

LATROBE CITY COUNCIL

COMMUNITY AMENITY LOCAL LAW NO. 2 2016

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Commencement – 5 September 2016

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PART 1 PRELIMINARY PROVISIONS

1. TITLE

This Local Law is Latrobe City Council's Local Law No. 2 and referred to below as "this Local Law".

2. PURPOSES OF THIS LOCAL LAW

The purposes of this Local Law are to:

- (a) provide for the peace, order and good government of the municipal district;
- (b) prohibit, regulate and control activities, events, practices or behaviour in public places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a Person nor detrimental effect to a Person's property;
- (c) protect the Council's assets and land and to regulate their use;
- (d) promote a physical and social environment free from hazards to health in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- (e) provide for those matters which require a Local Law under the Act and any other Act; and
- (f) provide for the administration of Council powers and functions.

3. THE POWER TO MAKE THIS LOCAL LAW

The Council's power to make this Local Law is contained in section 111 (1) of the Local Government Act 1989.

4. COMMENCEMENT DATE OF THIS LOCAL LAW

This Local Law commences on 5 September 2016.

5. REVOCATION DATE OF THIS LOCAL LAW

Unless sooner revoked, this Local Law ceases to operate 10 years after the date on which it is made.

6. REVOCATION OF OTHER LOCAL LAWS

Upon this Local Law commencing, the application of the former Local Law No 2 will cease.

7. SCOPE OF THIS LOCAL LAW

This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a clause or schedule applies to specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or to its Municipal District.

8. HOW TO READ THIS LOCAL LAW

8.1 INTERPRETATION OF THIS LOCAL LAW

In this Local Law, unless the contrary intention appears:

- (a) a reference to a clause is a reference to a clause in this Local Law; and
- (b) a reference to a sub-clause is a reference to a sub-clause of the clause in which the reference is made; and
- (c) a reference to a paragraph is a reference to a paragraph of the sub-clause in which the reference is made; and
- (d) a reference to a Schedule or Part is a reference to a Schedule or Part of this Local Law; and
- (e) a reference to one gender includes a reference to each other gender; and
- (f) a reference to the singular is also a reference to the plural.

8.2 LOCAL LAW PROVISIONS AND EXERCISING DISCRETIONS

Parts 1 to 19 inclusive set out the provisions for meeting the objectives of this Local Law and the criteria to which the Council and its staff must have regard in exercising discretions under this Local Law.

9. WORDS USED IN THIS LOCAL LAW

WORDS	MEANING OR EXTENDED MEANING
Act:	Means the Local Government Act 1989.
Adult dog or cat:	Means an animal over the age of 3 months.
Advertising sign:	Means any temporary placard, notice board, sign, structure, banner, "A" frame or other similar device, whether portable or affixed to any structure, which is used for the purposes of: <ul style="list-style-type: none"> (a) soliciting sales; (b) notifying people of the presence of an adjacent property where goods or services may be obtained; or (c) advertising or promoting goods, services, an event, pastime or competition.
Alcoholic beverage:	Means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20° Celsius.
Applicant:	Means a person who applies for a permit under this Local Law.
Appropriate fee:	Means the appropriate fee determined by the Council in

accordance with this Local Law.

Arterial road:	Means a road declared to be an arterial road under section 14 of the Road Management Act 2004.
Authorised officer:	Means an Authorised Officer appointed under Section 224 of the Act.
Authorised sign:	Means a sign that is placed either temporarily or fixed permanently by the Council or the Council's contractor.
Barbecue:	Means a device for cooking food outdoors constructed predominantly of metal or other non flammable material, and whether powered by gas, electricity, liquid or solid fuel or any combination of them, and includes a device for spit roasting when used outdoors.
Built-up area:	Has the same meaning as in the Road Safety Road Rules 2009.
Bulk rubbish container:	Means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and refuse which is unlikely to be lifted without mechanical assistance but excludes containers used in connection with the Council's regular domestic rubbish collections.
Busk:	Means playing a musical instrument and/or singing, conjuring, juggling, miming, mimicking, dancing, puppetry, performance art, recitation and other appropriate theatrical and visual forms, being activities which attract or attempt to attract a donation rather than a prescribed fee.
Camp:	Means the occupation or use of a tent, makeshift structure, caravan, campervan, mobile home or any other vehicle (including under the vehicle) for sleeping all or part of a night, or as a temporary accommodation. This does not include brief 'power napping' in a vehicle on a roadway.
Camping Area:	Means land which has been declared by the Council to be a 'camping area' for the purposes of this Local Law or land which has been registered with the Council as a caravan park pursuant to the Residential Tenancies Act 1997.

Caravan: Means any moveable dwelling (whether or not the wheels or axles thereof have been removed and whether it is resting directly on the ground or is placed on blocks or other supports) and any structure annexed to the moveable dwelling.

Cattle: Includes any bull, cow, ox, steer, heifer or calf.

Central Business

District: Means the Central Business District of the Council as shown in the plans in Schedule 3.

CFA Means the Country Fire Authority.

Chief Executive

Officer: Means the Chief Executive Officer appointed by the Council from time to time and includes a person for the time being acting in that position.

Code Red Day: Refers to the fire danger rating provided by the Bureau of Meteorology, Code Red is the highest level of rating in Victoria and it signifies the worst condition for grassfires or bushfires. If a fire were to start it will be uncontrollable, unpredictable and fast moving.

Commercial and

Industrial Properties: Means a property that is intended for business activities such as; shopping centres, offices or any other building or land intended to generate a profit, either from capital gain or rental income or used for manufacturing and production.

Council: Means Latrobe City Council.

Council and

Community Assets: Means furniture, fittings, assets, equipment, or other structures of any kind, tree reserves, gardens, garden plots, lawns, plantations, trees, shrubs, statues, monuments, fountains, seats, posts, fences and paths in or upon any public place in the Municipal District and includes Council Land.

Community Events: Means events on Council Land delivering a range of

community benefits (including bringing communities together, providing volunteer, participation and entertainment opportunities and building community capacity) or that improve the liveability and image of Latrobe City. Such events include a wedding, fair, fireworks or carnival, food fair, wine or produce festival or market, or any other horticultural, social educational, cultural, recreational, political, religious or commercial occasion, celebration, rally, demonstrations and any other public gathering.

Community Market Means Markets held on Council Land delivering a range of community benefits (including bringing communities together, providing volunteer, participation and entertainment opportunities and building community capacity) or that improve the liveability and image of Latrobe City. Community Markets include Craft Markets, Farmers Markets and local produce markets and run by community groups (not including commercial ventures).

Council Land: Means all land owned, leased, managed or occupied by the Council or in respect of which the Council has a duty to maintain and includes a street, road and footpath and any improvements buildings and other structures permanently affixed to the land and any estate, interest, easement, servitude or right in or upon land.

Domestic bird: Means small bird.

Dwelling: Means a building used or intended to be used as a separate residence which requires a building permit under the Building Regulations 1994.

Dilapidated

Building: an unoccupied building that is in a state of disrepair or ruin.

Designated Boat

Ramp: Means a boat ramp which has been declared as such by Council resolution and which has been sign posted as a designated boat ramp and parking area.

Emergency Service: Means Ambulance Service, State Emergency Service or Fire Brigade when carrying out emergency duties.

Environmental Means Environmental Health Officers appointed by the

Health Officers:	Council from time to time.
Event:	Means an organised gathering of people involved in sporting, special interest, cultural and community, celebratory or commemorative/remembrance activities.
Farming Area:	Means land used for Primary Production and zoned as farm land in the Planning Scheme applicable to the Municipal District or any other land which has been declared by the Council to be a “farming area” for the purposes of this Local Law.
Footpath:	Means any path or footway that is provided for the use of pedestrians only or that is regularly used by pedestrians and not vehicles, or that is a segregated footway or a shared path.
Free flying pigeon:	Means a pigeon kept and permitted to fly free from a loft for any amount of time.
Incinerator:	<p>Means a structure, device or contraption (not enclosed in a building) which:</p> <ul style="list-style-type: none">(a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and(b) is not licensed or otherwise subject to control under the of the Act; and(c) is not a barbecue.
Infringement Penalty:	Means the amount of the Penalty Units which must be fixed in any infringement notice.
Landfill:	Means a landfill established by the Council for receiving waste or refuse.
Livestock:	Has the same meaning as in Impounding of Livestock Act 1994
Major Events:	Means on-going regular and one-off major events on Council Land achieving positive economic and community outcomes and enhance the image of Latrobe City.
Motor vehicle:	Has the same meaning as in the Road Safety Act 1986.
Multi-unit	

Development:	Means any development containing more than one dwelling on an allotment in an Urban Area.
Municipal District:	Means the Municipal District of the Council.
Municipal Place:	Means: (a) any road, footpath or shopping mall; and (b) a public place which is owned or occupied by or vested in the Council to which the public has access (whether an admittance fee is required or not).
Municipal Property:	Includes any buildings or parts of buildings used for municipal purposes.
Noxious weed:	Means any plant declared to be a state prohibited weed or a weed, which is prohibited, controlled or restricted for an area which includes the Municipal District, under the Catchment and Land Protection Act 1994.
Nuisance:	Means any condition which is liable to be noxious, dangerous or injurious to health, and includes any noise created by an animal or any other thing which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
Occasional Events:	Means an event held on Council land that has a crowd of approximately 50 people and inhibits on the standard operation of the location being used for its intended purpose.
Outdoor eating Facility:	Means any table, chair, umbrella or other removable items located out of doors at which food or drink is served and/or consumed.
Park:	Has the same meaning as in the Road Safety Road Rules 2009.
Parking area:	Has the same meaning as in the Road Safety Road Rules Victoria 2009.
Penalty Unit:	Has the same meaning as in section 110 of the Sentencing Act 1991.

Permit:	Means a permit issued by the Council under this Local Law.
Permit holder:	Means a person to whom a permit has been issued under this Local Law.
Person:	Includes a partnership, unincorporated body, a corporation, or an association incorporated under the Associations Incorporation Reform Act 2012.
Planning Scheme:	Means the Planning Scheme relevant to the Municipal District.
Premises:	Includes land, buildings and a building under construction.
Private land:	Means land that is not Council Land, a road or a public place.
Procession:	Means an organised group of people proceeding along a road or gathering for a ceremony or function and includes fun runs and bicycle events.
Property:	Means any ground, soil or earth whatsoever, whether dry or underwater, including all buildings on the land, and also everything attached to the land whether above or under the surface.
Public place:	Has the same meaning as in the Summary Offences Act 1966.
Public Reserves and Recreation Grounds:	Means and includes any commons or public reserve of which the management is vested in the Council, and any land purchased or rented or otherwise provided by, granted or given to or vested in the Council for the provision of pleasure grounds or places of public resort or public recreation and any tree reserve, garden, garden plot, lawn or ornamental plantation in or upon any street or road within the Municipal District
Recreation Centre:	Means a place provided for the purpose of public fitness, resort and recreation.
Recreational vehicle:	Means a motor vehicle that is used or intended to be used in a public place or private land and includes a trail bike, mini bike,

motor scooter, motor driven go-cart, monkey bike and any other vehicle propelled by a motor which is used for recreational or sporting purposes but does not include a motorised vehicle used for farming purposes.

Regulations: Means Regulations made under the Act.

Reservation: Means a physical provision on a road which divides it longitudinally (other than a longitudinal line or a series of lines marked on a carriageway) and includes a nature strip adjoining a footway or property line.

Residential Area: Means an area zoned residential in the Planning Scheme which includes Neighbourhood Residential, General Residential, Residential Growth and Low Density Residential zones.

Rural Land: Means land zoned as rural land which Includes Farming Zone, Rural Living Zone, Rural Conservation Zone, and any other zone in the suite of rural zones in the Latrobe Planning Scheme

Sell: Includes dispose of for consideration (whether by wholesale or retail or by means of any machine or mechanical device), barter or exchange, agree to sell, offer or expose for sale, keep or have in possession for sale, send, forward, deliver or receive for or on-sale, and attempt, direct, cause, suffer and admit any such act or thing.

Senior Officer: Has the same meaning as in the Act.

Service Authority: Means an entity (whether public or privately owned) which provides or intends to provide, water, sewage, drainage, gas, electricity, telephone, telecommunications, or like services under the authority of an Act of Victoria or the Commonwealth.

Shopping trolley: Means a wheeled container or receptacle supplied by a retailer for the specific purpose of enabling customers to transport goods.

Special Event: Means an irregular, one-off major national or international event on Council Land that has the ability to attract significant interstate and international visitation and provide positive branding of Latrobe City outside the region.

