



LOCAL LAW NO. 2

COMMUNITY AMENITY AND MUNICIPAL PLACES

Adopted by Council 5th September 2011

TABLE OF CONTENTS

1	PRELIMINARY	5
1.1	Title	5
1.2	Objectives	5
1.3	Power to make this Local Law	5
1.4	Commencement and End dates of this Local Law	5
1.5	Revocation of Earlier Local Laws	6
1.6	Application	6
1.7	<i>Exemptions</i>	6
1.8	Definitions	6
2	ADMINISTRATION AND ENFORCEMENT	13
2.1	<i>Permits</i> and Applications for <i>Permits</i>	13
2.2	Compliance with <i>Permits</i>	14
2.3	Correction, Amendment, Cancellation and Suspension	14
2.4	General <i>Permit</i> Provisions	14
2.5	Powers of the <i>Council</i>	15
2.6	<i>Permit</i> Register	15
2.7	Fees	15
2.8	Declarations	15
2.9	<i>Exemptions</i>	16
2.10	Offences	16
3	RESERVES AND COUNCIL LAND	17
3.1	Private Access to Reserves	17
3.2	Motorised <i>Vehicles</i>	17
3.3	Toy Vehicles	17
3.4	Games and Sport	17
3.5	Damage to <i>Public Places</i>	18
3.6	Protection of <i>Council</i> Trees	18
3.7	Behaviour Generally	18
3.8	<i>Markets, Festivals, Carnivals and Circuses</i>	19
3.9	Use of <i>Public Places</i> and <i>Council Buildings</i>	19
4	Safety	21
4.1	Incinerators and Open Fires	21
4.2	Burning of Offensive Material	21
5	The Environment	22
5.1	Camping and <i>Caravan</i> Occupation	22
5.2	Dangerous or Unsightly Land	22
5.3	Damage Caused by Trees or Plants	23
5.4	Wasp Nests	23
5.5	Bee Hives	23

6	<i>Animals</i>	24
6.1	Keeping <i>Animals</i>	24
6.2	Conditions under which <i>Animals</i> are kept	25
6.3	Noise and Smell	25
6.4	<i>Animal Litter</i>	25
6.5	Wandering <i>Animals</i>	25
7	<i>Birds</i>	26
7.1	Numbers (<i>Birds</i>)	26
7.2	Sitting of <i>Bird Enclosures</i>	27
7.3	Construction of <i>Bird Enclosures</i>	27
7.4	Noise and Smell	27
8	Public Safety and <i>Waste Disposal</i>	28
8.1	Scavenging	28
8.2	Use of Tip or Transfer Station	28
8.3	<i>Domestic Waste</i>	28
8.4	<i>Material for Recycling</i>	29
8.5	Trade Waste	29
8.6	Drainage	30
9	Use of <i>Public Places</i>	31
9.1	<i>Clothing Bins</i>	31
9.2	<i>Bulk Rubbish Containers</i>	31
9.3	Entertainment and <i>Busking</i>	31
10	Management of Traffic and <i>Roads</i>	32
10.1	Protrusions and Overhanging Branches	32
10.2	Property Numbers to be Displayed	32
10.3	Vehicle Crossings	32
10.4	<i>Permit</i> Required for <i>Vehicle Crossings</i>	33
10.5	Temporary Vehicle Crossing	33
10.6	Redundant Vehicle Crossings	34
10.7	Cattle Grids.....	34
10.8	Obstructions.....	34
11	Control of <i>Animals, Shopping Trolleys and Vehicles</i> on <i>Roads</i> and Elsewhere	36
11.1	<i>Livestock</i> Control	36
11.2	Shopping Trolleys	36
11.3	Riding Horses on Reservations	36
11.4	Sale of <i>Vehicles</i>	37
11.5	<i>Vehicle</i> Repair	37
11.6	Abandoned <i>Vehicles</i>	37
11.7	Substances Deposited on <i>Road</i> or <i>Public Place</i> from <i>Vehicles</i> or <i>Animals</i>	37
12	Secondary Activities on <i>Roads</i>	38
12.1	Outdoor Eating Facilities	38

12.2	Occupation of <i>Road</i> for Works	38
12.3	Street Parties, <i>Festivals</i> and <i>Processions</i>	39
12.4	Collections	39
13	Display and Sale of <i>Goods</i> and <i>Services</i>	40
13.1	<i>Road</i> Trading.....	40
13.2	Soliciting Trade and Similar Activities	40
13.3	<i>Advertising signs</i>	40
14	Consumption of Alcoholic Beverages.....	41
14.1	Consumption of <i>Alcohol</i> or Possession in Unsealed Containers	41
15	Enforcement	42
15.1	Enforcement	42
15.2	Warning to comply or desist	42
15.3	<i>Notice to Comply</i>	42
15.4	Penalties	42
15.5	Infringement Notices.....	43
15.6	Evidence of Service	44
15.7	Compliance with Directions and Notices	44
15.8	Direction of Traffic	44
15.9	Delegation.....	44
15.10	Urgent Circumstances	45
15.11	Impounding.....	45
	SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICES	47
	CERTIFICATION OF LOCAL LAW	49

1 PRELIMINARY

1.1 Title

This Local Law is known as the “Local Law No. 2 Community Amenity and Municipal Places”.

1.2 Objectives

This Local Law is made for the purposes of:

- 1) Providing for the peace, order and good government of the *municipal district* of Towong Shire Council;
- 2) Providing for those matters which require a local law under the *Local Government Act* 1989 and any other Act;
- 3) Providing for the administration of *Council* powers and functions and for the issue of *permits* and infringement notices;
- 4) Prohibiting, regulating and controlling activities, physical works including construction, events, practices or behaviour in the *municipal district* so that no detriment is caused to the amenity of the neighbourhood, nor *nuisance* to a *person*, nor detrimental effect to the environment or property;
- 5) Regulating and controlling the consumption of *alcohol* and possession of *alcohol* other than in a *sealed container* in *public places*;
- 6) Protecting the assets vested in the *Council*;
- 7) Regulating the droving, *grazing* and movement of *livestock* throughout the *municipal district* to minimise damage to *road* surfaces, formations, drainage, native vegetation and surrounding areas arising from *livestock* and to alert other *road* users to the presence of *livestock* on *roads* in the interests of *road* safety;
- 8) Controlling and protecting *public places*;
- 9) Controlling matters which may adversely affect the amenity and environment of the *municipal district* and the safety, health and quality of life of *persons* within it;
- 10) Securing the safe and equitable use and enjoyment of *public places* and private land; and
- 11) Minimising *nuisances*.

1.3 Power to make this Local Law

This Local Law is made pursuant to Section 111 of the *Local Government Act* 1989.

1.4 Commencement and End dates of this Local Law

This Local Law commences on 5th September 2011 and, unless earlier revoked, will cease on 4th September 2021.

1.5 **Revocation of Earlier Local Laws**

This Local Law is a replacement for the previous Towong Shire Council Local Law No. 2 "Community Amenity Local Law" that expired on 31 December 2009.

1.6 **Application**

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

1.7 **Exemptions**

- 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* while 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 body; or
 - b) other *public* bodywhile 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) The *Council* may, subject to any conditions, 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.
- 4) 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.

1.8 **Definitions**

1.8.1 In this Local Law, unless the contrary intention appears:

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

"Advertisement" or **"Advertising sign"** includes any letter, figure, symbol, device, poster, sign, board, notice, banner, structure or message used for or capable of notifying or promoting:

- (a) the:
 - (i) existence of; or
 - (ii) sale or use of;any *goods* or services; or
- (b) the holding of an event or function;

“**alcohol**” means a beverage or other prescribed substance intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

“**allow**” includes cause, permit or suffer;

“**animal**” includes *bird* and reptile but does not include a fish, turtle, tortoise or frog;

“**Applicant**” means the *person* who applies for a *permit* under this Local Law;

“**Authorised Officer**” means a *person* appointed by the *Council* to be an authorised officer under Section 224 of the *Act* or treated by Section 224A of that *Act* to have been so appointed;

“**barbecue**” 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 food;

“**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*;

“**building**” includes any structure or building, whether temporary or permanent, or any part of such structure or building;

“**built up area**” means an area in which there is urban development or where street lighting is provided on *roads*;

“**bulk rubbish container**” means a bin, container or other structure designed or used for holding greater than one cubic metre of rubbish and which is unlikely to be lifted without mechanical assistance, other than a container used in connection with the *Council's* regular domestic and *trade waste* collections;

“**busk**” or “**busking**” means providing entertainment in a *public place* or on *Council land* or a *road* by playing a musical instrument, singing, conjuring, juggling, mime, mimicking, dancing, puppetry, recitation, performance art or other theatrical or visual activities conducted or which appear to be conducted for the purpose of attracting money donations rather than for a set fee;

“**camp**” means to live in a motor *vehicle*, *caravan*, tent or other temporary structure including a prefabricated holiday unit and “camping” has a corresponding meaning;

