



City of Whittlesea

Reprint No. 2

**GENERAL LOCAL LAW
(No. 1 of 1999)**

**Reprinted on 28 September 2001
incorporating amendments up to
General (Amendment) Local Law
No. 1 of 2001.**

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WHITTLESEA CITY COUNCIL

LOCAL LAW NO. 1 OF 1999

GENERAL LOCAL LAW

PART 1

PRELIMINARY

Title

- 1.1 This is Local Law (No. 1 of 1999) of the Whittlesea City Council and is known as the "General Local Law".

Objectives

- 1.2 This Local Law is made for the purposes of: -
- (a) controlling and protecting *public places* and *Council land*;
 - (b) controlling various matters which may adversely affect the amenity of the *municipal district* and the quality of life of *persons* within it;
 - (c) providing for a safe and healthy environment for *persons* within the *municipal district*;
 - (d) providing for, controlling and managing the use of *premises* and *vehicles*;
 - (e) controlling:-
 - (i) the sale of *goods* and services in various locations; and
 - (ii) the activities of street vendors and itinerant traders;
 - (f) controlling secondary activities on roads including:-
 - (i) trading;
 - (ii) *placing* of *goods and equipment*;
 - (iii) repairs to *vehicles*;
 - (iv) *processions, street festivals and street parties*;

- (g) providing for the physical features of the road and adjacent *premises* to be managed in a way which attends to the safety and convenience of people travelling on or using the road (whether on foot or by *vehicle*);
- (h) providing for, controlling and managing *traffic* and the use of roads and *premises* by *persons, animals* and *vehicles*;
- (i) controlling:-
 - (i) behaviour on roads, *public places* and *Council land*;
 - (ii) the numbering of *premises*;
 - (iii) the placement of things on roads;
 - (iv) obstructions;
 - (v) the use, construction, repair and removal of *vehicle* crossings and temporary *vehicle* crossings;
 - (vi) the removal and impounding of vehicles and other things; and
 - (vii) recycling collection bins;
- (j) limiting the use of *public places* by a certain class of *vehicle*;
- (k) controlling:-
 - (i) fires, *incinerators* and fire prevention;
 - (ii) amenity, condition and use of *premises*;
 - (iii) motorised *vehicles*;
 - (iv) *advertising* and bill posting;
 - (v) camping;
 - (vi) *animals*;
 - (vii) drainage;
 - (viii) noise; and
- (l) maintaining at all times a clean and sanitary condition in the municipal district;
- (m) environment control, protection and conservation; and

- (n) generally maintaining the peace, order and good government of the *municipal district*.

Authorising Provision

- 1.3 This Local Law is made under the provisions of Part 5 of the Local Government Act 1989 and, in particular, Section 111(1) in combination with Section 8 and Schedule 1 of that Act and the Domestic (Nuisance and Feral) Animals Act 1994.

Commencement

- 1.4 This Local Law commences to operate on 1 January, 1999.

Cessation of Local Law

- 1.5 Unless this Local Law is earlier revoked, its operation will cease on the 31 December 2008.

Application

- 1.6 This Local Law applies throughout the whole of the *municipal district*.

Exemptions

- 1.7 (1) This Local Law does not apply to any *person* employed or engaged in any authorised activity or duty being undertaken by or on behalf of the *Council* whilst so actually employed or engaged.
- (2) A provision of this Local Law requiring a *permit* to be obtained does not apply to a *person* employed or engaged in an authorised activity or duty being undertaken by or on behalf of:-
- a) a Government; or
 - b) a *public body*
- whilst so employed or engaged if notice of the carrying out of the activity or duty has been given to the *Council* beforehand or, if that is impracticable, as soon as possible after it has been carried out.
- (3) Nothing in this Local Law prevents:-
- (a) a member, officer or employee of:-
 - (i) the Government;
 - (ii) the Victoria Police;

- (iii) the *Fire Brigade*;
 - (iv) the Ambulance Service - Victoria;
 - (v) any first-aid or emergency service organisation;
 - (vi) any military or civil-defence force;
 - (vii) a *public body*; or
 - (viii) a *service provider*; or
- (b) (i) any contractor engaged by the Council; or
- (ii) any employee or sub-contractor of that contractor whilst so engaged in those duties, from performing any of the duties he or she is lawfully entitled or required to perform.
- (4) The *Council* may *prescribe* a *specified* activity, *area*, *premises* or *person* or a class of any of them to be exempt from a provision of this Local Law for a specified time and on a specified condition.
- (5) Anything in this Local Law relating to an *animal* in general or a dog in particular does not prevent:-
- (a) a blind or deaf *person* being entitled at all times and all places to be accompanied by a guide dog; or
 - (b) a *member of the police* in charge of a police dog or horse from carrying out police duties.

Definitions

1.8 (1) In this Local Law:-

"Advertisement" includes any letter, figure, symbol, device, poster, sign, banner or message used for or capable of notifying:-

- (a) (i) the existence of; or
- (ii) or promoting the *sale* or use of;
any *goods* or services
- (b) the holding of an event or function; or
- (c) where or when:-
 - (i) those *goods* or services are obtainable; or

(ii) the event or function is being held.

"Allow" includes cause, permit or suffer.

"Animal" includes bird and reptile but does not include a fish, turtle, tortoise or frog.

"Authorised officer" means a *person* appointed by the *Council* to be an authorised officer under Section 224 of the Local Government Act 1989 or treated by Section 224A of that Act to have been.

"Barbeque" means a structure, device or contraption:-

- (a) designed or constructed for the primary purpose of cooking food in the open air for human consumption; and
- (b) which is being used for the purposes of cooking food or preparatory or subsequent to cooking it.

"Battery cage" includes a type of wire and metal mesh *poultry* cage divided into compartments whether standing on wheels or not and comprising one or more tiers and whether mobile or not capable of being moved or carried from one position to another.

"Bird" includes *poultry*.

"Bird enclosure" means an immobile enclosed structure used for the purpose of keeping *birds* (including any fowl run or fowl pen which may be attached to such structure) and includes a *battery cage*.

"Bird litter" includes wood shavings, tan bark, straw or dry grass clippings or other suitable clean litter.

"Building" includes a part of a building.

"Carriageway" has the same meaning as in the Road Safety (Traffic) Regulations 1988.

"Council" means the Whittlesea City Council.

"Council land" means all *premises*

- (a) owned, leased, managed or occupied by the *Council*; or
- (b) vested in the *Council* or under the control of the *Council* or which it has a duty to maintain.

"Delegate" means:-

- (a) any member of the *Council's* staff to whom a delegation has been made pursuant to Section 98 Local Government Act 1989; or
- (b) a committee to which a delegation has been made under Section 86 of that Act

for the purposes of this Local Law.

"Footpath" has the same meaning as "footway" in the Road Safety (Traffic) Regulations 1988.

"Garbage/Recyclables" means, unless the context suggests otherwise:-

- (a) *garbage*, being all refuse and rubbish except night soil, sewage, toxic chemicals, liquid waste and waste prescribed under the *Environment Protection (Prescribed Waste) Regulations 1987*;
- (b) *recyclables*, which includes, plastic bottles (Codes 1, 2 & 3), aluminium cans and foil, steel cans, glass bottles and jars, liquidpaperboard cartons, or other materials in respect of which Council gives public notice from time to time; and
- (c) *paper waste*, which includes newspapers, magazines, brochures, pamphlets or other materials in respect of which Council gives public notice from time to time.

"Goods" includes food.

"Graffiti" means any writing, painting or other defacement applied to the exterior surfaces of the premises by a person other than the owner without the prior consent of the owner.

"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 thing;
- (b) not licensed or otherwise subject to control under the provisions of any other *legislation*; and
- (c) not a *barbecue*.

"Legislation" includes subordinate legislation as defined in the Interpretation of Legislation Act 1984.

"Leave standing" has the same meaning as in the Road Safety (Traffic) Regulations 1988.

"Member of the police" means a sworn member of the Victoria Police.

"Municipal district" means the municipal district of the Whittlesea City Council.

"Non-urban zone" means any zone listed under the heading "non-urban zone" in the index to the local section of the *Planning Scheme*.