Street Festival:	Means an organised recreational, cultural, commercial or social gathering of people which is held on a road.
Street furniture:	Means any sign, notice, structure, or fixture which is owned, erected, or maintained by the Council and which is located on, or adjacent to a road.
Street Party:	Means an organised social gathering of people resident in one or several adjacent roads that is held on a road.
Street Stall:	Means a table, structure, furniture, sign or fixture erected for the temporary display of goods, whether or not for sale.
Temporary dwelling:	Means a building or caravan used for residential purposes prior to and during construction of a dwelling.
Toy vehicle:	Means a vehicle (other than a bicycle) ordinarily used by a child at play and designed to be propelled by human power, and includes a scooter, skateboard, roller skates, roller blades and similar toys.
Traffic:	Means the movement of people by foot or in or on vehicles, along, across or within a road, road related area or footpath.
Transfer/Landfill	
Station Attendant:	Means the Transfer Station Landfill Attendant as appointed by the Council from time to time.
Urban Area:	Means any area set aside or used for urban development whether or not supplied with street lighting or a garbage collection service.
Vacant land:	Means a property on which there is no house or other structure approved for human habitation.
Vehicle:	Has the same meaning as in the Road Safety Act 1986.
Vehicle crossing:	Means a constructed area that provides for the passage of vehicles from a carriageway to private property and includes the kerb, channel, nature strip and footpath.

Wheeled

Recreational device: Means a wheeled device, built to transport a person propelled by human power or gravity, and ordinarily used for recreation or play and –

- (a) includes rollerblades, roller skates, a skateboard and a similar wheeled device; but
- (b) does not include a golf buggy, pram, stroller or trolley, or bicycle, wheelchair or wheeled toy.

Wheeled toy: Means a child's pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old.

PART 2 ADMINISTRATION OF THIS LOCAL LAW

10. EXERCISE OF DISCRETIONS

- 10.1 In exercising any discretion contained in this Local Law the Council must have regard to:
- (a) the purposes of this Local Law; and
 - (b) any applicable Council Policy; and
 - (c) any other relevant matter.
- 10.2
- (a) The Council may from time to time prepare guidelines for use by the Council, authorised officers and other persons for the purposes of this Local Law.
 - (b) Guidelines prepared by the Council must not be inconsistent with the purposes of this Local Law.
 - (c) Any guidelines prepared cannot change or update a Local Law provision without the Local Law being amended and the guideline being incorporated by reference.

11. POWER TO OBTAIN NECESSARY INFORMATION LGA224

The Council or an authorised officer may require additional information to enable an application for a permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.

12. IMPOUNDMENT, RELEASE AND DISPOSAL OF ITEMS

- 12.1 If an authorised officer has impounded an item or other thing in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- 12.2 Any impounded item must be returned to the owner after:
- (a) payment of any fees, as determined from time to time by the Council, have been paid in full; and
 - (b) evidence of ownership is provided to the satisfaction of the Council or an authorised officer.
- 12.3 As soon as practicable after the impoundment of any item an authorised officer must, if the identity of the person who owns the item can be determined, serve a Notice of Impounding on that person.
- 12.4 Any impounded item may be disposed of by an authorised officer if it is not claimed by the owner within the time specified on the Notice of Impounding or within 14 days of the impounding in a case where the owner cannot be ascertained.
- The procedure for the disposal of impounded items is as follows:
- (a) Where the item is declared by a Senior Officer or another member of the

Council's staff authorised for the purpose to have no saleable value, it may be disposed of in the most economical way, as determined by the Council; and

- (b) Where the item is declared to have some saleable value the item may be disposed of by tender, public auction or private sale, but failing sale may be given away or disposed of at the discretion of the Senior Officer or other member of the Council's staff.

12.5 When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.

12.6 Any proceeds from the disposal of impounded items under this Part must be paid to the owner or the person who in the opinion of Council appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Part.

12.7 In the event that the person described in sub-clause 12.6 cannot be identified or located within six (6) months of the date of the impounding any proceeds may be retained for municipal purposes.

13. APPEALS

13.1 Any person who is aggrieved by any matter under this Local Law may make a written submission for consideration by the Council, but the making of any submission will not in any way remove that person's obligation to act in accordance with this Local Law and any directions or notices which are applicable under this Local Law.

PART 3 NOTICE TO COMPLY

14. POWER OF AUTHORISED OFFICERS TO DIRECT

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An authorised officer may issue a person with a *Notice to Comply* if the authorised officer believes on reasonable grounds that the person has committed an offence under this Local Law or direct any property owner, occupier or other relevant person to remedy any situation which constitutes a breach under this Local Law.

A *Notice to Comply* issued under this clause must set out the following details—

- (a) the offence that the authorised officer believes has been committed; and
- (b) the action that the person is required to undertake; and
- (c) the time within which the specified action must be taken.

15. REASONABLE TIME TO COMPLY

The time fixed by a *Notice to Comply* served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account if applicable:

- (a) the amount of work involved; and
- (b) the degree of difficulty; and
- (c) the availability of necessary materials or other necessary items; and
- (d) climatic conditions; and
- (e) the degree of risk or potential risk; and
- (f) any other relevant factor.

16. FAILURE TO ADHERE TO A NOTICE TO COMPLY

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

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

16.2 If a person fails to carry out any work which he or she is required to do by a Notice to Comply issued under this Local Law within the time stated in the Notice, the Council in its discretion and wherever practicable may cause the work to be carried out and may recover the cost from that person.

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17. POWER OF AUTHORISED OFFICERS TO ACT IN URGENT CIRCUMSTANCES

17.1 An authorised officer may, where a person has failed to comply with this Local Law, take action to remove, remedy or rectify a situation without serving a Notice to Comply provided:

- (a) he or she considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice may place a person, animal, property or thing at risk or in danger; and
- (b) wherever practicable, a Senior Officer is given prior notice of the proposed action; and
- (c) details of the circumstances and remedying action are forwarded as soon as practicable to the person on whose behalf the action was taken; and
- (d) as soon as practicable a report is submitted to the Chief Executive Officer.

17.2 The action taken by an authorised officer under sub-clause 17.1 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.

17.3 What is regarded as an urgent circumstance will depend on the circumstances of

each situation. Factors to be taken into consideration may include:

- (1) Where:
 - (a) The person by whose default, permission or sufferance the situation has arisen; or
 - (b) the owner or the occupier of the premises or property affected is not known or cannot be found.
- (2) Where, in the opinion of an authorised officer, there exists an urgent risk or threat to:
 - (a) public health; or
 - (b) public safety; or
 - (c) the environment; or
 - (d) animal welfare.

PART 4 PERMITS

18. PERMITS

- 18.1 The Council or an authorised officer in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee the Council may require or may refuse to issue a permit or refer an application to internal review.
- 18.2 The Council or an authorised officer may prescribe:
 - (a) the manner and form in which applications for permits under this Local Law should be made;
 - (b) the manner in which any permit under this Local Law should be issued; and
 - (c) the fee for any such permit application.
- 18.3 The Council or an authorised officer may waive payment of any fee for a permit.
- 18.4 The Council or an authorised officer may require the applicant to give notice of the application, including public notice of the application.
- 18.5 If the Council or an authorised officer requires an applicant to give public notice of the application and that public notice is given, any person has the right to make a submission and be heard in support of their submission as if section 223 of the Act applies.
- 18.6 The Council or an authorised officer may require an applicant to provide the Council with more information before the Council or authorised officer deals with the permit application.
- 18.7 Applicants under the age of 18 years require permission from a parent or guardian and must be accompanied by a person 18 years or over.

- 18.8 A permit expires on the date specified in the permit or if no such date is specified the permit will expire 1 year after the date of issue.
- 18.9 A permit under this Local Law may be issued subject to conditions which may include:
- (a) the payment of a fee or charge; and
 - (b) the application of any policy of the Council; and
 - (c) a time limit to be applied either specifying the duration, commencement or completion date; and
 - (d) the permit being subject to the happening of an event; and
 - (e) the rectification, remedying or restoration of a situation or circumstance; and
 - (f) where the applicant is not the owner of the subject property, the consent of the owner; and
 - (g) the granting of some other permit which may be required by the Council, whether under this Local Law or otherwise.
- 18.10 The Council must maintain a register of permits granted, including details of cancellation or corrections made to any permit or any exemption from a requirement to obtain a permit or conditions applied to that exemption.

19. CONSIDERING APPLICATIONS

- 19.1 In considering an application for a permit the Council or an authorised officer may consider:
- (a) any policy adopted or guidelines proposed by the Council relating to the subject matter of the application;
 - (b) any submission that may be received in respect of the application; and
 - (c) any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and
 - (d) any other relevant matters.
- 19.2 A person who has applied for a permit may appeal in writing to the Council's Appeals Panel against the decision of an authorised officer to refuse to grant a permit within 21 days of being notified of the decision.

20. CORRECTION OF PERMIT

- 20.1 The Council or an authorised officer may correct or amend a permit issued if the permit contains:

- (a) a clerical mistake or an error arising from any accident, slip or omission; or
- (b) an evident and material miscalculation of figures or any evident and material; or
- (c) a mistake in the description of any person, thing or property referred to in the permit.
- (d) a need for special consideration relevant to the purpose of the Permit.

20.2 The Council or the authorised officer must note the correction in the register of permits.

20.3 The Council or the authorised officer must give notice of the correction to the holder of the permit.

21. GROUNDS FOR CANCELLATION OR AMENDMENT OF PERMITS

21.1 The Council or an authorised officer may cancel or amend any permit if he or she considers that there has been:

- (a) a material misstatement, false representation or concealment of facts in relation to the application for a permit; or
- (b) any material mistake in relation to the use of the permit; or
- (c) any material change of circumstances which has occurred since the issue of the permit; or
- (d) a failure to comply with the conditions of the permit; or
- (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.

21.2 The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.

21.3 If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.

22. EXEMPTIONS

22.1 A person may request the Council to, and the Council may by written notice, exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.

22.2 In determining whether to grant an exemption to the requirement to obtain a permit, an authorised officer must, as the delegate of the Council, have regard to:

- (a) the circumstances of the application; and
- (b) whether the application is to raise funds for community or charitable purposes; and
- (c) whether the proposed activity or use will have an overall community benefit; and
- (d) whether the proposed activity or use could have a detrimental effect on adjoining properties; and
- (e) whether the applicant will be given an unfair advantage over any other person or organisation; and
- (f) any other matters relevant to the circumstances of the application.

22.3 An exemption may be granted subject to conditions.

22.4 A person to whom an exemption is granted but who does not comply with the conditions of the exemption is guilty of an offence.

Penalty: 20 Penalty Units

Infringement Penalty: 3 Penalty Units.

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

23. FALSE REPRESENTATIONS

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.

Penalty: 20 Penalty Units

Infringement Penalty: 5 Penalty Units.

24. SERVICE AUTHORITY OR COUNCIL

24.1 This Local Law does not apply to a service authority or Council, or a person employed by or working on behalf of, a Service Authority or Council in respect of works for that Service Authority or Council.

24.2 A person who would, but for this clause, be required to obtain a permit in respect of any activity must notify the Council of the activity prior to its commencement.

PART 5 FEES, CHARGES AND COSTS

25. SETTING FEES AND CHARGES

LGA113

25.1 The Council may from time to time by resolution determine the fees and charges to apply under this Local Law, which may include an administrative or processing fee or charge and the Council must give public notice of its resolutions determining or altering those fees and charges.

25.2 Where a permit is issued part way through the financial year and is to operate for the balance of that financial year, the Council may vary the normal annual fee or charge by applying a fee or charge which is proportionate to the period for which the permit will apply corrected to the next higher quarter of that year.

26. DIFFERENTIAL OR STRUCTURED FEES AND CHARGES

In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

27. WAIVER OR ALTERATION TO FEES AND CHARGES

LGA113

27.1 The Council may waive, reduce or alter any fee or charge with or without conditions.

PART 6 OPERATIVE PROVISIONS

DIVISION 1 – OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND VEHICLES

28. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE

28.1 An owner or occupier of land must not allow any vegetation growing on the land to obstruct pedestrians by encroaching onto or above:

- (a) a footpath; or
- (b) another part of the road used by pedestrians ("road related area"); or
- (c) a reserve owned or occupied by the Council

to or at a height of less than three (3) metres above the surface of the footpath, road related area or reserve.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

28.2 An owner or occupier of land must not allow any tree or plant in or growing on land to obstruct or interfere with the passage of traffic by:

- (a) extending over any part of the road in such a way that it:

- (i) obstructs the view between vehicles at an intersection; or
- (ii) obstructs the view between vehicles and pedestrians where they come close to each other; or
- (iii) obscures a traffic control item from an approaching vehicle or pedestrian; or
- (iv) obscures street lighting; or
- (b) otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

28.3 REQUIREMENTS FOR A CLEAR VIEW AT INTERSECTIONS

Without limiting sub-clause 28.2, the owner or occupier of land must ensure that any tree, shrub or hedge growing on that land and located within 5 metres of an intersection is maintained to a height of not more than 1 metre, except trees with narrow clean trunks with foliage no lower than 2 metres above the ground. This is determined by a triangular area within the property, made up by a line drawn between points 5 metres back from the intersection on each road.

29. FENCES, SIGNS, POSTS, AND OTHER OBJECTS

- 29.1 An owner or occupier of land must not place or allow to be placed a sign, post or other object on the land in such a position that it causes an obstruction to pedestrians by encroaching onto or above:
- (a) a footpath; or
 - (b) another part of the road used by pedestrians; or
 - (c) a reserve owned or occupied by the Council.
- 29.2 An owner or occupier of land must not allow or place any fence or part thereof to cause an obstruction to pedestrians or vehicles by encroaching onto a:
- (a) road
 - (b) footpath; or
 - (c) reserve owned or occupied by the Council.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

DIVISION 2 – ROAD NAMES AND PROPERTY NUMBERS

30. COUNCIL TO APPROVE ROAD NAMES

- 30.1 A person must not apply a name to a road without the consent of the Council.
- 30.2 A person must not destroy, pull down, obliterate or deface a sign containing the name of any road.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

- 30.3 Sub-clause 30.1 does not apply to any freeway or to any supplementary name applied to the entire length of a declared road by Vic Roads.

