



General Purposes Local Law No.1 2023

CONTENTS

PART 1 – PRELIMINARY	5
1. Title	5
2. Authorising Provisions	5
3. Objectives	5
4. Commencement.....	5
5. Cessation	5
6. Revocation of Earlier Local Law	5
7. Application	5
8. Definitions	6
PART 2 – ROADS AND MUNICIPAL PLACES	10
Division 1 – Use of Municipal Places and Roads	10
9. Behaviour in a Municipal Place.....	10
10. Defacing or Damaging a Municipal Place	10
11. Tree and Vegetation Protection in a Municipal Place	10
12. Obstructions in a Municipal Place.....	10
13. Council Sign.....	10
14. Camping in a Municipal Place.....	11
15. Events	11
16. Street Parties and Street Festivals	11
Division 2 – Vehicles	11
17. Repair of Vehicles.....	11
18. Storage of Vehicles.....	11
19. Wheeled Recreational Devices.....	11
20. Behaviour Involving Motor Vehicles.....	12
Division 3 – Alcohol and Smoking.....	12
21. Possession and Consumption of Alcohol.....	12
22. Smoke-Free Areas.....	12
Division 4 – Trading Activities	12
23. Roadside Trading or Performing.....	12
24. Regulation of Trading Sites.....	12
25. Displaying Goods for Sale	13
26. Use of a Municipal Place for Outdoor Eating Facilities	13
27. Removing the Outdoor Eating Facility	13
28. Advertising Signs	13
29. Collections	13
30. Shopping Trolleys	13
PART 3 – AMENITY	14
Division 1 – Your Property.....	14
31. Unsightly and Dangerous Properties	14

32.	Dilapidated Building	15
33.	Noxious Weeds and Pest Animals	15
34.	Obstructions from Private Property	15
35.	Shipping Containers.....	15
36.	Clothing/donation bins	15
37.	Camping on Private Property.....	15
38.	Heavy and Long Vehicles on Private Property	16
Division 2 - Animals.....		16
39.	Keeping of Animals.....	16
40.	Housing of Animals.....	17
41.	Dog Waste on Roads and in Municipal Places	17
42.	Feeding of Wild Animals	18
43.	Wasps.....	18
Division 3 – Open Air Burning		18
44.	Restrictions on Burning in the Open Air – Declared Fire Danger Period	18
45.	Burning of Offensive Materials.....	18
46.	Restrictions on Burning in the Open Air – Private Property	18
47.	Restrictions on Burning in the Open Air – Municipal Places.....	19
Division 4 – Waste and Recycling.....		20
48.	Use of Domestic Bins.....	20
49.	Collection and Storage of Domestic Bins.....	20
50.	Hard Waste Collection	21
51.	Street Waste Bins	21
52.	Trade Waste Bins (Including Trade Recycling Bins).....	21
PART 4 – COUNCIL ASSET PROTECTION		23
53.	Occupation of Roads and Municipal Places	23
54.	Council Asset Protection – Building Works.....	23
55.	Drainage Tapping and Discharging Groundwater.....	23
56.	Damage to Council Assets – Building Works.....	23
57.	Requirement for Vehicle Crossings	24
58.	Constructing a Vehicle Crossing.....	24
59.	Vehicular Site Access	24
PART 5 – ADMINISTRATION.....		24
60.	Permits.....	24
61.	Setting Fees and Charges	25
62.	Differential or Structured Fees and Charges	25
63.	Waiver of Fees and Charges	26
PART 6 – ENFORCEMENT.....		26
64.	Exemptions	26
65.	Power to Issue a Direction	26
66.	Notice to Comply.....	26

67.	Power to Act in Urgent Circumstances	27
68.	Impounding	27
69.	Disposal	28
70.	Offences.....	28
71.	Penalties	28
72.	Infringement Notices	28
SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICES.....		29

Incorporated by Reference

Building and Works Code of Practice

PART 1 – PRELIMINARY

1. Title

(1) This Local Law is the “*General Purposes Local Law No. 1*”.

2. Authorising Provisions

(1) This Local Law is made under section 71 of the Local Government Act 2020.

