

**GENERAL PURPOSES
LOCAL LAW
2008**

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PART 1

INTRODUCTORY

1. Title

This Local Law is entitled “General Purposes Local Law 2008 ” of the Moonee Valley City Council.

2. Purpose of Local Law

This Local Law is made for:

2.1 The purpose of:

- (a) Providing for the peace, order and good government of the Municipal District of the Moonee Valley City Council;
- (b) Promoting 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;
- (c) Preventing and suppressing nuisances which may adversely affect the enjoyment of life within the Municipal District or the health, safety and welfare of persons within the Municipal District;
- (d) Prohibiting, regulating and controlling activities, which may be dangerous or unsafe or detrimental to the quality of life and the environment of the Municipal District;
- (e) Prohibiting, regulating and controlling activities in relation to parks, gardens, reserves and street trees;
- (f) Prohibiting, regulating and controlling behaviour on roads and Council Land
- (g) Regulating and controlling the use of Municipal Recreation Centres and Reserves.
- (h) Prohibiting, regulating and controlling the consumption of alcohol in public places;
- (i) Prohibiting, regulating and controlling the use of land
- (j) Prohibiting, regulating and controlling the location of clothing recycling bins.

- (k) Prohibiting, regulating and controlling camping and caravans on roads, footways and Council land;
- (l) Prohibiting, regulating and controlling the numbering of properties;
- (m) Prohibiting, regulating and controlling signs, goods and furniture on roads, footways and Council land;
- (n) Prohibiting, regulating and controlling the sale of goods, street collections, busking and spruiking on roads, footways and Council land;
- (o) Prohibiting, regulating and controlling waste and activities on building and construction sites;
- (p) Prohibiting, regulating and controlling the occupation of roads for works;
- (q) Prohibiting, regulating and controlling Spoil on roads, traffic hazards and obstructions on roads and footways, including overhanging vegetation, encroaching vegetation and bulk rubbish containers;
- (r) Prohibiting, regulating and controlling vehicle crossings;
- (s) Prohibiting, regulating and controlling the use of motor, recreational and toy vehicles;
- (t) Prohibiting, regulating and controlling animals and birds
- (u) Prohibiting, regulating and controlling waste and activities on building and construction sites;
- (v) Prohibiting, regulating and controlling the management of drains;
- (w) Prohibiting, regulating and controlling open air burning and incinerators;
- (x) Prohibiting, regulating and controlling noise;
- (y) Administering and enforcing of the Local Law;

3. Authorising Provision

This Local Law is made under section 111(1) of the Act.

4. Operation Date

This Local Law operates from 28 August 2008.

5. Revocation

This Local Law ceases to operate on 28 August 2018.

Repeal of Local Law

From the commencement of this Local Law, the Environment Local Law (1999) the Municipal Local Law (1999) and the Roads and Streets Local Law (1999), are repealed.

6. Application

This Local Law applies and has operation throughout the whole of the Municipal District.

7. Interpretation

Unless the contrary intention appears in this Local Law, the following words are defined as indicated and are in the singular:

WORDS	MEANING
The Act	The <i>Local Government Act 1989</i> ;
Alcohol	A beverage intended or used for human consumption, which has an alcoholic content of more than 0.5% by volume at a temperature of 20 degrees Celsius.
Alcohol Restriction Area	An area declared by Council prohibiting the consumption of alcohol.
Allotment	Any land in separate ownership or occupation within the Municipal district.
Allowed	Allowed by reason of a Resolution of Council and exhibited on a sign located adjacent to or near a parking area.
Animal	Carries the ordinary meaning of animal but also includes a bird, a dog, a cat, a pig, cattle, a horse, sheep, a goat, poultry, rabbit, ferret a reptile and an insect.
Appointed agent	The person authorised in writing by an owner of a building or land to make an application, appeal, referral or representation on their behalf.
Approved garbage receptacle	An approved mobile garbage bin supplied by Council.
Authorised officer	Any person appointed by the Council to be an authorised officer under section 224 of the Act.

Builder	A person who has been nominated as the builder on the building permit, and if no such application has been made, the person in charge of the building work being carried out.
Builders Refuse	Includes any potential storm water pollutant, solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.
Building	Includes any structure or building, whether temporary or permanent, or any part of such building or structure.
Building site	Any land on which building work is carried out.
Building work	Includes: (a) Any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and (b) Without limiting the generality of this clause, the loading or unloading of any goods or materials for or in connection with any building work.
Bulk rubbish container	A bin, skip or other container used for the deposit of waste, but excludes a wheeled mobile garbage bin used in connection with the Council's refuse collection service.
Caravan	Includes a mobile home or moveable dwelling.
The Chief Executive Officer	The Chief Executive Officer of the Council or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on his or her behalf in relation to this Local Law.
Clothing recycling bin	A bin or similar structure used for the collection of used clothing (whether or not it is used for the collection of other goods).
Coin mechanism	Means a coin operated lock.

Container	A suitable rubbish receptacle capable of restricting debris and other waste from leaving the building site.
The Council	The Moonee Valley City Council.
Council land	Means any land vested in or under the control of the Council, including reserves, watercourses, reservations and the like, but excludes a road.
Dwelling	Any building or portion of a building which is used, intended, adapted or designed for use for living.
Emergency service	A body or corporation deemed to be an "emergency service" by the Council or an authorised officer from time to time.
Footway	Includes every footpath, lane or other place within the Municipal District habitually used by pedestrians, but excludes a road.
Frontage	A boundary between a property and an adjoining road. If a property adjoins more than one road, the frontage is the boundary between the property and the road to which the largest building on the property fronts.
Heavy vehicle	A motor vehicle or trailer, within the meaning ascribed to that term by the <i>Road Safety Act 1986</i> .
Incinerator	<p>A structure, device or piece of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and which is not:</p> <ul style="list-style-type: none">(a) Enclosed in any building;(b) A barbecue; or(c) Licensed under the provisions of the <i>Environment Protection Act 1970</i>.
Land	Any land or building in separate ownership or separate occupation.
Litter	Within the meaning ascribed to that term by the <i>Environment Protection Act 1970</i>
Litter device	An apparatus, which can be used for the purpose of removing animal excrement and includes a paper or plastic bag.

Minor building work	Building work valued at less than \$5,000 but excludes demolition and removal of buildings and structures (regardless of value).
Motor vehicle	Any form of conveyance and includes a: Motor vehicle; caravan; Motor bike; Trailer; Tractor; and Recreational vehicle.
Municipal District	The Municipal District of the Council.
Municipal Recreation Centre	All buildings, structures and equipment on land, which the Council or an authorised officer determines is a Municipal Recreation Centre and includes an Aquatic centre from time to time.
Noxious weeds	Has the meaning ascribed to it in the <i>Catchment and Land Protection Act 1994</i> .
Notice to Comply	A Notice to Comply served under clause 77.
Owner	Has the meaning ascribed to it by section 3 of the Act.
Owner Animal	A person who keeps who harbours the animal or has the animal in his or her care for the time being, whether such animal is at large or in confinement.
Owner Vehicle	The person who has the immediate right to possession of the vehicle
Penalty unit	Has the meaning ascribed to it by the <i>Sentencing Act 1991</i> .
Person in charge	The builder, owner or the occupier or the person in control of the site if that person is not the builder or the owner and in the case of a company each director of that company.
Policy	A policy adopted by Council from time to time for the purpose of the particular provision in which the term is used.
Poultry	Includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age.
Permit	A permit in writing issued for the purpose of the particular provision in which the term is used.
Planning Scheme	Moonee Valley Planning Scheme
Premises	Includes the whole or part of any land, building or any building under construction.

Prescribed fee	The fee prescribed under Regulation 75 of the Local Government Regulations 1990.
Private property	Any property within the Municipal District that is not Council land or a road.
Property	Any land, building or dwelling in separate ownership or separate occupation within the Municipal District.
Public area	Any: <ul style="list-style-type: none">(a) Road;(b) Footpath or nature strip;(c) Park, garden or reserve or any other place of public recreation or resort;(d) Wharf, pier or jetty;(e) Market;(f) Open place to which the public whether upon or without payment for admittance have or are permitted to have access; or(g) Place prescribed by Council as a public area.
Public body	Any government department or body established for a public purpose by or under an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth, and includes any water authority established by or under such Acts.
Public place	Has the meaning ascribed to it by the <i>Summary Offences Act 1966</i> .
Recreation Centre Attendant	<ul style="list-style-type: none">(a) Any staff member of the Council; and(b) Any other person appointed in writing by the Council or an authorised officer.
Recreational vehicle	Any mini bike, trail bike, motor bike, motor scooter, go-cart or other vehicle propelled by a motor which is normally used for recreational purposes, but does not include a motorised wheelchair.
Recyclable goods	Any substances or articles declared by the Council or an authorised officer to be "recyclable goods" for the purposes of this Local Law from time to time.