31. PROPERTY NUMBERS TO BE DISPLAYED

- 31.1 For each property that has been allotted a property number, the owner or occupier of the property must mark the property with the number allotted, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair to be clearly read from the road abutting the property.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

31.2 SUFFICIENCY OF SIZE LOCATION AND VISIBILITY OF PROPERTY NUMBERS

The legibility of the property number is to be assessed from the footpath, naturestrip or road edge immediately adjacent to the front boundary of the property. In determining whether a property number meets the requirements of sub-clause 31.1, the following must be taken into account:

- (a) the size of the property number, a minimum of 100mm for residential properties and 200mm for commercial properties; and
- (b) the accuracy and completeness of the property number; and
- (c) the state of repair of the property number having regard to its visibility; and
- (d) the colour of the property number; and
- (e) distinction from its backgrounds; and
- (f) freedom from obstruction.

31.3 COUNCIL MAY ALLOCATE A PROPERTY NUMBER

The Council may, where the owner or occupier of a property does not mark the property with the number allotted, cause the property to be numbered and recover the cost of doing so from the owner or occupier as a debt due to the Council.

32. INCORRECTLY DISPLAYING PROPERTY NUMBERS

A person must not paint, affix or set up any name or number to any premises contrary to the provisions of this Local Law.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

DIVISION 3 - VEHICLE CROSSINGS

33. A VEHICLE CROSSING IS REQUIRED

33.1 An owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

33.2 For the purposes of sub-clause 33.1 a vehicle crossing is properly constructed if:

- (a) it was constructed by or in accordance with the terms of an approval by the Council; or
- (b) the Council has approved in writing the method of construction of the particular vehicle crossing.

34. A PERMIT IS REQUIRED

A person must not, without a permit, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

35. REDUNDANT VEHICLE CROSSINGS

35.1 Where works on a property involve the relocation or closure of a point of vehicular access, the owner or occupier of the land must ensure that any redundant part of a vehicle crossing is removed and the kerb, drain, footpaths, nature strip or other part of the road is reinstated to the satisfaction of the Council.

35.2 The Council may require the owner or occupier of a property to remove any part of or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road.

35.3 The owner or occupier of the property must comply with any such requirement.

36. VEHICLE CROSSINGS IN DISREPAIR

36.1 Where the Council or an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise in an unsatisfactory condition, the Council or authorised officer may require the owner or occupier of a property to carry out works to reinstate the vehicle crossing.

DIVISION 4 – LIVESTOCK ON ROADS

37. DRIVING AND CROSSING OF LIVESTOCK ON ROADS

An owner or person in charge of livestock must not drive livestock along a road or allow livestock to cross a road without a permit.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

38. GRAZING OF LIVESTOCK ON ROADS

An owner or person in charge of livestock must not allow or cause any livestock to graze on a road without a permit.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

39. EXEMPT AREAS - PLACES WHERE THE DRIVING OR GRAZING OF LIVESTOCK IS NOT PERMITTED

39.1 The driving of livestock is not permitted to take place in the following places:

- (a) any section of road which is, at the time of driving the livestock, under construction or reconstruction; or
- (b) any footpath; or
- (c) any road identified by the Council to have roadside reservations of conservation or other environmental significance.

39.2 The Council may resolve that additional roads or areas are not to be made available for the driving or grazing of livestock.

40. LIVESTOCK GRAZING, DRIVING AND CROSSING PERMIT CONDITIONS

40.1 A permit holder must not vary the route or location specified in a permit without first obtaining the consent of the Council or an authorised officer.

40.2 A permit holder must not allow livestock to be on a road outside the hours specified in the permit.

40.3 A permit holder must follow the direction of an authorised officer to remove any livestock from a road.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

40.4 A permit must specify by name or by indication on an attached map the roads along which the livestock must be driven.

41. POWER TO IMPOUND LIVESTOCK

Subject to the Impounding of Livestock Act 1994, an authorised officer may impound or secure in a place offering safe custody any livestock found trespassing on a road or in the possession of a permit holder who has breached the relevant permit.

DIVISION 5 - SHOPPING TROLLEYS

42. LEAVING SHOPPING TROLLEYS

A person must not leave, cause to be left or authorise another person to leave a shopping trolley on any road or Council Land or in any other public place.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

43. MISUSES OF SHOPPING TROLLEYS

A person must not use a shopping trolley for any other purpose for which it was not specifically designed.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

44. IMPOUNDMENT OF SHOPPING TROLLEYS

An authorised officer, may seize and impound any shopping trolley found abandoned or which is being used in contravention of this Local Law.

DIVISION 6 - CONTROL OF TOY VEHICLES AND MODEL AEROPLANES

45. MODEL AEROPLANES AND DRONES

A person must not, without a permit, fly or permit to be flown any model aeroplane, drone or similar type of equipment over any road or Council land.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

46. CONTROL OF TOY VEHICLES

A person must not:

- (a) use or allow to be used a toy vehicle so as to endanger, intimidate or unduly obstruct or hinder any other person or vehicle lawfully using or intending to use the same area; or
- (b) use a toy vehicle in an area designated by the Council under clause 47 contrary to that designation.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

47. DESIGNATED AREAS

- 47.1 The Council may designate areas (other than a road or road related area) where it considers that the riding of toy vehicles is reasonably likely to cause physical damage to infrastructure located within the area.
- 47.2 Where the use of toy vehicles is likely to interfere with the use and enjoyment of the locality or members of the public the Council may designate areas (other than a road or road related area) where the use of a toy vehicle is:
- (a) prohibited or;
 - (b) restricted to use at specified times or;
 - (c) permitted conditionally.
- 47.3 If the Council designates an area in which toy vehicles must not be used or can only be used at specified times or conditionally, it must erect signs in or on the area designated indicating that toy vehicles must not be used or can only be used at the times or subject to the conditions specified.
- 47.4 Where the Council fails to erect and maintain signs in accordance with sub-clause 47.3 it cannot proceed to prosecute a person for an offence under sub-clause 46.

DIVISION 7 – RIDING OF HORSES IN BUILT UP AREAS

48. RIDING HORSES ON NATURESTRIPS, PUBLIC RESERVES, RECREATION GROUNDS OR OTHER COUNCIL LAND

- 48.1 Except where written permission has been obtained from the Council, a person in a built-up area must not ride or lead a horse or cause or authorise another person to ride or lead a horse upon a reservation, public reserve, recreation ground or other Council Land (other than one signposted by the Council as available for horse riding).

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

- 48.2 Notwithstanding sub-clause 48.1 a person can ride a horse on a Naturestrip, Public Reserve, Recreation Ground or other Council Land if it is part of an organised riding activity for which a special event permit has been issued by the Council.

49. WRITTEN PERMISSION

The Council may give written permission, subject to any conditions considered to be appropriate, for a horse to be ridden or led upon a Naturestrip, Public Reserve, Recreation Ground or other Council Land where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

DIVISION 8 – STATIONARY HEAVY VEHICLES

50. PARKING VEHICLES OVER 4.5 TONNES ON RESIDENTIAL LAND

A person must not, without a permit, park, keep, store, repair or authorise the parking, keeping, storing or repairing of any vehicle weighing more than 4.5 tonnes (including any load) on any property within a Residential Area.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units

DIVISION 9 – ADVERTISING SIGNS

51. ERECTING OR PLACING ADVERTISING SIGNS

51.1 A person without a permit must not erect or place an advertising sign or cause or authorise another person to do so:

- (a) on any Council land; or
- (b) on any footpath; or
- (c) on any other part of a road.

Penalty: 20 Penalty Units

Infringement Penalty: 5 Penalty Units.

51.2 A person with a permit to display an advertising sign must ensure that permit conditions are complied with at all times.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

52. EXEMPT SIGNS

Clause 51 does not apply to :

- (a) an advertising sign for a garage sale, an open inspection or auction provided:
 - (i) the sign is no larger than 700mm in width or 1 metre in height without the specific approval of an authorised officer; and
 - (ii) the sign is not placed on a round-a-bout or does not obstruct any constructed footpath or walkway; and
 - (iii) the sign is not located on any part of a road to which motor vehicles have access; and
 - (iv) the sign (pointer board) is only displayed at or near a property for which the person or agent is acting provided further that the sign(s) are only placed within the two hours preceding the activity being advertised and removed within the two hours of the conclusion of the activity being advertised; or
 - (v) the sign is not attached to or does not obstruct any traffic control device or

- sign or impede the view of any motorist; or
- (b) an advertising sign for which a planning permit has been issued.

53. IMPOUNDING SIGNS

Where any advertising sign is erected or placed in any place contrary to this Local Law or in contravention of any permit conditions, it may be removed by an authorised officer and impounded.

DIVISION 10 – DISPLAY OF GOODS FOR SALE

54. LOCATING GOODS FOR SALE

54.1 A person without a permit must not place or display any goods for sale or cause or permit another person under his or her control to do so:

- (a) on any Council land; or
- (b) on any footpath; or
- (c) on any other part of a road.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

54.2 A person with a permit to display goods for sale must ensure that permit conditions are complied with at all times.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

55. GOODS LEFT ON ROADS

Any goods left or displayed on any part of a road contrary to this Local Law or displayed in contravention of any condition of a permit may be removed by an authorised officer and impounded.

DIVISION 11 – TRADING FROM A ROAD OR TO A PERSON ON A ROAD

56. PERMIT REQUIRED FOR ROADSIDE TRADING

56.1 A person without a permit must not erect or place on any road a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

56.2 A person with a permit to trade from a road must ensure that permit conditions are complied with at all times.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

57. TRADING TO A PERSON ON A ROAD

57.1 A person without a permit must not sell or offer for sale any goods or services from a public place or Council Land to any person who is in that public place or on that Council Land.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

57.2 A person with a permit to sell or offer for sale any goods or services from a public place or Council Land must ensure that permit conditions are complied with at all times.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

58. REGULATION OF TRADING SITES

58.1 If the Council has entered into an agreement (by way of lease, licence or otherwise) in relation to trading from a particular site, a person other than the person with whom the Council has the agreement must not trade from that site whether or not that person has a permit.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

58.2 In addition to any other power which it has, the Council may by resolution determine a fee, charge, fare or rent in relation to selling or offering for sale of any goods or services from a property or public place adjacent to a road or to any person who is on that road or public place.

59. IMPOUNDING OF GOODS AND EQUIPMENT

Where the use of a site or the contravention of any conditions of a permit or agreement continues after a Notice to Comply has been served, any goods and associated equipment may be removed by an authorised officer and impounded.

DIVISION 12 – OUTDOOR EATING FACILITIES ON ROADS.

60. ESTABLISHING A TEMPORARY OUTDOOR EATING FACILITY

60.1 A person without a permit must not establish an outdoor eating facility on any footpath or other part of a road.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

60.2 A person with a permit to establish an outdoor eating facility must ensure that permit conditions are complied with at all times.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

60.3 The outdoor eating facility must be solely outside the permit holder's premises and must provide a 2 metre clear accessible path of travel from the property line and be 700 mm from the kerb.

60.4 A permit is not required under this Local Law where a planning permit has been issued for the establishment of the outdoor eating facility.

61. USE OF OUTDOOR EATING FACILITY

61.1 A person must not occupy a chair in or otherwise use the equipment in an outdoor eating facility unless he or she intends to use them for the purpose of eating food or drinking drinks to be provided by the permit holder.

Penalty: 5 Penalty Units.

Infringement Penalty: 1 Penalty Units.

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

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

61.3 A person must leave an outdoor eating facility when requested to do so by the permit holder, an authorised officer or a member of the Victoria Police.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

62. PERMIT CONDITIONS FOR TEMPORARY OUTDOOR EATING FACILITY

62.1 A temporary outdoor eating facility must:

- (a) not be affixed or attached to the footpath, roadway or other infrastructure;
or
- (b) not be placed so as to obstruct pedestrians and /or traffic at intersections.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

62.2 A temporary outdoor eating facility must be located solely outside the permit holder's premises and must provide a 2 metre clear accessible path of travel from the property line and be 700 mm from the kerb.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

62.3 The permit holder must ensure that all items comprising the temporary outdoor eating facility are removed from the footpath by the close of business each day or by 1 am on the day immediately following their placement (whichever occurs first).

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

62.4 Where an outdoor eating facility is used in contravention to this clause it may be removed by an authorised officer and impounded.

63. REMOVING THE FACILITY

A permit holder must move or remove an outdoor eating facility when requested to do so for the purposes of public safety by an authorised officer or member of the Victoria Police.