3. Objectives

(1) The objectives of this Local Law are to:

- (a) Provide for the peace, order and good government of the **municipal district**;
- (b) Promote a physical and social environment free from hazards to health, in which the residents of the **municipal district** can enjoy a quality of life that meets the general expectations of the community;
- (c) Prevent and manage nuisances which may adversely affect the enjoyment of life or the health, safety and welfare of persons within the **municipal district**;
- (d) Regulate and manage activities of people which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the **municipal district**; and
- (e) Regulate and control the use of, activities on, and interference with, **municipal places, roads** and **Council** assets.

4. Commencement

(1) This Local Law commences to operate on 4 September 2023.

5. Cessation

(1) This Local Law ceases to operate on the day that is ten (10) years after the day that it commences, unless revoked earlier.

6. Revocation of Earlier Local Law

(1) On the commencement of this Local Law, Council’s General Local Law No. 1 2013 is revoked.

7. Application

- (1) This Local Law applies throughout the whole of the **municipal district**.
- (2) This Local Law does not apply where any act or thing is authorised by or under any Act, Rule, Regulation or the **Planning Scheme**.
- (3) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations would otherwise constitute a breach of this Local Law.

8. Definitions

Words and phrases	Meaning
Act	Means the Local Government Act 2020.
Advertising sign	Includes any placard, inflatable sign, portable electric sign, illuminated, revolving, spinning, or flashing sign, flag, banner, A-frame structure and other object or similar sign that can be securely and safely positioned, being of a fixed or transient nature, including being affixed to a vehicle, trailer, bicycle, tricycle, trolley, or other object.
Alcohol	Has the same meaning as liquor.
Animal	Without limiting the ordinary meaning of 'animal', includes a bird, a dog, a cat, a pig, cattle, a horse, sheep, a goat, poultry, a rabbit, a ferret, a reptile and an insect.
Animal waste	Means the excreta of any animal.
Appointed agent	Means the person authorised in writing by an owner of a building or land to make an application, appeal, referral, or representation on their behalf and includes a property manager.
Asset Protection Permit	Means a permit issued under clause 54 of this Local Law.
Authorised Officer	Means any person appointed by Council to be an Authorised Officer under sections 224 and 224A (members of Victoria Police) of the Local Government Act 1989.
Barbeque	Means a device used for the cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them and includes a device for spit roasting when used outdoors.
Builder	Means a person who has been nominated as the builder on a building permit and the person in charge of building work being carried out, the person actually conducting building work and the owner of the land on which building work is being carried out.
Building and Works Code of Practice	Means the Building and Works Code of Practice adopted by Council on 22 May 2023 as amended from time to time and which is incorporated in this Local Law.
Building works	Includes any work for or in connection with: (a) the construction, demolition, renovation, alteration or removal of any building or structure; (b) earthworks such as excavation, digging or boring associated with the construction, demolition, renovation, alteration or removal of any building or structure; and (c) the delivery and removal of goods or materials.
Bulk rubbish container	Means a bin, skip or other container used for the deposit of waste but excludes a domestic bin.
Busk / busking	Means performing in a public place, whether by acting, juggling, singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Camping / to camp	Means the occupation or use as accommodation of a tent, makeshift structure, caravan, mobile home or any other moveable vehicle or relocatable building or structure.
Camping area	Means any land within the Municipal District that has been declared by Council to be a 'Camping Area' for the purposes of this Local Law.
Caravan	Means any moveable vehicle which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle, and includes a caravan, camper trailer, campervan, mobile home and other similar towed living/sleeping trailer facility.
Chief Executive Officer	Means the Chief Executive Officer of Council and any person acting in that position, and includes a person authorised by the Chief Executive Officer to act on their behalf in relation to this Local Law.