Refuse

All waste or rubbish produced or accumulated in or on any property, but does not include:

- (a) Slops or liquid wastes;
- (b) Waste generated from building work *including but not limited to bricks, concrete, masonry, dirt, soil, sand and timber*;
- (c) Waste generated from the restoration, repair or servicing of motor vehicles;
- (d) Ash, unless it is:
 - (i) cold;
 - (ii) dampened; and
 - (iii) wrapped or contained in a manner which prevents its escape;
- (e) Trade waste;
- (f) Oil, paints, solvents, herbicides and similar chemical substances (except paint residue contained in a sealed container);
- (g) Hazardous chemicals;
- (h) Volatile, explosive or flammable substances;
- (i) Any waste that cannot be contained in an approved garbage bin due to its size, shape, nature or volume;
- (j) Medical, sharps, infectious or veterinary waste;
- (k) Human or animal waste;
- (l) Nightsoil except that disposable nappies may be placed in securely wrapped impervious material; or
- (m) Dust or fire particle waste, unless cleanly and securely wrapped.
- (n) Any other substance declared by the Council or an authorised officer not to constitute "refuse" for the purposes of this Local Law from time to time;

Reptile	A snake, lizard, frog, turtle or tortoise of any age.
Reserve	Any land within the Municipal District that is: (a) Owned, occupied or controlled by the Council; and (b) Dedicated or used for cultural, recreational or entertainment purposes and includes any - (c) Structure; (d) Fixture; (e) Fitting; and (f) Garden - on or at the land, but does not include a Municipal Building or Municipal Recreation Centre.
Residential area	Land, which has been declared by the Council to be a “residential area.”
Retailer	Means a person who sells goods by retail and may provide trolleys to customers.
Road	Has the meaning ascribed to it by section 3 of the Act and excludes a footway.
Rooster	The male specie of domestic fowl.
Sell	includes: (a) Sell by means of any machine or mechanical device; (b) Barter or exchange; (c) Agree to sell; (d) Offer or expose for sale; or (e) Keeping or having in possession for sale - (f) Or directing, causing or attempting any of such acts or things.
Service authority	A body or corporation deemed to be a “service authority” by the Council or an authorised officer from time to time.
Shopping trolley	A wheeled receptacle supplied by a retailer of goods to enable persons purchasing any

	of those goods to transport them from one place to another.
Sign	<p>Any placard, board, sign, card or banner, whether portable or affixed or attached to any land or building, which:</p> <ul style="list-style-type: none">(a) Provides information about the occupier of land or building, or a business or industry;(b) Advertises goods, services, an event or a competition; or(c) Provides directions to the location of property or land, which is available for pre-sale inspection.
Solicit	Does not include the displaying of goods in a shop window, which are for sale at that shop, or the displaying of any kind of advertising material in a shop window.
Specified area	An area prescribed by Council for the purposes of the particular provision in which the term is used.
Street	Includes a road, a private road, passage, a cul de sac, a public highway, any land described or used as a street or road by the owner in relation to a transfer or conveyance which grants a right of way over the land, and any footpath, bicycle path, nature strip or any other matter or thing forming part of a street or road.
Toy Vehicle	<p>means:</p> <ul style="list-style-type: none">(a) A vehicle designed to be propelled by human power and includes a scooter, skate board, roller skates, roller blades and like toys; and(b) A remote control aeroplane or vehicle.
Trade waste	Any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking. Also includes industrial waste.
Trade waste bin	A purpose-built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means.
Unightly building	A building which is kept in such a manner so as to be detrimental to the general amenity of

the neighbourhood and includes a building which is defaced by graffiti:

Unsightly land

Land which is kept in such a manner so as to be detrimental to the general amenity of the neighbourhood and includes land which:

- (a) harbours unconstrained rubbish and litter or disused excavation or waste material; or
- (b) contains non native grass, noxious weeds, weeds and undergrowth which exceeds a height of 150mm.

Vehicle

Any form of conveyance propelled or drawn by human, animal, mechanical, electrical or other power, and includes a motorcar, a caravan, a motorbike, a trailer, a tractor, a recreational vehicle, and all goods and chattels attached to a form of conveyance.

PART 2

RESERVES

8. Activities Prohibited in Reserves

8.1 In a Reserve or other Council managed land, a person must not:

- (a) play, engage in or practise any game, sport or other activity whether or not in accordance with a permit issued under this Local Law, in a manner that is:
 - (i) dangerous to any other person in the Reserve; or
 - (ii) likely to interfere with the reasonable use and enjoyment of the Reserve by any other person.
- (b) place feed for birds in a manner which creates a nuisance. This excludes the hand feeding of water birds.
- (c) Fish.

Penalty: Twenty (20) penalty units

8.2 In a playground on a Council reserve or other Council managed land, a person must not smoke within 10 meters of the playground edge.

Penalty: Twenty (20) penalty units

9. Activities which may be permitted

9.1 In a Reserve or other Council managed land, a person must not, without a permit:

- (a) fly or permit to be flown any model aeroplane;
- (b) ride or drive any horse or vehicle except for:
 - (i) the parking of a vehicle in a parking area established for that purpose
 - (ii) the wheeling of a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath
 - (iii) the riding of a bicycle in a manner that does not interfere with the use or enjoyment of the Reserve by any other person;
 - (iv) any staff member of the Council (or other person authorised by the Council for this purpose) acting in the course of his or her duties; or
 - (v) the riding or driving of a vehicle or horse on a road or bicycle path in accordance with any applicable acts or regulations;

- (c) light a fire or permit any fire to remain alight except in a barbecue provided by the Council;
- (d) play, organise, practice or engage in any competitive sport or game;
- (e) camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
- (f) conduct or celebrate a wedding;
- (g) hold any circus, carnival, fair or festival;
- (h) organise, hold or participate in any rally, procession, demonstration or other public gathering; or
- (i) make a collection of money,
- (j) place or store any thing
- (k) conduct or organise any personal or group training.

Penalty: Twenty (20) penalty units

PART 3

PARKS, GARDENS, RESERVES AND TREES

10. Parks, Gardens, Reserves and Trees

Except where a person is employed by a service authority or by Council and is acting in the course of his or her employment, a person must not, without a permit:

10.1 Destroy, damage, deface, remove or cause detriment to any park, garden, reserve, nature strip or land which is owned or managed by Council;

Penalty: Twenty (20) penalty units

10.2 Destroy, damage, deface, remove or cause detriment to any:

- (a) tree, shrub or plant;
- (b) building, fence, seat, table, litter bin, barbecue, shelter or structure;
- (c) sign;
- (d) water, gas, electricity, sewerage or drainage installation;
- (e) playground;
- (f) road, path or car park; or
- (g) other Council asset

which is located on Council owned or Council managed land.

Penalty: Twenty (20) penalty units

10.3 Drive or park a motor vehicle on any park, garden, reserve, nature strip or land which is owned or managed by Council.

Penalty: Twenty (20) penalty units

11. Trees, shrubs and rubbish on Council land

11.1 A person must not, without a permit:

- (i) Plant, or cause to be planted, a tree or shrub;
- (ii) Dump, or cause to be dumped, rubbish on any Council owned or managed park, garden, reserve, nature strip or land.

Penalty: Twenty (20) penalty units

PART 4

BEHAVIOUR ON ROADS AND COUNCIL LAND

12. Shopping Trolleys

12.1 Shopping Trolleys and Coin Mechanisms

12.1.1 A retailer must not make available use, or permit to be used, a shopping trolley which does not have a coin mechanism attached.

Penalty: Ten (10) penalty units

Clause 12.1.1 does not apply when a retailer makes available for use, or permits be used, 25 shopping trolleys or less.

12.2 Exemptions

12.2.1 A retailer may apply in writing to Council for an exemption from the application of Clause 12.1.1.

12.2.2 The Council may decide in its absolute discretion to exempt any retailer from the application of Clause 12.1.1, either temporarily or permanently.

12.3 False Representation

A person must not obtain or attempt to obtain an exemption by willfully making or causing to be made any false representation.

12.4 The Council or an authorised officer may impound any shopping trolley left in any area except in an area designated for the leaving of shopping trolleys.

12.5 Any shopping trolley impounded under clause 12.4 must be dealt with under clause 75 of part 26.

13. Camping on Roads or Council Land

13.1 A person must not, without a permit:

- (a) camp; or
- (b) occupy a-
 - (i) caravan;
 - (ii) tent; or
 - (iii) similar structure -

on a road, footway or Council land.

Penalty: Ten (10) penalty units

- 13.2 The Council or an authorised officer may exempt -
- (a) a person;
 - (b) a class of persons; or
 - (c) a body -
- from the application of clause 13.1.

14. Busking

- 14.1 A person must not, without a permit, on any -
- (a) road;
 - (b) footway; or
 - (c) Council land -
 - (i) sound or play any musical instrument;
 - (ii) sing;
 - (iii) harangue or recite;
 - (iv) perform conjuring tricks;
 - (v) juggle;
 - (vi) dance;
 - (vii) engage in miming or puppetry;
 - (viii) perform like activities; or
 - (ix) footpath art -

Penalty: five (5) penalty units

- 14.2 The Council or an authorised officer may exempt -
- (a) a person;
 - (b) a class of persons;
 - (c) a body -
- from the application of clause 14.1.

- 14.3 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 14.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 14.1.

PART 5

MUNICIPAL RECREATION CENTRES

15. Municipal Recreation Centres

15.1 At a Municipal Recreation Centre, a person must comply with any Council Policy relating to Municipal Recreation Centres.

Penalty: Ten (10) penalty units

15.2 The Council or an authorised officer may:

- (a) erect signs; and
- (b) display rules

which relate to Council policy as provided in clause 15.1 or any other matter, including the safety or welfare of people at the Municipal Recreation Centre, which the Council or an authorised officer considers to be appropriate in the circumstances.

15.3 A person at a Municipal Recreation Centre must:

- (a) obey all signs
- (b) comply with all rules displayed at the Municipal Recreation Centre.
- (c) comply with any verbal or written directions of an authorised officer.

Penalty: Ten (10) penalty units

PART 6

CONSUMPTION OF ALCOHOL IN PUBLIC AREAS

16. Consumption of alcohol in all other public areas

16.1 In any land not declared by Council a person must not, consume alcohol or possess an open receptacle containing alcohol, if they are causing an undue detriment to the amenity of the area.