"Notice to Comply" means a notice generally in the form of Schedule 1.

"Occupier" includes a *person* having control or management of *premises* whether alone or with other people.

"Open fire" means a fire in a place other than in a permanent structure, *barbeque* or *incinerator*.

"Owner" in relation to *premises* means:-

- (a) the *person* rated or liable to be rated in respect of those *premises* in relation to any general rate of the *Council*; or
- (b) if the *premises* are so not rated or liable to be rated, the *person* who is the owner as defined in Section 3 of the Local Government Act 1989.

"Park" when used as a verb has the same meaning as in the Road Safety (Traffic) Regulations 1988.

"Permit" when used as a noun (except in Clause 14.2(d) or where the word is used specifically in relation to another piece of *legislation*) means a permit in writing granted under the provisions of this Local Law.

"Permit-holder" means the *person* to whom Clause 2.5 applies.

"Person" includes a body corporate, an association incorporated under the Associations Incorporation Act 1981, a partnership and an unincorporated association.

"Place" when used as a verb includes *allow* to remain.

"Planning Scheme" includes:-

- (a) the Whittlesea Planning Scheme; and
- (b) any town planning scheme operating in a part of the area in which this Local Law operates and in the part in which the particular activity in question takes place.

"Poultry" which includes a fowl, duck, goose, turkey, quail and pigeon and any other class of *poultry*.

"Premises" includes the whole or part of any:-

- (a) *land*;
 - (b) *building*; or
 - (c) *building* under construction; or
 - (d) wall or fence
- (whether or not a *public place*).

"Prescribed" includes decided or specified:-

- (a) by resolution of the *Council*; or
- (b) by a *delegate* if the relevant matter is the subject of *delegation*.

"Procession" and "street festival" means an organised group of people gathering on or proceeding along a road for the purposes of a ceremony or function and includes a Fun Run and bicycle event.

"Proprietor" when used in relation to a vehicle or thing means the *owner*, *occupier*, lessee, licensee, manager or any other *person* in control or charge of the *vehicle* or thing.

"Public Place" has the same meaning as in the Summary Offences Act 1966 and includes any *place prescribed* by the *Council* as a public place but does not include an interior part of a *building* which part is not occupied by the *Council* or a *public body* unless that part has been *prescribed* by the *Council*.

"Reserve" includes any *land*:-

- (a) which the *Council prescribes* to be a *Council reserve* for the purposes of this Part; or
- (b) purchased by, leased by or otherwise provided to or managed or controlled by *Council* for a recreation, conservation, horticultural, cultural or entertainment purpose.

"Sell" includes:-

- (a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or *allow* to be sold or offered for sale; and
- (b) sell for re-sale.

"Service provider" means:-

- (a) a *public body*; or
- (b) a corporation

authorised by *legislation* to provide telecommunications, gas, electricity or water or facilities for any of them or of sewerage drainage facilities.

"Shopping trolley" means a receptacle on wheels usually supplied by a retailer of *goods* to enable customers to transport those *goods* either inside or outside its *premises*.

"Street party" means an organised social gathering which is held on a road.

"Toy vehicle" means a *vehicle* (other than a bicycle) usually used by a child to play with and designed to be propelled by human power. It includes a child's tricycle, scooter, pedal car, skate-board, roller skates, roller blades and similar toys.

"Trade Waste Skip" includes any receptacle used for the storage of waste generated by industrial or commercial activity, building or construction work, landscaping or building renovation.

"Trolley" includes a *shopping trolley*.

"Vehicle" means a conveyance which is designed to be or is propelled or drawn by any means, but does not include a train, tram, wheelbarrow, *shopping trolley*, *toy vehicle* or wheel-chair.

"Waste" when used as a noun includes any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid).

- (2) Without affecting Clause 1.8(1) or the application generally of the Interpretation of Legislation Act 1984 to this Local Law, a word appearing in italics in the body of this Local Law and which is not specifically defined in Clause 1.8(1) or in the Part of the Local Law in which it appears (as the case may be):-
 - (a) if it is "Chief Executive Officer", "public body" or "road", has the meaning of that word as defined in Section 3(1) and (2) Local Government Act 1989; and
 - (b) otherwise, has the meaning of the word as defined in Section 38 Interpretation of Legislation Act 1984.
- (3) A definition in this Local Law even though it might be expressed as being restricted in the extent of its application in the Local Law also applies to any Schedule, form or standard applying to or relevant to the portion of the Local Law to which the definition applies.
- (4) A reference to a *person* by way of that *person's* position with the *Council* includes a *person*:-
 - (a) authorised to carry out the powers, duties and functions of that position at the *Council*;

- (b) acting in that capacity; or
- (c) if that position in the *Council* ceases to exist, any *person* exercising any power, duty or function which was previously a power, duty or function of the previous position.

Repeals

- 1.9 From the commencement of operation of this Local Law, General Local Law (No. 1 of 1995) is revoked and will cease to operate.

#

- NB: * Where a word used in this Local Law is subject to a definition that word is put into italics.
- ** Some words in italics are the subject of specific definition in this Local Law. Other words are not. The meanings of those other words may be affected by the Interpretation of Legislation 1984, Local Government Act 1989 and other legislation.
- *** At the date of making of this Local Law 1 penalty unit equals \$100.

PART 2

PROCEDURAL

Permits and applications for them

- 2.1 Wherever in this Local Law a *permit* is required, the *Council* may grant or refuse to grant the *permit* or grant it subject to conditions.
- 2.2 (1) An application for a *permit* must be:-
- (a) made in *writing* and include the following particulars -
 - (i) the name and address of the applicant;
 - (ii) the capacity in which the applicant makes the application;
 - (iii) a statement of the purpose for which the *permit* is sought;
 - (iv) the location of the proposed activity;
 - (v) the day and the time when the proposed activity is to take place and its expected duration;
 - (vi) the signature of the applicant or a *person* authorised to sign for and on behalf of the applicant; and
 - (vii) such other particulars as the *Council* may require;
 - (b) true and correct;
 - (c) forwarded to the *person* or office described on the application form with a fee in the amount as is fixed by the *Council*; and
 - (d) in a form approved by the *Chief Executive Officer* or, if there is none approved, that in Schedule 3 (identifying in it the Local Law and the clause of it in relation to which the *permit* is sought and also the information required by this clause).
- (2) If required to do so by the *Council*, an applicant must provide additional information before the *Council* processes an application for a *permit*.
- (3) If required to do so by the *Council*, an applicant for a *permit* must give notice of that application or invite any *person* to make a submission or do both.

- 2.3 In considering an application for a *permit* the *Council* must consider:-
- (a) any policy or guideline adopted by the *Council* relating to the subject matter of the application for the *permit*;
 - (b) any *written* objection or *written* submission received in respect of the application;
 - (c) any *written* comment made in respect of the application by any *public body* or community organisation; and
 - (d) any other relevant matter.
- 2.4 A *permit* will be in the form of Schedule 4 and may include any condition which the *Council* considers to be reasonable and appropriate (having regard to the activity authorised by the *permit* and the effects or anticipated effects of that activity), including:-
- (a) a requirement that a security deposit or bond or a release, indemnity or guarantee (in a form specified) be lodged with the *Council* to secure the proper performance of the *permit*;
 - (b) a requirement that notice be given to the *Council* as to when the activity authorised by the *permit* will be carried out or will occur;
 - (c) a time limit on the *permit* and on the activity authorised by it;
 - (d) provision for extension of the *permit*;
 - (e) a condition that the *permit* runs with or attaches to the *premises* in respect of which the activity is authorised by the *permit*;
 - (f) the payment of a fee or charge;
 - (g) a standard to be applied;
 - (h) that the *permit* is conditional on the happening of a certain event or prerequisite;
 - (i) that the *permit* is conditional upon the rectification, remedying or restoration of any situation or circumstance; or
 - (j) where the applicant is not the *owner* of the relevant *premises*, the consent of the *owner*.

- 2.5 Unless otherwise stated in the *permit*, a *permit*:-
- (a) is personal and authorises only the *person* named in the *permit* or, failing that, the applicant to carry out the activity authorised by the *permit*; and
 - (b) is not transferable without the *Council's* consent.