Words and phrases	Meaning
Clothing / donation bin	Means a bin or similar container used for the collection of used clothing and/or other goods.
Council	Means Hume City Council.
Council asset	Means any municipal place or road and includes but is not limited to: (a) kerbs, drains, footpaths, street trees and vegetation; and (b) any thing on a municipal place or road which is owned by, or under the control and management of, Council.
Dog waste	Means the excreta of any dog.
Domestic bin	Means a landfill bin, recycling bin, organics bin or other designated bin provided by Council to a property.
E-cigarette	Has the same meaning as in the Tobacco Act 1987.
ESTA	Means the Emergency Service Telecommunication Authority.
E-waste	Means any waste item that uses a plug, battery or power cord.
Event	Means an organised recreational, cultural, commercial or social event or gathering of people.
Event amusement	Includes but is not limited to a jumping castle, pony ride, carnival ride and inflatable device.
Event infrastructure	Includes but is not limited to a marquee, gazebo, generator, portable toilet, food or beverage vendor and stage.
Fence / fencing	Means an enclosure by design or intent that is used for the confinement of an Animal or for security, privacy, amenity or boundary marking and may include (but is not limited to) a gate, grid or similar structure.
Fire	Has the same meaning as in the Country Fire Authority Act 1958.
Fire Danger Period	Has the same meaning as in the Country Fire Authority Act 1958.
Footpath	Has the same meaning as in the Road Safety Road Rules 2017.
GVM	Means the Gross Vehicle Mass of a vehicle.
Heavy vehicle	Has the same meaning as in the Heavy Vehicle National Law (Victoria).
Hoon Event	Means one or more motor vehicles being driven in a manner that intentionally or recklessly leads to the motor vehicle/s: (a) losing traction; (b) racing; (c) time trialling; or (d) emitting undue noise or smoke.
Incinerator	Has the same meaning as in Section 38A(1A) of the Country Fire Authority Act 1958.
Infringement Notice	An Infringement Notice issued under the Infringements Act 2006.
Land	Has the same meaning as in the Interpretation of Legislation Act 1984.
Licensed premises	Means premises licensed under the Liquor Control Reform Act 1998 to sell or serve alcohol and includes premises which have been granted a BYO permit under the Liquor Control Reform Act 1998.
Liquor	Has the same meaning as in the Liquor Control Reform Act 1998.
Long vehicle	Has the same meaning as in the Road Safety Road Rules 2017.
Manager	Means a person appointed by Council or the Chief Executive Officer to manage any Municipal Building, Municipal Reserve or other Municipal Place, or any other Authorised Officer or Delegated Officer.
Miniaturised motor cycle	Has the same meaning as in the Road Safety Act 1986.
Minor building works	Building work valued at less than \$10,000 but excludes demolition and removal of buildings and structures and the installation of swimming pools (regardless of value).
Motor cycle	Has the same meaning as in the Road Safety Act 1986.
Motor vehicle	Has the same meaning as in the Road Safety Act 1986.
Municipal building	Means any building (and its grounds) owned by, vested in, or under the

Words and phrases	Meaning
	control or management of Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access.
Municipal district	Means the municipal district of the Council.
Municipal place	Means any place within the municipal district that is owned by, vested in, or under the control or management of Council, which the public may or may not have access to (whether an admittance fee is required or not), including a municipal reserve, library and municipal building but excluding a road.
Municipal reserve	Means any land, waterway and water course owned by, vested in, or under the control or management of Council, and used or set aside as a reserve, but excludes a road and any areas leased to other parties.
Notice to Comply	Means a Notice to Comply issued by Council or by an Authorised Officer under this Local Law.
Noxious weed	Has the meaning as in the Catchment and Land Protection Act 1994.
Occupier / occupant	Means the person or persons in charge, or having the management or control of, or legally entitled to occupy land (including premises) and includes the owner of the land, a lessee and licensee of the land, and a person who occupies short stay rental accommodation for short stay purposes.
Online	Means electronically via Council's website.
Outdoor eating facility	Means any tables and/or chairs that are used for commercial purposes and are located outdoors at which food or drinks are served and may be consumed.
Owner	In relation to land means the person who is registered on the Certificate of Title as the owner of the land, or the person who is entitled to be so registered, or the person who is otherwise entitled to exercise any rights of ownership of the land.
Penalty unit	Has the same meaning as in the Sentencing Act 1991.
Permit	Means a permit issued under this Local Law.
Permit holder	Means the person to whom a permit is issued.
Pest Animal	Has the same meaning as in the Catchment and Land Protection Act 1994.
Planning Scheme	Means the Hume Planning Scheme.
Policy	Means a policy applied by Council from time to time for the purposes of the particular provision in which the term is used.
Private property	Means any land which is privately owned or occupied, and structures and fixtures on such land.
Procession	Means an organised group of people progressing along a road or gathering for a ceremony or function and includes a fun run and/or bicycle event.
Property address	Means the road name and street number allocated to a property within the municipal district and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers.
Retailer	Means a person who sells goods by retail and who provides shopping trolleys to customers.
Road	Has the same meaning as in the Local Government Act 1989.
Service authority	Means an entity (whether publicly or privately owned) which provides or intends to provide emergency services, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of the Victorian or Commonwealth Parliament.
Shipping container	Has the same meaning as in the Planning Scheme.
Smoke	Has the same meaning as in the Tobacco Act 1987.
Smoke free area	Means any area prescribed by Council as smoke free.
Street festival	Means an organised recreational, cultural, commercial or social gathering of