DIVISION 13 – BULK RUBBISH CONTAINERS

64. PLACING BULK RUBBISH CONTAINERS, NATURESTRIPS AND COUNCIL LAND

A person without a permit must not place or cause or allow another person to place a bulk rubbish container on a road or Council land.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

65. CONTAINER LEFT ON A ROAD, NATURESTRIP AND COUNCIL LAND

Any bulk rubbish container placed on any part of a road contrary to this Local Law or in contravention of any condition of a permit may be removed by an authorised officer and impounded.

DIVISION 14 – OCCUPATION OF THE ROADS

66. ROAD OCCUPATION

A person must not, without a permit, on a road under the control of the Council:

- (a) occupy or fence off a road or any part of the road including the road reserve and other road related area; or
- (b) erect a hoarding or overhead protective awning; or
- (c) use a mobile crane or travel tower for any building work; or
- (d) make a hole or excavation; or
- (e) reinstate a hole or excavation; or
- (f) plant any vegetation (other than grass) on a nature strip.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

67. REINSTATEMENT WORKS

- 67.1 The reinstatement of any part of the road damaged or affected by works of a type listed in clause 66 must be carried out in accordance with any conditions contained in the permit.
- 67.2 The fees to be applied in respect of reinstatement works will be those determined by the Council from time to time.
- 67.3 A Service Authority is responsible for the reinstatement of any part of the road, damaged or affected by works carried out by that Service Authority.

68. IMPOUNDING OF EQUIPMENT

Where any equipment, fencing or other items are being used in contravention of this Division, an authorised officer may remove the equipment, fencing or other items and impound them.

69. WORKS OF SERVICE AUTHORITIES

Except for sub-clause 67.3, the provisions of this Division do not apply to the works of any Service Authority.

DIVISION 15 – DEPOSITED SUBSTANCES

70. SUBSTANCES FROM VEHICLES, ANIMALS AND LIVESTOCK

A person must not allow any grease, oil, mud, clay or other substance to fall or run off a vehicle or livestock onto or under a road or allow or authorise another person to do so.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

71. REMOVAL OF SUBSTANCES

A person in charge of a vehicle or livestock from which any substance has fallen or run off onto a road:

- (a) must take all reasonable steps to promptly remove the substance, make good any damage and remove any consequent hazard; and
- (b) where any damage or hazard remains, must promptly notify the Council or member of the Victoria Police of the damage or hazard.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

DIVISION 16 – EVENTS, STREET PARTIES, STREET FESTIVALS, PROCESSIONS, FIREWORKS, BUSKING, CIRCUSES AND CARNIVALS

72. OCCASIONAL EVENTS IN COUNCIL'S PARKS, GARDENS & RECREATIONAL RESERVES

72.1 A person is required to obtain a permit if they seek exclusive use of part or all of Councils parks, gardens and recreational reserves, or intend to install temporary infrastructure, to facilitate an event.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units

72.2 Clause 73.1 does not apply to general use of Council parks, gardens & recreational reserves. Where persons are using the facility for barbeques, social gatherings, family events and any other such gathering which does not interfere with other persons or impact on the general amenity of the area.

73. COMMUNITY, SPECIAL AND MAJOR EVENTS

A person is required to obtain a permit to conduct a Community Event, Special Event or Major Event.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units

74. PERMITS FOR STREET PARTY, STREET FESTIVAL, SPECIAL EVENT OR PROCESSION

A person is required to obtain a permit to hold a Street Party, Street Festival, Special Event or procession on a road.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

75. PERMITS FOR COMMUNITY MARKETS

A person is required to obtain a permit to hold a Community Market on Council Land, roadway, or any private land.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

76. PUBLIC PLACES

A person is required to obtain a permit to conduct any festival, public entertainment, gathering or similar function in any public place.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

77. CANCELLATION OF PERMIT

An Event permit may be cancelled:-

- (a) if it is deemed a Code Red Day; or
- (b) if the event organisers do not comply with the Council's requirements.

78. DIRECTION TO CEASE EVENT

An Event organiser must comply with directions given by members of the Victoria Police or an authorised officer to cease the Event if it is considered dangerous or a nuisance is being caused.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units

79. DISCHARGE OF FIREWORKS

A person, including a licensed pyrotechnician, must not without a permit discharge or allow to be discharged fireworks on any property.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

80. DISCHARGE OF INTERNAL FIREWORKS

A person, including a licensed pyrotechnician must not without a permit discharge or allow to be discharged fireworks within a Council building.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units

81. DIRECTIONS TO CEASE FIREWORKS

A licensed pyrotechnician or an event organiser must comply with directions given by a member of the Victoria Police or an authorised officer to cease fireworks if they are unauthorised, considered dangerous or are creating a nuisance.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

82. BUSKING AND STREET ENTERTAINMENT

A person must not, without a permit, busk within a Municipal Place.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

83. DIRECTIONS TO CEASE BUSKING

A busker must comply with directions given by any member of the Victoria Police or an authorised officer to cease busking or moving from the busking location where a congestion, inconvenience or nuisance is being caused.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

84. CIRCUSES AND CARNIVALS

A person must not, without a permit, conduct a circus, carnival or other similar event.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

DIVISION 17 - COLLECTIONS ON ROADS

85. COLLECTIONS

A person must not, without a permit, solicit or collect any waste materials, gifts of money or subscriptions while present on any footpath adjacent to any road or cause or authorise another person to do so.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

NOTE: Permit applications for highway collections (including traffic light intersections) are to be referred to Victoria Police.

DIVISION 18 - VEHICLES AND OTHER OBSTRUCTIONS

86. DERELICT AND ABANDONED VEHICLES

A person must not abandon, leave or allow to be left in or on a road, public place, reserve or Council Land any vehicle that is:

- (a) not currently registered; or
- (b) derelict to such an extent as to be unable to move under its own power and in disrepair.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

Any Vehicle found on any Road, Council Land or Municipal Place and considered by an Authorised Officer to be derelict, abandoned or unregistered may be dealt with under the provisions of Schedule 11 to the Act.

87. REPAIR OF VEHICLES AND STORAGE OF VEHICLES

- (a) A person must not repair, paint, dismantle, maintain or service a vehicle on any road or Council Land except where it is necessary to undertake minor repairs to get the vehicle underway or moving.
- (b) A Person must not use any road or other Council Land for the purpose of storing any caravan, trailer, boat or damaged vehicle.
- (c) Where, in the opinion of an Authorised Officer, this clause is not being complied with, the Authorised Officer may serve a Notice to Comply on the owner of the Vehicle being repaired, or caravan, trailer, boat or damaged vehicle being stored.
- (d) If the owner of the Vehicle being repaired, or caravan, trailer, boat or damaged Vehicle being stored fails to comply with a Notice to Comply served under this the Vehicle being repaired, or caravan, trailer, boat or damaged vehicle being stored may be impounded by an Authorised Officer.
- (e) For the purposes of subclause (b), an Authorised Officer may consider a caravan, trailer, boat or damaged vehicle to be stored if the vehicle has not been moved for 28 days.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

88. REMOVAL OF UNLAWFULLY PARKED AND/OR OBSTRUCTING VEHICLES

88.1 Where a vehicle is left in the Municipal District:

- (a) causing an unlawful obstruction; or
- (b) unlawfully parked;

the vehicle may be relocated or impounded.

88.2 After having regard to the likely level of public nuisance, accidents, danger to

pedestrians, congestion and delay to road users, the an Authorised Officer may relocate or impound a vehicle if it is causing an unlawful obstruction or is unlawfully parked in the following areas:

- (a) no stopping areas; or
- (b) on a footpath; or
- (c) school crossing zones; or
- (d) parking areas reserved for vehicles displaying a Disabled Persons Parking Scheme Permit; or
- (e) areas such as intersection zones and approaches to traffic lights, where the size and nature of the illegally parked vehicle creates an added problem for drivers' and pedestrians' line of sight; or
- (f) at Special Events, where unlawful parking is likely to result in unreasonable congestion; or
- (g) where a clear width of 3 metres has not been left for the passage of vehicles.

88.3 A notice of impounding is not required where a registered vehicle is moved less than 250m and relocated back onto a road.

89. OTHER OBSTRUCTIONS

Where a craft, rubbish container, movable structure, device, material, object or other thing is left in the Municipal District:

- (a) causing an unlawful obstruction; or
- (b) causing a danger to pedestrians or other vehicles; or
- (c) getting in the way of or likely to get in the way of traffic; or
- (d) at Special Events, where unlawful parking is likely to result in unreasonable congestion; or
- (e) is abandoned and/or disowned

the obstruction may be removed by an authorised officer and impounded.

90. AUTHORISED OFFICER MAY MARK TYRES

90.1 An authorised officer may mark the tyres of a vehicle parked in a parking area with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

90.2 A person must not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

Penalty: 5 Penalty Units.

Infringement Penalty: 1 Penalty Units.

91. PARKING BAY RESERVATION

Where access to a vehicle or equipment is required consistently or regularly in the pursuit of an applicant's business, promotion, Special Event or activity, the Council may issue a Parking Bay Reservation Permit for short term and specific location parking needs.

92. VEHICLE USE ON COUNCIL LAND

92.1 A person must not, without a permit:

- (a) drive, ride or use a vehicle on Council land, Municipal Place or other public place unless in an area designed and approved for that purpose: or
- (b) park a vehicle on Council Land, Municipal Place or other public place unless in an area designed and approved for that purpose.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

92.2 Where an unregistered vehicle is used in contravention of this clause, an authorised officer may remove and impound the vehicle.

92.3 Clause 92.1 does not apply to a road or road related area.

92.4 This Clause does not apply to an Authorised Officer or member of the Police Force in the course of their duties.

DIVISION 19 - SAFETY, PEOPLE AND PROPERTY

93. DANGEROUS AND UNSIGHTLY LAND

93.1 An owner or occupier of land must not allow the land to:

- (a) become unsightly or detrimental to the general character and amenity of the neighbourhood in which it is located; or
- (b) harbour unconstrained rubbish; or
- (c) contain disused excavation or waste material; or
- (d) store disused machinery or vehicles or for the assembly or dismantling of such machinery or vehicles; or
- (e) pose a danger or a risk to people or property in the vicinity.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

93.2 In determining whether land poses a danger or a risk to people or property in the vicinity or is unsightly or detrimental to the general amenity of the neighbourhood, an authorised officer must take into account the following factors:

- (a) the level of grass and weeds on property should be no higher than 500 millimetres; and
- (b) whether the volume of unconstrained rubbish or litter is excessive; and

- (c) the fact that disused waste material should not remain on the land for a period longer than 14 days; and
- (d) the fact that disused excavation should not remain on the land for any period without the provision of fencing adequate to prevent access by children or for longer than 14 days in any case; and
- (e) whether the volume or type of substances or materials, including building materials and fill from building sites, is excessive; and
- (f) whether the volume or type of goods, such as second-hand goods, vehicles or machinery, is excessive.

93.3 An owner or occupier of any urban land must not allow blackberries to grow on or spread from that land.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

94. DILAPIDATED BUILDINGS

Without limiting clause 93, an owner or occupier of land on which is located any building or other structure which is unoccupied, unfit for occupation or not ordinarily occupied:

- 94.1 Must not permit that building or structure to become dilapidated or further dilapidated;
- 94.2 Must take all reasonable steps to secure the building or structure from unauthorised access, including, if required, secure fencing, boarding up/securing windows and other access points, more adequate locks and any other security options that are, in all the circumstances, reasonable to exercise;
- 94.3 Must undertake temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect out of character with other land in the vicinity;
- 94.4 Must take reasonable steps to prevent or remedy the land from being a haven for regular anti-social or unlawful behaviour by unauthorised persons;
- 94.5 Must maintain the building or structure in a state of good repair and appearance.
- 94.6 Must not allow any graffiti to remain on any building, wall, fence, post or other structure or object erected on that land; and
- 94.7 Will commit a new offence under this Local Law for every month any breach of this clause continues unless effective works have been undertaken to remedy any breach.

Penalty: 20 Penalty Units

Infringement Penalty - Commercial and Industrial properties: 10 Penalty Units.

Infringement Penalty - All other properties: 5 Penalty Units.

95. ELECTRIC FENCE

A person must not, without a permit, erect an electric fence in a Residential Area adjacent to a street alignment or public open space.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

96. BOAT RAMPS

A person must not, launch a boat, jet-ski or other craft on a council controlled waterway contrary to any sign requiring a permit.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

97. WATERWAY BEHAVIOUR

97.1 A person must not leave, moor, tie or secure a boat to a boat ramp, pontoon or jetty contrary to any sign on or adjacent to any boat ramp, pontoon or jetty.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

97.2 A person must not swim, dive, or fish contrary to any sign at a Council controlled waterway.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

97.3 A person must not, while aboard a vessel on a body of water:

- (a) engage in any activities which are dangerous to any other person; or
- (b) use an amplifier or electronic device so as to interfere with the use or enjoyment of the body of water or any adjacent land by any other person; or
- (c) interfere with the reasonable use and enjoyment of the body of water or any adjacent land by any other person.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

97.4 A person must not, without a permit, use or operate a boat, jet-ski, sailboard, wind surfer, skiffle board or ski on a Council controlled waterway other than in an area prescribed for that purpose.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

98. CODE RED FIRE DANGER RATING DAY

A person must not enter a bushland reserve managed by the Council on a Code Red Fire Danger Rating day.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

99. OPEN AIR BURNING

99.1 A person must not, without a permit light or cause or allow to be lit or remain alight any fire in the open air on any land or road within the Municipal District.