Compliance with Permits

- 2.6 Every *person* to whom a *permit* is granted must do every act and thing as may be necessary to ensure compliance with the *permit* and its conditions.

Correction, amendment, cancellation and suspension

- 2.7 (1) The *Council* may correct a *permit* if the *permit* contains:-
- (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) a material miscalculation of figures or a material mistake in the description of any *person*, *premises*, thing or property referred to in the *permit*.
- (2) The *Council* may cancel, suspend or amend any *permit* at any time if:-
- (a) it is requested to do so by the permit- holder; or
 - (b) it considers that there has been:-
 - (i) a material mis-statement or concealment of fact in relation to the application for the *permit*;
 - (ii) any material mistake in relation to the issue of the *permit*;
or
 - (iii) any material change of circumstances which has occurred since the grant of the *permit*.
- (3) The *Council* may cancel or suspend a *permit* at any time if the *Council* is satisfied that there has been a substantial failure to comply with a:-
- (a) *permit* condition; or
 - (b) *Notice to Comply* relating to the *premises*, item or activity to which the *permit* relates.

General permit provisions

- 2.8 The holding of a *permit* or compliance with a condition included in a *permit* does not of itself relieve the *permit-holder* from:-
- (a) compliance with any other *legislation* with respect to the subject matter of the *permit*; or
 - (b) liability for any damage sustained by any other *person* as a result of an activity undertaken by or on behalf of the *permit-holder* pursuant to the *permit*.
- 2.9 A *person* applying for a *permit* or amendment of a *permit* must not make or allow to be made any false representation or declaration in or in relation to that application or *permit*.
- 2.10 Except where expressly stated in this Local Law or in a *permit*, the *permit* will operate from the date it is granted and will expire on the following 30 June.

Powers of Council

- 2.11 Without affecting the operation of any particular provision of this Local Law, everything an *authorised officer* or any other specified *person* is capable of doing under this Local Law is also capable of being done by the *Council* or its *delegate*.

Notice of Impounding

- 2.12 Where a thing is impounded pursuant to this Local Law,
- (a) an *authorised officer* must serve on the person from whose custody or control the thing was impounded or a person who appears to be the owner of the thing a notice of the impounding;
 - (b) the notice of impounding must be in the form of Schedule 6 unless another form is specifically adopted by *Council*;
 - (c) if, within fourteen days of the impoundment, the thing is claimed by the person on whom notice of impounding was served or an agent of that person and there is paid to *Council* any fee determined in accordance with Clause 2.13, the thing must be surrendered to that person;
 - (d) if fourteen or more days elapse from the impoundment of the thing, and the thing is not surrendered to any person in accordance with sub-clause (c), *Council* may
 - (i) destroy the thing;
 - (ii) give the thing away; or
 - (iii) sell the thing by auction, public tender or private sale.

Fees

- 2.13 (1) The *Council* may by resolution determine fees and charges for the purposes of this Local Law
- (2) Such resolution may allow the waiver, reduction or deferral of a fee in whole or in part with or without conditions.
- (3) Unless the *Council* otherwise resolves, the fee for a *permit* under this Local Law is \$100.
- (4) Despite Clause 2.13(2), the *Council* may waive the fee for a *permit* in a particular case.

PART 3

RESERVES

Private access to reserves

- 3.1 An *owner* or *occupier* of any *premises* abutting a *reserve* must not install:-
- (a) a gateway which services; or
 - (b) other means of access to or from
the *reserve*.

Motorised Vehicles

- 3.2 Unless with the written consent of *Council*, a *person* must not ride, drive, *park*, *leave standing* or otherwise use any motorised *vehicle* on a *reserve*.

Games and sport

- 3.3 Unless with the written consent of *Council*, a *person* must not in any *reserve* engage in, play or practise any game, activity or sport which may interfere with the use or enjoyment of the *reserve* by any other *person* or the safety of that other *person*.

Sale of goods in reserves

- 3.4 A *person* must not *sell* or offer for sale at any *Council reserve* any product packaged in glass.

Damage to reserves

- 3.5 A *person* must not willfully damage or disfigure *Council* assets within public open space or road controlled by *Council*.

Protection of Council trees

- 3.6 Unless with the written approval of *Council*, a *person* must not in any way interfere with *naturestrip* or parkland trees or plant trees or shrubs on naturestrips.

PART 4

FIRE SAFETY

Fire Hazards

- 4.1 (1) An *owner* or *occupier* of *premises* must ensure that:-
- (a) all necessary steps are taken to:-
 - (i) prevent fire on; and
 - (ii) minimise the possibility of spread of fire from those *premises*; and
 - (b) the *premises* are kept free of *material* or *substance* likely to assist the spread of fire or constitute a fire hazard.
 - (c) ensure that any grass, stubble, weeds, scrub, undergrowth or other like material on that land does not generally exceed 30 centimetres in height.
 - (d) the land which he or she occupies does not have emitting from it any form of air pollutant including dust, grit, ashes or smoke.
- (2) For the purpose of this clause "material or substance" includes undergrowth, scrub, bracken, fern, weed, stubble and grass (whether alive or dead and whether standing or not standing).
- (3) Where an *authorised officer* is of the opinion that *material* or *substance* on *premises*:-
- (a) assists the spread of fire; or
 - (b) constitutes a fire hazard
- or is likely to do so, the *authorised officer* may serve a *Notice to Comply* but allowing not less than 14 days from its date for the Notice to be complied with.
- (4) Council may enter private property and remove flammable material in immediate danger of a fire and recoup any costs incurred in carrying out such removal from the *owner* or occupier of the property.

Dangerous land

- 4.2 An *owner* or *occupier* of *premises* must not allow the *premises* to be kept in a manner which is dangerous or likely to cause danger to life or property.

Incinerators and open fires

- 4.3 (1) A *person* must not light or allow to be lit or remain alight any *incinerator*.
- (2) Subject to sub-clause (3), unless in accordance with a *permit* a *person* must not light or allow to be lit or remain alight any *open fire*.
- (3) Sub-clause (2) does not apply to private land greater in area than 0.8 hectare if it is in a non-urban zone under the *Planning Scheme*.
- (4) A *person* must not light or allow to be lit or remain alight any fire other than for the purpose of cooking food for human consumption in a barbecue.

Burning of offensive material

- 4.4 A *person* must not burn or *allow* to burn:-
- (a) any offensive material;
- (b) any substance which contains:-
- (i) food *waste*, fish or other offensive or noxious matter;
- (ii) any rubber or plastic;
- (iii) any petroleum or oil;
- (iv) any paint or receptacle which contains or which contained paint; or
- (v) any manufactured chemical.

PART 5

THE ENVIRONMENT

Camping

- 5.1 Unless in accordance with a *permit*, a *person* must not camp in a tent, caravan, mobile home or other temporary or makeshift structure on *Council land* or in a *public place*.

Caravan occupation

- 5.2 (1) Unless in accordance with a *permit*, a *person* must not use a caravan or mobile home for the purpose of habitation.
- (2) Sub-clause (1) does not apply to the use of a caravan in a *Council* registered caravan park.

Unsightly land

- 5.3 (1) An *owner* or *occupier* of *premises* must not *allow premises* on the land to be unsightly.
- (2) In this clause the word *unsightly* means any land on which is situated:
- (a) unconstrained rubbish;
 - (b) excessive vegetation growth;
 - (c) disused excavation material or *waste* material;
 - (d) a building which is incomplete, is not currently constructed, and which is detrimental to the amenity of the area;
 - (e) a building or other structure or thing which, for some other reason, is detrimental to the amenity of the area;
 - (f) graffiti.
- (3) For the purpose of sub-clause (1)(d) a building may be detrimental to the amenity of the area if it has substantial adverse visual impact in the context of the surrounding area:
- (a) taking into account its appearance to the street or other public place; but
 - (b) not taking into account its intended design or its siting.

Storage of machinery or second hand goods on property

5.4 Unless in accordance with:-

- (a) a *permit*; or
- (b) the *Planning Scheme*

a *person* must not use any *premises* for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.