“**caravan**” means any caravan whether or not any of the wheels or axles have been removed or the body of the *vehicle* or structure is resting directly on the ground or other supports and includes any structures annexed thereto;

“**cat**” means a cat over three months of age;

“**cattle**” means any bull, cow, ox, steer, heifer, calf or buffalo;

“**Chief Executive Officer**” means the chief executive officer of the *Council* or any *person* acting in that position in their absence;

“circus, carnival or market” means entertainment such as acrobatic feats, tricks of skill, exhibition of *animals*, side shows, amusements, merry go rounds and other such equipment and stalls for the provision of games or for sale of *goods*, food or the like;

“clothing bin” means a receptacle used for the collection of donated clothing or household *goods* of a type which the collecting organization indicates can be deposited there;

“Council” means Towong Shire Council;

“Council assets” means any *building*, structure, fixture, *road*, channel, drain, *vehicle crossing* or infrastructure or other physical asset owned, leased, managed or controlled by the *Council*;

“Council building” means any *building* owned, occupied or under the control of the *Council*;

“Council land” means any land either owned or occupied by, vested in or under the control, care or management of *Council* including *roads*, streets, parks, gardens, reserves, lakes, watercourses and reservations;

“delegate” means:

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

for the purposes of this Local Law;

“domestic animal” means any *cat* or dog;

“domestic birds” means small *birds* such as canaries, finches, budgerigars and the like that can be kept in a caged environment;

“domestic waste” means any *waste* material generated in any *dwelling* or on land on which a *dwelling* is located but does not include sewage, *trade waste*, *hard garbage*, *building waste* or recyclable material;

“droving livestock” means the driving of *livestock* from one location to another for the purpose of changing their grazing area or moving *livestock* from their grazing areas to a location for purposes of sale or from a sale location to a grazing area but does not include the *movement of livestock*. It includes the driving of *livestock* in or through the *municipal district* for the purpose of or including supplementing their feeding or taking them from or to a *market*;

“dwelling” means a house, flat, apartment or any portion thereof, and includes a tent, *caravan*, bungalow, sleepout or other place of abode whether temporary or permanent;

“Emergency Service” means a body or corporation which has, or accepts and plays, an active role in emergency situations with regard to the protection of *persons* or property;

“Environmental Health Officer” means a *person* appointed as an environmental health officer under the *Public Health and Wellbeing Act 2008*;

“exemption” means an exemption issued by or under the authority of the *Council* under this Local Law;

“Farm animals - small” includes sheep, goats and pigs of any age;

“Farm animals - large” includes horses, *cattle*, donkeys, mules, deer and alpacas of any age;

“festival” means an organized recreational, cultural, commercial or social gathering of people which is held on a *road* or *Council land*;

“footpath” has the same meaning as in the *Road Safety Road Rules 2009*;

“fowl” means any domestic cock or hen but does not include a turkey, goose or duck;

“goods” means any item whatsoever that is offered for sale and includes food, produce, articles, items, tables, chairs, *Advertising signs*, planter boxes, umbrellas, motor *vehicles*, motor cycles, *caravans*, trailers, boats or any other similar item;

“grazing” means *livestock* being in an area for the purpose of feeding;

“grazing of livestock” means causing *livestock* to enter and remain on a *road* or *roads* within the *municipal district* for the purposes of *grazing* rather than the purposes of droving or movement of *livestock*;

“hard garbage” means refuse, rubbish or *waste* items which the *Council prescribes* from time to time as hard garbage for the purposes of this Local Law;

“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 anything;
- (b) not licensed or otherwise subject to control under the provisions of any *legislation*; and
- (c) not a *barbecue*;

“large birds” means any cockatoo, parrot and other similar sized or larger *bird* including turkeys, geese, emus and ostriches but does not include *poultry* or *domestic birds*;

“legislation” includes subordinate legislation as defined in the *Interpretation of Legislation Act 1984*;

“livestock” has the same meaning as in Section 3 of the *Impounding of Livestock Act 1994*;

“material for recycling” means newspapers, magazines, promotional flyers, office paper, envelopes, un-waxed cardboard, unbroken glass bottles and jars, Code 1(PET), Code 2 (HDP) or Code 3(PVC) plastic bottles, aluminium cans, foil and trays, steel cans and tins, and paperboard containers such as milk and juice cartons, or other material *prescribed* to be *material for recycling* for the purposes of this Local Law;

“member of the police” or **“police member”** means a sworn member of the Victoria Police;

“movement of livestock” means individual or regular movement of *livestock*;

- (a) as part of normal farm management operations of *one farming enterprise* but not for the purposes of *grazing*;
- (b) from one property within the *municipal district* to another property within the *municipal district* or from or to a property in the *municipal district* to or from a property within an adjacent municipal district;

(c) at the rate of not less than one kilometre per hour in the direction of movement between the two properties:

- (i) where the properties concerned are occupied by the *one farming enterprise*; and
- (ii) the movement is completed on the day of commencement;

“municipal district” means the municipal district of the *Council*;

“municipal place” means any land and/or *building*, river, creek, lake or body of water, which is owned, occupied or under the control of the *Council* and includes recreation centres, libraries, shopping malls, reserves and other *Council land* but excludes *roads*;

“municipal tip” means the place designated by the *Council* to receive refuse from the public and also includes rubbish tip, recycling centre, transfer station and the like;

“Notice to Comply” means a notice to comply given under this Local Law;

“nuisance” includes any behaviour or condition which is or is liable to be dangerous to health, or is noxious, annoying or injurious to *personal* comfort;

“obstruction” means an object which hinders or blocks access or progress;

“occupier” includes a *person* having control or management of *premises* whether alone or with other people and also includes an owners corporation created upon the registration of a Plan of Subdivision affecting those *premises*;

“offence” includes an offence against or a breach of a provision of this Local Law, or a breach of a *permit*, notice or direction issued under it;

“one farming enterprise” is used only in the context of movement of *livestock* and means a business farming *livestock* run by one or more *persons* as one business;

“open fire” means a fire in a place other than in a permanent structure, *barbecue* or *incinerator*;

“owner” in relation to:

(a) premises means:

- (i) the *person* rated or liable to be rated in respect of those *premises* under the *Act*; or
- (ii) if the *premises* are not rated or liable to be rated, the *person* who is the *owner* as defined in Section 3 of the *Act*;

(b) *ownership* of a *cat* or a *dog*, means the *person* who is the registered *owner* and includes the parent or guardian of a minor; or

(c) a motor *vehicle*, has the same meaning as in Section 3(1) of the *Road Safety Act 1986* as amended from time to time;

“park” when used as a verb has the same meaning as in the *Road Safety Road Rules 2009*;

“penalty unit” has the same meaning as in the *Sentencing Act 1991*;

“permit” when used as a noun means a permit granted under the provisions of this Local Law;

“permit holder” means the *person* to whom a *permit* is issued;

“person” includes a body corporate, an association incorporated under the *Associations Incorporation Act 1981*, a partnership and an unincorporated

association and also has the meaning ascribed to it by Section 38 of the *Interpretation of Legislation Act 1984*;

“**place**” when used as a verb includes *allow* to remain;

“**Planning Scheme**” means:

- (a) the Towong Shire Planning Scheme; and
- (b) any town planning scheme operating in a part of the *municipal district* in which this Local Law operates and in the part in which the particular activity in question takes place;

“**poultry**” includes a *fowl*, duck, goose, turkey, quail and pigeon and any other class of poultry;

“**premises**” means the whole or part of any:

- (a) land;
- (b) *building*; or
- (c) *building* under construction;

other than 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**” means an organised group of people gathering on or proceeding along a *road* or *in a public place* for the purposes of a ceremony or function and includes a street festival, 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 body**” has the same meaning as in the *Act*;

“**public place**” means any land owned, leased, vested in, managed or occupied by the *Council* and includes:

- (a) *roads* and *road* reserves;
- (b) reserves for recreational purposes;
- (c) any place *prescribed* to be a *public place*; and
- (d) any *building* owned and occupied or controlled by the *Council*;

“**road**” has the same meaning as in the *Act* and in the *Road Management Act 2004*;

“**Schedule**” means a schedule to this Local Law;

“**sealed container**” means a container sealed at the point of manufacture

“**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;

“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*;

“Small Premises” means any *premises* with a total floor area of less than 140 square metres, or which is erected on an allotment of less than 450 square metres, or which has less than 200 square metres of available open land adjacent and appurtenant to the *premises*;

“street party” means an organised social gathering which is held in a *public place*;

“trade waste” means *waste* (other than sewage) generated from a trade or business *premises* and may include *domestic waste*;

“toy vehicle” means a *vehicle* (other than a bicycle) designed to be propelled by human power and includes a tricycle, scooter, pedal car, skate-board, roller skates, roller blades and similar equipment;

“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 wheelchair and has the same meaning as in Section 3 of the *Road Safety Act 1986*;

“vehicle crossing” means a *Council*-approved and properly constructed driveway or surface for vehicular access to land or a *building site*;

“VicRoads” means the Roads Corporation established by Section 15 of the *Transport Act 1983* and continued under Section 80 of the *Transport Integration Act 2000*; and.