99.2 Despite clause 100a, an owner or occupier of land may burn-off in the open air for the purposes of reducing fuel loads on that land in accordance with the following -

- (a) The land greater than 1 hectare in size; and
- (b) The land is outside a 500 metre radius from any residential area; and
- (c) Someone is in attendance at all times while the fire is lit; and
- (d) Fire suppression equipment is onsite; and
- (e) The fire is only allowed to burn during daylight hours.
- (F) VicFire is notified beforehand.

99.3 A burn-off is disallowed or not permitted to continue on days of total fire ban, during CFA declared Fire Danger Period or any other time as directed by Latrobe City Council.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

100. USE OF A BARBECUE

- (a) Despite clause 99, a fire is permitted in a barbecue for the purpose of cooking food provided that such use does not create a nuisance.
- (b) A person must not light or allow to be lit or remain alight any fire in a barbecue or similar device for purposes other than for the cooking of food for human consumption or personal warmth.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

101. FIRES FOR PERSONAL WARMTH

- (a) Despite clause 99, a fire is permitted on private property for the purpose of personal warmth provided that such use does not create a nuisance.
- (b) A person must not burn leaves, green wood or rubbish in a fire lit for personal warmth.
- (c) A person lighting a fire for personal warmth must ensure that:
 - (i) during the Fire Danger Period the wind is not more than 10 kph; and
 - (ii) the fire is lit in a properly constructed fireplace or in a trench at least 30 centimetres deep; and

- (iii) the area within a distance of 3 metres from the outer perimeter of the fire is clear of flammable material; and
- (iv) the fire does not occupy an area in excess of 1 square metre and the size and dimensions of solid fuel used are the minimum necessary for the purpose; and
- (v) a person is in attendance at all times while the fire is alight and has the capacity and means to extinguish the fire; and
- (vi) the fire is completely extinguished before the person leaves.

NOTE: that in accordance with the CFA Act, a "properly constructed fireplace" means a fireplace that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire. A commercially produced barbecue would be considered a properly constructed fireplace.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

102. BURNING IN AN INCINERATOR

- 102.1 A person must not, without a permit, cause or allow an incinerator to be constructed, erected, installed or used on any property, road or other land in respect of which that person is the owner or occupier or has responsibility for the management and control of the incinerator.
- 102.2 A person must not, without a permit, light or allow to be lit or remain alight any fire in an incinerator within the Municipal District.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

103. CHIMNEYS/WOOD STOVES

- 103.1 An owner or occupier of land must not cause or allow any chimney and/or wood stoves to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to the health of another person.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

- 103.2 Where an authorised officer is of the opinion that a chimney and/or wood stove is discharging dust, grit, ashes or smoke which is dangerous to the health of or is offensive to another person, he or she may serve a Notice to Comply on the owner or occupier of the land.

104. DIRECTION TO EXTINGUISH A FIRE.

A person must obey a direction from an authorised officer to extinguish a fire.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

105. CLOTHING RECYCLING BINS

105.1 A person must not, without a permit, place any clothing recycling bin on any land.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

105.2 A permit is not required under this Local Law for the placement of a clothing recycling bin in a place to which members of the public do not and might not reasonably expected to have access.

105.3 A person must not interfere with, deposit rubbish in or remove the contents of a clothing recycling bin except that this clause does not apply to the person on whose behalf the bin was placed, an employee or agent of the person who placed the bin or an authorised officer.

DIVISION 20 - THE ENVIRONMENT

106. CAMPING

A person must not, without a permit, camp on Council Land or in a public place in a tent, caravan or any other temporary or makeshift structure unless such land is within a licensed Caravan Park or an area determined to be available for camping purposes by the Council.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

107. CARAVANS AS TEMPORARY ACCOMMODATION

107.1 A person must not, without a permit, occupy a caravan on private property except in accordance with clause 106.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

107.2 Sub-clause 107.1 does not prevent an occupier of private property where a dwelling exists placing one caravan owned by them on the property for the use of a member of the household or a temporary visitor to sleep in for a total period not exceeding 28 days in any one year.

108. PLACEMENT OF CARAVANS ON PRIVATE PROPERTY

A person without a permit must not place or allow to be placed on any private property more than one caravan.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

109. NOISE

109.1 A person on a road or in a public place must not without the consent of the Council or an authorised officer:

- (a) sound or play upon any musical or noise instrument; or
- (b) sound, play, control, operate or use any loudspeaker, amplifier, microphone, wireless receiving set, or broadcasting set or any other like device capable of being used for making or amplifying sounds or noise; or
- (c) shout, sing or harangue where that noise interferes with the reasonable comfort of a person.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

109.2 Sub-clause 109.1 does not apply to any sounds within a motor vehicle which cannot be heard outside that vehicle or any sound or noise conveyed through any head phones which are not audible to a person other than the wearer of those head phones.

DIVISION 21- KEEPING OF ANIMALS

110. KEEPING OF ANIMALS

110.1 An owner or occupier of land must not, without a permit, keep or allow to be kept any more in number for each type of animal than as set out in the following table except for farming areas:

<i>Type of Animal</i>	<i>Definition</i>	<i>Multi Unit Development</i>	<i>All Other Areas (Except Farming area)</i>
Dogs		2	2
Cats		2	2
Poultry -		Not permitted	5
<i>Poultry includes; fowls, bantams, pheasants, ducks and geese.</i>			
Free Flying Pigeons		0	0
Rooster		0	0
Domestic Mice		10	10
Guinea Pigs,			
Ferrets, Hamsters		2	4
Domestic Rabbits		2	4
Reptiles		2	2
Other animals*		Not permitted	0 (Residential) / 10 (Rural Living Zone)

**Other animals include; cattle, horse, goat, swine, pig, ostrich, sheep and any other agricultural animal.*

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

110.2 A permit issued for the keeping of dogs and /or cats under this Part will be granted for the life of the animal although if an offence or nuisance be proven the permit can be revoked.

110.3 Sub-clause 110.1 does not apply where animals are kept in accordance with a planning permit or where a Wildlife Licence has been obtained in accordance with the Wildlife Regulations 2013.

110.4 A person keeping animals in accordance with clause 110.1 must ensure that the animals do not create a nuisance or danger to neighbours or other persons.

111. DOGS AND CATS ON FARMING PROPERTIES

Except where a planning permit is issued an owner or occupier of a working farm within a farming area must not, without a permit, keep or allow to be kept more than four adult dogs and/or four adult cats on that land except where allowed by the planning scheme.

112. MAXIMUM NUMBER OF DOGS AND CATS ON ANY LAND

Except where a planning permit is issued a person must not keep more than five dogs or five cats on any land except where allowed by the planning scheme.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

113. LITTERS OF ANIMALS

For the purpose of calculating the maximum limit of the numbers of animals kept, the progeny of any animal lawfully kept will be exempt for a period of 3 months after their birth.

114. LIVESTOCK KEPT UNSECURED

(a) A person must not allow any livestock owned by or in that person's custody to be kept unsecured or allowed to stray onto any road or public land.

(b) A person without a permit must not keep or allow to be kept any horse, goat, sheep, pig or similar animal on land in a residential area.

(c) A person must not keep cattle on any land in a residential area.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

115. CAGED BIRDS

Any person keeping poultry or caged birds of any type must ensure that these birds do not result in the generation of any nuisances to any individual or group of people.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

116. FREE FLYING PIGEONS

116.1 A person must not, without a permit, keep free flying pigeons on any land.

116.2 Sub-clause 116.1 does not apply to a registered member of a pigeon racing club affiliated with the Gippsland Pigeon Federation.

116.3 Notwithstanding sub-clause 116.1 and 116.2 a planning permit is required for more than 99 pigeons to be kept under these provisions.

116.4 A Planning Permit is required for 100 or more pigeons.

116.5 An occupier of land must ensure that any free flying pigeons housed on that land are housed in a loft of the type approved by a racing pigeon organisation and which meets the requirements of the Building Code of Australia.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

117. ANIMAL EXCREMENT

A person in charge of an animal on a road or other Municipal Place must:

- (a) carry a device suitable for the removal of any excrement that may be deposited by the animal; and
- (b) not allow any part of the animal's excrement to remain on a road or other Municipal Place; and
- (c) produce the device on demand by an authorised officer.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

DIVISION 22 - DISPOSAL OF WASTE

118. DOMESTIC WASTE

118.1 The occupier of every dwelling or other property to which the Council provides a kerbside waste collection service must comply with this Part.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

118.2 The occupier of any property to which the Council does not provide a kerbside waste collection service must remove any waste from the property and dispose of it into an appropriate receptacle or to a waste disposal facility in a manner that is clean, inoffensive and does not harm the environment, and in compliance with any relevant Environmental Protection Authority guidelines.

119. TYPE OF DOMESTIC WASTE AND RECYCLING RECEPTACLES

119.1 The occupier of every dwelling, or other property, to which the Council provides a kerbside garbage service, green waste service and/or recycling service must not place domestic waste or recycling out for collection unless the domestic waste is contained in a receptacle supplied, approved and determined by the Council from time to time for any particular collection district.

119.2 An occupier of property must ensure that all receptacles on the property:

- (a) have a lid which seals to make the receptacles weather and fly proof and secure; and
- (b) are kept in good order and in a clean and sanitary condition.

120. PLACEMENT OF DOMESTIC WASTE AND RECYCLING CONTAINERS

120.1 Domestic waste, green waste and recycling receptacles must be placed on the naturestrip adjacent to the driveway abutting the occupier's property no earlier than the evening before collection day as specified by the Council for collection from that property or in accordance with any instruction issued by the Council or any contractor engaged by the Council to collect such waste or recyclables.

- 120.2 Bin lids must be closed and not be overflowing.
- 120.3 Bins placed out for collection outside any commercial or retail premises must also be placed out in accordance with any instructions issued by the Council or any contractor engaged by the Council to collect waste or recyclables.

121. REMOVAL OF BINS AND ANY SPILLAGE

Once the waste has been collected by the Council or its contractor, the empty receptacle must be returned to the property by the occupier and any waste which has spilled onto the road, nature-strip or surrounding area must be removed by the occupier responsible for the bin within 24 hours of collection.

122. UNAUTHORISED USE OF RECEPTACLES

- 122.1 Garbage, recycling and green waste receptacles are for the exclusive use of the occupier. Garbage, recyclables, green waste or any other material must not be placed in another resident's receptacle.
- 122.2 Garbage, recycling and green waste receptacles must not be removed from a property when the occupier changes their place of residence for any reason.

122.3 ADDITIONAL WASTE RECEPTACLES

In the event of any occupier of a property placing out in excess of three receptacles for regular collection of domestic waste, green waste and recycling from any one dwelling, the Council may regard that dwelling as a multiple dwelling for the purposes of calculating the service charge as determined by the Council from time to time. Any additional receptacles require the approval of the Council.

123. PROHIBITED WASTE

- 123.1 The following material is prohibited from being placed in domestic waste receptacles and street litter receptacles for collection by the Council:
 - (a) slops, liquid waste, animal carcasses and offensive material; and
 - (b) dirt, dust, or other matter from any vacuum cleaner, hair, or other similar matter or moist refuse, unless it has been securely wrapped in an impermeable cover or container to prevent its escape; and
 - (c) 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 receptacle; and
 - (d) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive; and
 - (e) oil, paint, solvents or similar substance or any other substance which may damage the receptacle or reduce its strength or effectiveness; and
 - (f) disposable napkins unless they have been cleaned of solids and securely wrapped and placed in an impermeable cover; and
 - (g) impervious material prior to being placed in the receptacle; and

- (h) commercial/industrial and trade waste of any kind; and
- (i) any garden refuse, grass clippings or tree cuttings unless wrapped; and
- (j) objects over 8 kilograms in weight; and
- (k) medical waste, needles, syringes, chemicals, prescribed wastes or other hazardous materials.

123.2 The following material is prohibited from being placed in green waste receptacles for collection by the Council:

- (a) any material prohibited from domestic waste receptacles, excluding green waste; and
- (b) plastic bags, soil or rubble, food or household waste, nappies, bricks, pot plants, logs or stumps over 100 mm in diameter and 300 mm in length, and recyclables.

123.3 The following material is prohibited from being placed in recycling receptacles for collection by the Council:

- (a) any material prohibited from domestic waste receptacles; and
- (b) household waste, polystyrene, plastic bags and film wrap and green waste.

124. RECYCLING AND HARD GARBAGE COLLECTION

124.1 Occupiers of properties who have made a prior booking with the Council for an at-call hard waste collection service must leave hard waste out for collection in accordance with the Council's instructions.

124.2 A person must not place out for collection on the naturestrip or in any surrounding area any waste unless the Council has instructed him or her to do so.