Advertising and bill posting

5.5 No person shall post any placard, bill, sticker or other document on or write or paint on or otherwise deface any road, bridge or footpath or any house, building, hoarding, wall, fence, gate, tree, treeguard, post, pillar, hydrant, fire-alarm, petrol pump or other structure whatsoever without the prior consent of the occupier or owner of the premises concerned or of any person or body having authority to give such consent.

Signs

- 5.6
- (1) The *Council* may by a notice or sign established as the case may require, prohibit or regulate any use of *Council land* or the conduct of a *person* on that *land*.
 - (2) A *person* must not erect or remove or deface any such notice or sign except with the authority of the *Council*.
 - (3) A *person* must not act contrary to any such notice or sign.

Pest plants

5.7 When required by an *authorised officer* to do so, an *owner* or *occupier* of *premises* must remove from those *premises* any thing *prescribed* by the *Council* as a pest plant unless to remove it is prohibited by the *Planning Scheme*.

Damage caused by trees or plants

5.8 A *person* must not *allow* a tree or *plant* on *premises owned* or *occupied* by that *person* to cause damage to or interfere with *Council land* or anything on it.

Sanitary Facilities on Building Sites

5.9 A person must not carry out or cause to be carried out building works on land which will necessitate the presence of contractors, sub-contractors or employees of contractors or sub-contractors unless sanitary facilities have been

constructed, erected, installed or maintained on that land to the satisfaction of the Council or an authorised officer.

Wasp nests

- 5.10 An *owner* or *occupier* of any *premises* must not allow a wasp nest to remain on the *premises*.

Litter on Building Sites

- 5.11 The *owner* and *occupier* of a *building site* must not carry out or cause to be carried out any building works on the *building site* unless measures are in place to the satisfaction of Council to ensure that debris and other waste is contained on the *building site*.

Disposal of Garbage/Recyclables

- 5.12 (1) The occupier of a property to which Council provides a garbage/recycling collection service must only:
- (a) deposit garbage/recyclables other than paper waste, generated at the property into a garbage/recycling receptacle provided by Council for that purpose, provided that the occupier may compost any organic waste;
 - (b) not place in a garbage/recycling receptacle anything other than garbage/recyclables which is:
 - (i) wrapped in any manner necessary to render them inoffensive and to prevent the protrusion of sharp objects; or
 - (ii) contained in a bag that is tied at the open end to prevent spillage of the contents and facilitate the lifting of the bag;
 - (c) not place garbage/recyclables out for collection in any receptacle other than that provided by Council; and
 - (d) not place out for collection any garbage/recycling receptacle, except in accordance with any requirements prescribed by or determined in accordance with this Local Law.
- (2) The occupier of a property to which Council provides a garbage/recycling collection service must only place paper waste out for collection in such a manner that prevents the paper waste from being dislodged and becoming loose on Council property.

Placement Of Garbage/Recycling Receptacle

- 5.13 (1) The occupier of a property must not, without the consent of Council or an authorised officer, place more than one garbage or recycling receptacle out for collection.
- (2) Any garbage/recycling receptacle placed out for collection must be positioned on the nature strip adjacent to the kerb or footpath as close as possible to the vehicle access point to the property, or in any other manner directed by Council or an authorised officer from time to time.
- (3) A garbage/recycling receptacle placed out for collection must not have a gross weight of more than 50 kilograms.
- (4) A person must not place any garbage/recyclables in a garbage/recycling receptacle that would prevent the lid of the garbage/recycling receptacle being closed.

Maintenance Of Garbage/Recycling Receptacle

- 5.14 The occupier of a property must keep any garbage/recycling receptacle in a clean and inoffensive condition..

Numbering Of Garbage/Recycling Receptacle

- 5.15 The occupier of a property may:
- (1) mark any supplied garbage/recycling receptacle used by him or her with the number of that property, provided that such number is no more than 150mm in height or width and is in a form approved by Council; and
- (2) renew the marking of the number as often as may be necessary to keep the number clearly legible.

Placement/Removal Of Garbage/Recycling Receptacle

- 5.16 The occupier of a property must not:
- (1) place a garbage/recycling receptacle out for emptying before 4:00 p.m. on the day prior to the scheduled time for garbage/recycling collection in the area in which those *premises* are located; or
- (2) allow any such garbage/recycling receptacle to remain outside of their *premises* beyond the same day it is emptied by Council or persons authorised by Council.

Recycling And Hard/Green Waste Collection

- 5.17 (1) Where Council provides a recycling or hard/green waste collection service, the occupier of *premises* must ensure that any such material placed out for collection is secured in a manner that ensures it cannot be displaced by wind or other natural occurrence.
- (2) Where Council has given public notice that a recyclable goods collection or hard waste collection will be made, any recyclable goods or hard waste to be collected must be left for collection in accordance with Council's directions from time to time.
- (3) A *person* must not, without the consent of Council or an *authorised officer*, remove any recyclable goods or hard waste left for collection in accordance with Council's or an *authorised officer's* directions under sub-clause (2).

Trade Waste Skips~~Error! Bookmark not defined.~~

- 5.18 (1) A *person* must not place a *trade waste skip* on a road, naturestrip, *reserve* or other land vested in Council for longer than is practicably required for the emptying of the *trade waste skip*.
- (2) A *person* must not cause any –
- (a) obstruction; or
- (b) danger –
- to any person or vehicle when placing a *trade waste skip* on a road, *footpath*, naturestrip, reserve or other *Council land*.
- (3) A person may only –
- (a) empty; or
- (b) permit to be emptied –
- a *trade waste skip* between the hours of:
- (i) 9 a.m. and 8 p.m. on any Saturday, Sunday or Public Holiday; and
- (ii) 7 a.m. and 8 p.m. on any other day.
- (4) A *person* who has placed a *trade waste skip* on *Council land* must repair any damage to any –

- (a) vehicle crossing;
 - (b) road;
 - (c) *footpath*;
 - (d) kerb;
 - (e) naturestrip;
 - (f) *reserve*; or
 - (g) drain –

that results from the placement or removal of the trade waste skip on the land or the emptying of the trade waste skip.
- (5) Council or an authorised officer may impound any *trade waste skip* which:
- (a) is placed on any land vested in Council contrary to sub-clause (1);
 - (b) endangers or obstructs any person or land contrary to sub-clause (2); or
 - (c) is emptied contrary to sub-clause (3).
- (6) Any *trade waste skip* impounded under sub-clause 3.5 must be dealt with under clause 2.12 of this Local Law.
- (7) In addition to complying with the provisions of this Local Law, any *person* placing a *trade waste skip* on road sites within the *Municipal District* must comply with all relevant Codes of Practice applying to such placement.

Screening of Bins and Skips

- 5.19 Council or an *authorised officer* may, by notice in writing, direct the *owner* or *occupier of premises* to –
- (1) install;
 - (2) repair;
 - (3) replace; or
 - (4) modify –

a fence or other means of screening a garbage/recycling receptacle or *trade waste skip* from public view if Council or an *authorised officer* forms the opinion that the garbage/recycling receptacle or *trade waste skip* is:

- (a) unsightly;
- (b) dangerous; or
- (c) detrimental to the general amenity of the neighbourhood in which it is located.

Compliance With Issued Notice

5.20 A person must comply with a notice issued to him or her under clause 5.19 within any time specified in the notice.

PART 6

ANIMALS

Keeping animals

- 6.1 (1) Unless in accordance with a *permit*, an *owner* or *occupier* of *premises* must not keep or *allow* to be kept more than 4 different types of *animals* on those *premises* at any time and must not keep or *allow* to be kept any more in number of each type of *animal* than as set out in the following table:-

Type of <i>Animal</i>	Maximum Allowed on land less than 0.2 hectare	Maximum Allowed on land between 0.2 hectares & 2 hectares
Dogs	2	4
Cats	2	2
Horses/Donkeys	Nil	1 per hectare
Cattle	Nil	1 per hectare
Sheep	Nil	2 per hectare
Goats	Nil	2 per hectare
Pigs	Nil	Nil

- (2) Sub-clause (1) does not apply where a town planning permit under the *Planning Scheme* has been issued for the keeping of *animals*.
- (3) Despite the provisions of sub-clause (1) an *authorised officer* may *allow* a greater number of *animals* to be kept on *premises*.
- (4) This clause does not apply to *premises* in a *non-urban zone*.