“waste” when used as a noun includes any discarded, rejected, or abandoned matter (whether solid or liquid).

1.8.2 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*; and
- b) acting in the capacity of that position.

2 ADMINISTRATION AND ENFORCEMENT

2.1 Permits and Applications for Permits

2.1.1 Wherever in this Local Law a *permit* is required, the *Council* may issue a *permit* with or without conditions or refuse to grant the *permit*.

2.1.2 An application for a *permit* must be in the form *prescribed* by *Council* and must be accompanied by the appropriate fee *prescribed* by *Council*.

2.1.3 The *Council* may require an *Applicant* to:

- a) provide additional information; or
- b) give notice of that application or invite any *person* to make a submission or do both,

before the *Council* processes an application for a *permit*.

2.1.4 In considering an application for a *permit*, the *Council* must consider:

- 1) any policy or guideline adopted by the *Council* relating to the subject matter of the application for the *permit*;
- 2) any written objection or written submission received in respect of the application;
- 3) any written comment made in respect of the application by any *public body* or community organisation; and
- 4) any other relevant matter.

2.1.5 A *permit* may include any condition which the *Council* considers to be reasonable and appropriate having regard to the activity to be authorised by the *permit* and the effects or anticipated effects of that activity, including but not necessarily limited to:

- 1) 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*;
- 2) 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;
- 3) a time limit on the *permit* and on the activity authorised by it;
- 4) provision for extension of the *permit*;
- 5) a condition that the *permit* runs with or attaches to the *premises* in respect of which the activity is authorised by the *permit*;
- 6) the payment of a fee or charge;
- 7) a standard to be applied;
- 8) that the *permit* is conditional on the happening of a certain event or prerequisite;
- 9) that the *permit* is conditional upon the rectification, remedying or restoration of any situation or circumstance; or
- 10) that where the *Applicant* is not the *owner* of the relevant *premises*, the consent of the *owner* is obtained before the *permit* can be acted upon.

2.1.6 Unless otherwise stated in the *permit*, a *permit*.

- 1) is personal and authorises only the *person* named in the *permit*; and
- 2) is not transferable.

2.2 Compliance with Permits

2.2.1 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.

2.3 Correction, Amendment, Cancellation and Suspension

2.3.1 The *Council* may correct a *permit* if the *permit* contains a:

- 1) clerical mistake or an error arising from any accident, slip or omission; or
- 2) material miscalculation of figures or a material mistake in the description or any *person*, *premises*, thing or property referred to in the *permit*.

2.3.2 The *Council* may cancel, suspend or amend any *permit* at any time if:

- 1) it is requested to do so by the *permit holder*, or
- 2) it considers that there has been:
 - a) a material mis-statement or concealment of fact in relation to the application for the *permit*;
 - b) any material mistake in relation to the issue of the *permit*;
 - c) any material change of circumstances which has occurred since the grant of the *permit*; or
 - d) there has been a substantial failure to comply with the *permit* or a *Notice to Comply*.

2.3.3 The *Council* must give written notice to a *permit holder* of any correction, cancellation, suspension or amendment of a *permit*.

2.3.4 Before it cancels a *permit*, the *Council* must provide to the *permit holder* an opportunity to make comment on the proposed cancellation.

2.3.5 If a *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 any *Notice to Comply* and of the reason why it has been served.

2.4 General Permit Provisions

2.4.1 The holding of a *permit* or compliance with a condition included in a *permit* does not of itself relieve the *permit holder* from:

- 1) compliance with any other *legislation* with respect to the subject matter of the *permit*; or
- 2) liability for any injury, loss or 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*.

2.4.2 Unless otherwise stated in this Local Law or in a *permit*, the *permit* will operate from the date it is granted and will expire 12 months from the date of issue.

2.5 Powers of the Council

2.5.1 Without affecting the operation of any particular provision of this Local Law, everything an *Authorised Officer* or any other specified *person* on behalf of the *Council* is capable of doing under this Local Law is also capable of being done by the *Council* or its *delegate*.

2.6 Permit Register

2.6.1 2.6.1 The Council must keep a register of permits, including details of any corrections and cancellations.

2.7 Fees

2.7.1 The *Council* may by resolution determine fees and charges for the purposes of this Local Law.

2.7.2 A resolution may *allow* the waiver, reduction or deferral of a fee in whole or in part with or without conditions.

2.7.3 *Permit* fees must be in an amount set out in any *Council* resolution.

2.7.4 Despite this clause or any resolution, the *Council* may waive, reduce or alter the fee for a *permit* in a particular case.

2.8 Declarations

2.8.1 Wherever it is provided in this Local Law that the *Council* may declare days, times, *Council land*, any *road*, *building*, *premises* or *public place* to prohibit, *allow*, regulate, control or limit an activity or something related to an activity within that area, the declaration must be by resolution of the *Council* and the following procedure must be used:

- 1) the area or place must be clearly described and defined, using a map if necessary; and
- 2) any days or times during which the activity is to be prohibited, *allowed*, regulated, controlled or limited must be determined and specified.

2.8.2 After making a declaration the *Council*:

- 1) must publish a notice in a newspaper generally circulating in the *municipal district* advising of the declaration; and
- 2) must cause such signs to be erected at the area to which the declaration applies as the *Council* considers appropriate.

2.8.3

- 1) The *Chief Executive Officer* must maintain a register and record in it details of all declarations made under this Local Law.
- 2) The register must be open for inspection at the *Council's* municipal office during office hours.

2.9 Exemptions

2.9.1 The *Council* may by written notice exempt any *person* or class of *person* from the requirement to have a *permit*, either generally or at specified times and locations.

2.9.2 An *exemption* may be granted subject to conditions with which the *Applicant* must comply.

2.9.3 An *exemption* may be cancelled or corrected as if it were a *permit*.

2.10 Offences

2.10.1 A *person* who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a *permit* or *exemption* is guilty of an *offence*.

Maximum Penalty: 10 Penalty Units

3 RESERVES AND COUNCIL LAND

3.1 Private Access to Reserves

3.1.1 Each *owner* and each *occupier* of *premises* abutting a *public place* other than a *road* must not install:

- 1) a gateway which provides access to and from the *premises* to the *public place*; or
- 2) other means of access to or from the *public place*.

Maximum Penalty: 10 Penalty Units

3.2 Motorised Vehicles

3.2.1 A *person* must not, without a *permit*, ride, drive, *park*, leave standing or otherwise use any motorised *vehicle* in any *public place* unless that *public place* is a *road*.

Maximum Penalty: 10 Penalty Units

3.3 Toy Vehicles

3.3.1 A *person* must not ride, drive, *park*, leave standing or otherwise use any *toy vehicle* in any *public place* that:

- 1) interferes with another *person's* use and enjoyment of the *public place*;
- 2) endangers any other *person*; or
- 3) causes damage to any infrastructure in the *public place*.

Maximum Penalty: 10 Penalty Units

3.3.2 A *person* must not ride, drive, *park*, leave standing or otherwise use any *toy vehicle* in any area which the *Council* has declared to be an area where *toy vehicles* must not be used or may only be used during specified times.

Maximum Penalty: 10 Penalty Units

3.4 Games and Sport

3.4.1 A *person* must not, without a *permit*, engage in, play or practise any game, activity or sport in a *public place* which may interfere with the use or enjoyment of that *public place* by any other *person* or the safety of other *persons* or which may cause damage to the *public place*.

Maximum Penalty: 10 Penalty Units

3.5 **Damage to Public Places**

3.5.1 A *person* must not damage, interfere with, remove a sign from or disfigure a *public place*.

Maximum Penalty: 10 Penalty Units

3.6 **Protection of Council Trees**

3.6.1 3.6.1 A *person* must not, without a *permit*:

- 1) interfere with a nature strip or parkland trees, or
 - 2) plant trees or shrubs
- in any *public place*.

Maximum Penalty: 10 Penalty Units

3.7 **Behaviour Generally**

3.7.1 Unless in accordance with a *permit*, a *person* must not, in or on a *municipal place* or *road*, disobey any *Council* authorised sign.

Maximum Penalty: 10 Penalty Units

3.7.2 A *person* must not, in a *municipal place* or on a *road*:

- 1) commit any *nuisance*;
- 2) interfere with another *person's* reasonable use and enjoyment of the *municipal place* or *road*; or
- 3) act in a manner that endangers any other *person*.

