b) have in his or her possession or control any liquor other than liquor in a sealed container with an unbroken seal.

Penalty: 2 penalty units

### **6.2 Prescribed Area**

- (a) The Council may by resolution specify areas of the municipal district to be a prescribed area. (a) If the Council prescribes an area to be a prescribed area, it must:
  - (i) publish a notice in a newspaper generally circulating within the municipal district;
  - (ii) erect signage signifying prescribed areas; and
  - (iii) ensure that a description of the area is available for inspection at the offices of the Council during normal business hours.

### **6.3 Prescribed Period**

- (a) The Council may at the time of specifying an area to be a prescribed area specify in relation to that area:
  - (i) periods of the year; or
  - (ii) periods of the week; or
  - (iii) periods of the day, or of specified days that are to be "no alcohol" periods.
- (b) If no period is specified in relation to an area, the "no alcohol" period for that area is all day every day.
- (c) For the purpose of this Part, a 'no alcohol' period is a prescribed period.

## **6.4 Exemption from this part**

This Part does not apply to:

- (a) “authorised premises” or “licensed premises” within the meaning of the Liquor Control Reform Act 1998;
- (b) circumstances to which the Liquor Control Reform Act 1998 does not apply by virtue of clause 7 of that Act; or
- (c) consumption of liquor at an organised event for which a permit has been granted.

## **PART 7 BEHAVIOUR**

### **7.1 Misuse of Shopping Trolleys**

- (a) Any person who, while in a Public Reserve or other Public Place, uses a shopping trolley for any purpose other than for what the shopping trolley has been specifically designed is guilty of an offence.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **7.2 Urination, Defecation and Vomiting in Public**

- (a) A person must not urinate, defecate or vomit in a Public Place other than in a toilet facility constructed for such a purpose.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **7.3 Behaviour in Certain Public Places**

- (a) An Authorised Officer may direct a person to leave any Public Reserve, pedestrian mall, Footpath or other Public Place if the Authorised Officer believes on reasonable grounds that the person is behaving in a riotous, indecent, offensive, threatening or insulting manner or using threatening, abusive, obscene, indecent or insulting words. A person to whom such a direction is given must comply with that direction.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **7.4 Music Noise (Vehicles, Public Places)**

- (a) An Authorised Officer may direct a person playing amplified music in a Public Place (including in a Street or Public Reserve or in a motor vehicle in a Street or Public Reserve) to cease playing such music if the music is offensive noise. A person to whom such a direction is given must comply with that direction.
- (b) This clause does not apply to a person who has the permission of the Council or the owner of the Public Place to play the amplified music.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **7.5 Damage to Council Property**

- (a) Any person who is involved in an activity that is damaging or defacing Council property or assets, or that could reasonably be foreseen to damage Council property or assets, must immediately cease such activity upon being directed to do so by an Authorised Officer. A person to whom such a direction is given must comply with that direction.

Penalty: 10 penalty units

Infringement notice: 5 penalty units

### **7.6 Wetlands and Fountains**

A person must not –

- (a) enter, swim, paddle, bath, dive or jump in a wetland or fountain located in a Public Reserve or Public Place; or
- (b) throw, place or cause or suffer to be thrown or placed any liquid, powder substance, stones, rocks, sticks, paper, dirt or rubbish or other object, substance or thing of any kind into a wetland or fountain located in a Public Reserve or Public Place.

Penalty: 10 penalty units

Infringement notice: 5 penalty units

## **PART 8 COMMERCIAL ACTIVITY ON COUNCIL LAND**

### ***8.1 Commercial activity on Council Land***

- (a) A person must not, without a permit, carry out any commercial activity on Council Land.

Penalty: 5 penalty units

For the purpose of this clause a person is deemed to have complied with clause 8.1 if:

- (i) the commercial activity is an integral part of an activity authorised by a permit issued under the provisions of another clause of this Local Law; or
- (ii) the commercial activity forms the basis of some other binding agreement entered into with the Council.

### ***8.2 Advertising Signs / Display Of Goods***

- (a) A person must not, without a permit, place or cause or authorise another person to place:-
- (i) an advertising sign on any Council Land;
- (ii) any goods or vehicles for display or sale on any Road.
- (b) Council may by resolution exempt any person or class of person or any particular type of advertising activity from the requirement to obtain a permit under the provisions of this clause.