Litters of animals

- 6.2 For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any dog or cat lawfully kept will be exempt for a period of 12 weeks after their birth.

Animal health

- 6.3 The *occupier* of any *premises* on which an *animal* (except a *bird*) is kept must ensure that:-
- (a) any *animal* enclosure or *animal* shelter is maintained so as to not give rise to any condition likely to be offensive, dangerous to health, unsightly or a nuisance;
 - (b) any *waste* food or other matter is not left in such *place* or manner or for such a time that it may be likely to become offensive, harmful to health or dangerous or likely to attract or harbour rodents or other vermin; and
 - (c) any dead *animal* is immediately disposed of to the satisfaction of an *authorised officer*.

Animal excrement

- 6.4 A *person* in charge of an animal must not allow any excrement to remain on any Council land or in a *public place*.

Animal noise

- 6.5 (1) The *owner* or *occupier* of any *premises* must take all necessary steps to prevent any objectionable noise from any animal on those *premises* if the noise may adversely affect the comfort, convenience or privacy of any other *person* in the locality.
- (2) Without affecting the scope of Sub-clause (1), an *owner* or *occupier* of *premises* must not *allow* a dog on those *premises* to bark unless the circumstances of the barking (including as to frequency, duration, loudness, time and location) do not unreasonably adversely affect the comfort of a *person* in any adjoining *premises* or the enjoyment of those adjoining *premises* by a *person*.

PART 7

BIRDS

Numbers of poultry that may be kept

- 7.1 (1) Unless the area of the *premises* is 0.2 hectares or more, a *person* must not keep or allow to be kept on any *premises*:-
- (a) any live *poultry* except in a *bird enclosure*; or
 - (b) more than 2:-
 - (i) drakes; or
 - (ii) ducks; or
 - (iii) turkeys; or
 - (iv) geese; or
 - (c) more than 10 head of *poultry* unless in accordance with a *permit*.
 - (d) any roosters.
- (2) A *person* must not keep or *allow* to be kept in any *bird enclosure* a number of *poultry* greater than one for every 0.5 square metres of floor area.
- (3) For the purpose of sub-clauses (1) and (2), 3 pigeons or 3 quail or 1 pigeon and 2 quail or 2 pigeons and 1 quail equal 1 head of *poultry*.

Siting of bird enclosures

- 7.2 Every *bird enclosure* on any *premises* must be:-
- (a) of a height not exceeding 2.4 metres;
 - (b) at least 3 metres from the boundary of any adjoining *premises*; or
 - (c) located to the satisfaction of the *authorised officer*.

Construction of bird enclosures

- 7.3 Every *bird enclosure* must be roofed and be free of vermin.

Bird health

- 7.4 The *occupier* of any *premises* on which a *bird* is kept must ensure that:-
- (a) any *bird enclosure* or *bird cage* is maintained so as not to give rise to any condition likely to be offensive, dangerous to health, unsightly or a nuisance;
 - (b) any *waste* food or other matter is not left in such *place* or manner or for such a time that it may be likely to become offensive, injurious to health or dangerous or likely to attract or harbour rodents or other vermin;
 - (c) any dead or diseased *bird* is immediately disposed of to the satisfaction of an *authorised officer*.

Storage of food

- 7.5 A *person* must not keep or store or *allow* to be kept or stored on any *premises* where *birds* are kept any food for consumption by *birds* unless the *food* is kept or stored in a vermin proof receptacle.

Certain premises exempted

- 7.6 Part 7 of this Local Law does not apply to *premises* used for commercial *poultry* keeping, *poultry* killing, processing and sales when so exempted in part or in total in *writing* by the *Council*.

PART 8

PUBLIC SAFETY

Transportation of waste

- 8.1 A *person* must not convey or *allow* to be conveyed in any *vehicle* on any road, any manure, dead *animal* or remains, offal, bone, hide, skin, offensive matter, *rubbish* or other *waste* matter unless the *vehicle* is constructed, fitted, loaded and covered so that: -
- (a) no:-
 - (i) leakage occurs on to; or
 - (ii) other material is dropped or deposited on any road or adjacent area from the *vehicle*; and
 - (b) the escape of odours is reduced so as not to be offensive to the public.

Dumping of refrigerators or similar containers

- 8.2 A *person* must not *place*, leave or *allow* to remain a disused refrigerator, ice-chest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of approximately 0.04 cubic metres or more on any *premises* unless first:-
- (a) every door and lid is removed;
 - (b) every lock, catch and hinge attached to a door or lid is removed; or
 - (c) every door and lid is otherwise rendered incapable of being fastened.

Scavenging

- 8.3 Unless with the written consent of Council, a *person* must not search through or remove any articles of rubbish, *recyclables* or items left for collection on roads with the exception of hard waste.

PART 9

USE OF ROADS, PUBLIC PLACES AND RELATED PLACES

Clothing bins

- 9.1 (1) Unless:-
- (a) (i) in accordance with a *permit*; or
 - (ii) the site of the *bin* is *prescribed* by Council for such use generally or is allocated to that *bin*; and
 - (b) the *bin* has clearly indicated on at least 2 sides, the name of the *person* on whose behalf the *bin* is *placed* and items that are sought for depositing in it

A person must not place or allow the placement of a clothing bin on a road, public place or Council land.

- (2) Unless in accordance with a permit, a person must not place or allow the placement of a *clothing bin* on private land, if in doing so, that bin becomes visible from any *public place*.

Ball games near roads

- 9.2 *A person must not play or practise a game or sport with a ball on a road if it is detrimental to the amenity of the area or likely to cause damage to property.*

PART 10

MANAGEMENT OF TRAFFIC AND ROADS

Protrusions and overhanging branches

- 10.1 (1) An *owner* or *occupier* of land must not on that land:
- (a) allow any vegetation or sign to extend over a footpath at a height of less than three metres; or
 - (b) allow any vegetation, sign or structure in any way to constitute a road *interference*.
- (2) In this clause the phrase “road interference” means interference with the unobstructed, safe and fair use of roads by people and includes interference with:-
- (a) traffic, including pedestrians and vehicles;
 - (b) traffic control items; or
 - (c) street lighting

Property numbers to be displayed

- 10.2 (1) For each *premises* that has been allocated a property number by the *Council*, the *owner* or *occupier* must mark the *premises* with such number.
- (2) The number must be :
- (a) at least 75 mm in height for *premises* in urban areas and 150mm for *premises* in non-urban areas;
 - (b) of a colour which clearly contrasts with the background upon which it is placed;
 - (c) placed in such a position as to be able to be easily read at all times, at a distance of five metres ;
 - (d) positioned on the *premises* no further than 0.5m inside the front boundary line.
- (3) Where a premises is situated on a corner, the number must be displayed on the street side to which the *premises* are addressed.

- (4) Where driveway access to the *premises* is not on the street side to which the *premises* are addressed and the *premises* are over 0.8 hectares the street name and number of the *premises* must also be displayed at the driveway access to the *premises*.

Vehicle crossings

- 10.3 (1) The *owner* of *premises* must ensure that each point of *vehicle* access from a *carriageway* on a road to the *premises* has a properly constructed *vehicle* crossing that is not within 9 metres of an intersection.
- (2) 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*;
 - (b) the *Council* has approved in writing the method of construction of the particular *vehicle* crossing.
- (3) The *occupier* of *premises* must ensure that each *vehicle* crossing to those *premises* from an adjacent *carriageway* or road and any channel or pipe under or forming part of that crossing is repaired and maintained to the satisfaction of an *authorised officer*.

Permit required for vehicle crossings

- 10.4 Unless in accordance with a *permit*, a *person* must not construct, install, remove or alter a *vehicle* crossing whether temporarily or permanently.