Penalty: Twenty (20) penalty units

17. Declaration of alcohol restriction areas

17.1 Declaration of alcohol restriction areas

- (a) The Council may declare an area of the municipal district to be an alcohol restriction area.
- (b) Before a declaration is made, the Council must give public notice of the proposed declaration.
- (c) After the declaration is made, signage must be erected which designates an area as an alcohol restriction area.
- (d) A declaration may define an alcohol restriction area by:
 - (i) description; or
 - (ii) plan or map.
- (e) An alcohol restriction area may be defined to include areas, which are not contiguous one with another.
- (f) A declaration may be made to operate:
 - (i) at specified periods of the day;
 - (ii) at specified periods of the year;
 - (iii) in respect of specified types of alcoholic beverages.

17.2 Offence of consuming or possessing alcohol in an alcohol restriction area

17.2.1 Unless in accordance with a permit, a person must not on a road or municipal place or in or on a stationary Vehicle on a road or in or at or on any Public place within an alcohol restriction area:

- (a) consume alcohol; or
- (b) be in possession of alcohol, other than in a sealed container.

Penalty: Twenty (20) penalty units

17.2.2 Clause 17.2 does not apply to:

- (a) a function or activity:
- on a Road; or
 - in or at or on any Council land; or
 - in or on a stationary Vehicle on a Road or in or at or on any Council land
- in respect of which Council has given its written consent for persons to consume Alcohol or have in their possession or control any Alcohol.
- (b) authorised premises or licensed premises under the Liquor Control Reform Act 1998.
- (c) any function or activity in. on or at any part of any Council land that:
- has been leased to a person carrying on the function or activity; or
 - is subject to a specific permission to permit the carrying on of the function or activity by the person or body having the care, control or management of that part of any Council Land.

17.3 An authorised officer may;

- (a) Direct that a receptacle containing alcohol in the possession of a person be sealed or emptied if the person is to remain in a public area, in which case the person possessing the receptacle must comply with the direction;
- (b) Seize and immediately dispose of the receptacle; and / or
- (i) Direct the person in possession of the receptacle to vacate the public area.
- (ii) Direct the person causing or having caused the detriment to the amenity of the area to vacate the public area.

Penalty: Twenty (20) penalty units

PART 7

USE OF LAND

18. Unsightly land and Buildings

18.1 Unless permitted under a Planning Scheme applicable to the land, a person must not allow or permit land of which he or she is the owner or occupier to be kept in a manner, which is:

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

Penalty: Twenty (20) penalty units

18.2 Where the Council or an Authorised officer is of the opinion that there is or has been a breach of clause 18.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 18.1.

18.3 A Notice to Comply under clause 18.2 may contain conditions that require the owner of the subject land to erect temporary fencing and/or hoardings or undertake any other relevant works in accordance with guidelines specified by Council from time to time.

18.4 The owner or occupier of any land must not permit a building located on the land to –

- (a) be kept in a manner which is unsightly or ruinous or detrimental to the general amenity of the neighbourhood in which it is located; or
- (b) become unsightly or ruinous or detrimental to the general amenity of the neighbourhood in which it is located.

Penalty: Twenty (20) penalty units

18.5 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 18.4, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 18.4

18.6 A Notice to Comply under clause 18.5 may contain conditions that require the owner of the subject land to erect temporary fencing and/or hoardings or undertake any other relevant works in accordance with guidelines specified by Council from time to time.

19. Circuses, Carnivals and Festivals

19.1 A person must not, without a permit, hold or permit to be held a –

- (a) circus;
- (c) carnival; or

-
- (c) festival –
on any land.

Penalty: Twenty (20) penalty units

- 19.2 In deciding whether or not to grant a permit under clause 19.1, the Council may consider the requirements of:
- (a) a Good Neighbour Code of Practice for a Circus or a Carnival;
 - (b) Council's Policy on Exotic Animals
 - (c) The Code of Practice for the Public Display and Exhibition of Animals;
or
 - (d) any other statute, policy, document, code, standard, rule or specification as formulated, issued, prescribed or published from time to time.
- 19.3 A person must not, without a license agreement, hold or permit to be hold a –
- (a) circus;
 - (b) carnival; or
 - (c) festival –
on land owned by, or under the control of, the Council.
- 19.4 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 19.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 19.1.

PART 8

CLOTHING RECYCLING BINS

20. Clothing Recycling Bins

20.1 A person must not, without a permit, place a clothing recycling bin on a road, Council land or other public place in the municipal district.

Penalty: Twenty (20) penalty units

20.2 Where the Council or an authorised officer is of the opinion that there has been a breach of clause 20.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 20.1.

20.3 Any clothing recycling bin for which Council permission has been granted must also comply with any prevailing Council policy relating to clothing recycling bins.

20.4 The Council or an authorised officer may impound a clothing recycling bin under clause 75 of part 26 when the owner of the bin has not complied with Clause 20.1 or any conditions listed on the permit issued under Clause 20.1

PART 9

CAMPING AND CARAVANS

21. Camping

21.1 A person must not, without a permit, occupy; or cause to be occupied any caravan, tent, marquee, or like structure on any land, unless the occupation of the caravan, tent, marquee, or like structure on the land is permitted under a Planning Scheme applicable to the land.

Penalty: Ten (10) penalty units

21.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 21.1, it, he or she may serve a Notice to Comply under clause 80 part 26 on the person apparently in breach of clause 21.1.

21.3 The Council or an authorised officer may impound any –

- (a) caravan; or
- (b) tent, marquee; or
- (c) like structure –

occupied contrary to clause 21.1.

21.4 Any –

- (a) caravan;
- (b) tent, marquee; or
- (c) like structure –

impounded under clause 21.3 must be dealt with under clause 75 part 26.

22. Exemption

22.1 The Council or an authorised officer may, in writing, from time to time exempt any person; any class of persons; any authority; or all persons during any specified time from the application of clause 21.1 or clause 21.3.

PART 10

NUMBERING OF PROPERTIES

23. Numbering

A person must not:

- (a) number;
- (b) display a number in respect to; or
- (c) use a number to identify

premises unless the number has been allocated to the premises or approved for use in relation to the premises by Council.

Penalty: Five (5) penalty units

24. Keeping of Numbering

If Council has allotted a number to premises, the owner or occupier of those premises must:

- (a) mark and keep marked the premises with the number allotted by Council; and
- (b) renew or replace the number as often as may be necessary.

Penalty: Five (5) penalty units

25. Condition of Numbering

For the purposes of clause 25 the number must be:

- (a) of sufficient size;
- (b) displayed accurately and completely;
- (c) in good repair;
- (d) distinct from its background;
- (e) free from obstruction; and
- (f) clearly read under all normal lighting conditions from the road immediately adjacent to the front boundary of the premises.

Penalty: Five (5) penalty units

PART 11

SIGNS, GOODS AND FURNITURE

26. Signs, Goods and Furniture

26.1 A person must not, without a permit –

- (a) display or permit to be displayed any goods on a road, footway or Council land;
- (b) place or allow to be placed *a sign* on a road, footway or Council land;
- (c) place or allow to be placed a seat, umbrella, table, chair or other furniture on a road, footway or Council land; and
- (d) place or affix any letter, figure, item, poster, sign or advertisement on any building, fence, or other property under the control of Council or any statutory or government authority

unless in accordance with Council Policy.

Penalty: Twenty (20) penalty units

26.2 If an advertising sign is placed in breach of clause 26.1 the following are each guilty of an offence whether or not the person who placed the sign is identified or prosecuted.

- (a) the person who is the owner of the premises, property, business, event of activity to which the advertising sign relates.
- (b) the person who has management and control of premises, property, business, event of activity to which the advertising sign relates.
- (c) the person who is a promoter of the premises, property, business, event of activity to which the advertising sign relates
- (d) the person who printed the advertising sign or whose name is on the advertising sign as the printer
- (e) the person who commissioned the printing of the advertising sign; and
- (f) the person who is responsible for the placement, siting or distribution of the advertising sign including without limitation the person who engages another whether as an employee or agent to place, site or distribute the advertising sign.

Penalty: Twenty (20) penalty units

- 26.3 A person who has placed, permitted to be placed, displayed or permitted to be displayed –
- (a) goods;
 - (b) a *sign*; or
 - (c) a seat, umbrella, table, chair or other furniture –
 - (d) letter, figure, item, poster, sign or advertisement
- on any building, fence, footway or Council land, whether with or without a permit issued under clause 26.1, must move or remove the –
- (a) goods;
 - (b) *sign*; or
 - (c) seat, umbrella, table, chair or other furniture-
 - (d) letter, figure, item, poster, sign or advertisement
- if directed to do so by:
- (a) an authorised officer;
 - (b) a member of the Victoria Police; or
 - (c) a member of an emergency service.

Penalty: Twenty (20) penalty units

- 26.3 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 26.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 26.1.
- 26.4 The Council or an authorised officer may impound any –
- (a) goods;
 - (b) sign; or
 - (c) seat, umbrella, table, chair or other furniture
 - (d) letter, figure, item, poster, sign or advertisement
- placed or left on a road, footway or Council land in contravention of:
- (a) clause 26.1;
 - (b) clause 26.2; or
 - (c) any condition of a permit issued under clause 26.1.
- 26.5 Any items impounded under clause 26.4 must be dealt with under clause 75 of part 26.

PART 12

SALE OF GOODS, STREET COLLECTIONS AND SPRUIKING

27. Persons Selling Goods

27.1 Unless permitted under an applicable Planning Scheme a person must not, without a permit, sell or display any goods from -

- (a) a stall;
- (b) a vehicle;
- (c) a caravan;
- (d) a trailer
- (e) a barrow;
- (f) a box;
- (g) a crate;
- (h) a bag; or
- (i) any other receptacle –

standing or placed on:

- (j) a road;
- (k) a footway;
- (l) Council land;
- (m) vacant land; or
- (n) land which is not ordinarily occupied by the person.

Penalty: Twenty (20) penalty units

27.2 A person must not, without a permit, sell any goods carried about on the person or on any animal or vehicle:

- (a) on a road;
- (b) on a footway;
- (c) on Council land.