Maximum Penalty: 10 Penalty Units

3.7.3 Without limiting the ambit of sub-clauses 3.7.1 and 3.7.2, unless in accordance with a *permit*, a *person* must not, in a *municipal place* or on a *road*:

- 1) destroy, damage, foul, interfere with or deface anything located in or on the *municipal place* or *road*;
- 2) deposit, or leave any *goods*, equipment or other items;
- 3) *sell* any *goods* or services;
- 4) erect, operate or cause to be erected or operated any amusement or similar activity;
- 5) *sell* or offer for sale any *vehicle*;
- 6) plant any vegetation;
- 7) use an amplifier or similar electronic device;
- 8) *allow* a horse to enter any wetland, lake or other body of water;
- 9) *allow* a *dog* to enter any fountain or any specified wetland or lake;

- 10) allow any *animal*, other than a *domestic animal*, to wander;
- 11) act contrary to any lawful direction of an *Authorised Officer* including, without limitation, a direction to leave the *municipal place*, whether or not a fee for admission has been paid;
- 12) use or interfere with any life saving or emergency device located there, except in an emergency or where *allowed* by the *Council*;
- 13) fish in any river, creek, lake or body of water which the *Council* has by resolution declared as an area in which fishing is prohibited and which is signposted to indicate that fishing is prohibited;
- 14) swim, paddle, dive or jump into or in any way enter any wetland, pond or fountain;
- 15) jump or dive from any bridge or other structure into any wetland, pond, or fountain;
- 16) use a boat in or on any river, creek, lake or body of water which is signposted to indicate that boating is prohibited;
- 17) store any *goods*;
- 18) alter a nature strip;
- 19) allow any vegetation growing on that land to interfere with any *road*, *municipal place* or *Council* asset; or
- 20) place or erect or leave standing any fence or other potential *obstruction* that impedes or is likely to impede a motor *vehicle* driver, pedestrian, cyclist or other user.

Maximum Penalty: 10 Penalty Units

3.7.4 A *person* must not in a *public place*:

- 1) use volatile, explosive or flammable matter;
- 2) act in a way which endangers any other *person*;
- 3) carry or use firearms; or
- 4) shoot, trap, injure or harm in any way any *animal*.

Maximum Penalty: 10 Penalty Units

3.8 Markets, Festivals, Carnivals and Circuses

3.8.1 A *person* must not, without a *permit*, conduct a *market*, *festival*, *carnival*, *circus*, parade or other similar activity in a *public place*.

Maximum Penalty: 10 Penalty Units

3.9 Use of Public Places and Council Buildings

3.9.1 A *person* must not, without a *permit*:

- 1) organise any function or event in a *Council building* or *municipal place*;

- 2) bring any *animal* into a *Council building*, or *allow any animal* under his or her control to remain in a *Council building*, except for a guide dog being used by a visually impaired *person* or a hearing dog being used by a hearing impaired *person*;
- 3) bring any *vehicle* into a *Council building*, except for a pram or pusher being used for or by a child or a wheelchair, a device or aid being used by a disabled *person*;
- 4) bring into a *Council building* or *municipal place* any substance, liquid or powder which may be dangerous or injurious to health or is illegal, have the potential to foul, pollute or soil any part of the *Council building* or cause discomfort to any *person*;
- 5) ride a bicycle or *toy vehicle* in a *Council building*, except in an area set aside or designated by a *Council* sign as being available for such a purpose;
- 6) enter or remain in a *Council building* or *municipal place* during hours when those areas are not open to the public;
- 7) enter or remain in a *Council building* or *municipal place* without having paid any fee imposed by the *Council* for entry or use of that area;
- 8) smoke in any *Council building* or *Council vehicle*; or
- 9) remain in a *Council building* or *municipal place* after being directed to leave the area by an *Authorised Officer*.

Maximum Penalty: 10 Penalty Units

4 Safety

4.1 Incinerators and Open Fires

4.1.1 Unless in accordance with a *permit*, a *person* must not, light or *allow* to be lit or remain alight any *incinerator* or *open fire* on private land in any Residential, Business or Industrial Zone under the *Planning Scheme* except for:

- 1) a fire in a barbeque while being used for the purpose of cooking food;
- 2) a fire in a chimenea or potbelly stove or a small *open fire* in a suitable container for heating, cooking, cultural or social purposes which is not offensive;
- 3) a fire generated by a tool of trade while being used for the purpose for which it was designed;
- 4) a fire contained in a properly constructed fireplace within a *dwelling* for the purpose of heating; and
- 5) a fire lit by a member of a Country Fire Authority brigade or station in the course of his or her duty or a member of the public who holds a permit under the provisions of the *Country Fire Authority Act 1958*.

Maximum Penalty: 10 Penalty Units

4.1.2 Unless in accordance with a *permit*, a *person* must not, light and maintain any campfire or *barbeque* using solid fuel unless:

- 1) the fire is contained in an approved fireplace or trench of at least 30 centimetres deep;
- 2) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of all potentially flammable material;
- 3) the fire does not occupy an area exceeding 1 square metre; and
- 4) the dimensions of any solid fuel used are the minimum necessary for the purpose.

Maximum Penalty: 10 Penalty Units

4.2 Burning of Offensive Material

4.2.1 A *person* must not burn or *allow* to burn any substance which contains:

- 1) food *waste*, fish or other offensive or noxious matter;
- 2) any rubber or plastic;
- 3) any petroleum or oil;
- 4) any paint or receptacle which contains or which contained paint; or
- 5) any manufactured chemical.

Maximum Penalty: 10 Penalty Units

5 The Environment

5.1 Camping and Caravan Occupation

5.1.1 Unless in accordance with a *permit*, a *person* must not:

- 1) *camp* in a tent, *caravan*, mobile home or other temporary or makeshift structure in a *public place*; or
- 2) use a *caravan*, mobile home or other temporary or makeshift structure for the purpose of habitation for any period greater than four weeks unless a *permit* has been obtained or camping is permitted under the *Planning Scheme*.

Maximum Penalty: 10 Penalty Units

5.1.2 Sub-clause 5.1.1 does not apply to camping or the use of a *caravan* or mobile home in a *Council* registered caravan park or an area determined by the *Council* or another *public* body to be available for camping.

5.1.3 A *person* must not, without a *permit*, keep or store more than one *caravan* on any land in the *municipal district* unless permitted to do so under the *Planning Scheme*.

Maximum Penalty: 10 Penalty Units

5.2 Dangerous or Unsightly Land

5.2.1 The *owner* or *occupier* of *premises* must not *allow* the *premises* to be kept in a dangerous or unsightly condition.

5.2.2 For the purposes of sub-clause 5.2.1 “dangerous or unsightly” means any land which is visually repugnant by reason of:

- 1) unconstrained rubbish;
- 2) excessive vegetation growth such that weeds, stubble or grass exceed 30 centimetres in height;
- 3) disused excavation material or general household waste;
- 4) a *building* which is incomplete or in a state of disrepair;
- 5) a *building* or other structure or thing which, for some other reason, is detrimental to the amenity of the area in which it is located;
- 6) graffiti;
- 7) *vehicles*, machinery or equipment that are or is in a state of disrepair or appear or appears to be stored on the *premises* without a *permit* or under the *Planning Scheme*; or
- 8) any other thing that has substantial adverse visual amenity impact to the general public in context with the surrounding area.

Maximum Penalty: 10 Penalty Units

5.3 **Damage Caused by Trees or Plants**

Each *owner* and each *occupier* of any *premises* must not *allow* a tree or plant or any other matter on those *premises* to cause damage to or interfere with any reserve or other land (not being a road) owned, leased, vested in, managed or occupied by the *Council* or any *person* in or using the reserve or other land (not being a road) owned, leased, vested in, managed or occupied by the *Council*.

Maximum Penalty: 10 Penalty Units

5.4 **Wasp Nests**

5.4.1 Each *owner* and each *occupier* of *premises* must not *allow* an English or European wasp nest to remain on the *premises*.

Maximum Penalty: 10 Penalty Units

5.5 **Bee Hives**

5.5.1 Each *owner* and each *occupier* of *premises* must not keep or *allow* to be kept any bee hive on the *premises* unless the *person* or one of them or another *person* permitted to use the *premises* is a registered beekeeper and the bees and hive are kept in accordance with the Beekeeping Code of Practice.

Maximum Penalty: 10 Penalty Units

6 Animals

6.1 Keeping Animals

6.1.1 Unless in accordance with a *permit*, each *owner* and each *occupier* of *premises* must not keep or *allow* to be kept on the *premises* more than the number of *animals* set out in the following table:

TYPE OF ADULT ANIMAL	MAXIMUM NUMBER ALLOWED	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES
	ON A SMALL PREMISES	UP TO 1HA	1.1HA-5HA	5.1HA-10HA	GREATER THAN 10HA
MAXIMUM NUMBER OF DIFFERENT TYPES OF ANIMALS	4	6	6	No Maximum	No Maximum
Dogs	1	2	2	2	No restriction on any property if a farming activity is being undertaken as long as relevant codes for the keeping of <i>animals</i> are adhered to.
Cats	2	2	2	2	
Domestic rabbits	1	5	5	5	
Guinea Pigs, mice & hamsters	2	6	6	6	
<i>Farm animals – small</i>	0	0	3 per Hectare	5 per Hectare	
<i>Farm animals – large</i>	0	0	1 per Hectare	3 per Hectare	
Bulls	0	0	0	0	
All other <i>animals</i>	0	0	0	0	

6.1.2 Sub-clause **Error! Reference source not found.** does not apply where the keeping of a particular type or number of animals is permitted under the *Planning Scheme*.