Temporary vehicle crossings

- 10.5 (1) Where: -
- (a) because of the nature, size or weight of a *vehicle* or material which may travel or be carried across a kerb, gutter, naturestrip, *footpath* or *vehicle* crossing in the course of access or egress between *premises* and the *carriageway* of a road it is likely that damage may be caused to the kerb, gutter, naturestrip, *footpath* or *vehicle* crossing; or
 - (b) an activity is intended or expected to take place on the *premises* making likely an occurrence of the type described in paragraph (a)

the *occupier* of the *premises* must give written notice to the *Council* of that expected activity or occurrence before it occurs.

- (2) Unless in accordance with a *permit*, a *person* must not *allow* entry to or exit from the *premises* by such *vehicle* or material referred to in Sub-Clause (1).
- (3) The *occupier* must take all reasonable steps to protect the existing kerb, gutter, naturestrip, *footpath*, *carriageway* and *vehicle* crossing at all times during the activity or occurrence.
- (4) The *person* responsible for the activity or occurrence must maintain the road adjacent to the *premises* in a safe and trafficable condition at all times.
- (5) A *person* who fails to comply with sub-clause (2), (3) or (4) must immediately and to the satisfaction of an *authorised officer* repair any damage caused to the kerb, gutter, naturestrip, *footpath*, *carriageway* or *vehicle* crossing or, at the election of the *Council*, pay to the *Council* the cost of the *Council* doing so.
- (6) Where in the opinion of an *authorised officer* a kerb, gutter, naturestrip, *footpath*, *carriageway* or *vehicle* crossing may be damaged in circumstances referred to in the preceding sub-clauses, the *occupier* of the *premises* must, when requested to do so by the *authorised officer*, pay or give to the *Council* a bond in an amount specified by the officer but relative to the likely cost of repairing any damage or reinstating the item.
- (7) The bond required under sub-clause (5) may be retained by the *Council* to pay for repairing any damage or be used to reinstate the item. If the cost to repair any damage or reinstate the item is greater than the bond paid under Sub-Clause (6), the additional cost must be paid by the *occupier* to the *Council* when demanded by the *Council*.

Redundant vehicle crossings

- 10.6 (1) Where works on *premises* involve the relocation or closure of a point of *vehicular* access, making, in the opinion of the *Council*, any part of a *vehicle* crossing redundant, to the extent that it is redundant, the vehicle crossing must be removed and the kerb, drain, *footpath*, *naturestrip* or other part of the road reinstated to the satisfaction of the *Council*.
- (2) If required to do so by the *Council*, the *owner* or *occupier* of *premises* must:-
 - (a) remove any part of or all of a *vehicle* crossing for which there is no effective point of *vehicle* access; and
 - (b) reinstate the road.

Effective fencing

- 10.7 (1) In an area where *premises* are used for the grazing of livestock, if *Council* is of the opinion that fencing is inadequate for the purpose of preventing livestock from straying onto any road and requires the *owner* or *occupier* of the *premises* to install, repair, replace or modify fencing and gates to prevent the livestock on the *premises* from straying onto any road, the *owner* or *occupier* must do so.
- (2) Council or an *authorised officer* may, by notice in writing, direct the owner or occupier of any vacant land to –
- (a) erect;
 - (b) repair;
 - (c) replace; or
 - (d) modify -
- fencing enclosing the vacant land.
- (3) A notice under this clause may specify:
- (a) the material with which any fencing to be erected must be constructed; and
 - (b) the height and other dimensions of the fencing to be erected.
- (4) The *owner* or *occupier* of any land who receives a notice under sub-clause (3) must perform any work specified in the notice within the time stated in the notice.

Obstructions on roads and Council land

- 10.8 (1) Unless:-
- (a) in accordance with a *permit*;
 - (b) to do so is specifically authorised by *legislation*;
 - (c) in accordance with law; or
 - (d) with the consent of the *occupier*
- a *person* must not make or *place* an *obstruction* or *allow* one to be made, *placed* or exist on any part of a road or *Council land*.

- (2) For the purposes of this Clause "obstruction" includes:-
- (a) a hedge, heap or fence;
 - (b) a ditch, hole or drain;
 - (c) building material;
 - (d) *goods* for sale;
 - (e) a box or other container;
 - (f) a table or chair;
 - (g) a board, sign, or sandwich board;
 - (h) a bicycle (except in a rank or stand provided by the *Council*);
 - (i) a pole, post or basketball ring;
 - (j) scaffolding or a stage, crane, awning, hoarding or hoist; or
 - (k) any other thing likely to cause an obstruction to any part of the road or *premises* if left on a road or *premises*.
- (3) Any *obstruction* contrary to sub-clause (1) may be removed and impounded by the *Council* or an *authorised officer*, whether or not a *Notice to Comply* has first been given.
- (4) Without affecting Section 225 Local Government Act 1989 and Clause 10.8, a *person* who has *allowed* an *obstruction* to be made, *placed* or exist and which has been removed by the *Council* or an *authorised officer* must immediately pay the cost of such removal to the *Council*.

Stormwater drainage connections

- 10.9 (1) The *owner of premises* must ensure that each *stormwater* drainage pipe from their property to the Council drain in the road reserve is properly constructed and maintained.
- (2) For the purposes of this clause a *stormwater* drainage pipe is properly constructed if :-
- (a) it was constructed by or in accordance with the terms of an approval by the Council;
 - (b) the Council has approved in writing the method of construction of the particular stormwater pipe.

- (3) The *occupier of premises* must ensure that each *stormwater* drainage pipe from the *premises* to an adjacent Council drain and any channel or pipe forming part of that storm water pipe is repaired and maintained to the satisfaction of an authorized officer

Drainage connections

- 10.10 (1) Unless in accordance with the *written* approval of the *Council*, a *person* must not tap into or interfere with any drain under the control of the *Council*.
- (2) Sub-clause (1) does not apply where the *Council* has by certifying a plan of subdivision or otherwise given its approval for the drain to be tapped under any other *legislation* administered by it.

Naturestrip maintenance

- 10.11 The *occupier of premises* must ensure that at all times the naturestrip between the carriageway and the property boundary on any road which abuts the property is kept maintained and that any grass, stubble, weeds, scrub, undergrowth or other like material on that land does not generally exceed 30 centimetres in height.

PART 11

CONTROL OF VEHICLES AND ANIMALS ON ROADS AND ELSEWHERE

Livestock on roads

- 11.1 (1) Unless in accordance with a *permit*, a *person* must not drive livestock for a distance greater than 2 kilometres along any road.
- (2) Unless in accordance with a *permit*, a person in charge of livestock must not *allow* the livestock to graze on a road.
- (3) Livestock being moved in a movement part of which is authorised by a permit issued by another Council are exempted from the requirements of this clause.

Leaving shopping trolleys

- 11.2 (1) A *person* must not leave a *shopping trolley* on any road, *footpath*, *Council land* or vacant land except in an area designated for the purpose.
- (2) An *authorised officer* may impound any *shopping trolley* found on any *place* where sub-clause (1) does not *permit* it to be left.

Use of toy vehicles

- 11.3 Any *person* who uses or *allows* another *person* to use a *toy vehicle* on a road must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user or the road, whether in or on another *vehicle* or not.

Riding horses on reservations

- 11.4 Except where written permission has been obtained from the *Council*, a *person* must not ride or lead a horse or *allow* another *person* to ride or lead a horse upon a *reservation* on a road or *naturestrip* unless it is in a *non-urban zone*.

Parking and repair of vehicles in residential areas

- 11.5 Unless: -
- (a) in accordance with a *permit*;
- (b) to do so is specifically authorised by the *Planning Scheme* or a town planning permit issued under it; or

- (c) the *vehicle* is 6 metres or less in length

a *person* must not *allow* a *vehicle* to be *parked*, kept, stored or repaired on any *premises* which are residentially zoned under the *Planning Scheme*.