124.3 A person must not remove or interfere with any hard waste left out for collection.

125. COMMERCIAL/INDUSTRIAL WASTE AND WASTE SKIPS

An occupier of property may arrange for the collection of commercial/industrial waste or for the placement of a waste/recycling skip subject to compliance with this Local Law and consistency with any Vic Roads guidelines.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

126. TRADE WASTE AND WASTE HOPPERS (INCLUDING RECYCLING BINS)

126.1 CONSTRUCTION OF BINS

A person using a Waste hopper or bin for the collection and storage of trade waste must ensure that it:

- (a) is constructed of approved impervious material to the satisfaction of the Council to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and
- (b) is watertight, fly and vermin proof; and
- (c) contains a removable drainage plug for the purpose of cleaning; and

is fitted with fly and vermin proof lid with overlapping flanges which must be kept continuously closed.

126.2 EMPTYING OF TRADE WASTE BINS

Waste hoppers or bins must be emptied at least weekly or more regularly if the contents become offensive.

126.3 CLEANLINESS AND STORAGE OF BINS

The occupier of a property on which a bin for the storage of trade waste is kept must ensure that:

- (a) the surface upon which the bin is stored is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the Council; and
- (b) the storage site is supplied with a tap connection and hose of a size approved by the Council; and
- (c) the bin is screened in such a way and with such material as approved by the Council; and
- (d) the bin is cleaned thoroughly after each emptying; and
- (e) the storage site is such that it does not detrimentally affect the amenity of the area.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

127. USE OF TRANSFER STATIONS AND LANDFILL SITES BY RESIDENTS

127.1 Transfer Stations and Landfill Sites are available to residents and ratepayers for the disposal of waste generated from within the Municipal District and other wastes that are allowed to be disposed in accordance with an applicable Environmental Protection Authority licence.

127.2 The landfill sites will be available to residents for the disposal of asbestos material only when the appropriate permit has been issued prior to disposal.

127.3 A person using a Transfer Station or Landfill Site under this provision must pay the fees and charges applicable and comply with the set terms and conditions.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

128. USE OF TRANSFER STATIONS AND LANDFILL SITES BY NON RESIDENTS

128.1 The Council may consider allowing persons other than residents and ratepayers to use a Transfer Station or Landfill Site.

128.2 A non-resident who is permitted to use the Transfer Station or Landfill Site under this provision must pay the fees and charges applicable and comply with the set terms and conditions.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

129. CONDUCT AT TRANSFER STATIONS/LANDFILL

A person must not fail to adhere to an instruction from a Transfer Station/Landfill attendant or act contrary to an authorised sign at a Transfer Station/Landfill.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

130. ACCESS TO TIPPING FACE

The Council may refuse access to the tipping area of a Landfill to a person who fails to pay the required fee or charge or who fails to comply with the terms and conditions of use of the Landfill.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

131. DUMPING OF ICE CHESTS, TRUNKS OR SIMILAR CONTAINERS

A person must not place or leave or allow to remain a disused refrigerator, ice-chest, icebox, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first:

- (a) removing every door and lid; or
- (b) removing every lock, catch and hinge attached to a door or lid; or
- (c) otherwise rendering every door and lid incapable of being fastened.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

132. SCAVENGING AT TRANSFER STATIONS/LANDFILL

A person must not, without a permit, remove material of any kind which has been deposited at a Transfer Station/Landfill.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

133. TRANSFER STATION SECOND HAND GOODS SHOP

Any person may purchase materials or items displayed in the designated areas or the second hand goods shop located at the Transfer Station upon payment of the charges applied by the Transfer Station attendant.

DIVISION 23 - GREY WATER, STORMWATER DRAINS AND PRIVATE DRAINS

134. DRAINAGE TAPPINGS

134.1 A person must not, without a permit, tap into or interfere with any drain under the control of the Council.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

134.2 Sub-clause 134.1 does not apply where the Council has certified a plan of subdivision or given its approval for the drain to be tapped under any other legislation administered by it.

135. INTERFERENCE WITH WATER COURSE

135.1 A person must not, without obtaining approval from the Council to do so, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or fence which belongs to the Council or is under the control or management of the Council.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

135.2 Sub-clause 135.1 does not apply to works undertaken by a Service Authority.

136. GREY WATER

All effluent generated on a property must be retained and disposed of by approved means within that property boundary, unless:

- (a) the effluent is approved for disposal, and is disposed of through the reticulated sewerage system; or
- (b) there is a current approval in place issued by the relevant authority for off-site discharge to occur; or
- (c) there is a current contract with an approved waste disposal contractor in place to collect and dispose of effluent generated on the property

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

137. STORMWATER DRAINS

An owner of a property must:

- 137.1 obtain a permit from the Council prior to connecting a stormwater drainage system serving a residential, commercial or other property to an adjacent Council stormwater drainage system, and comply with the conditions of such permit; and
- 137.2 connect a stormwater drainage system serving a residential, commercial or other

property to an adjacent Council stormwater drainage system when directed to do so by an authorised officer provided that the authorised officer provides a timeframe within which the connection has to be made; and

137.3 ensure that such connection complies with any conditions imposed by the Council; and

137.4 adequately maintain the stormwater connection between the property boundary and the Council drain when directed to do so by an authorised officer, provided that the authorised officer provides a timeframe within which the maintenance has to be done.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

138. PRIVATE DRAINS

An owner of a property must not:

- (a) fail to maintain a private stormwater drainage system serving a residential, commercial or other property where the failure to do so causes a nuisance to a property upstream or downstream of the private stormwater drainage system whether during storm events or otherwise; and
- (b) fail to carry out rectification or maintenance works when directed to do so by an authorised officer provided that the authorised officer provides a timeframe within which the works have to be completed; and
- (c) build over, carry out works within or fill in any drain located in an easement, whether in favour of the Council or otherwise.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

DIVISION 24 - PUBLIC HEALTH

139. OFFENSIVE CONDITIONS

A person must not:

- (a) cause; or
- (b) allow to exist on or emanate from any property owned or occupied by or in the charge of that person, any condition that is offensive, unsanitary or liable to be dangerous to health.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

DIVISION 25 – BEHAVIOUR

140. BEHAVIOUR IN MUNICIPAL PLACES

140.1 A person in any Municipal Place must not behave in a manner which is boisterous or harmful or which causes interference with the quiet enjoyment of any person using the Municipal Place.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

140.2 A person must not behave in any Municipal Place in a way which that is detrimental to the Municipal Place or other Council and Community Assets.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

140.3 An owner or occupier of land must not allow trees, plants or any other matter on his or her land to cause damage to or interfere with a Municipal Place.

Penalty: 10 Penalty Units.

Infringement Penalty: 5 Penalty Units.

140.4 Where the Council is of the opinion that trees, plants or any other matter or land are causing damage to or interfering with a Municipal Place, it may serve a Notice to Comply on the owner or occupier of the land.

140.5 A person must not, without a permit, destroy, damage or interfere with or attempt to destroy, damage or interfere with any trees and plants in any Municipal Place or under the care and management of the Council.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

140.6 A person must not in a Municipal Place:

- (a) act in a way which endangers any person; or
- (b) use or attempt to use any volatile, explosive or flammable matter; or
- (c) damage, destroy, write on, interfere with, remove from or affix to any building, improvement, furniture, fitting or equipment or other structure of any kind; or
- (d) destroy, pull down, obliterate or deface a sign put in place or erected by the Council; or
- (e) spit or expectorate; or
- (f) carry firearms unless specifically authorised to do so under the Firearms Act 1958; or
- (g) shoot, snare, molest, injure or in any way harm or interfere with any bird or animal, or attempt to shoot, snare, molest, injure or in any way harm or

interfere with any bird or animal.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

140.7 Paragraphs (c), (f) and (g) of sub-clause 140.6 do not apply to an authorised officer, or another person acting in the course of their duty with a member of the Police Force or an Emergency Service or to a person acting in accordance with a request by or the permission of the Council.

DIVISION 26 - SMOKING

141. SMOKING IN MUNICIPAL PROPERTIES AND MUNICIPAL PLACES

141.1 The Council may declare any Municipal Property or Municipal Place or any part of a Municipal Property or Municipal Place to be a smoke free area.

141.2 The Council must cause signs to be displayed in any Municipal Property or Municipal place or any part of a Municipal Property or Municipal Place which it has declared to be a smoke free area.

141.3 Where the whole of a Municipal Property or Municipal Place is declared to be a smoke free area, it will be sufficient to display signs indicating the property as a smoke free or non smoking area at the main entrance (or entrances where there are more than one main entrance) to the property.

141.4 A person must not smoke in or on any Municipal Property or Municipal Place or any part of the Municipal Property or Municipal Place which has been declared to be a smoke free (or no smoking) area.

Penalty: 10 Penalty Units.

Infringement Penalty: 2 Penalty Units.

141.5 Where the Council fails to erect and maintain signs in accordance with sub-clauses 141.2 and 141.3 it cannot proceed to prosecute a person for an offence under sub-clause 141.4.

DIVISION 27 - CONSUMPTION OF ALCOHOL

142. MUNICIPAL PLACES WHERE ALCOHOLIC BEVERAGE MAY NOT BE CONSUMED OR POSSESSED

142.1 A person must not, without a permit, consume or have in his or her possession or under his or her control any alcoholic beverage, other than in a sealed container, in or on any Municipal Place located within the area shown on Map 1, 2, 3, 4 or 5 of Schedule 2 contained within the thick dark line and marked with the letters 'CBD' unless the Municipal Place is a licensed premises or authorised premises.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

142.2 A person must not, without a permit, consume or have in his or her possession or under his or her control any alcoholic beverage, other than in a sealed container, in or on any Municipal Place located outside the area referred to in sub-clause 142.1 other than during the hours between:

- (a) 8.00 a.m. and 6.00 p.m. eastern standard time; or
- (b) 8.00 a.m. and 8.00 p.m. during the time in which daylight saving time operates in Victoria;

unless the Municipal Place is a licensed or authorised premises.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

DIVISION 28 - USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS

143. USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS

143.1 A person must not, while present in a Recreation Centre or on a Public Reserve and Recreation Ground:

- (a) climb, jump or get upon or over any wall, fence, gate, seat or other structure; or
- (b) use an amplifier or electronic device other than in a manner and location permitted by the Council or an authorised officer; or
- (c) use any children's playground equipment other than for the purpose for which it was provided; or
- (d) swim in, wade through, or enter for recreational purposes, or fish in any lake, pond or excavation containing water, or attempt to catch, injure or kill any animal contrary to any sign; or
- (e) throw, place or cause or allow to be thrown or placed any liquid, stone, stick, paper, dirt, rubbish or any other object, substance or thing into any wetland, lake, pond, fountain or any other body of water; or
- (f) enter any areas which are set aside for planting or growing of plants excepting the undertaking of approved works, where the person is, or is a volunteer directly supervised by, an employee of the Council, a person contracted to the Council for the purpose, a member of the relevant Committee of Management, or a member of that venue's approved committee or friends group; or
- (g) fly or permit to be flown any model aeroplane, aircraft or similar apparatus of any kind, excluding a kite, but including any audible motor-propelled device; or
- (h) undertake or organise activities for commercial gain, including commercial tour operations, and commercial providers of recreational activities

(personal trainers use of facility) without a permit and payment of the prescribed fee.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

143.2 An owner or occupier of land adjoining a public reserve or recreation ground must not without a permit:

- (a) install, or permit to be installed, a gateway on or other means of access to or from the Recreation Centre or Public Reserve and Recreation Ground; or
- (b) allow vehicular access from their land to public reserve or recreation ground.

Penalty: 20 Penalty Units.

Infringement Penalty: 5 Penalty Units.

PART 7 - ENFORCEMENT AND PENALTIES

144. POWERS OF AUTHORISED OFFICERS

If an authorised officer considers that there has been a breach of this Local Law, including a breach of any conditions of a permit, the authorised officer may take any or all of the actions provided in this Local Law and may:

- (a) direct the person to cease the activity breaching the Local Law; or
- (b) give a verbal warning the person who is breaching the Local Law; or
- (c) issue an official warning in accordance with the Infringements Act 2006; or
- (d) serve a Notice to Comply to remedy the breach; or
- (e) issue an infringement notice in accordance the Infringements Act 2006.

145. OFFENCES

145.1 Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

145.2 Where any provision in this Local Law requires that something must not be done any person who does that act is guilty of an offence.

145.3 Where any provision in this Local Law requires that something may not be done between specified hours of the day or night during specified months of the year, on days falling within specified categories* or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, or at the location or a specified part is guilty of an offence.

**e.g. acute fire danger days.*

145.4 Where any provision in this Local Law requires that a person obtain a permit from the Council before engaging in any particular activity, that person is guilty of an

offence if that person engages in that activity without a current permit issued by the Council (unless the Council, in its discretion, has waived the requirement for a permit).

145.5 Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a permit is guilty of an offence.

145.6 Where any offence arises under this Local Law in respect of which a specific penalty has not been indicated, the penalty for that offence is 10 penalty units and the Infringement Penalty is 2 Penalty Units.

145.7 A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to a penalty not exceeding 20 penalty units.

146. POWER TO SERVE INFRINGEMENT NOTICES

An authorised officer may serve an infringement notice on a person who the authorised officer has reason to believe has committed an offence against this Local Law

An offence referred to in this clause is an infringement offence within the meaning of the Infringements Act 2006.