Penalty: 5 penalty units

- (c) In deciding whether or not to grant a permit the Council may take into account:-
- (i) whether the advertising sign or goods will create a hazard to pedestrians or will otherwise cause an obstruction;
- (ii) the amenity of the area;
- (iii) any other signs associated with the applicant's premises; and
- (iv) any other matter relevant to the circumstances of the application.
- (d) When any advertising signs or goods are placed or displayed contrary to this Local Law or in contravention of any permit conditions the advertising sign or the goods may be removed by an Authorised Officer and impounded.



- (e) The Council may, by resolution from time to time, determine a fee which must be paid by the owner of any impounded sign or goods before the Council is required to release the sign or goods.
- (f) Signs or goods that have been impounded by the Council for more than one month may be disposed of by the Council by tender or public auction, or may be transferred to the municipal landfill or given away. Where perishable goods have been impounded, the Council may dispose of the goods as soon as reasonably appropriate.

### **8.3 Signs relating to Sale of Real Estate**

- (1) Where premises (not being vacant land or a display home) are:
  - (a) to be sold by public auction; or
  - (b) open for inspection by the public;

a flag not exceeding two (2) square metres may be displayed on the premises or a neighbouring premise provided:

  - (i) it does not obstruct the movement of pedestrian or vehicular traffic along a Road or Footpath;
  - (ii) it does not impair the vision of pedestrians or drivers of vehicular traffic along a Road or Footpath; and
  - (iii) the mounting point of the flag is on or within the boundary of the premises.
- (2) Any flag displayed under sub-clause (1) must be removed immediately upon the completion of the public auction or the public inspection.
- (3) Movable Advertising Signs relating to the sale of real estate must comply with clause 8.2.
- (4) Sub-clause (3) does not relate to vacant land or a display home.

### **8.4 Trading From Roadside**

- (a) A person must not, without a permit:-
  - (i) erect or place on any Council Land or in any Public Place a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling any goods or services; or
  - (ii) sell any goods or services from a property or Road, Footpath, Council Land or Public Place adjacent to a Road or Footpath to any person who is on that Road, Footpath, Council Land or Public Place.

Penalty: 5 penalty units

- (b) In determining whether or not to grant a permit the Council may take into account:-
- (i) whether permits required by the Health Act 1958, Food Act 1984 or any other legislation have been obtained;
  - (ii) whether any other Council requirements by way of policy or guidelines have been met;
  - (iii) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers;
  - (iv) whether the activity will be detrimental to the amenity of the area;
  - (v) whether the safety of road users or the passage of vehicles will be affected by the placement;
  - (vi) whether appropriate arrangements can be made for:-
    - waste water disposal;
    - litter and garbage;
    - lighting; and
    - advertising signs;
  - (vi) whether the consent of the relevant state road authority has been obtained where the Road is owned or managed by a state road authority; and
  - (vii) any other matter relevant to the circumstances of the application.  
If the Council has entered into an agreement (by way of lease, licence or otherwise) in relation to trading from a particular site, no person other than the person with whom the Council has the agreement may trade from that site whether or not that person has a permit.

Penalty: 5 penalty units

- (c) In addition to any other power which it has, the Council may by resolution determine a fee, charge, fare or rent payable by the seller of any goods or services from a property, Road, Footpath, Council Land or Public Place adjacent to a Road or Footpath to any person who is on that Road, Footpath, Council Land or Public Place.
- (d) Where in the opinion of an Authorised Officer the provisions of clause 7.4 or the conditions of any permit are not being complied with the Authorised Officer may serve a Notice to Comply on the owner or occupier of the relevant land or permit holder.
- (e) Where the use of a site or the contravention of any conditions on a permit continue after a Notice to Comply has been served any goods and associated equipment may be removed by an Authorised Officer and impounded.
- (f) The Council may, by resolution from time to time, determine a fee which must be paid by the owner of any impounded goods and associated equipment before the Council is required to release the goods and associated equipment.

- (g) Goods and associated equipment that have been impounded by the Council for more than one month may be disposed of by the Council by tender or public auction, or may be transferred to the municipal landfill or given away. Where perishable goods have been impounded, the Council may dispose of the goods as soon as reasonably appropriate.

## **8.5 Outdoor Eating Facilities**

- (a) A person must not, without a permit, establish an Outdoor Eating Facility on any Council Land, Footpath or other part of a Road.