Vehicle noise

11.6 A *person* driving or in charge of a *vehicle*: -

- (a) must not *allow* the engine of that *vehicle* to remain in operation whilst that *vehicle* is stationary except in the period of 5 minutes:-
- (i) immediately after becoming stationary;
 - (ii) Immediately before ceasing to be stationary; and
- (b) must not *allow* any engine on or in that *vehicle* to remain in operation whilst that *vehicle* is stationary between 7pm and 7am on any road in or abutting a residentially zoned area under the *Planning Scheme* except where the *vehicle* is stationary to comply with the Road Safety (Traffic) Regulations 1988.
- (c) must not allow the radio or other sound system installed in such vehicle to be played at a level which constitutes a nuisance.

Dogs under control

11.7 (1) A *person* who is the *proprietor* of a dog in a *public place* or on *Council land* must keep the dog under control by a leash, chain or cord unless the dog is in a part of a *reserve prescribed* as one in which dogs can run free or is a *working dog*.

(2) In this clause:-

"Working dog" means a dog:-

- (a) engaged in droving, drafting or working livestock;
- (b) going to a place to do or returning from a place where it has been doing any of the things referred to in paragraph (a) if it is under the effective control of a *person*; or
- (c) working with a *person* who is in the course of carrying out powers, functions or duties for a *public body*.

Sale of Vehicles

- 11.8 A *person* must not *park* a *vehicle* on a road or *public place* including a public car park for the purposes of promoting such *vehicle* for sale.

PART 12

SECONDARY ACTIVITIES ON ROADS

Permit required for outdoor eating facilities

12.1 Unless in accordance with a *permit*, a *person* must not establish an outdoor eating facility on any *footpath* or other part of a road.

Removal of equipment

12.2 Any table, chair, umbrella or other equipment in an outdoor eating facility used in contravention of this Part or of any condition of a *permit* may be removed by an *authorised officer* and impounded.

Occupation of road for works

12.3 Without a permit a person must not: -

- (a) carry out works involving, or from a road; or
- (b) do anything in relation to the works which affects or is likely to affect in any way the use of the road.

Unregistered or derelict vehicles

12.4 (1) A person must not: -

- (a) leave standing:-
 - (i) an unregistered vehicle (if it is of a class which requires to be or is usually registered under the Road Safety Act 1986); or
 - (ii) a derelict vehicle;
 - (b) abandon a vehicle
- or allow that to occur
- (c) on a road;
 - (d) in a public place (except with the consent of the occupier); or
 - (e) on Council land.

(2) In this clause:-

"Derelict vehicle" includes a motor vehicle which is:-

- (a) incomplete;
- (b) damaged; or
- (c) out of repair

to such an extent as to be unable to move by its own power.

- (3) A vehicle left standing or abandoned on a road or Council land contrary to this Clause may be removed and impounded by the Council or an authorised officer and if that occurs a notice in a form of Schedule 5 will be given.

Substances from vehicles, animals and livestock

- 12.5 A *person* must not *allow* any grease, oil, mud, clay or other substance to fall or run off a *vehicle* or livestock onto a road into any drain on or under the road.

Removal of substances

- 12.6 (1) A *person* in charge of a *vehicle* or livestock from which any substance has fallen or run off onto a road must take all reasonable steps to promptly remove the substance, make good any damage and remove any consequent hazard.
- (2) Where any damage or hazard remains, that *person* must promptly notify the *Council* or *member of the police* of the damage or hazard.

Permit for street parties

- 12.7 Unless in accordance with a *permit*, a *person* must not hold a *street party*, *street festival* or *procession* on a road.

Collections

12.8 Unless:-

- (a) in accordance with a *permit*; or
- (b) to do so is specifically authorised by and in accordance with any *legislation*

a *person* must not solicit or collect a subscription or gift of money or *goods* or sell a raffle ticket in a *public place* or from *building to building* or to or from a *person* in the *public place*.

PART 13

DISPLAY AND SALE OF GOODS AND SERVICES

Road Trading

- 13.1 Unless in accordance with a permit, a *person* must not:-
- (a) *sell* or offer for sale any goods or services from or on a road, *footpath* or *naturestrip*; or
 - (b) erect, place or in any other way leave any structure or physical thing on a road, *footpath* or *naturestrip* for the purposes of selling, displaying or offering for sale any goods or services.

Soliciting trade and similar activities

- 13.2 Unless in accordance with a *permit*, a *person* must not:-
- (a) in a *public place* solicit or try to attract trade or business or tout or spruik; or
 - (b) in *premises* adjacent to a *public place* solicit or try to attract trade or business or tout or spruik unless the activity cannot be heard or seen by or does not have an influence on a *person* on or in that *public place* except by way of a *written advertisement* or a display of *goods* in or on those adjacent *premises*.

Advertising signs

- 13.3 (1) Unless:-
- (a) in accordance with a *permit*;
 - (b) to do so is specifically authorised by and in accordance with the *Planning Scheme*; or
 - (c) the sign is a *prescribed sign* in a *prescribed* location a *person* must not *place* a portable *advertising sign* in, on or over a *public place* or *allow* that to occur.
- (2) Unless a variation from such requirements is specifically provided for in the *permit* or under the *Planning Scheme*, a portable *advertising sign* must not be *placed*:-
- (a) in, on or over a *public place* unless:-

- (i) the *advertising sign* is not more than 900mm high and 600mm wide;
- (ii) the *advertising sign* is constructed and anchored to the satisfaction of an authorised officer;
- (iii) the distance between the nearest *building alignment* and the closest portion of the *advertising sign* to the *building alignment* is not less than 1.5 metres;
- (iv) the *advertising sign* is *placed* in front of the *premises* to which it relates and only during the hours the business or activity on those *premises* is actually open to the public;
- (v) only one *advertising sign* is *placed* in front of any *premises*;
- (vi) the *advertising sign* is not *placed* within 9 metres of an intersection;
- (vii) the *advertising sign* is designed, constructed and maintained in such a manner as to prevent movement by the wind and as not to create a hazard; and
- (viii) the *advertising sign*:-
 - (A) has displayed on it any current *permit* which relates to it;
 - (B) is consistent with the Council's strategy for the area in which the sign is located and the *premises* to which the sign relates are situated; and
 - (C) is appropriately *placed* having regard to any other natural or artificial structure or obstruction and to pedestrian flow; and
- (b) a *public place* constituted by a *footpath* or naturestrip unless:-
 - (i) the *footpath* or naturestrip or any combination of them is not less than 3.5 metres wide; and
 - (ii) the *advertising sign* is *placed* or erected not less than 0.5 metres from the kerb alignment and not more than 1.5 metres from it.
- (3) Any sign placed contrary to sub-clause (1) may be removed and impounded by Council or an *authorised officer*, whether or not a *Notice to Comply* has first been given.

Representations as to goods or services

- 13.4 Unless that representation is true, a *person* must not represent to another *person* or induce that other *person* to believe that:
- (a) the representor is authorised by the *Council* to provide *goods* or *services* to that other *person* or to anyone else; or
 - (b) the other *person* is required by the *Council* to obtain specified *goods* or *services* only from the representor.

PART 14

ENFORCEMENT

Enforcement

- 14.1 Without affecting any provision entitling any other *person* to do so, this Local Law may be enforced by an *authorised officer*.

Penalties

- 14.2 A *person* who:-

- (a) does not do anything required to be done or does anything forbidden to be done by or under this Local Law;
- (b) allows any act or omission which is a contravention of this Local Law;
- (c) contravenes a *permit* or a condition included in a *permit*; or
- (d) is the *owner* or *occupier* of any *premises* (other than a road or *other premises* owned or occupied by the *Council*, the Government or a *public body*) upon or in relation to which or the *proprietor* of a *vehicle* in or in relation to which a contravention of this Local Law occurs

is guilty of an offence and liable to a penalty not exceeding 20 penalty units (but in the case of a wilful or deliberate offence not less than 2 penalty units) and in the case of a continuing offence is liable to a penalty not exceeding 2 penalty units for each day after conviction for an offence during which the contravention continues.

Notices to Comply and Directions

- 14.3 (1) The *Council* or an *authorised officer* may by *Notice to Comply* in the form of Schedule 1 direct a *person* to comply with any clause of this Local Law where there is a non-compliance by that *person* or in respect to any *premises*, thing or property of which that *person* is the *owner*, *occupier* or *proprietor*.
- (2) Without affecting the generality of sub-clause (1) or Clause 2.11 the *Council* may give a *Notice to Comply*, direction or notice in any circumstances in which any other *person* is entitled to do so.
- (3) A *person* must comply with any *Notice to Comply*, direction or notice directed to him or her.