6.1.3 Sub-clause 6.1.1**Error! Reference source not found.** does not apply to the keeping of dogs actively used in farming on properties classified by the *Council* as "Farm Land" for differential rating purposes.

6.1.4 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.

Maximum Penalty: 10 Penalty Units

6.2 Conditions under which *Animals* are kept

6.2.1 A *person* in charge of an *animal* must maintain any structure used for housing the *animal/s*:

- 1) in a clean, inoffensive and sanitary condition;
- 2) so as not to cause any *nuisance*; and
- 3) in accordance with any standards set by the *Council*, the Royal Society For The Prevention Of Cruelty To Animals or a *public body*.

Maximum Penalty: 10 Penalty Units

6.3 Noise and Smell

6.3.1 A *person* in charge of an *animal* must not *allow* any noise or smell to emanate from the *premises* on which the *animal* is kept which interferes with the reasonable comfort or convenience of any *person*.

Maximum Penalty: 10 Penalty Units

6.4 Animal Litter

6.4.1 Whenever an *animal* is outside the *premises* at which it is normally kept, the *person* who has care and or control of the *animal* must:

- 1) not *allow* any of the *animal's* excrement to remain on a *road*, in a *public place* or on land owned or occupied by another *person*;
- 2) carry a litter device and must use it for the purposes of removing any excrement of the *animal*; and
- 3) dispose of the litter device and any excrement in a manner which does not cause any *nuisance* or hazard to any *person* or detriment to the environment.

Maximum Penalty: 10 Penalty Units

6.5 Wandering Animals

6.5.1 The *owner* or *person* in charge of any *animal* must:

- 1) not *allow* that *animal* to wander from the *premises* on which it is normally kept; and
- 2) ensure that the land on which the *animal* is normally kept is adequately fenced to prevent the *animal* being at large or escaping from the *premises*.

Maximum Penalty: 10 Penalty Units

7 Birds

7.1 Numbers (Birds)

7.1.1 Unless in accordance with a *permit*, each *owner* and each *occupier* of *premises* must not keep or *allow* to be kept on the *premises* more in number of each type of *bird* than as set out in the following table:

TYPE OF ADULT BIRD	MAXIMUM NUMBER ALLOWED ON A	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES	MAXIMUM NUMBER ALLOWED IN ALL PROPERTIES
	SMALL PREMISES	UP TO 1HA	1.1HA-5HA	5.1HA-10HA	GREATER THAN 10HA
Pigeons	0	5	10	10	No restriction on any property if a farming activity is being undertaken as long as relevant codes for the keeping of <i>animals</i> are adhered to.
<i>Poultry</i>	0	5	10	10	
Roosters	0	0	0	1	
Caged Domestic <i>birds</i>	4	5	10	10	
<i>Large birds</i>	0	0	2 per Hectare	5 per Hectare	

7.1.2 Sub-clause 7.1.1 does not apply where the keeping of a particular type or number of *birds* is permitted under the *Planning Scheme*.

7.1.3 Unless in accordance with a *permit*, each *owner* and each *occupier* of *premises* must not keep or *allow* to be kept on the *premises*:

- 1) any live *poultry* except in a *bird enclosure* where such enclosure *allows* for one bird for every 0.5 square metres of floor space; or
- 2) more than two:
 - a) ducks; or
 - b) drakes; or
 - c) turkeys; or
 - d) geese.

7.1.4 For the purposes of sub-clause 7.1.1, three pigeons or three quail, or one pigeon and two quail, or two pigeons and two quail, equal two head of *poultry*.

Maximum Penalty: 10 Penalty Units

7.2 Sitting of Bird Enclosures

- 7.2.1 Unless in accordance with a *permit*, each *owner* and each *occupier* of *premises* must ensure that any *bird enclosure* on the *premises* is at least three metres from the boundary of any adjoining *premises*.

Maximum Penalty: 10 Penalty Units

7.3 Construction of Bird Enclosures

- 7.3.1 Each *owner* and each *occupier* of *premises* must ensure that every *bird enclosure* on the *premises*, excluding a pigeon enclosure, complies with the Department of Primary Industries Code of Practice for the Housing of Caged Birds and, where applicable, the Victorian Code of Practice for the Keeping and Racing of Pigeons.

Maximum Penalty: 10 Penalty Units

7.4 Noise and Smell

- 7.4.1 A *person* in charge of any *bird* must not *allow* any noise or smell to emanate from the *premises* where the *bird* is normally kept which interferes with the reasonable comfort or convenience of any *person*.

Maximum Penalty: 10 Penalty Units

8 Public Safety and Waste Disposal

8.1 Scavenging

8.1.1 Unless in accordance with a *permit*, a *person* must not search through or remove any articles of rubbish, recyclables or items from the *municipal tip* or left for collection in a *public place*.

Maximum Penalty: 10 Penalty Units

8.2 Use of Tip or Transfer Station

8.2.1 A *person* must not use a *municipal tip* except in accordance with the directions of an *Authorised Officer* or tip attendant and any signs.

Maximum Penalty: 10 Penalty Units

8.2.2 A *person* must not, without approval from the *Council*, deposit any hazardous, dangerous or infectious materials at a Waste Transfer Station.

Maximum Penalty: 10 Penalty Units

8.3 Domestic Waste

8.3.1 Each *occupier* of *premises* must ensure that *domestic waste* on the *premises* is placed in a container supplied by the *Council*, and that:

- 1) the container is placed outside the *premises* for collection in accordance with any directions given by the *Council* and returned to the *premises* by the *owner* or *occupier* within 24 hours of being emptied;
- 2) container is maintained by the *owner* and *occupier* of *premises* in a clean, tidy and safe condition; and
- 3) container remains the property of the *Council* and must be securely stored at the property to which they are assigned.

8.3.2 A *person* must not *place* the following material in a container for collection by the *Council*:

- 1) liquid *waste* or offensive material;
- 2) ashes, hair or other similar matter or moist refuse unless they have been securely wrapped in paper or some other impermeable cover or container to prevent their escape;
- 3) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin; and
- 4) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
- 5) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;

- 6) disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin; or
- 7) *trade waste* of any kind.

Maximum Penalty: 10 Penalty Units

8.4 **Material for Recycling**

8.4.1 Each *occupier of premises* must ensure that *material for recycling* generated on the *premises* and available for collection by the *Council* is placed in a container of a type generally approved by the *Council*.

8.4.2 Each *occupier of premises* must ensure that the container referred to in sub-clause 8.4.1 and referable to the *premises* is placed outside the *premises* for collection in accordance with and directions given by the *Council* and returned to the *premises* within 24 hours of being emptied.

Maximum Penalty: 10 Penalty Units

8.5 **Trade Waste**

8.5.1 Each *owner* and each *occupier of premises* where *trade waste* is generated, whether or not a service for the collection and disposal of domestic or *trade waste* is provided, must ensure that the *trade waste* is placed in an approved bin, *waste* hopper or recycling bin ready for collection.

Maximum Penalty: 10 Penalty Units

8.5.2 Each *occupier of premises* on which a *trade waste* container is located must ensure that the container:

- 1) is constructed of impervious material to prevent leakage, absorption or escape of *waste*.
- 2) is water tight, fly and vermin proof with a lid which is continuously kept closed when the container is not being used or emptied; and
- 3) if not a mobile bin, has a drain and plug for cleaning purposes.

Maximum Penalty: 10 Penalty Units

8.5.3 Each *occupier of premises* must ensure that any *trade waste* container referable to the *premises* is:

- 1) located on the *premises* to *allow* for easy access and weekly collection of contents or more regular collection if the contents are likely to become offensive;
- 2) not located on roadways or public land without a *permit* issued by the *Council*;
- 3) maintained in a clean, tidy and safe condition; and thoroughly cleaned after each emptying.

8.5.4 Each *occupier of premises* on which a *trade waste* container is located must ensure that the *trade waste* container displays a sign which indicates:

- 1) the type of *waste* permitted to be deposited in it; and

2) that it is an *offence* to deposit material contrary to the sign.

Maximum Penalty: 10 Penalty Units

8.6 **Drainage**

8.6.1 Unless in accordance with a *permit*, a *person* must not, unless subject to a certified plan of subdivision:

- 1) destroy, damage or tap into any drain vested in the *Council* including a kerb and channel, open channel, underground drain, culvert, drainage pit and the like; or
- 2) *allow* any drain located on land of which he or she is the *owner* or *occupier* to be:
 - a) in disrepair; or
 - b) in a condition which is a *nuisance* or dangerous to a *person's* health or dangerous to *Council's* assets.

Maximum Penalty: 10 Penalty Units

8.6.2 A *person* must not, without a *permit*, destroy, damage or interfere with any *road*, watercourse, ditch, creek, gutter, tunnel, bridge, levee, culvert, fence, vegetation or any other asset which is vested in or under the control of the *Council*.