Penalty: Twenty (20) penalty units

28. Street Collection and Distribution

28.1 A person must not, without a permit, solicit, distribute or collect –

- (a) on a road;
- (b) on a footway;
- (c) on Council land; or
- (d) from door to door –

any gifts, pamphlets, flyers or subscriptions for any purpose or cause or authorise another person to do so.

Penalty: Twenty (20) penalty units

29. Spruiking

29.1 A person must not, without a permit –

- (a) on a road, footway or Council land; or
- (b) from any land adjacent to a road, footway or Council land to such persons on the road, footway or Council land –

spruik, tout or solicit the sale of any goods or services.

Penalty: Twenty (20) penalty units

30. Notices to Comply under this Part

Where the Council or an authorised officer is of the opinion that there is or has been a breach of any clause in this Part, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of a clause in this Part.

31. Exemptions

31.1 The Council may exempt –

- (a) a person;
- (b) a class of persons; or
- (c) a body –

from the application of any provision of clauses 28 & 29 in accordance with Council Policy

PART 13

BUILDING SITES

32. Access

A stable temporary access point must be established before works begin and this must be the only access point used for the site unless otherwise permitted by Council and in accordance with that permission.

Access is not permitted across nature strips or through open space/public land. No parking of worker's vehicles is permitted on nature strips.

33. Containment of Builders' Refuse

33.1 Where any building work (other than minor building work) is being carried out on any land, the owner, builder or appointed agent must: -

- (a) Ensure dust, litter, runoff and rubbish from a building site or an approved area where building works are being conducted does not escape the site or approved area;
- (b) Provide a lidded container for the purpose of disposal of builders' refuse to the satisfaction of Council.
- (c) Place the container on the land away from the drainage flow and keep it in place (except for such periods as are necessary to empty the container) for the duration of the building work;
- (d) Not place the container on any Council land, road or street without a relevant permit;
- (e) Empty the container whenever necessary to maintain levels so that the lid can be fully closed. A replacement container should be provided during the emptying process; and
- (f) No dangerous or toxic materials are to be placed in these containers.

The requirement to provide a container may be waived at Council's discretion.

Penalty: Twenty (20) penalty units

33.2 For the purposes of identifying a person as described in clause 33.1 a building site must include by way of sign the name and contact details of the builder

Penalty: Twenty (20) penalty units

- 33.3 Where any building work is being carried out on any land, the owner, builder or appointed agent must manage the building site to ensure:
- (a) no storm water discharge from a building site will contain sediments or pollutants;
 - (d) any potential storm water pollutant is contained or stored in a manner such as to prevent it escaping from the building site;
 - (c) building works and materials must be contained entirely within the building site and/or within an area approved by council or an authorised officer;
 - (d) materials/stockpiles must be located away from drainage flows or contained using a method such silt fencing;
 - (e) no materials are to be hosed or swept into a MVCC storm water drain;
 - (f) vehicles must be cleaned of concrete, clay or dirt before leaving the site to prevent spillage on roads. They must not be washed or swept down on a road or driveway connecting to a MVCC storm water drain; and
 - (g) any spillage of materials offsite must be cleaned up immediately. No substances may be swept or hosed down a MVCC storm water drain.

Penalty: Twenty (20) penalty units

34. Temporary Fencing

Where building work is being carried out on any land, Council or an authorised officer may issue a notice to the owner builder or appointed agent to ensure that temporary fencing is erected to contain the building activities to the building site and further that such temporary fencing is properly erected in accordance with the applicable building standards.

Penalty: Twenty (20) penalty units

35. Disposal of Builders' Refuse

During building work:

- (a) The owner, builder or appointed agent must ensure that all builders' refuse, which requires containment is placed in the container referred to in clause 33.1;
- (b) The owner, builder or appointed agent must ensure that builders' refuse is not deposited in, or on any land other than in accordance with clause 33;
- (c) The owner, builder or appointed agent must ensure that builders' refuse is not deposited in or over any part of the storm water system.

Penalty: Twenty (20) penalty units

36. Removal of Builders' Refuse

- (a) On any land where building work is being, or has been carried out, the owner, builder or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the facility referred to in Clause 33, within 7 days of completion of the building work.
- (b) The driver of any vehicle involved in placing or removing builders' refuse facilities must access the building site by way of a stable temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission.

Penalty: Twenty (20) penalty units

37. Toilets

Where any work is carried out on a construction site that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, the person responsible for building works must ensure:

- (a) That prior to works commencing that a temporary toilet with hand washing facilities is provided on site at all times; and
- (b) That servicing, maintenance and location of temporary toilets be to the satisfaction of Council.

In agreeing to the location of temporary toilets, Council may consider the impact of the portable toilet facility on the amenity of properties adjoining the building site.

Penalty: Twenty (20) penalty units

38. Asbestos Removal and Transport

38.1 Unless works are carried out by a Licensed asbestos removalist no person may remove material from a building that contains or is liable to contain asbestos unless:

- (a) the asbestos is non-friable, not more than 10 square metres in area and its removal does not take longer than one hour in any seven day period; and
- (b) all reasonable precautions are taken, including wetting down of the material immediately prior to its removal and keeping it wet until it is wrapped in plastic, sealed and clearly labeled to indicate the presence of asbestos.
- (c) Council and the immediate neighbors are advised of the proposed works prior to their commencement.

- 38.2 A person must transport and dispose of material that contains or is liable to contain asbestos in accordance with the Environment Protection Act 1970.

Penalty: Twenty (20) penalty units

39. Notice to Council

The owner or occupier of any land in relation to which a building permit has been granted:

- (a) Must give Council seven (7) working days notice of the commencement of building or development works; and
- (b) Must obtain an assets protection permit from Council or an authorised officer prior to the commencement of the building or development works.

Penalty: Twenty (20) penalty units

40. Requirement for Bond

- 40.1 If in the opinion of Council or an authorised officer it is likely that any Council asset may be damaged in the course of any building work for which a building permit has been obtained on any land, the owner or occupier of the land may be required to pay a bond to Council.
- 40.2 The amount of any bond under clause 40.1 must be determined by Council or the authorised officer having regard to the probable cost of repairing any damage that is likely to be caused.
- 40.3 The owner or occupier of land must repair any damage to Council assets that occurs as a result of the building works for which a permit has been granted.
- 40.4 Any bond or part of a bond paid to Council under clause 40.1 may be retained by Council to meet the cost of repairing any damage which an owner or occupier has failed to repair in accordance with his or her obligations under clause 40.3.
- 40.5 For the purpose of clause 40.3 Council or an authorised officer may determine the cost of repairs to Council assets.
- 40.6 Council must refund any bond, or part of a bond, paid to it under clause 40.1 if Council is satisfied that:
- (a) There has been no damage to Council assets as a consequence of the building works; or
 - (b) Any such damage has been repaired in accordance with clause 40.3.

PART 14

OCCUPATION OF ROADS FOR WORKS

41. Occupation of Roads for Works

- 41.1 A person must not, without a permit –
- (a) occupy or fence off;
 - (b) erect a hoarding or scaffolding on;
 - (c) use a mobile crane or travel tower for any work on;
 - (d) make a hole or excavation in;
 - (e) deposit building materials in;
 - (f) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on;
 - (g) erect a structure, on, in or over;
 - (h) remove or interfere with a structure on;
 - (i) plant or remove a tree or other vegetation on;
 - (j) tunnel under;
 - (k) install drains, pipes, cables, building shelters etc on;
 - (l) construct a footpath on; and
 - (m) erect an obstruction on -
- any road or footway, or part of a road or footway, under the control of the Council.

Penalty: Twenty (20) penalty units

- 41.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 41.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 41.1.
- 41.3 The Council or an authorised officer may impound any equipment being used for works in contravention of clause 41.1 or in contravention of a permit issued under clause 41.1.
- 41.4 Any equipment impounded under clause 41.3 must be dealt with under clause 76 of part 26
- 41.5 Utilities and their agents will be required to obtain consent from the coordinating road authority for works impacting on roads and provide notification of the installation infrastructure. In certain circumstances, Utilities and their agents may be exempt from applying for consent if they are undertaking “minor works” that are not “traffic impact works” as defined by the Road Management (Works and Infrastructure) Regulations 2005.

PART 15

SPOIL ON ROADS

42. Spoil on Roads

42.1 A person must not –

- (a) drive; or
- (b) permit or cause to be driven –

a vehicle on a road in the course of any trade, industry or commercial undertaking, unless the –

- (a) wheels; and
- (b) tyres -

of the vehicle are free from soil, earth, clay or like substances.

Penalty: Twenty (20) penalty units

42.2 A person must not permit any soil, earth, mud, clay, cement slurry, liquid waste or like substance to fall or escape onto a road from any vehicle which he or she is driving in the course of any trade, industry or commercial undertaking.

Penalty: Twenty (20) penalty units

42.3 A person must not permit any grease, oil, mud, clay, cement slurry or like substance to run off a motor vehicle he or she is cleaning in the course of any trade, industry or commercial undertaking onto a road, or into a drain.

Penalty: Twenty (20) penalty units

42.4 If the Council or an authorized officer is of the opinion that there is or has been a breach of clauses 42.2 and 42.3 it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 42.1, 42.2 and 42.3.

42.5 Without limiting the powers of the Council or an authorized officer, a Notice to Comply issued under clause 80 of part 26 in respect of a breach or apparent breach of clause 42.1, 42.2 and 42.3 may require the occupier of the land to clean the road.