PART 8 - DELEGATIONS

147. DELEGATIONS

In accordance with section 114 of the Act, the Council hereby:

- (a) delegates to the Chief Executive Officer and to each Senior Officer and to any person for the time being acting for such persons all the powers, discretions, authorities and considerations of the Council under this Local Law including (but not limited to) the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, required additional information, apply standards or guidelines or policies of the Council, consider appeals and waive the need for any permit or waive or fix or reduce any fee or charge or to do any act, matter or thing necessary for or incidental to the performance or exercise of any function or power by the Council; and
- (b) delegates to each authorised officer the powers, discretions and authorities to act on behalf of Council in performing any duty or function or in exercising any discretion of the Council specified in this Local Law.

PART 9 - SCHEDULES

SCHEDULE 1: AREAS OF RESPONSIBILITY

Clause	Responsibility
DIVISION 1 - OBSTRUCTIONS TO THE FREE PASSAGE OF PEOPLE AND VEHICLES	
28 Trees and plants not to obstruct or obscure	Local Laws
29 Fences, signs, posts, and other objects	Local Laws
DIVISION 2 – ROAD NAMES AND PROPERTY NUMBERS	
30 Council to approve road names	
31 Property numbers to be displayed	Local Laws
32 Incorrectly displaying property numbers	Local Laws
DIVISION 3 - VEHICLE CROSSINGS	
33 A vehicle crossing is required	Asset Protection
34 A permit is required	Asset Protection
35 Redundant vehicle crossings	Asset Protection
36 Vehicle crossings in disrepair	Asset Protection
DIVISION 4 – LIVESTOCK ON ROADS	
37 Driving and crossing of livestock on roads	Local Laws & Traffic Engineering
38 Grazing of livestock on roads	Local Laws & Traffic Engineering
39 Exempt areas - places where the driving or grazing of livestock	Local Laws & Traffic Engineering
40 Livestock grazing, driving and crossing permit conditions	Local Laws & Traffic Engineering
41 Notice of permit is required	Local Laws & Traffic Engineering
42 Power to impound livestock	Local Laws
DIVISION 5 - SHOPPING TROLLEYS	
43 Leaving shopping trolleys	Local Laws
44 Misuses of shopping trolleys	Local Laws
45 Impoundment of shopping trolleys	Local Laws
DIVISION 6 - CONTROL OF TOY VEHICLES AND MODEL AEROPLANES	
46 Model aeroplanes and drones	Local Laws
47 Control of toy vehicles	Local Laws
48 Designated areas	Local Laws
DIVISION 7 – RIDING OF HORSES IN BUILT UP AREAS	
49 Riding horses on naturestrips, public reserves, recreation	Local Laws

50	Written permission	Local Laws
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DIVISION 8 – STATIONARY HEAVY VEHICLES

51	Parking vehicles over 4.5 tonnes on residential land	Local Laws
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DIVISION 9 – ADVERTISING SIGNS

52	Erecting or placing advertising signs	Local Laws
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53	Exempt signs	Local Laws
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54	Impounding signs	Local Laws
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DIVISION 10 – DISPLAY OF GOODS FOR SALE

55	Locating goods for sale	Local Laws
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56	Goods left on roads	Local Laws
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DIVISION 11 – TRADING FROM A ROAD OR TO A PERSON ON A ROAD

57	Permit required for roadside trading	Local Laws
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58	Trading to a person on a road	Local Laws
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59	Regulation of trading sites	Local Laws
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60	Impounding of goods and equipment	Local Laws
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DIVISION 12 – OUTDOOR EATING FACILITIES ON ROADS.

61	Establishing a temporary outdoor eating facility	Local Laws
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62	Use of outdoor eating facility	Local Laws
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63	Permit conditions for Temporary Outdoor Eating Facility	Local Laws
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64	Removing the facility	Local Laws
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DIVISION 13 – BULK RUBBISH CONTAINERS

65	Placing bulk rubbish containers, naturestrips and council Land	Local Laws
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66	Container left on a road, naturestrip and council land	Local Laws
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DIVISION 14 – OCCUPATION OF THE ROADS

67	Road occupation	Local Laws & Traffic Engineering
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68	Reinstatement works	Local Laws & Traffic Engineering
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69	Impounding of equipment	Local Laws & Traffic Engineering
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70	Works of service authorities	Local Laws & Traffic Engineering
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DIVISION 15 – DEPOSITED SUBSTANCES

71	Substances from vehicles, animals and livestock	Local Laws
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72	Removal of substances	Local Laws
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DIVISION 16 – EVENTS, STREET PARTIES, STREET FESTIVALS, PROCESSIONS, FIREWORKS, BUSKING, CIRCUSES AND CARNIVALS

73	Occasional events in council's parks /gardens & recreational	Events
74	Community, special and major events	Events
75	Permits for street party, street festival, special event or	Events
76	Permits for community markets	Events
77	Public places	Events
78	Cancellation of permit	Local Laws & Events
79	Direction to cease event	Events
80	Discharge of fireworks	Local Laws & Events
81	Discharge of internal fireworks	Events
82	Directions to cease fireworks	Local Laws & Events
83	Busking and street entertainment	Local Laws & Events
84	Directions to cease busking	Local Laws & Events
85	Circuses and carnivals	Events

DIVISION 17 - COLLECTIONS ON ROADS

86	Collections	Local Laws
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DIVISION 18 - VEHICLES AND OTHER OBSTRUCTIONS

87	Derelict and abandoned vehicles	Local Laws
88	Repair of vehicles and storage of vehicles	Local Laws
89	Removal of unlawfully parked and/or obstructing vehicles	Local Laws
90	Other obstructions	Local Laws
91	Authorised officer may mark tyres	Local Laws
92	Parking bay reservation	Local Laws
93	Vehicle use on council land	Local Laws

DIVISION 19 - SAFETY, PEOPLE AND PROPERTY

94	Dangerous and unsightly land	Local Laws
95	Dilapidated buildings	Local Laws & Building
96	Electric fence	Local Laws
97	Boat ramps	Local Laws & Recreation
98	Waterway behaviour	Local Laws & Recreation
99	Code red fire danger rating day	Emergency Management
100	Open air burning	Local Laws & Emergency Management

101	Use of a barbecue	Local Laws
102	Fires for personal warmth	Local Laws & Emergency Management
103	Burning in an incinerator	Local Laws
104	Chimneys/wood stoves	Building/Health & Local Laws
105	Direction to extinguish a fire.	Local Laws & Emergency Management
106	Clothing recycling bins	Local Laws

DIVISION 20 - THE ENVIRONMENT

107	Camping	Local Laws
108	Caravans as temporary accommodation	Health
109	Placement of caravans on private property	Local Laws
110	Noise	Local Laws & Health

DIVISION 21- KEEPING OF ANIMALS

111	Keeping of animals	Local Laws
112	Dogs and cats on farming properties	Local Laws
113	Maximum number of dogs and cats on any land	Local Laws
114	Litters of animals	Local Laws
115	Livestock kept unsecured	Local Laws
116	Caged birds	Local Laws & Health
117	Free flying pigeons	Local Laws & Health
118	Animal excrement	Local Laws

DIVISION 22 - DISPOSAL OF WASTE

119	Domestic waste	Waste Management & Local Laws
120	Type of domestic waste and recycling receptacles	Waste Management & Local Laws
121	Placement of domestic waste and recycling containers	Waste Management & Local Laws
122	Removal of bins and any spillage	Waste Management & Local Laws
123	Unauthorised use of receptacles	Waste Management & Local Laws
124	Prohibited waste	Waste Management & Local Laws
125	Recycling and hard garbage collection	Waste Management & Local Laws
126	Commercial/industrial waste and waste skips	Waste Management & Local Laws
127	Trade waste and waste hoppers (including recycling bins)	Waste Management & Local Laws
128	Use of transfer stations and landfill sites by residents	Waste Management & Local Laws
129	Use of transfer stations and landfill sites by non residents	Waste Management & Local Laws

130	Conduct at transfer stations/landfill	Waste Management & Local Laws
131	Access to tipping face	Waste Management & Local Laws
132	Dumping of ice chests, trunks or similar containers	Waste Management & Local Laws
133	Scavenging at transfer stations/landfill	Waste Management
134	Transfer station second hand goods shop	Waste Management

DIVISION 23 - GREY WATER, STORMWATER DRAINS AND PRIVATE DRAINS

135	Drainage tappings	Local Laws & Health
136	Interference with water course	Local Laws & Health
137	Grey water	Local Laws & Health
138	Stormwater drains	Local Laws & Health
139	Private drains	Local Laws & Health

DIVISION 24 - PUBLIC HEALTH

140	Offensive conditions	Local Laws & Health
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DIVISION 25 - BEHAVIOUR

141	Behaviour in municipal places	Local Laws
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DIVISION 26 - SMOKING

142	Smoking in municipal properties and municipal places	Local Laws & Health
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DIVISION 27 - CONSUMPTION OF ALCOHOL