- (4) In addition to Section 234 Local Government Act 1989, a *Notice to Comply*, direction or notice may be served or given in any way in which Clause 14.6 allows an infringement notice to be served.

Infringement Notices

14.4 Where an *authorised officer* believes that a *person* has committed an offence against this Local Law, an *authorised officer* may:-

- (a) as an alternative to a prosecution for the offence, issue an infringement notice in the form of Schedule 2 to this Local Law specifying a fixed penalty of 2 penalty units; and
- (b) serve or cause the infringement notice to be served on that *person*.

Expiation of fine avoids prosecution

14.5 In order to avoid prosecution, the *person* who is served with an infringement notice must pay the fixed penalty to the *Chief Executive Officer* of the Council at the Civic Centre, Ferres Boulevard, South Morang, 3752 within 28 days after the date of the infringement notice.

Serving Infringement Notices

14.6 (1) In addition to Section 234 Local Government Act 1989, any infringement notice to be served on a *person* under this Local Law, may be served on the *person* by:-

- (a) delivering the notice to the *person*;
- (b) leaving the notice at that *person's* usual or last known place of residence or business with a *person* apparently not less than 16 years old and apparently residing or employed at that place;
- (c) sending the document by post addressed to the *person* at that *person's* last known place of residence or business; or
- (d) where the offence involves a *vehicle*, placing it on or attaching it to the *vehicle*.

(2) Where an infringement notice is directed to a *person* who is the *owner or occupier* of *premises* or the *proprietor* of a *vehicle* and that *person's* name is not known the notice issued under this Local Law may be addressed to "the owner", "the occupier" or "the person in control" (as the case may be).

(3) An *authorised officer* may withdraw the infringement notice within 28 days after its date by sending a notice to the *person* on whom the

infringement notice was served. The notice may be sent or given in the same way as the infringement notice was served.

- (4) If an infringement notice is withdrawn but before it is the *person* pays the penalty, the *person* is entitled to a refund of the penalty.
- (5) If the *person* pays the penalty within the time specified in the notice and the infringement notice is not withdrawn or, if an *authorised officer* allows, before a summons is served on the *person* in respect of the infringement, the following provisions apply:-
 - (a) further proceedings for an offence are not to be taken against the *person*; and
 - (b) there is to be no conviction recorded against that *person* for the infringement.
- (6) A penalty paid under this clause must be applied as if the *person* who paid it was convicted of the infringement in a Magistrates' Court on a charge laid by the *authorised officer*.
- (7) If:-
 - (a) a *person* served with an infringement notice has not paid the penalty within the time specified in the notice; or
 - (b) an infringement notice is withdrawnproceedings may still be taken or continued for the infringement.
- (8) Sub-clause (5) does not affect the obligation of the *person* to pay monies pursuant to Clause 14.8 of this Local Law or Section 225 Local Government Act 1989 and proceedings may be taken to recover such amount.

Evidence of Service

- 14.7 A statutory declaration by a *person* who has served or given a notice or direction in accordance with this Local Law stating the manner, place, date and time the notice or direction was served or given is evidence of the notice or direction having been served or given as described in that declaration.

Compliance with Directions and Notices

- 14.8 (1) Where:-
- (a) a *Notice to Comply* or other notice or direction is served or given pursuant to this Local Law;

(b) Section 225 Local Government Act 1989 does not apply;
and

(c) the *person* served with or given the *Notice to Comply* or
other notice or direction fails to give effect to it

the *Council* or any other *person* with the approval of the *Council*
may cause the obligation to be complied with.

(2) The *Council* or the *person* who complies with the obligation may recover
the cost of doing so from the *person* who failed to do it.

Direction of Traffic

14.9 (1) For the purpose of enforcing

(a) the Road Safety act or any other regulation made under the Act; or

(b) this Local Law

or if special circumstances so require, an Authorised Officer may give
directions for the passage of traffic.

(2) A *person* must comply with any directions given under sub-clause (a)
unless contrary directions are given by a member of the Victoria Police.

SCHEDULE 1

WHITTLESEA CITY COUNCIL

GENERAL LOCAL LAW (NO. 1 OF 1999)

NOTICE TO COMPLY

TO: _____
(Name)

(Address)

You are now required to comply with Clause _____ of the Council's General Local Law (No. 1 of 1999). To do this you must do the following to the satisfaction of an authorised officer before /_____/199 :-

What has to be done? _____

How? _____

When? _____

Where? _____

You should contact _____ (*contact officer*) at the Civic Centre, Ferres Boulevard, South Morang, 3752 (telephone: _____) 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 to a penalty as specified in the Local Law and the Council may proceed to do so, the cost of which, in addition to the penalty, you will be liable for.

Date: _____
(insert date) _____
(Signature of Authorised Officer)

Telephone: _____

(Signature of Authorised Officer)

NOTE:

If this Notice is not complied with, any relevant permit may be suspended or cancelled. If you do not wish to have the permit suspended or cancelled or be prosecuted you should comply with the directions in this Notice or give reasons in writing to the Council why the permit should not be suspended or cancelled. Where the subject matter of this Notice constitutes a breach of the Local Law, that breach can still be the subject of enforcement proceedings even if this Notice is complied with by you or not enforced by the Council.

SCHEDULE 2

WHITTLESEA CITY COUNCIL

GENERAL LOCAL LAW (NO. 1 OF 1999)

INFRINGEMENT NOTICE

SCHEDULE 3

WHITTLESEA CITY COUNCIL

**APPLICATION FOR PERMIT UNDER WHITTLESEA
CITY COUNCIL LOCAL LAWS**

I, _____
(Name)
of _____
(Address)
wish to apply for a _____ permit
(Type of permit)

The relevant details are as follows:-

I wish to be able to _____

For further information I may be contacted on _____ (telephone)
between the following times - _____ and _____

Date: ____ / ____ / ____

(Signature of Applicant)

(Signature of Owner - where required)

(Name of Owner)

(Address of Owner)

Office Use Only

Fee payable	\$ _____
Date Paid	____ / ____ / ____
Receipt No.	_____

SCHEDULE 4

WHITTLESEA CITY COUNCIL

GENERAL LOCAL LAW (NO. 1 OF 1999)

PERMIT

Type:

Issued to:

Matter/s permitted:

Conditions:

/ /
Date of Issue

Authorised Officer

/ /
Date of Expiry

CERTIFICATION OF LOCAL LAW

THE COMMON SEAL of WHITTLESEA)
CITY COUNCIL is affixed in the)
 presence of:)

..... Councillor

..... Chief Executive Officer

GENERAL LOCAL LAW (NO. 1 OF 1999)

I certify that this is a true copy of the General Local Law (No. 1 of 1999) made by the Whittlesea City Council on 8 December, 1998, in accordance with the requirements of the Local Government Act 1989.

The Notices required to be given by Section 119(2) of that Act appeared in Government Gazette No. G41 of 15 October, 1998 at page 2570 and in the Whittlesea Post newspaper on 14 October, 1998.

The Notices required to be given by Section 119(3) of that Act appeared in the Government Gazette No. G50 of 17 December, 1998 at page 3062 and in the Whittlesea Post newspaper on 16 December, 1998. A copy of the Local Law was sent to the Minister for Local Government on 22 December, 1998.

The Local Law commenced operation on 1 January, 1999 and will expire on 31 December, 2008.

.....
 GRAEME BRENNAN
CHIEF EXECUTIVE OFFICER

History of Local Law

Date Made	Amended	Operation Date	Gazettal Date	Title	Council File
8/12/98		1/1/1999	17/12/98	General Local Law (No. 1 of 1999)	143366
	12/9/2000	1/10/2000	21/9/2000	General (Amendment) Local Law (No.1 of 2000)	143366
	18/9/2001	1/10/2001	27/9/2001	General (Amendment) Local Law (No.1 of 2001)	153447

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