PART 16

TRAFFIC HAZARDS

43. Overhanging Obstructions

- 43.1 The owner or occupier of land must not permit any sign, tree, shrub or hedge located on the land to overhang the boundary of the land and:
- (a) Obstruct the clear view of the driver of any motor vehicle travelling along the road abutting the land; or
 - (b) Encroach upon any adjacent road, footway or Council land;
 - (c) Otherwise prejudice the safe and convenient use of any footway or road abutting the land; or
 - (d) Obstruct traffic lights.

Penalty: Twenty (20) penalty units

- 43.2 If the Council or an authorised officer is of the opinion that there is or has been a breach of clause 43.1 it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 43.1.
- 43.3 Without limiting the powers of the Council or an authorised officer, a Notice to Comply issued under clause 80 of part 26 in respect of a breach or apparent breach of clause 43.1 may require the owner or occupier of the land to remove the sign, reduce the height of any tree, shrub or hedge to a height not less than 2.4 metres and at an intersection, within ten (10) metres of the intersection of the two (2) or more roads to a height of not more than one (1) metre.

44. Obstructions on Roads and Council Land

- 44.1 A person must not, without a permit, leave or permit to be left any –
- (a) Bulk rubbish container on a road, footway or Council land; or
 - (b) Other thing that encroaches on, or obstructs the free use of, a road, footway or Council land, that reduces the breadth, or confines the limits, of a road, footway or Council land–

unless permitted to do so under an Act, regulation or Local Law.

Penalty: Twenty (20) penalty units

- 44.2 If the Council or an authorised officer is of the opinion that there is or has been a breach of clause 44.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 44.1.
- 44.3 The Council or an authorised officer may impound any –
- (a) Bulk rubbish container left on a road or footway; or
 - (b) Other thing that encroaches on, or obstructs the free use of, a road or footway or that reduces the breadth, or that confines the limits, of a road or footway –
- contrary to clause 44.1 or in contravention of a permit issued under clause 44.1.
- 44.4 Any bulk rubbish container or other thing impounded under clause 44.3 must be dealt with under clause 75 of part 26
- 44.5 This clause does not apply to the works or activities of a service authority.
- 44.6 The Council or an authorised officer may exempt –
- (a) A person;
 - (b) A class of persons; or
 - (c) A body –
- from the application of clause 44.1.

PART 17

VEHICLE CROSSINGS

45. Vehicle Crossings

45.1 A person must not, without a permit, construct, alter, widen, remove, replace or create an additional, temporary or permanent vehicle crossing.

Penalty: Twenty (20) penalty units

45.2 The Council or an authorised officer may require –

- (a) The construction of a temporary or permanent vehicle crossing; or
- (b) The repair or reconstruction of a vehicle crossing –

by the owner or occupier of any abutting allotment.

Penalty: Twenty (20) penalty units

45.3 The owner or occupier of any allotment required to construct a vehicle crossing by the Council or an authorised officer under this clause must make application to the Council for a permit under clause 45.1.

Penalty: Twenty (20) penalty units

45.4 Any work in respect of a –

- (a) Road;
- (b) Kerb;
- (c) Drain; or
- (d) Vehicle crossing

performed under clause 45.1 must be performed to the satisfaction of the Council or an authorised officer.

45.5 If it is likely that vehicles will be required to enter or leave the carriageway of a road adjacent to any allotment in the course of proposed building work on the allotment, the owner or occupier of the allotment must advise the Council in writing at least seven (7) days prior to the commencement of the building work.

Penalty: Twenty (20) penalty units

45.6 If the Council or an authorised officer has required the owner or occupier of any allotment on which building work is to occur to construct a temporary vehicle crossing under clause 45.2 to prevent damage to a –

- (a) Permanent vehicle crossing;
- (b) Road;
- (c) Footpath;
- (d) Kerb; or
- (e) Drain –

the owner or occupier must not permit or cause the building work to commence until the temporary vehicle crossing has been constructed.

Penalty: Twenty (20) penalty units

45.7 If vehicles enter or leave the carriageway on any road adjacent to any allotment on which any building work is being carried out, the owner or occupier of the allotment must repair any damage to any –

- (a) Permanent vehicle crossing;
- (b) Road;
- (c) Footpath;
- (d) Kerb; or
- (e) Drain –

that results from the movement of any vehicle leaving or entering the carriageway of an adjacent road.

Penalty: Twenty (20) penalty units

45.8 The Council or an authorised officer may by notice in writing require the removal of any vehicle crossing and the reinstatement of any kerb, drain, footpath, nature strip or other part of a road if, in the opinion of the Council or an authorised officer, the vehicle crossing is redundant or has been constructed in breach of any provision of clause 45.4 or a permit issued under clause 45.1.

45.9 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any provision of clause 45.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 45.1.

PART 18

MOTOR VEHICLES

46. Heavy Vehicles

46.1 With the consent of Vic Roads, the Council or an authorised person may erect or cause the erection of signs indicating any prohibition or restriction on the use of a road by any motor vehicle of, or over, a specified size or weight.

46.2 An owner or driver of a heavy vehicle must not, without a permit, drive or permit or cause to be driven a motor vehicle on a road in contravention of any sign erected or caused to be erected by Council under clause 46.1.

Penalty: Twenty (20) penalty units

46.3 For the purposes of clause 46.2, the owner of a heavy vehicle may be determined by the “display” on the vehicle pursuant to regulation 824 of the *Road Safety (Vehicles) Regulations 1988*.

46.4 The Council or an authorised officer may exempt –

- (a) any person;
- (b) any class of persons; or
- (c) any body –

from the application of clause 46.2.

46.5 Unless permitted under a planning scheme applicable to the land, the owner or occupier of any land must not, without a permit –

- (a) keep; or
- (b) allow to be kept –

a heavy vehicle on any land in a residential area.

Penalty: Twenty (20) penalty units

46.6 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 46.2, he or she may serve a Notice to Comply under clause 80 of part 26 on the owner or occupier of the land, or on the owner and driver of the heavy vehicle who will each be guilty of an offence. For the purposes of clause 46.2, the owner of the vehicle will be determined by the ‘display’ on the vehicle pursuant to Regulation 824 of the *Road Safety (Vehicles) Regulations 1988*.

47. Repair and Display of Vehicles

47.1 A person must not –

- (a) paint;
- (b) service;
- (c) carry out maintenance on, except to enable it to be removed; or
- (d) repair or dismantle;

a vehicle on a road, footway or Council land.

Penalty: Twenty (20) penalty units

47.2 In the course of conducting a business for the sale or hire of vehicles a person must not display the vehicles on a road, footway or Council land, without a permit –

Penalty: Twenty (20) penalty units

47.3 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any provision of clauses 47.1 and 47.2, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clauses 47.1 and 47.2.

PART 19

RECREATIONAL VEHICLES

48. Use of Recreational Vehicles

48.1 A person must not, without a permit –

- (a) use; or
- (b) permit a person under his or her care or control to use –
a recreational vehicle on any land except a road.

Penalty: Ten (10) penalty units

48.2 A person must not without a permit-

- (a) use; or
- (b) permit a person under his or her care or control to use –
a recreational vehicle on any land except a road in a manner which:
 - (a) causes a nuisance;
 - (b) causes damage to any property or injury to any person; or
 - (c) is likely, in the opinion of an authorised officer, to cause damage to any property or injury to any person.

Penalty: Ten (10) penalty units

48.3 The owner or occupier of any private property must not, without a permit, permit a person to use a recreational vehicle on the private property.

Penalty: Ten (10) penalty units

48.4 If the Council or an authorised officer is of the opinion that there is or has been a breach of clause 48.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 or the person apparently in breach of clause 48.1.

PART 20

TOY VEHICLES AND BICYCLES

49. Toy Vehicles and Bicycles

49.1 A person must not in a public area:

- (a) use, place or leave a toy vehicle or bicycle in such a manner as to interfere with the passage of or cause annoyance or danger to any person on or using the public area; or
- (b) use a toy vehicle in an area designated by Council resolution for the non use by toy vehicles.

Penalty: Ten (10) penalty units.

49.2 If the Council or an authorised officer is of the opinion that there is or has been a breach of clauses 49.1 and 49.2, it, he or she may serve a Notice to Comply under clause 80 of part 26 or the person apparently in breach of clauses 49.1 and 49.2.

PART 21

ANIMALS AND BIRDS

50. Application

- 50.1 This Part does not apply to any land –
- (a) Upon which an animal hospital or veterinary practice is located.
 - (b) If the use of the land for this purpose is permitted under a Planning Scheme applicable to the land.

In this Part any reference to “poultry” does not include a reference to “rooster”.

51. Keeping of Animals Generally

- 51.1 A person must not, without a permit, keep or allow to be kept on a property or flat, any more of each species or group of animals than is stated in the following table:

Type of Animal	Maximum Allowed On Property	Maximum Allowed In Flat
Birds		
Budgerigars, canaries and finches	50	5
Pigeons	10	Not Permitted
Other	2	Not Permitted
Dogs (over three (3) months old)	2	2
Dogs (under three (3) months old)	4	4
Cats (over three (3) months old)	2	2
Cats (under three (3) months old)	4	4
Poultry	10	Not Permitted
Reptiles	10	5
Ferrets, guinea pigs, rabbits or mice	8	2

Penalty: Twenty (20) penalty units

- 51.2 Unless permitted under a Planning Scheme applicable to the property, a person must not, without a permit, keep an animal of a species not listed in the table in clause 51.1 at any property or flat.

Penalty: Twenty (20) penalty units

- 51.3 A person must not feed birds on private property in a manner that creates a nuisance to neighbouring properties or attracts vermin.

Penalty: Twenty (20) penalty units

52. Wasps and Bees

- 52.1 An owner or occupier of a property on which has been detected a

- (a) wasp or wasp nest; or
- (b) *bee swarm*.

must not allow that wasp nest or *bee swarm* to remain on the property and must remove that wasp nest or *bee swarm* from the property within 48 hours from the time notified by Council.