Penalty: 5 penalty units

- (b) In deciding whether or not to grant a permit the Council may take into account:-
  - (i) whether the facility is conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the applicant is the person conducting such food premises;
  - (ii) whether the food premises are registered in accordance with the Food Act 1984;
  - (iii) whether the facility would be located where it would obstruct visibility at an intersection;
  - (iv) whether appropriate and safe pedestrian access can be maintained;
  - (v) whether the tables, chairs and other equipment to be used will be a hazard; and
  - (vi) any other matter relevant to the application.
- (c) The permit holder must ensure that the Outdoor Eating Facility is maintained in a clean and tidy condition at all times.
- (d) Where, in the opinion of an Authorised Officer, the provisions of clause 7.5 or the conditions of any permit are not being complied with the Authorised Officer may serve a Notice to Comply on the owner or occupier of the relevant food premises or the permit holder.
- (e) Any tables, chairs, umbrellas, heaters or other equipment in an Outdoor Eating Facility used in contravention of clause 7.5 or 7.6 or of any conditions of a permit may be removed by an Authorised Officer and impounded.
- (f) The Council may, by resolution from time to time, determine a fee, which must be paid by the owner of any Outdoor Eating Facility equipment, before the Council is required to release that equipment.
- (g) Equipment that has been impounded by the Council for more than one month may be disposed of by the Council by tender or public auction or may be transferred to the municipal landfill or given away.

- (h) A person must not:-
- (i) occupy a chair or otherwise use the equipment in an Outdoor Eating Facility unless he or she intends to use them for the purpose of eating food or drinking drinks to be provided by the permit holder (excluding parklets);
  - (ii) cause a nuisance or use offensive behaviour towards another person at an Outdoor Eating Facility or a person passing by; or
  - (iii) remain at an Outdoor Eating Facility after being requested to leave by the permit holder or by an Authorised Officer.

Penalty: 3 penalty units

- (i) The holder of a permit must move or remove the Outdoor Eating Facility when requested by an Authorised Officer or a member of an emergency service.

Penalty: 5 penalty units

- (j) The holder of a permit must remove the Outdoor Eating Facility from the Footpath at the close of business each day or at the daily time specified in the permit.

Penalty: 5 penalty units

## ***8.6 Outdoor Eating Facilities - Hotels And Licensed Restaurants***

- (a) The following provision, in addition to clause 8.5, apply to Outdoor Eating Facilities provided by the owners, occupiers and proprietors of premises licensed under the Liquor Control Reform Act 1998.
- (b) The Council may revoke a permit at any time if the behaviour of patrons using an Outdoor Eating Facility becomes rowdy, offensive or otherwise disruptive of the quiet use and enjoyment of the Footpath or Road by other persons or if the owner, occupier or proprietor of the hotel or licensed restaurant breaches any provisions of the Liquor Control Reform Act 1998.

## **PART 9 GENERAL**

### ***9.1 Notice to Comply***

- (a) The Council, or an Authorised Officer, may by serving a Notice to Comply in the form of Schedule 2 direct any owner, occupier or other relevant person to remedy any situation, which constitutes a breach of this Local Law.
- (b) A Notice to Comply must state the time and date by which the situation must be remedied. The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
  - (i) the amount of work involved;
  - (ii) the degree of difficulty;
  - (iii) the availability of necessary materials or other necessary items;
  - (iv) climatic conditions;
  - (v) the degree of risk or potential risk; and
  - (vi) any other relevant factor.

### ***9.2 Failure to Adhere to Notice***

- (a) Any person who fails to remedy a situation in accordance with a Notice to Comply served under this Local Law is guilty of an offence.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### ***9.3 Power to Act in Urgent Circumstances***

- (a) An Authorised Officer may, in urgent circumstances arising as a result of another person's failure to comply with this Local Law, take action to remove, remedy or rectify a situation without the necessity to serve a Notice to Comply provided:
  - (i) he or she 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;
  - (ii) the Chief Executive Officer approves of the proposed action;

- (iii) details of the circumstances and remedying action are, as soon as possible, forwarded to the person on whose behalf the action was taken; and
  - (iv) the Council is advised as soon as practicable of the action taken.
- (b) The action taken by an Authorised Officer under clause 9.3 (a) must not extend beyond what is necessary to cause the immediate abatement of the risk or danger involved.