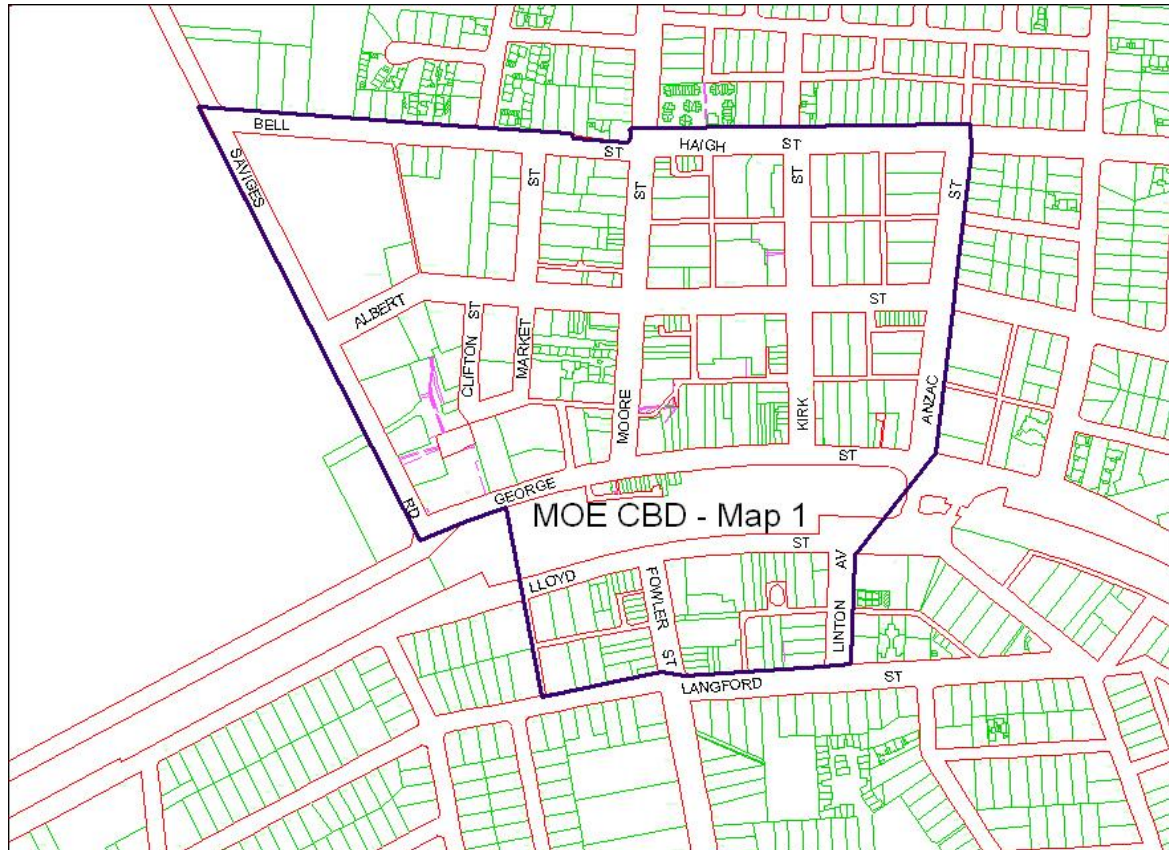
143	Municipal places where alcoholic beverage may not be consumed	Local Laws
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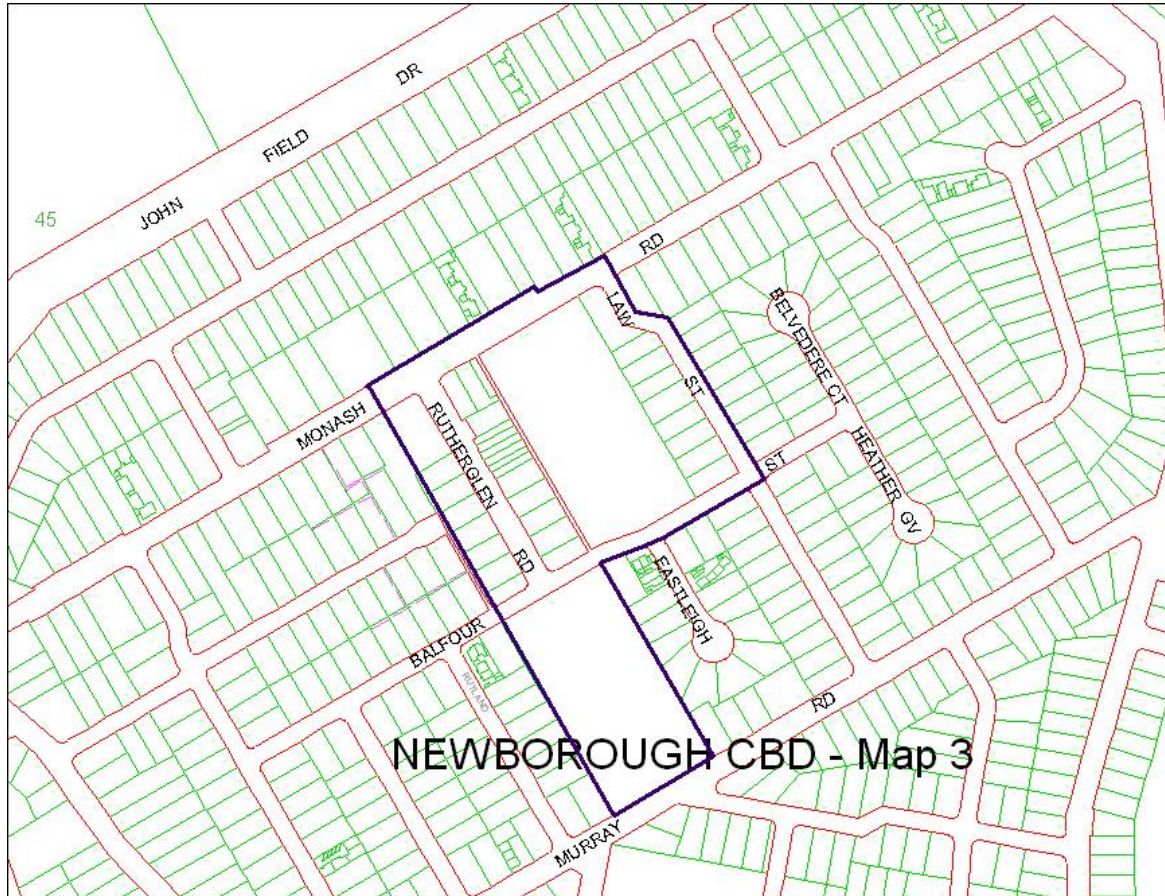
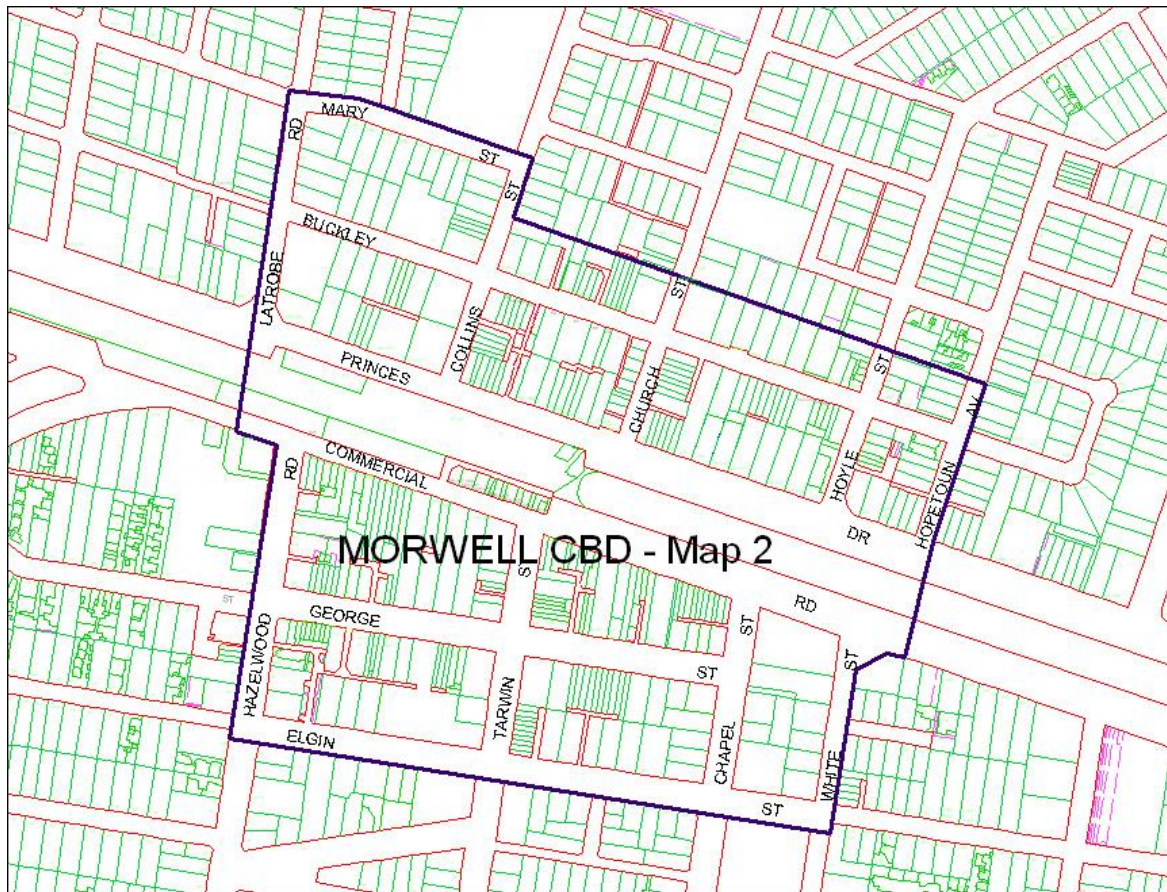
DIVISION 28 - USE OF COUNCIL RECREATION CENTRES, PUBLIC RESERVES AND RECREATION GROUNDS

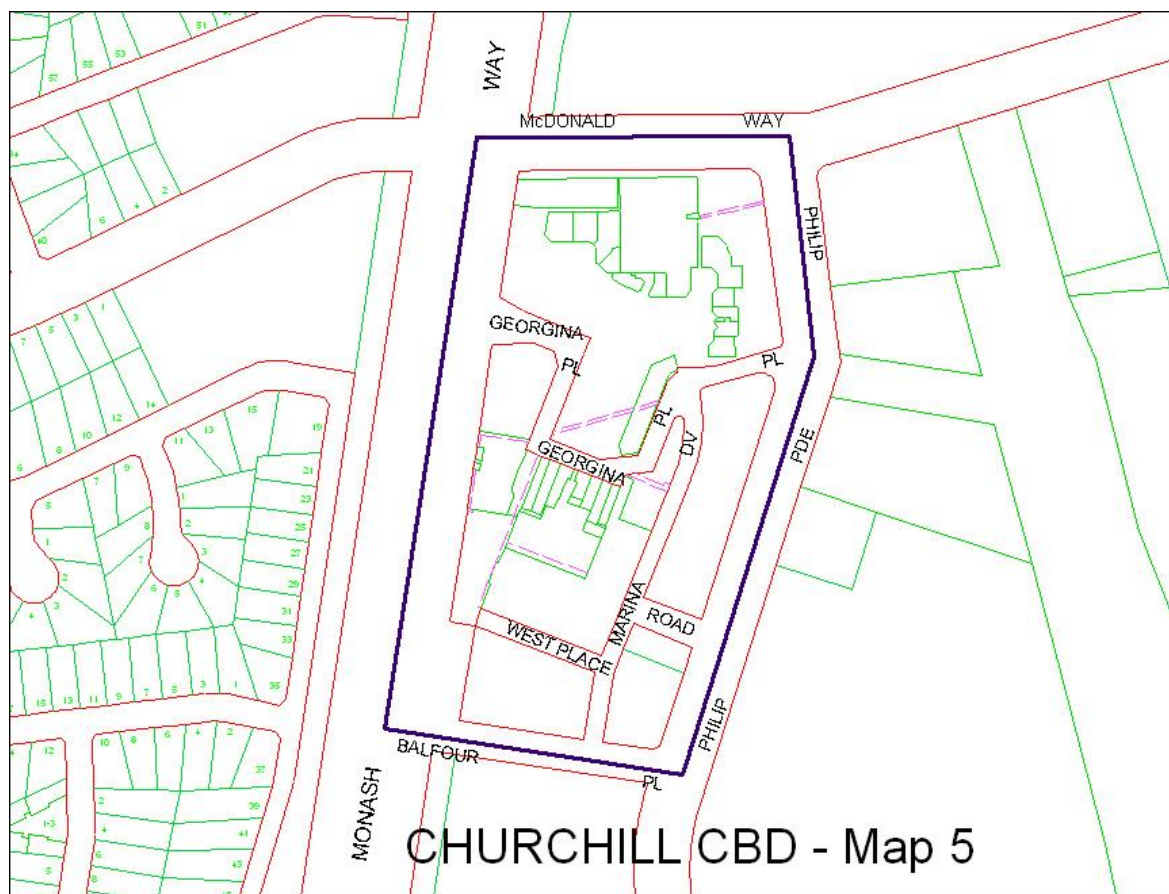
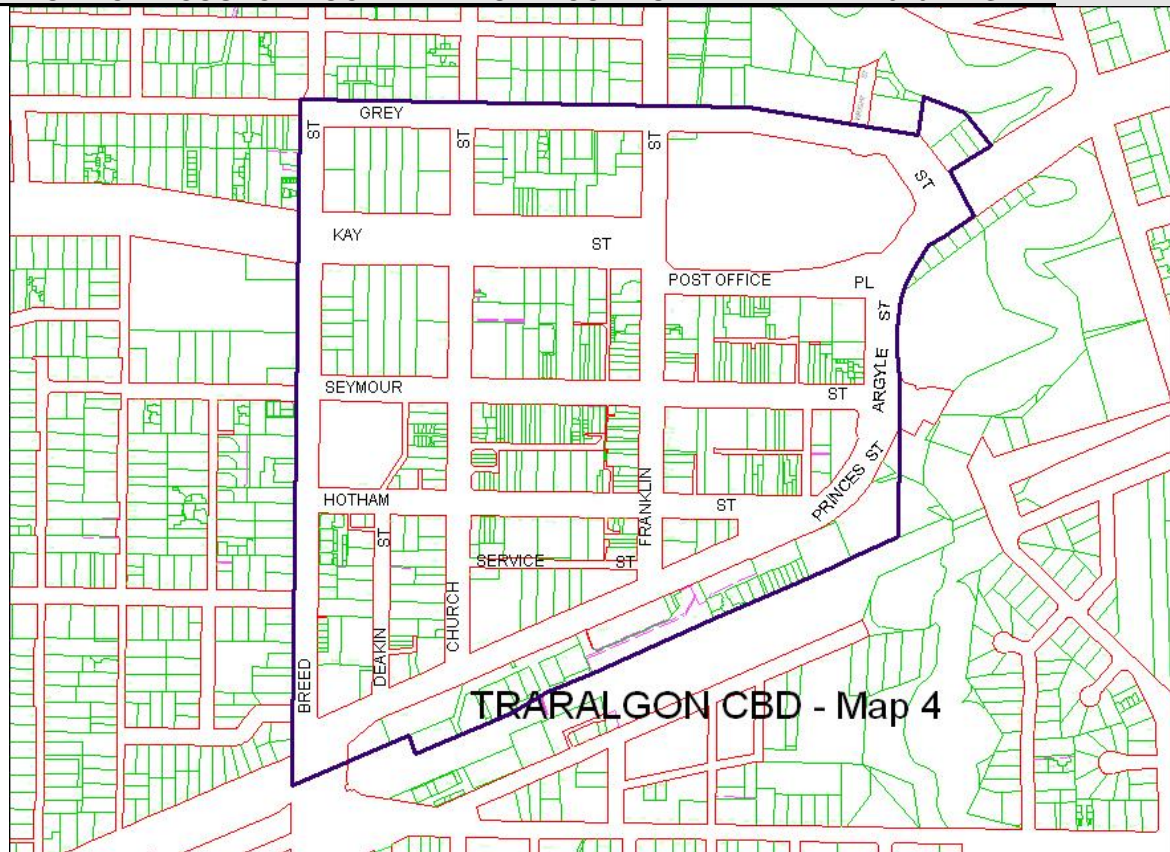
144	Use of council recreation centres, public reserves and	Local Laws & Recreation
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**SCHEDULE 2 (CLAUSE 142) - LATROBE CITY COUNCIL MUNICIPAL
PLACES WHERE LIQUOR MAY NOT BE CONSUMED**

A person must not consume any liquor, have in his or her possession or under his or her control, any liquor other than in a sealed container, in or on any Municipal place which is located within the area shown on Maps 1, 2,3,4, and 5 contained within the thick dark line and marked with the letters 'CBD', attached to this Schedule, unless the Municipal place is a licensed premises or authorised premises under the Liquor Control Act 1987.







PART 10 - CERTIFICATION OF LOCAL LAW

This is to certify that the writing above contained on 63 pages of paper is a true copy of the Local Law of the Latrobe City Council and that I have informed Council of the legislative requirements necessary to giving validity to such Local Law and as to Council's observance and belief that such requirements have been fulfilled.

And I further certify that such Local Law came into force on 5 September 2016.

The Common Seal of Latrobe City Council)
was hereunto affixed on this day 30 of August)
2016 in the presence of:)

GARY VAN DRIEL
Chief Executive Officer

Seal