Penalty: Twenty (20) penalty units

53. Animal Shelters

- 53.1 Any *land* or structure used for housing an animal must be maintained:

- (a) in a clean, inoffensive and sanitary condition;
- (b) so as not to cause any nuisance; and
- (c) to the satisfaction of the Council or an authorised officer.

Penalty: Twenty (20) penalty units

- 53.2 The occupier of any land on which an animal is kept must ensure that:

- (a) the ground surrounding the place where the animal is kept is free from:
 - (i) weeds;
 - (ii) refuse;
 - (iii) rubbish; and
 - (iv) other material harbouring, or which may harbour, rats or vermin;
- (b) all food for consumption by the animal is kept or stored in a vermin and fly-proof receptacle;
- (c) all manure, excrement, refuse or rubbish produced or accumulated by the animal is, as soon after the production or accumulation as is reasonably practicable, placed in a container:
 - (i) which is sanitary, impervious and vermin and fly-proof; and

- (ii) the contents of which are removed and disposed of at least once every week, or at such other intervals as an authorised officer considers necessary.

Penalty: Twenty (20) penalty units

- 53.3 A person must not keep or allow to be kept on any land in separate ownership or occupation, a structure for the housing of an animal within a distance of:
- (a) 18 metres from any road to which the land has a frontage;
 - (b) three (3) metres from any other road;
 - (c) one and one-half (1.5) metres from the boundary of any adjoining land in separate ownership or occupation; and
 - (d) in the case of a poultry house or pigeon loft, (including any pen, compound or yard attached to the poultry yard or pigeon loft) 15 metres from any dwelling on the land or any adjoining land in separate ownership or occupation.

Penalty: Twenty (20) penalty units

- 53.4 The Council or an authorised officer may from time to time exempt –
- (a) any person; or
 - (b) any class of persons –
- from the application of clause 53.3.

54. Animal Excrement

- 54.1 A person in charge of an animal must not allow any part of the animal's excrement to remain on any road, street, nature strip, reserve or public or Council land.

Penalty: Twenty (20) penalty units

- 54.2 A person in charge of an animal that excretes in a public place must immediately collect and dispose of the excrement so as not to cause a nuisance to any other person.

Penalty: Twenty (20) penalty units

- 54.3 Any person in charge of an animal on any road, street nature strip, reserve or public or Council land must carry a litter device and be able to produce this litter device on request by an authorised officer.

Penalty: Twenty (20) penalty units

55. Animal Noise

- 55.1 An owner or occupier of premises must take all steps necessary to prevent any:

- (a) animal making a noise; or
- (b) noise caused by an animal being emitted from the premises so as to:
 - (i) be unreasonable; or
 - (ii) be objectionable to, or adversely affecting the amenity of, a person on other premises.

55.2 For the purposes of clause 55.1, in assessing whether noise is unreasonable, objectionable or adversely affecting the amenity, regard must be had to;

- (a) its volume, intensity and duration; and
- (b) the time, place and other circumstances in which it is emitted.

56. Notices to Comply under this Part

Where the Council or an authorised officer is of the opinion that there is or has been a breach of any clause in this Part, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of a clause in this Part.

PART 22

WASTE DISPOSAL

57. Refuse

57.1 Use of Approved Mobile Garbage Bin

The Council or an authorised officer may determine whether an approved garbage receptacle is to be used for the deposit of refuse under this clause by the occupier of any property. The occupier of the property must comply with any such determination by the Council or an authorised officer.

Penalty: Twenty (20) penalty units

57.2 Use of Approved Garbage Receptacle

The occupier of a property to which the Council provides a garbage collection service must:

- (a) deposit *or cause to be deposited* all refuse generated *and accumulated* at the property into an approved garbage receptacle, provided that the occupier may:
 - (i) use a container for the deposit of refuse prior to the transfer of the refuse to the approved garbage receptacle; or
 - (ii) compost any organic waste.
- (b) not place *or cause to be placed* in an approved garbage receptacle anything other than refuse which:
 - (i) is wrapped in any manner necessary to render it inoffensive and prevent the protrusion of sharp objects; or
 - (ii) is contained in any other manner approved by the Council or an authorised officer;
 - (iii) is appropriately wrapped and bagged to prevent being caught by wind during the process of emptying the approved garbage receptacle.
- (c) not place or cause to be placed any items in the approved garbage receptacle which are likely to damage the approved garbage receptacle or the collection vehicle.
- (d) not place paint residue in an approved garbage receptacle.
- (e) not place out for collection more than twenty four (24) hours prior to collection day any refuse other than in an approved garbage receptacle.

- (f) not place out for collection any approved garbage receptacle, except in accordance with any requirements prescribed by or determined in accordance with this Local Law.
- (g) upon being directed to do so by the Council or an authorised officer, an occupier of land must remove or cause to be removed from the approved garbage receptacle any material deposited or caused to be deposited in contravention of clause 57.2 (b).

Penalty: Twenty (20) penalty units

57.3 Placement of Approved Garbage, Green Waste, Recyclable Goods Receptacle

- (a) The occupier of a property must not, without the consent of the Council or an authorised officer, place more than one (1) of each approved mobile garbage bin, green waste bin or a recyclable goods receptacle out for collection.
- (b) Any approved garbage bin, green waste bin or a recyclable goods receptacle placed out for collection must be positioned on the nature strip or footpath adjacent to the kerb, or in any other manner directed by the Council or an authorised officer from time to time.
- (c) An approved garbage bin, green waste bin or a recyclable goods receptacle placed out for collection must not have a gross weight more than the maximum gross weight determined by the Council or an authorised officer from time to time for the purposes of this clause.
- (d) A person must not place any refuse in an approved garbage bin, green waste bin or a recyclable goods receptacle that would prevent the lid of the approved garbage bin, green waste bin or a recyclable goods receptacle being closed.

Penalty: Twenty (20) penalty units

57.4 Maintenance of Approved Garbage Receptacle

- (a) The occupier of a property must keep any approved garbage receptacle:
 - (i) in good order;
 - (ii) in a clean inoffensive and sanitary condition; and
 - (iii) to the satisfaction of the Council or an authorised officer.

- (b) An approved garbage receptacle must be covered by its lid at all times, except when refuse is being deposited in or removed from the approved garbage receptacle, in accordance with this Local Law.
- (c) An occupier of land must maintain the site on which an approved mobile garbage bin is located in a clean, inoffensive and sanitary condition and must keep clean any pavement or ground outside the land on which the approved mobile garbage bin is placed.

Penalty: Twenty (20) penalty units

57.5 Replacement of Approved Garbage Receptacle

- (a) The occupier of a property shall immediately notify Council in writing if his or her approved garbage receptacle:
 - (i) develops a defect;
 - (ii) is lost;
 - (iii) is stolen;
 - (iv) is destroyed; or
 - (v) is damaged.
- (b) The Council may require the occupier of a property to pay for the cost of repairing or replacing an approved garbage receptacle.

57.6 Numbering of Approved Garbage Receptacle

The occupier of a property may:

- (a) mark any approved garbage bin used by him or her with the number of the property; and
- (b) renew the marking of the number as often as may be necessary to keep the number clearly legible.

57.7 Removal of Approved Garbage Receptacle

Once refuse has been collected by the Council or persons authorised by the Council, the occupier of a property must return any empty approved garbage receptacle that has been put out for collection to the property as soon as practicable *and no more than twenty-four (24) hours after collection.*

Penalty: Twenty (20) penalty units

57.8 Notice to Comply

Where the Council or an authorised officer is of the opinion that there is or has been a breach of any clause in this part, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of a clause in this part.

58. Recycling, Green Waste and Hard Garbage Collection

58.1 Where the Council or an authorised officer has given public notice that a recyclable goods collection, Green waste collection or hard garbage collection will be made, any recyclable goods, green waste or hard garbage to be collected must be left for collection in accordance with Council direction or authorised officer's directions from time to time.

Penalty: Twenty (20) penalty units

58.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 58.1, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 58.1.

58.3 A person must not, without the consent of the Council or an authorised officer, remove any recyclable goods or hard garbage left for collection in accordance with the Council's or an authorised officer's directions under clause 58.1.

Penalty: Twenty (20) penalty units

59. Trade Waste Bins

59.1 The owner or occupier of every commercial and industrial premises must provide a container for the storage of trade wastes which is:

- (a) constructed of impervious materials, water tight and pest proof;
- (b) emptied before it overflows;
- (c) removed from any public place immediately after the container is emptied; and
- (d) maintained and kept in a clean condition and free from offensive odours.

Penalty: Twenty (20) penalty units

59.2 A person must not place a trade waste bin on a road for longer than is practicably required for the emptying of the trade waste bin.

Penalty: Twenty (20) penalty units

59.3 A person must not cause any –

- (a) obstruction; or
- (b) danger –

to any person on a road when placing a trade waste hopper on a road to be emptied.

Penalty: Twenty (20) penalty units

59.4 A person who has placed a trade waste hopper on a road must repair any damage to any –

- (a) vehicle crossing;
- (b) road;
- (c) footpath;
- (d) kerb; or
- (e) drain –

that results from the placement of the trade waste hopper on the road or the emptying of the trade waste hopper.

Penalty: Twenty (20) penalty units

59.5 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 59.4, it, he or she may serve a Notice to Comply under clause 80 part 26 on the person apparently in breach of clause 59.4.

59.6 The Council or an authorised officer may impound any trade waste hopper which:

- (a) not providing a container in accordance with 59.1;
- (b) is placed on a road contrary to clause 59.2; and
- (c) which endangers or obstructs any person on road contrary to clause 59.3.