Maximum Penalty: 10 Penalty Units

9 Use of *Public Places*

9.1 *Clothing Bins*

9.1.1 A *person* must not *place* or *allow* the placement of a *clothing bin* in a *public place* unless:

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

Maximum Penalty: 10 Penalty Units

9.2 *Bulk Rubbish Containers*

9.2.1 A *person* must not *place* or *allow* the placement of a *bulk rubbish container* in a *public place* unless:

- 1) in accordance with a *permit*; or
- 2) a *bulk rubbish container* will only be in *place* for no more than 24 hours and is adequately protected and lit for any night time period.

Maximum Penalty: 10 Penalty Units

9.3 *Entertainment and Busking*

9.3.1 Unless in accordance with a *permit*, a *person* must not *busk* in a *public place*.

Maximum Penalty: 10 Penalty Units

10 Management of Traffic and Roads

10.1 Protrusions and Overhanging Branches

10.1.1 Each *owner* and each *occupier* of *premises* must not:

- 1) *allow* any vegetation, sign, support or structure on the *premises* to extend over a *footpath* at a height of less than three metres; or
- 2) *allow* any vegetation, sign, support or structure on the *premises* to cause a *road* interference.

Maximum Penalty: 10 Penalty Units

10.1.2 In this clause, the phrase “*road* interference” means interference with the unobstructed, safe and fair use of *roads* by people and includes interference with:

- 1) traffic, including pedestrians and *vehicles*;
- 2) traffic control items; and
- 3) street lighting.

10.2 Property Numbers to be Displayed

10.2.1 For each *premises* that has been allocated a property number by the *Council*, each *owner* and each *occupier* of the *premises* must ensure that the *premises* display the number and that:

- 1) the number is of sufficient size and position, made of material and kept in good repair for it to be clearly read from a *road* at all times; and
- 2) where the *premises* are situated on a corner, the number is displayed on the side that the *premises* is addressed.

Maximum Penalty: 10 Penalty Units

10.2.2 In relation to rural properties that are required to have a Rural Roadside Number, each *owner* and each *occupier* of the property must ensure that the property number is placed at the main entrance gateway to the property.

Maximum Penalty: 10 Penalty Units

10.3 Vehicle Crossings

10.3.1 Each *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 10 metres of an intersection.

Maximum Penalty: 10 Penalty Units

10.3.2 For the purposes of this clause, a *vehicle crossing* is properly constructed if:

- 1) it was constructed by or in accordance with the terms of an approval by the *Council*; or

- 2) the *Council* has approved in writing the method of construction of the *vehicle crossing*.

10.3.3 Each *owner* and each *occupier* of *premises* must ensure that each *vehicle crossing* to the *premises* from any adjacent carriageway or *road* and any channel or pipe under or forming part of the crossing is maintained and repaired to the satisfaction of an *Authorised Officer*.

Maximum Penalty: 10 Penalty Units

10.4 Permit Required for Vehicle Crossings

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

Maximum Penalty: 10 Penalty Units

10.5 Temporary Vehicle Crossing

10.5.1 Where:

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

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

Maximum Penalty: 10 Penalty Units

10.5.2 Unless in accordance with a *permit*, a *person* must not *allow* entry to or exit from *premises* by any *vehicle* or material referred to in sub-clause 10.5.1.

Maximum Penalty: 10 Penalty Units

10.5.3 Each *owner* and *occupier* of *premises* must take all reasonable steps to protect the existing kerb, gutter, nature strip, *footpath*, carriageway and *vehicle crossing* at all times during any activity or occurrence referred to in sub-clause 10.5.1.

Maximum Penalty: 10 Penalty Units

10.5.4 The *person* responsible for an activity or occurrence must maintain the *road* adjacent to the *premises* in a safe and trafficable condition at all times.

Maximum Penalty: 10 Penalty Units

10.5.5 The *owner* of *premises* must immediately and to the satisfaction of an *Authorised Officer* repair any damage caused to the kerb, gutter, nature strip, *footpath*, carriageway or *vehicle crossing* or, at the discretion of the *Council*, pay to the *Council* the cost of the *Council* doing so.

Maximum Penalty: 10 Penalty Units

10.5.6 Where a kerb, gutter, nature strip, *footpath*, carriageway or *vehicle crossing* may be or is likely to be damaged in circumstances referred to in the preceding sub-clauses, the *owner* 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 *Authorised Officer*, but relative to the likely cost of repairing any damage or reinstating the item.

Maximum Penalty: 10 Penalty Units

10.5.7 The bond required under sub-clause 10.5.6 may be retained by the *Council* and used to pay for repairing any damage or to reinstate the item, and if the cost to repair any damage or reinstate the item is greater than the bond paid under sub-clause 10.5.6, the additional cost must be paid by the *person* who gave the bond to the *Council* when demanded by the *Council*.

10.5.8 Any bond or portion of it not required by the *Council* 14 days after completion of the repairs necessitated by the activity or occurrence must be refunded or released to the *person* who paid it or lodged it.

Maximum Penalty: 10 Penalty Units

10.6 Redundant Vehicle Crossings

10.6.1 Where works on *premises* involve the relocation or closure of a point of *vehicle* access, making the *vehicle crossing* or any part of it redundant, the *vehicle crossing* or part of it must be removed by the *owner* of the *premises* and the kerb, drain, *footpath*, nature strip or other part of the *road* must be reinstated to the satisfaction of the *Authorised Officer*.

Maximum Penalty: 10 Penalty Units

10.6.2 The *owner* must undertake the work referred to in sub-clause 10.6.1 in accordance with a notice given to the *owner* by the *Authorised Officer*.

Maximum Penalty: 10 Penalty Units

10.7 Cattle Grids

10.7.1 Unless in accordance with a *permit*, a *person* must not install a cattle grid in a *road* reserve or on land owned, leased, vested in, managed or occupied by a *public body*.

Maximum Penalty: 10 Penalty Units

10.8 Obstructions

10.8.1 Unless in accordance with a *permit*, a *person* must not make or *place* an *obstruction* or *allow* one to be made, placed or exist on land.

Maximum Penalty: 10 Penalty Units

10.8.2 For the purpose of this clause “*obstruction*” includes:

- 1) a hedge, heap or fence;
- 2) a ditch, hole or drain;
- 3) *building* material;

- 4) goods for sale;
- 5) a box or other container;
- 6) a table or chair;
- 7) a board, sign, sandwich board or *Advertisement*;
- 8) a bicycle (except in a rank or stand provided by the *Council*) or *vehicle*;
- 9) a pole, post or basketball ring;
- 10) scaffolding or a stage, crane, awning, hoarding or hoist, or
- 11) any other thing

that is likely to hinder access to any part of the land if left there.

10.8.3 Any *obstruction* contrary to sub-clause 10.8.1 may be removed and impounded by the *Council* or an *Authorised Officer*, whether or not a *Notice to Comply* has been given.

10.8.4 Without affecting Section 225 of the *Act* 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 pay the cost of the removal to the *Council*.

Maximum Penalty: 10 Penalty Units

11 Control of Animals, Shopping Trolleys and Vehicles on Roads and Elsewhere

11.1 Livestock Control

11.1.1 Unless in accordance with a *permit*, a *person* must not drive *livestock* for a distance greater than two kilometres along any *road*.

Maximum Penalty: 10 Penalty Units

11.1.2 Unless in accordance with a *permit*, a *person* in charge of *livestock* must not *allow* the *livestock* to graze on a *road*.

Maximum Penalty: 10 Penalty Units

11.1.3 Any local regular movement of *livestock* must be in accordance with any policy adopted by the *Council*, and warning light guidelines prepared by *VicRoads*.

Maximum Penalty: 10 Penalty Units

11.2 Shopping Trolleys

11.2.1 A *person* must not leave a *shopping trolley* in any *public place* or on any *premises* except in an area designated for the purpose.

Maximum Penalty: 10 Penalty Units

11.2.2 If a *shopping trolley* is in a *public place* or on *premises* in breach of sub-clause 11.2.1, an *Authorised Officer* may direct the *owner* of the *shopping trolley*, or the *person* in charge of the retail *premises* from which it has apparently been transported, to remove the *shopping trolley*.

11.2.3 An *Authorised Officer* may impound any *shopping trolley* found on any place where sub-clause 11.2.1 does not *permit* it to be left and has not been removed after a direction under sub-clause 11.2.2.

11.3 Riding Horses on Reservations

11.3.1 Unless in accordance with a *permit*, a *person* must not ride or lead a horse or *allow* another *person* to ride or lead a horse upon a reservation between carriageways on a *road* or nature strip unless outside a *built up area*.

Maximum Penalty: 10 Penalty Units

11.3.2 A *person* must not ride or lead a horse or *allow* another *person* to ride or lead a horse in a *public place* if the place has been signposted as being not available for horses.

Maximum Penalty: 10 Penalty Units

11.4 Sale of Vehicles

- 11.4.1 Unless in accordance with a *permit*, a *person* must not *park* a *vehicle* in a *public place* for the purposes of promoting the *vehicle* for sale.