### ***9.4 Notice to Comply - Not A Precondition to Enforcement Proceedings***

- (a) An Authorised Officer is able to prosecute a person or issue an Infringement Notice under this Local Law without first serving a Notice to Comply.

### ***9.5 Appeal against Notice to Comply***

- (b) Any person who is aggrieved by the requirements of a Notice to Comply may apply to the Council to be heard and may make a written submission for consideration by the Council, but this right will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under this Local Law.

### ***9.6 Application for Permit***

- (a) An application for a permit must be in writing and must be accompanied by the appropriate fee, as determined by Council resolution from time to time.
- (b) The Council may require an applicant to give public notice, which will entitle any other person to make a submission and to be heard.  
The Council may require additional information to enable an application for a permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.

### ***9.7 Permits May Be Conditional***

- (a) The Council or an Authorised Officer may issue a permit with or without conditions, including conditions relating to: -
- (i) the payment of a fee or charge;
  - (ii) a standard to be applied;
  - (iii) a time limit to be applied;
  - (iv) the happening of an event;

- (v) the rectification, remedying or restoration of a situation or circumstance;
- (vi) where the applicant is not the owner of the subject property, the consent of the owner; or
- (vii) the granting of some other permit or approval which may be required by the Council or another statutory or public authority whether under this Local Law or otherwise.

### **9.8 Additional Information**

- (a) The Council or an Authorised Officer may require an applicant to provide additional information before dealing with an application for a permit.

### **9.9 Duration of Permits**

- (a) Except where expressly stated in this Local Law or in the permit, the permit will operate from the date it is issued and will expire one year after the date of issue.

### **9.10 Cancellation of Permits**

- (a) A permit may be cancelled by the Council or an Authorised Officer at any time, if it is clear that the conditions under which the permit was issued have not been complied with provided:-
  - (i) a Notice to Comply has been served upon the permit holder; and
  - (ii) the time required under the Notice to Comply has expired.
- (b) Where the permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of the Notice to Comply.
- (c) Where any permit issued under this Local Law contains conditions any person who contravenes or fails to comply with a condition is guilty of an offence.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

### **9.11 Power of Authorised Officer to Impound**

- (a) If an Authorised Officer has impounded an animal or other thing in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- (b) As soon as possible after impounding the animal or thing the Authorised Officer will, if practicable, serve a Notice of Impounding in the form of Schedule 1 on the owner or person responsible for the item which has been impounded, setting out the fees and charges payable and the time by which the item must be retrieved.
- (c) If after the time required in the Notice of Impounding an impounded animal or thing is not retrieved, an Authorised Officer may take action to dispose of the impounded animal or thing.
- (d) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (3) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded animal or thing.
- (e) Any proceeds from the disposal of impounded items must be paid to the owner except for the reasonable costs incurred by the Council in the administration of this Part.
- (f) In the event that the owner cannot be identified or located within one year of the date the Notice of Impounding was served any proceeds as described in paragraph (e) may be retained by the Council beneficially.

### **9.12 Offences**

- (a) Where any provision in this Local Law requires that something may not be done at all, any person who does that act is guilty of an offence.
- (b) Where any provision in this Local Law requires that something may not be done between specified hours of the day or night, during specified months of the year, or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part is guilty of an offence.
- (c) Where any provision in this Local Law requires that a person obtain a permit before engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without a current permit (unless the Council in its discretion has waived the requirement for a permit).
- (d) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.



### **9.13 General Penalty**

- (a) A person who is guilty of an offence against this Local Law for which a specific penalty is not provided is liable to a penalty not exceeding ten (10) penalty units.
- (b) The penalty for a second or subsequent offence against this Local Law is twenty (20) penalty units.

### **9.14 Infringement Penalty**

- (a) An Infringement Notice may be issued as an alternative to prosecution in respect of offences against this Local Law. In the event that an Infringement Notice is issued the Infringement Notice penalty will be one (1) penalty unit unless a specific Infringement Notice penalty is provided.