59.7 Any waste hopper impounded under clause 59.6 must be dealt with under clause 75 part 26.

PART 23

MANAGEMENT OF DRAINS

60. Maintenance of Drains

60.1 The owner or occupier of any land must ensure that any drain on the land that is not vested in the Council or another public body is maintained in a condition that is not:

- (a) dangerous to health;
- (b) unsightly; or
- (c) a nuisance.

Penalty: Twenty (20) penalty units

60.2 A person must not discharge or cause to be discharged any material into a drain or watercourse, which is vested in or under the control of the Council. Except for the discharge of stormwater.

Penalty: Twenty (20) penalty units

60.3 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 60.1 or 60.2, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clauses 60.1 and 60.2.

61. Tapping into Drains

61.1 A person must not, without a permit –

- (a) destroy;
- (b) damage; or
- (c) tap into –

any drain vested in or under the control of the Council.

Penalty: Twenty (20) penalty units

61.2 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clause 61.1 it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 61.1.

PART 24

OPEN AIR BURNING, INCINERATORS AND CHIMNEYS

62. Application

This Part does not apply to:

- (a) a barbecue while being used for the purpose of cooking food; or
- (b) a tool of trade while being used for the purpose for which it was designed.

63. Fires

63.1 A person must not, without a permit –

- (a) light;
- (b) allow to be lit; or
- (c) allow to remain alight –
a fire in the open air.

Penalty: Twenty (20) penalty units

63.2 A person must not on any land –

- (a) use, construct, erect or install; or
- (b) permit to be used, constructed, erected or installed an incinerator.

Penalty: Twenty (20) penalty units

64. Chimneys

An owner or occupier of residential land must not cause or allow a chimney on the premises to discharge dust, grit, ashes, smoke odour that is dangerous or offensive to the health of another person.

64.1 In determining whether a contravention has occurred an Authorised Officer shall have regard to:

- (a) the nature of any complaint received;
- (b) any observations of an Authorised Officer, including the level of observable dust, grit, ash, smoke, smoke substance or odour;
- (c) any diary entries made by any person detailing the particulars of the complaint;

- (d) whether the chimney and any heating devices comply with any relevant Australian Standard; and
- (e) the nature of the fuel used in the heating device.

Penalty: Twenty (20) penalty units

65.1 Where the Council or an authorised officer is of the opinion that there is or has been a breach of clauses 63.1 or 63.2, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of clause 63.1 or 63.2.

65.2 The Council or an authorised officer may exempt –

- (a) a person;
- (b) a class of persons; or
- (c) a body –

from the application of clause 63.1.

66. Extinguishing Fires

A person who has lit or allowed a fire to remain alight contrary to clause 63.1, or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:

- (a) an authorised officer;
- (b) a member of the Victoria Police; or
- (c) a member of the Metropolitan Fire Brigade.

Penalty: Twenty (20) penalty units

PART 25

Noise

67. Audible Intruder Alarm

67.1 A person must not, in any premises, install or permit or allow to be installed or cause to be retained in an active state, an intruder alarm, which emits a noise audible beyond the boundary of the premises unless such an alarm is constructed or regulated to ensure that it complies with the relevant Australian Standard.

Penalty: Ten (10) penalty units

68. Noise from industrial waste collection

A person must not collect industrial waste within the municipal district except between the following hours:

- (a) If one collection is made each week:
 - (i) 6:30 am to 8:00 pm on Mondays to Saturdays;
 - (ii) 9:00 am to 8:00 pm on Sundays and public holidays.
- (b) If two or more collections are made each week:
 - (i) 7:00 am to 8:00 pm on Mondays to Saturdays;
 - (ii) 9:00 am to 8:00 pm on Sundays and public holidays.

Penalty: Twenty (20) penalty unit

69. Noise from vehicle sound equipment

69.1 The owner and the person in control of a vehicle which is parked, standing upon, or being driven along, a road or Council land, is guilty of an offence if the volume of any vehicle sound equipment installed in or kept in the vehicle attains a level which causes unreasonable noise or which interferes with the reasonable comfort of persons within the proximity of the vehicle.

Penalty: Twenty (20) penalty units

69.2 Without limiting the generality of sub-clause (1), vehicle sound equipment will be deemed to cause unreasonable noise or interference with the reasonable comfort of a person if it can be heard above the background noise level at a distance of 10 metres from the vehicle.

70. Noise from Council land or public place

70.1 A person must not-

- (a) without a Permit, on Council land or in a public place, sound, play, control, operate or use a loud speaker, amplifier, microphone, wireless receiving set or broadcasting set or other like appliance capable of being used for making or amplifying sounds or noise so as to cause – Noise or interference with the quiet enjoyment by any other person using that Council land, public place.

Penalty: Twenty (20) penalty units

71. Noise from construction and demolition sites

71.1 Unless permitted under a Planning Permit the owner, builder or any person engaged in any construction or demolition work on a building site relating to any building used or intended to be used for industrial or commercial purposes must ensure that;

(a) any noise emanating from the building site is inaudible in a habitable room in any residential premises, regardless of whether any door or window giving access to that room is open during the following times:

- Monday to Friday before 7.00am and after 6.00pm.
- Saturday before 9.00am and after 1.00pm
- Any time on Sunday or Public Holidays.

(b) all vehicular movements to and from the site are made only during the hours of 7.00am to 6.00pm Monday to Friday and 9.00am to 1.00pm Saturday.

(c) noise from construction or demolition work may occur outside of these times only where allowed by a permit issued under this local law.

Penalty: Twenty (20) penalty units

72. Noise from deliveries to shops, supermarkets and service stations

72.1 A person must not deliver articles or goods of any description to any shop, supermarket or service station in a residential zone so that the delivery noise is audible in a habitable room in any residential premises regardless of whether any door or window giving access to that room is open outside the hours of 7.00am to 10.00pm – Monday to Saturday, and 9.00am to 10.00pm – Sundays and Public Holidays.

72.2 In any case where it is not practicable to make a delivery referred to in sub clause 72.1 within the hours specified therein, the driver making such delivery must ensure that all vehicle and ancillary motors are turned off at the time when the delivery is being made.

Penalty: Twenty (20) penalty units

73. Noise from Truck Mounted Refrigeration Units

73.1 A person must not operate any truck mounted refrigeration unit in a residential zone so that the refrigeration unit noise is audible in a habitable room in any residential premises regardless of whether any door or window giving access to that room is open outside the hours of 7.00am to 10.00pm – Monday to Saturday, and 9.00am to 10.00pm – Sundays and Public Holidays.

Penalty: Twenty (20) penalty units

74. Notice to Comply

74.1 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any clause in this part, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the person apparently in breach of any clause in this part.

PART 26

ADMINISTRATION AND ENFORCEMENT

75. Impounding

75.1 Where any item has been impounded under this Local Law, the Council or an authorised officer must serve notice of the impounding personally or by registered mail on the person who appears to be the owner of the impounded item if it is practicable to do so.

75.2 An impounded item must be surrendered to –

- (a) its owner; or
- (b) a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner –

on:

- (c) evidence to the satisfaction of the authorised officer being provided of the owner's right to the item; and
- (d) payment of any fee determined by the Council or an authorised officer from time to time.

76. Permits

76.1 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 the same.

76.2 The Council or an authorised officer may from time to time 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.

76.3 The Council or an authorised officer may waive payment of any fee for a permit.

76.4 The Council or an authorised officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by the Council or an authorised officer.

- 76.5 The Council or an authorised officer may require an applicant for a permit to provide the Council with more information before the Council or authorised officer deals with the permit application.
- 76.6 A permit expires on the date specified in the permit or if no such date is specified the permit will expire one (1) year after the date of issue.
- 76.7 Where the Council or an authorised officer is of the opinion that there is or has been a breach of any condition of a permit, it, he or she may serve a Notice to Comply under clause 80 of part 26 on the permit holder.

77. Considering Applications

In considering an application for a permit the Council or an authorised officer may consider:

- 77.1 any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;
- 77.2 any submission that may be received in respect of the application;
- 77.3 any comments that may be made in respect of the application by any public authority, Government department, community organisations or other body or person; and
- 77.4 any other relevant matter.

78. Correction of Permit

- 78.1 The Council or an authorised officer may correct 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 mistake in the description of any person, thing or property referred to in the permit.
- 78.2 The Council or the authorised officer must note the correction in the register of permits.

79. Grounds for Cancellation of or Amendment of Permits

- 79.1 The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been:
- (a) a material misstatement or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the issue of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;

- (d) a failure to comply with the conditions under which the permit was issued; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- 79.2 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.
- 79.3 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.

80. Notices to Comply

- 80.1 The Council or an authorised officer may, by serving a Notice to Comply in the form or to the effect of Schedule 1, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach under this Local Law.
- 80.2 A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- 80.3 The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- 80.4 An owner, occupier, builder or appointed agent served with a Notice to Comply who fails to remedy a situation in accordance with a Notice to Comply within the time specified therein is guilty of an offence under this Local Law.
- 80.5 If any owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in a Notice to Comply, Council may, approve the carrying out of the work by another person; or carry out the work itself and recover the cost of performing the work from the owner, builder or appointed agent.

- 80.6 An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.
- 80.7 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

81. Power to Act in Urgent Circumstances

- 81.1 Council may, where an owner, occupier, builder or other relevant person has failed to comply with any requirement of this Local Law, take action considered necessary to prevent any danger to the environment or any nuisance arising, provided that:-
- (a) Council considers the circumstances to be sufficiently urgent and that the time necessary, or potential difficulty in serving a Notice to Comply may place a person, animal, property or the environment at risk or in danger of substantial detrimental effect;
 - (b) the Chief Executive of the Council or his/her delegate not being the Council officer administering this Clause, approves of the proposed action; and
 - (c) details of the circumstances and of the remedial action taken are as soon as practicable forwarded to the owner, occupier, builder or other relevant person
- 81.2 Action taken by Council under this Clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger involved.