Maximum Penalty: 10 Penalty Units

11.5 Vehicle Repair

- 11.5.1 Unless in accordance with a *permit* or it is necessary for the removal of a *vehicle*, a *person* must not dismantle, repair or carry out maintenance on a *vehicle* in a *public place*.

Maximum Penalty: 10 Penalty Units

11.6 Abandoned Vehicles

- 11.6.1 A *person* must not, without a *permit*, leave, abandon or dump a registered *vehicle* on any *road* or *public place* for 14 continuous days in any three month period, or after being served with a *Notice to Comply* directing its removal.

Maximum Penalty: 10 Penalty Units

- 11.6.2 A *person* must not, on a *road* or in a *public place* or parking area vested in or under the control of the *Council*, *place* any unregistered motor *vehicle* or abandon or cause to be abandoned any motor *vehicle*.

Maximum Penalty: 10 Penalty Units

- 11.6.3 The *Council* may impound any abandoned or unregistered motor *vehicle* found on any *road* or in any *public place* or parking area vested in or under the control of the *Council* in accordance with the provisions of the *Act*.

11.7 Substances Deposited on Road or Public Place from Vehicles or Animals

- 11.7.1 A *person* who drives or operates a *vehicle* must not *allow* any grease, oil, mud, clay or other substance to fall, or otherwise to be deposited, from the *vehicle* onto a *road* or into a *public place* or drain.

Maximum Penalty: 10 Penalty Units

- 11.7.2 A *person* must not *allow* any mud, clay or faeces from any *animals* of which they are in charge, to be deposited onto any *road* or into any *public place* or drain.

Maximum Penalty: 10 Penalty Units

12 Secondary Activities on Roads

12.1 Outdoor Eating Facilities

12.1.1 Unless in accordance with a *permit*, a *person* must not establish or *allow* the establishment of an outdoor eating facility on a *road*.

Maximum Penalty: 10 Penalty Units

12.1.2 A *person* must not occupy a chair or otherwise use the equipment in an outdoor eating facility unless he or she intends to use it for the purpose of consuming food or drink to be provided by the *permit holder*.

Maximum Penalty: 10 Penalty Units

12.1.3 A *person* must not cause a *nuisance* to or behave offensively towards another *person* at or passing an outdoor eating facility.

Maximum Penalty: 10 Penalty Units

12.1.4 A *person* must leave an outdoor eating facility when requested to do so by the *permit holder*.

Maximum Penalty: 10 Penalty Units

12.1.5 A *permit holder* under this Part must ensure that customers consuming *alcohol* do so in accordance with their *liquor* licence.

Maximum Penalty: 10 Penalty Units

12.1.6 A *permit holder* under this Part must move or remove the outdoor eating facility when requested to do so for reasons of public safety by an *Authorised Officer* or a *member of the police* or employee of an *Emergency Service*.

Maximum Penalty: 10 Penalty Units.

12.1.7 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.

12.2 Occupation of Road for Works

12.2.1 Unless in accordance with a *permit*, a *person* must not on a *road* under the control of the *Council*:

- 1) carry out works involving or from that *road*; or
- 2) do anything in relation to works which affects or is likely to affect the use of the *road*.

Maximum Penalty: 10 Penalty Units

12.3 Street Parties, Festivals and Processions

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

Maximum Penalty: 10 Penalty Units

12.4 Collections

12.4.1 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 a *public place* unless:

- 1) the organisation undertaking the activity is a local organisation based within the *municipal district* and approved by the *Council*, which is conducting an authorised appeal/raffle and which has the permission of the *occupier* of the *premises* outside which it wishes to *sell* the raffle tickets;
- 2) in accordance with a *permit*; or
- 3) to do so is specifically authorised by and in accordance with any *legislation*.

Maximum Penalty: 10 Penalty Units

13 Display and Sale of Goods and Services

13.1 Road Trading

13.1.1 Unless in accordance with a *permit*, a *person* must not:

- 1) *sell* or offer for sale any *goods* or services from a *public place*; or
- 2) erect, *place* or in any other way, leave any structure or physical thing on a *public place* for the purposes of *selling*, displaying or offering for sale any *goods* or services.

Maximum Penalty: 10 Penalty Units

13.2 Soliciting Trade and Similar Activities

13.2.1 Unless in accordance with a *permit*, a *person* must not:

- 1) in a *public place*, solicit or try to attract trade or business or tout or spruik; or
- 2) 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 or *goods* in or on those adjacent *premises*.

Maximum Penalty: 10 Penalty Units

13.3 Advertising signs

13.3.1 Unless in accordance with a *permit*, a *person* must not *place* a portable *Advertising sign* in, on or over a *public place* or *allow* that to occur.

Maximum Penalty: 10 Penalty Units

14 Consumption of Alcoholic Beverages

14.1 Consumption of Alcohol or Possession in Unsealed Containers

14.1.1 Unless in accordance with a *permit*, a *person* must not have in his or her possession or under his or her control any *alcohol* other than in a *sealed container* in or on any *road* or *public place* (including in a *stationary vehicle*) unless the *public place* is licensed *premises* under the *Liquor Control Reform Act 1998*.

Maximum Penalty: 10 Penalty Units

14.1.2 Notwithstanding sub-clause 14.1.1 the *Council* may designate sites or an area where consumption is permitted between sunrise and sunset.

14.1.3 Notwithstanding sub-clause 14.1.1 the *Council* may declare an event or part thereof liquor or *alcohol* free within the *municipal places* as designated by the *Council*.

14.1.4 Notwithstanding sub-clause 14.1.1 the *Council* may grant a *permit* for the consumption of any *alcohol* or for the possession of *alcohol* in unsealed containers in or on any *road* or *public place* at any time.

15 Enforcement

15.1 Enforcement

15.1.1 Without affecting any provision entitling any other *person* to do so, this Local Law may be enforced by an *Authorised Officer*.

15.2 Warning to comply or desist

15.2.1 Where there is a breach of this Local Law, including any *permit* or conditions in a *permit* and the circumstances do not warrant urgent action, an *Authorised Officer* may first request the *person* breaching the Local Law to stop or remedy the breach.

15.3 Notice to Comply

15.3.1 The *Council* or an *Authorised Officer* may, by serving a *Notice to Comply*, direct any *owner*, *occupier* or other *person* apparently in breach of this Local Law to remedy anything which constitutes an *offence* under this Local Law.

15.3.2 A *Notice to Comply* must state the time and date by which the thing must be remedied.

15.3.3 The time required by a *Notice to Comply* must be reasonable in the circumstances having regard to:

- 1) the amount of work involved;
- 2) the degree of difficulty;
- 3) the availability of necessary materials or other necessary items;
- 4) climatic conditions; an
- 5) the degree of risk or potential risk; and
- 6) any other relevant factor.

15.3.4 A *Notice to Comply* remains in force for a period of 12 months after the date of issue.

15.3.5 A *person* who fails to comply with a *Notice to Comply* served on that *person* is guilty of an *offence*.

Maximum Penalty: 10 Penalty Units

15.4 Penalties

15.4.1 A *person* who:

- 1) does not do anything required to be done or does anything forbidden to be done by or under this Local Law;
- 2) *allows* any act or omission which is a contravention of this local law;
- 3) contravenes a *permit* or a condition included in a *permit*, or

- 4) is the *owner* or *occupier* of any *premises* 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 is liable to the penalty provided for in this Local Law under each clause for that *offence* and in the case of a continuing *offence* is liable to a penalty not exceeding the *prescribed* amount for each day after conviction for the *offence* during which the contravention continues.

15.5 **Infringement Notices**

- 15.5.1 Where an *Authorised Officer*, believes that a *person* has committed an *offence* against this Local Law, an *Authorised Officer* may as an alternative to a prosecution for the *offence*, issue and serve on the *person* an infringement notice in the form of the notice in section 13 of the *Infringements Act 2006*.
- 15.5.2 The amounts of the fixed penalty payable in respect of an infringement notice is set out in Schedule 1.
- 15.5.3 In order to avoid prosecution, the *person* who is served with an infringement notice must pay the penalty to the *Council* at the address nominated in the Infringement Notice by the date and time specified in the infringement notice.
- 15.5.4 Without limiting Section 234 of the *Act*, any infringement notice to be served on a *person* under this local law, may be served on the *person* by:
- 1) delivering the notice to the *person*;
 - 2) 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;
 - 3) sending the document by post addressed to the *person* at that *person's* last known place of residence or business; or
 - 4) where the *offence* involves a *vehicle*, placing it on or attaching it to the *vehicle*.
- 15.5.5 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.
- 15.5.6 An *Authorised Officer* may withdraw an infringement notice in accordance with the *Infringement Act 2006*.
- 15.5.7 If an infringement notice is withdrawn, after the *person* pays the penalty, the *person* is entitled to a refund of the penalty.
- 15.5.8 If the *person* pays the penalty within the time specified in the notice and the infringement notice is not withdrawn before a charge is laid in respect of the *offence*, the following provisions apply:
- 1) further proceedings for an *offence* will not be taken against the *person*; and
 - 2) there is to be no conviction recorded against that *person* for the *offence*.
- 15.5.9 If:

- 1) a *person* served with an infringement notice has not paid the penalty within the time specified in the notice; or
 - 2) an infringement notice is withdrawn;
- proceedings may be taken or continued for the *offence*.