### **9.15 Infringement Notices**

- (a) An Authorised Officer may serve an Infringement Notice on a person whom the Authorised Officer believes has committed an offence against this Local Law requiring the person to pay the penalty for that offence within 28 days of the issue of the Infringement Notice.
- (b) An Infringement Notice must contain those matters specified in section 117(3) of the Act.
- (c) If the Infringement Notice is not withdrawn and the person pays to the Council the amount referred to in the Infringement Notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no conviction will be recorded against that person for the alleged infringement.
- (d) The Council or the Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within 28 days of the issue of the Infringement Notice to which it relates.
- (e) The decision of the Chief Executive Officer or delegate on any representations received will be final.
- (f) The Council, the Chief Executive Officer or an Authorised Officer may at any time withdraw an Infringement Notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- (g) Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice.
- (h) If the penalty referred to in an Infringement Notice has been paid within 28 days of its issue and no representation has been received by the Council or its staff, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of 28 days from the issue of the Infringement Notice.

- (i) Any withdrawal of an Infringement Notice may be served in accordance with section 234 of the Act.
- (j) In the event of the failure of a person served with an Infringement Notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or an Authorised Officer may permit, the Council or the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of Infringement Notices.
- (k) Any person served with an Infringement Notice is entitled to disregard the notice and defend the prosecution in Court.

### **9.16 Council Staff and Contractors**

- (a) Despite anything to the contrary in this Local Law, where the proper discharge of a contract with the Council or duties of office requires a member of Council staff or person acting on the Council's behalf to do something that requires a permit under the provisions of this Local Law, those provisions do not apply and no permit need be obtained.

SCHEDULE 1

**ENVIRONMENT LOCAL LAW**  
**MILDURA RURAL CITY COUNCIL**  
**SCHEDULE 1**

**NOTICE OF IMPOUNDING**

TO: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

The following item(s) has/have been impounded in accordance with Council's Community Local Law.

Describe: \_\_\_\_\_  
items  
impounded \_\_\_\_\_

You may collect the items by attending at the municipal offices between the hours of \_\_\_\_\_ and \_\_\_\_\_ to see \_\_\_\_\_ and by paying the following:  
(Contact Officer)

Details \_\_\_\_\_

Of \_\_\_\_\_

Fees and Charges \_\_\_\_\_

If you fail to collect the item(s) and pay the required fees and charges by (date), the authorised officer will proceed to dispose of the item(s) in accordance with the Council's policy.

Date: \_\_\_\_\_

Name of Authorised Officer: \_\_\_\_\_

Telephone: \_\_\_\_\_

(Signature of Authorised Officer): \_\_\_\_\_

SCHEDULE 2

**COMMUNITY LOCAL LAW  
MILDURA RURAL CITY COUNCIL**

**SCHEDULE 2**

**NOTICE TO COMPLY**

TO: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

You have in the opinion of the Council or an Authorised Officer breached clause \_\_\_\_\_ of the Council's Community Local Law. To remedy the breach you must carry out the following work, within \_\_\_\_\_ days from the date of this notice.

Work \_\_\_\_\_  
to be \_\_\_\_\_  
listed \_\_\_\_\_

You should contact \_\_\_\_\_ (contact officer) at the municipal offices between the hours of \_\_\_\_\_ and \_\_\_\_\_ for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of the penalty of \$ (penalty) for the \*first/second or subsequent offence and the authorised officer will proceed to carry out the work, the cost of which, in addition to the above penalty you will be liable for.

Date: \_\_\_\_\_  
(Insert Date)

Name of Authorised Officer: \_\_\_\_\_

Telephone: \_\_\_\_\_

\* Strike out whichever is not applicable

Signature of Authorised Officer: \_\_\_\_\_

NOTE: If this Notice relates to a contravention of a permit and the Notice is not complied with, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the conditions in this Notice or show cause to the Council in writing why the permit should not be cancelled.

SCHEDULE 3

**MILDURA RURAL CITY COUNCIL  
COMMUNITY LOCAL LAW**

**SCHEDULE 3**

**APPLICATION FOR RESIDENTIAL PARKING PERMIT**

RESIDENTIAL AREA No: \_\_\_\_\_

I wish to apply for a permit to allow my vehicle to be parked in accordance with the Council's Residential Parking Scheme.

Name: \_\_\_\_\_

Surname (Other Names): \_\_\_\_\_

Address: \_\_\_\_\_

Vehicle Registration No: \_\_\_\_\_

Description of vehicle (eg. make, model, colour): \_\_\_\_\_

I declare that I reside permanently at the above address. (Please tick) \_\_\_\_\_

I have attached a copy of my vehicle registration certificate to this application.  
(Please tick)

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_