82. Offences and Penalties

- 82.1 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.
- 82.2 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.
- 82.3 Where any provision in this Local Law requires that something must not be done between specified hours of the day or night, during specified months of the year, or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part of a location is guilty of an offence.
- 82.4 Where any provision in this Local Law requires that a person obtain a Permit from Council for the purpose of engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without first obtaining a Permit from Council.
- 82.5 Where any Permit granted 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.

- 82.6 After conviction for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to a penalty of two (2) penalty units for each day after conviction during which the contravention continues.
- 82.7 A person who is guilty of any offence against this Local Law for which a specific penalty is not prescribed by another provision under this Local Law, is liable to a penalty for that offence not exceeding ten (10) penalty units for a first offence.
- 82.8 A person who is guilty of a second or subsequent offence against this Local Law is liable to a penalty not exceeding twenty (20) penalty units.

83. Infringement Notices

- 83.1 An Authorised Officer must serve a Local Law infringement notice in a form specified by the Infringements Act 2006 on a person whom the officer believes has committed an infringement against this Local Law requiring the person to pay the penalty for that infringement within 28 days of the issue of the infringement notice.
- 83.2 If the infringement notice is not withdrawn and the person pays to Council the amount referred to in the infringement notice within the period of 28 days or such further period as Council or an Authorised Officer may allow, no conviction will be recorded against that person for the alleged infringement.
- 83.3 A person issued with an infringement notice may make a written representation to Council, within 28 days of the issue of the infringement notice.
- 83.4 The Chief Executive Officer may authorise any person to consider any written representation and any other relevant information and that person must consider any such material brought to his or her attention.
- 83.5 Subject to sub-clause 83.1 the decision of the person authorised under sub clause 83.4 on any representation received will be final.
- 83.6 Council or the Chief Executive Officer or any other person authorised for the purpose may at any time withdraw an infringement notice either as a result of consideration of any representation made or with a view to prosecuting for an offence.
- 83.7 Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment, which that person has made on the infringement notice.
- 83.8 If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.

- 83.9 Any notice of withdrawal of an infringement notice may be served in accordance with Section 234 of the Act.
- 83.10 In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as Council or an Authorised Officer may allow, Council or an Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- 83.11 The penalties fixed for Infringement Notices are set out in Schedule 2.
- 83.12 Any person served with a Local Law infringement notice is entitled to disregard the notice and defend the prosecution in Court.

The **COMMON SEAL** of the **MOONEE VALLEY CITY COUNCIL** was hereto affixed
on the _____ with the authority of Council.

Councillor

Chief Executive Officer

SCHEDULE 1

NOTICE TO COMPLY

To:	Name:
Address:	

You have, in the opinion of Moonee Valley City Council (“the Council”) or an authorised officer of the Council, committed a breach of clause of the Council’s Local Law No..... by

To remedy the breach you must do the following, within days from the date of this Notice:

.....

You should contact

at the Municipal Office, between the hours of for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty of \$..... And the Council will carry out any required work, for the cost of which, in addition to the above penalty, you will liable.

Date:

Name of authorised officer:

Telephone no:

Signature of authorised officer:

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

SCHEDULE 2

Register of Penalties for on the spot infringement Notices

Clause	Topic	Penalty Unit for on the spot Infringement Notice
	Part 2 Reserves	
8.1	Activities prohibited in Reserves	2
9.1	Activity prohibited without a permit in Reserves	2
	Part 3 Parks Gardens, Reserves & Trees	
10.1- 10.3	Causing damage, detriment to Council owned land and things on Council owned land	5
11.1	Planting trees and dumping rubbish on Council owned land without a permit	2
	Part 4 Behaviour on Roads and Council Land	1
12.1	Coin mechanism not attached to shopping trolley	2
12.3	Making a false representation in an exemption application	5
13.1	Camping on Council land without a permit	2
14.1	Busking without a permit	2
	Part 5 Municipal Recreation Centres	
15.1	Not complying with Council Policy relating to Municipal Recreation Centres	2
15.3	Not complying with displayed rules within a Municipal Recreation Centre	2
	Part 6 Consumption of Alcohol in Public Places	
16.1	Consuming Alcohol and interfering with the reasonable use and enjoyment by others in non restricted area	2
17.2- 17.3	Consuming alcohol in restricted area & not obeying authorised officers instructions	2
	Part 7 Use of Land	
18.1	Keeping of land that is unsightly, dangerous or detrimental to the general amenity of the neighbourhood	5
18.4	Keeping of a building that is unsightly, dangerous or detrimental to the general amenity of the neighbourhood	5
19.1	Holding a circus or carnival without a permit	20
	Part 8 Clothing Recycling Bins	
20.1	Place a Clothing Bin without a permit	5

Clause	Topic	Penalty Unit for on the spot Infringement Notice
	Part 9 Camping and Caravans	
21.1	Placing a caravan, tent or like structure without a permit	2
	Part 10 Numbering of Properties	
23	Using incorrect Number on property	2
24	Not marking the property with the allocated number	2
25	Not marking properties within specified guidelines	2
	Part 11 Signs, Goods and Furniture	
26.1	Placing without a permit a display, sign or furniture on a road, footway or Council Land	5
26.2	Placing advertising signage without a permit	5
26.3	Not removing a display, sign or furniture when directed to do so	5
	Part 12 Sale of Goods, Street Collections and Spruiking	
27.1/27.2	Sell goods without a permit	2
28.1	Street collection without a permit	2
29.1	Spruiking without a permit	2
	Part 13 Building Sites	
33.1	Not containing refuse in accordance with conditions	5
33.2	Not providing builders details on site	5
33.3	Not containing stormwater in accordance with conditions	5
34	Not providing temporary fencing as requested	5
35	Not disposing of builders refuse in accordance with conditions	5
36	Not removing builders refuse in accordance with conditions	5
37	Not providing toilets in accordance with conditions	5
38	Asbestos removal and transport	5
39	Not giving notice to Council of commencement of works within set timeline	5
	Part 14 Occupation of Roads for Works	
41.1	Occupying a road for works without a permit	5

Clause	Topic	Penalty Unit for on the spot Infringement Notice
	Part 15 Spoil on Roads	
42.1	Driving vehicle not free from soil, earth, clay	5
42.2	Substances falling from vehicle used in the course of trade, industry or commercial undertaking	5
42.3	Substances falling from vehicle used in the course of washing a vehicle used in trade, industry or commercial undertaking	5
	Part 16 Traffic Hazards	
43.1	Overhanging on Council land without a permit	5
44.1	Obstructing road without a permit	5
	Part 17 Vehicle Crossings	
45.1	Constructing a temporary or permanent crossing without a permit	2
45.2	Falling to construct or repair a crossing when requested	2
45.3	Failure to make an application for a permit to construct a permit	2
45.6	Failure to provide for a temporary crossing	2
45.7	Failure to repair damage to crossing caused by vehicle leaving the carriageway or road adjacent to works being carried out	2
	Part 18 Motor Vehicles	
46.1-46.2	Driving heavy vehicle in contravention of signs	2
46.3	Keeping of a heavy vehicle on a residential property without a permit	2
47.1- 47.2	Repairing, selling or displaying vehicles on road, footway or Council land without a permit	2
	Part 19 Recreational Vehicles	
48.1	Use of a recreational vehicle on any land without a permit	2
48.2	Using a recreational vehicle without a permit and causing nuisance, damage to property and person	2
48.3	Owner occupier not to allow recreational vehicle without a permit	2
	Part 20 Toy Vehicles/Bicycles	
49.1	Use of Toy Vehicle/Bicycle interferers, causes annoyance with the passage of person using area	1

Clause	Topic	Penalty Unit for on the spot Infringement Notice
	Part 21 Animals and Birds	
51.1	Keeping more animals than allowed for without a permit	2
51.2	Keeping of animals not in register without permit	2
51.3	Feeding animals in a manner that creates a nuisance	2
52.1	Allowing a wasp nest or bee swarm to remain on property	2
53.1-53.2-53.3	Not maintaining an animal shelter in accordance with specified conditions	2
54.1-54.2	Not removing and disposing of animal Excrement	2
54.3	Carrying a litter device	2
55.1	Not preventing undue animal noise	2
	Part 22 Waste Disposal	
57.1	Not complying with Council determination	2
57.2	Not complying with conditions of using an approved Garbage Receptacle	2
57.3	Improper placement of Garbage Receptacle	2
57.4	Improper maintenance of a Garbage Receptacle	2
57.7	Not removing Garbage Receptacle within allocated timeline	2
58.1	Not leaving hard rubbish in accordance with directions	2
58.3	Removing of hard rubbish without consent	5
59.1	Trade waste hopper left longer than time allowed	5
59.3	Causing obstruction or danger to people using Trade waste hopper	5
59.4	Not repairing any damage caused by Trade waste hopper	5
	Part 23 Management of Drains	
60.1	Not maintaining a drain that is not vested in Council	2
60.2	Causing discharge (other than Stormwater) into a Council drain	2
61.1	Tapping into a Council drain without a permit	2
	Part 24 Open Air Burning and Incinerators	
63.1	Allowing an open fire to be lit in the open air without a permit	2
64.1	Nuisance smoke from a chimney	2
66	Not extinguishing a fire upon request	5
	Part 25 Noise	
67.1	Noise from Audible Intruder alarm	1
68	Noise from Industrial Waste Collection	5

Clause	Topic	Penalty Unit for on the spot Infringement Notice
69.1	Noise from Vehicle Sound Equipment	5
70.1-70.2	Noise from Council property or public land	2
71.1	Noise from Construction and Demolition Sites	5
72.1-72.2	Noise from deliveries to Shops, Supermarkets and Service Stations	5
73.1	Noise from Truck Mounted Refrigeration Units	5