15.6 Evidence of Service

- 15.6.1 A statutory declaration by an *Authorised Officer* or 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.

15.7 Compliance with Directions and Notices

- 15.7.1 Where:

- 1) a *Notice to Comply* or other notice or direction is served or given pursuant to this Local Law.
- 2) section 225 of the *Act* does not apply; and
- 3) 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 *Chief Executive Officer*, may cause the obligation to be complied with.

- 15.7.2 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.

15.8 Direction of Traffic

- 15.8.1 For the purpose of enforcing:

- 1) the *Road Safety Act* 1986 or any Regulation made under that Act;
- 2) this Local Law,

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

- 15.8.2 A *person* must comply with any directions given under sub-clause 15.8.1 unless contrary directions are given by a *police member*.

15.9 Delegation

- 15.9.1 In accordance with Section 114 of the *Act*, the *Council*:

- 1) delegates to the *Chief Executive Officer*, the Director Development Services, the Director Technical Services and the Director Community and Corporate Services all the powers, discretions, authorities and considerations of *Council* under this Local Law (including the powers, discretions and authority to issue

or refuse *permits*, fix conditions and durations relevant to *permits*, cancel *permits*, require additional information, apply guidelines or policies of *Council*, waive the need for any *permit*, waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the *Council*); and

- 2) delegates to the *Environmental Health Officer* and to the Compliance Officer the power to issue or refuse *permits* and apply conditions, exercise discretions and require additional information.

15.10 Urgent Circumstances

15.10.1 Where, in the opinion of an *Authorised Officer* or a *delegate*, circumstances arise as a result of a failure to comply with this Local Law or a *permit* which may *place* a *person*, *animal* or property or thing at risk or in danger and there is not time or it is impractical to serve a *Notice to Comply*, then the *Authorised Officer* or *delegate* may take reasonable action to immediately abate or minimise the risk or danger involved.

15.10.2 As soon as practicable, the *Authorised Officer* or *delegate* must contact:

- 1) the *person* by whose fault, permission or decision the situation has arisen; or
 - 2) the *owner* or *occupier* of the *premises*, *animal*, property, thing involved; and
 - 3) The *Chief Executive Officer* or a Director of the *Council*,
- and advise them of the action taken.

15.11 Impounding

15.11.1 An *Authorised Officer* may impound any item or thing being used in contravention of this Local Law.

15.11.2 Where any item or thing is impounded pursuant to this Local Law, notice of the impounding is to be given to the *person* that is known or appears to be the *owner* of the impounded item.

15.11.3 Any item or thing impounded in accordance with this Local Law may be held until any fee or charge for its release is paid.

15.11.4 The *Council* may include in any fee or charge any cost that the *Council* has incurred in impounding, transporting, holding, storing or disposing of the item or thing.

15.11.5 If the specified time for retrieval of an impounded item or thing has expired and it has not been claimed then it may be disposed of according to the following principles:

- 1) if it has no saleable value, in the most economical and appropriate way as determined by an *Authorised Officer*; or
- 2) if it has a saleable value, by public auction, tender or private sale as determined by an *Authorised Officer*, and failing sale may be treated as in sub paragraph 1).

15.11.6 The monies realised from the sale of any impounded item or thing must be disbursed as follows:

- 1) in payment of any expenses incurred by the *Council*; then

- 2) to the *owner* or *person* who in the opinion of the *Chief Executive Officer* appears to be authorised to receive the money.

15.11.7 If no *person* can be identified for payment of any money then any excess must be treated in accordance with *legislation* dealing with unclaimed money or, failing this, taken into the *Council's* revenue.

SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICES

TOWONG SHIRE COUNCIL

COMMUNITY AMENITY AND MUNICIPAL PLACES LOCAL LAW NO 2

Penalties for Infringement Notices issued in respect of *Offences* against clauses in this Local Law

Local Law Clause	Clause	Number of Penalty Units Applicable	Number of Penalty Units Applicable
		Infringement Notices	Court Imposed
2.10	<i>Offences – making a false declaration in a permit application</i>	2	10
3.1	<i>Private Access to a Reserve/Public Place</i>	2	10
3.2	<i>Use of Motorised vehicle on public land</i>	2	10
3.3	<i>Using Toy Vehicles</i>	1	10
3.4	<i>Organised Games in a Public Place</i>	1	10
3.5	<i>Damage to Public Places</i>	1	10
3.6	<i>Plant trees in a Public Place</i>	1	10
3.7	<i>Behaviour in a Public Place</i>	1	10
3.8	<i>Markets, Festivals, Carnivals & Circuses</i>	2	10
3.9	<i>Use of Public Places and Council Buildings</i>	1	10
4.1 - 4.2	<i>Lighting a Fire/burning off</i>	2	10
5.1.1	<i>Camping in a Public Place</i>	1	10
5.1.2	<i>Use of a caravan for greater than 4 weeks</i>	2	10
5.1.3	<i>Storing caravans</i>	1	10
5.2	<i>Dangerous or Unsightly Land</i>	1	10
5.3	<i>Damage caused by trees or plants</i>	1	10
5.4	<i>Wasp nests</i>	1	10
5.5	<i>Bee Hives</i>	1	10
6.1	<i>Keeping of Animals – numbers</i>	1	10
6.2	<i>Keeping of Animals – conditions</i>	1	10
6.3	<i>Noise and smell</i>	1	10
6.4	<i>Keeping of Animals – litter</i>	1	10
6.5	<i>Wandering animals</i>	1	10

7.1	Keeping of <i>Birds</i>	1	10
7.2 - 7.3	<i>Bird Enclosures</i>	1	10
7.4	Noise and smell	1	10
8.1	Scavenging	1	10
8.2	Use of Tip or Transfer Station	1	10
8.3	<i>Domestic Waste</i>	1	10
8.4	<i>Material for recycling</i>	1	10
8.5	<i>Trade Waste</i>	2	10
8.6.1	Drainage - connections	2	10
8.6.2	Drainage - damage	2	10
9.1	<i>Clothing Bins</i>	2	10
9.2	<i>Bulk Rubbish Containers</i>	2	10
9.3	Entertainment & <i>Busking</i>	1	10
10.1	Protrusions and overhanging branches	1	10
10.2	Display of property numbers	1	10
10.3	Requirement to have vehicular crossing	1	10
10.4	Must have a <i>permit</i> to construct a vehicular crossings	1	10
10.5	Temporary Vehicular Crossing	2	10
10.6	Removal of a redundant vehicular crossing	1	10
10.7	Cattle Grids	2	10
10.8	<i>Obstructions in Public Places</i> including Roadways	2	10
11.1	Droving, <i>grazing</i> and movement of <i>Livestock</i>	2	10
11.2	<i>Shopping Trolleys</i>	1	10
11.3	Riding Horses in designated <i>public places</i>	1	10
11.4	Sale of <i>vehicles</i>	1	10
11.5	<i>Vehicle Repairs</i>	1	10
11.6	Abandoned <i>Vehicles</i>	1	10
11.7	Depositing substances on a <i>road or public place</i>	1	10
12.1	Outdoor Eating facilities	1	10
12.2	Occupation of <i>Roads</i> for works	2	10
12.3	Street Parties, <i>Festivals & Processions</i>	1	10
12.4	Collections	1	10
13.1	<i>Road Trading</i>	1	10
13.2	Soliciting Trade	1	10
13.3	<i>Advertising signs</i> and 'A' Frames	1	10
14.1	Consumption of <i>Alcohol</i> in a <i>Public Place</i>	1	10
15.3	Failure to comply with a " <i>Notice to Comply</i> "	2	10

CERTIFICATION OF LOCAL LAW

This local law was made and issued by Towong Shire Council.

THE COMMON SEAL)
of the TOWONG SHIRE COUNCIL)
was affixed in the presence of:)

..... CHIEF EXECUTIVE OFFICER

..... WITNESS

This.....day of.....2011.

COMMUNITY AMENITY AND MUNICIPAL PLACES LOCAL LAW NO. 2

The Public Notice required to be given by Section 119(2) of the *Local Government Act 1989* appeared in the *Government Gazette* on **[insert date]**.

This Local Law commenced operation on 5th September 2011 and will expire on the 4th September 2021

I certify that this document (pages 1 – 49) is a true copy of the Community Amenity And Municipal Places Local Law No. 2. made by Towong Shire Council on 5th September 2011, in accordance with the requirements of the *Local Government Act 1989*.

.....
(CHIEF EXECUTIVE OFFICER)

History of Local Law

Date Made	Amended	Operation Date	Gazettal Date	Title	Council File
05/09/2011		05/09/2011		Community Amenity and Municipal Places Law No. 2	02/01/0007