Words and phrases	Meaning
	people that is held in full or in part on a road.
Street party	Means an organised social gathering of people from one or several adjacent roads that is held in full or in part on a road.
Street waste bin	Means a receptacle provided by Council in a public place for the purpose of receiving packaging, papers and other litter arising during the occupation or use of the public place by any person.
Tobacco product	Has the same meaning as in the Tobacco Act 1987.
Total Fire Ban	Has the same meaning as in Section 40 of the Country Fire Authority Act 1958.
Trade waste	Means any waste, refuse, slops, and other matter arising from or generated by any trade, industry, or commercial undertaking.
Trade waste bin	Means a purpose-built container for the deposit of trade waste that is ordinarily emptied by mechanical means.
Trail bike	Means a motorcycle for use on rough terrain.
Tree	Includes plants and shrubs.
Vehicle	Has the same meaning as in the Road Safety Act 1986.
Vehicle crossing	Means the constructed surface between the road pavement and the property boundary for vehicle access to the property, including any footpath section, crossing culverts, kerb and channel, layback or end walls.
Vermin	Means an animal that has been proclaimed as vermin under the Catchment and Land Protection Act 1994.
Wheeled recreational device	Has the same meaning as in the Road Safety Road Rules 2017.

PART 2 – ROADS AND MUNICIPAL PLACES

Division 1 – Use of Municipal Places and Roads

This Part contains provisions to protect the amenity of municipal places and roads through controls prohibiting persons from causing damage to them or acting in a socially unacceptable manner when using them. Municipal places are areas owned or managed by Council and include buildings and reserves.

9. Behaviour in a Municipal Place

- (1) A **person** must not behave in a **municipal place** in a manner that interferes with another **person's** reasonable use and enjoyment of that **municipal place**.
- (2) A **person** must not behave in a **municipal place** in a manner that endangers or is likely to endanger a person's health, life, property or conduct of business.

10. Defacing or Damaging a Municipal Place

- (1) Without a **permit**, a **person** must not destroy, damage, deface, remove or interfere with:
 - (a) A **municipal place**;
 - (b) Any building, structure, infrastructure or any other thing on or in a **municipal place**;
 - (c) Any thing belonging to **Council** in a **municipal place**, unless authorised by **Council** to do so under this Local Law or otherwise; or
 - (d) Any **Council** property, **Council assets** or **private property** located on or in any **municipal place**.
- (2) Without a **permit**, a **person** must not build or erect a **fence** on, or otherwise occupy or place anything on, a **municipal place**.

11. Tree and Vegetation Protection in a Municipal Place

- (1) Without a **permit**, a **person** must not, on a **road** or **municipal place**, destroy, damage, remove, prune, lop, or otherwise interfere with any **tree** or vegetation or allow any person to destroy, damage, remove, lop, or otherwise interfere with any **tree** or vegetation.

12. Obstructions in a Municipal Place

- (1) Without a **permit**, a person must not place, permit to be placed, or allow to remain on a **road** or in a **municipal place**:
 - (a) A **bulk rubbish container**;
 - (b) A **clothing/donation bin**;
 - (c) A **shipping container**; or
 - (d) Any other thing which obstructs the ordinary use of the **road** or **municipal place**.
- (2) **Council** or an **Authorised Officer** may designate locations in a **municipal place** for the purpose of **clothing/donation bin permits**.

13. Council Sign

- (1) A person must comply with any sign erected or installed by or on behalf of **Council** on a

road or municipal place.

14. Camping in a Municipal Place

- (1) Without a **permit**, a **person** must not **camp** in a **municipal place** unless such **person** is within a **camping area**.

15. Events

- (1) Without a **permit**, a **person** must not hold or organise any **event** in a **municipal place**.
- (2) Sub-clause (1) does not apply to a social gathering of one hundred (100) **persons** or less in a **municipal place**, except where the social gathering includes the installation or use of:
 - (a) An **event amusement**; or
 - (b) **Event infrastructure**.

16. Street Parties and Street Festivals

- (1) Without a **permit**, a **person** must not hold or organise a **street party, street festival, procession** or other similar activity on a **road**.
- (2) Marches for political or industrial causes are exempt from the requirement to obtain a **permit** under sub-clause (1), provided that Victoria Police are informed prior to the march.

Division 2 – Vehicles

17. Repair of Vehicles

- (1) A **person** must not paint, service, carry out maintenance on, dismantle or repair a **vehicle, caravan, boat** or any other thing on a **road or municipal place**, or authorise another **person** to do so, except in an emergency breakdown for the purpose of removing it.

18. Storage of Vehicles

- (1) Without a **permit**, a person must not place or store, or allow to be placed or stored a **caravan, boat or trailer** in or on a **road or municipal place**.
- (2) Without a **permit**, a person must not park any **vehicle** in a **municipal place**:
 - (a) Except:
 - (i) In an area set aside for the purpose;
 - (ii) When and where directed or authorised by Council or an Authorised Officer to do so; or
 - (iii) Upon payment of such fees (if any) as may be prescribed by Council from time to time; and
 - (b) For a period of time greater than two months.
- (3) A person must not display a **vehicle** for sale in or on a **road or municipal place**.

19. Wheeled Recreational Devices

- (1) Without a **permit**, a **person** must not on any part of any **municipal place**, excluding a **road**:

- (a) Drive, ride on or otherwise use; or
- (b) Permit a **person** under their care or control to drive ride on or otherwise use, a **wheeled recreational device** unless the part of the **municipal place** has been designated for that purpose.

20. Behaviour Involving Motor Vehicles

- (1) A **person** must not participate in, encourage or attend a **hoon event**.
- (2) The driver of a **vehicle** must not stop or park, for the purposes of attending a **hoon event**, within 200 metres of a **vehicle** involved in a **hoon event**.

Division 3 – Alcohol and Smoking

21. Possession and Consumption of Alcohol

- (1) Without a **permit**, a **person** must not consume **alcohol** or have in their possession **alcohol** in an open container in or on any **municipal place** or **road**, except at the times and in the places determined by **Council**.
- (2) Where a person has contravened or is contravening sub-clause (1), an **Authorised Officer** may direct that person to:
 - (a) Empty any open container containing **alcohol** or reseal that open container; or
 - (b) Surrender any open container containing alcohol to the **Authorised Officer**.
- (3) Sub-clauses (1) and (2) do not apply where the consumption of **alcohol** is permitted under the **Planning Scheme** or *Liquor Control Reform Act 1998*.

22. Smoke-Free Areas

- (1) **Council** may, by resolution, declare any **municipal place** or **event** to be a **smoke-free area**.
- (2) A **person** must not smoke a **tobacco product** or **e-cigarette** in a **smoke-free area**.

Division 4 – Trading Activities

23. Roadside Trading or Performing

- (1) Without a **permit**, a **person** must not erect or place on any **road** or **municipal place**, a **vehicle**, **caravan**, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.
- (2) Without a **permit**, a **person** must not on any **road** or **municipal place** **busk** or play any musical instrument or use any sound amplification equipment for the purpose of public entertainment or performance.
- (3) **Council** or an **Authorised Officer** may designate predetermined locations in a **municipal place** for the purpose of roadside trading or performing **permits**.

24. Regulation of Trading Sites

- (1) If **Council** has entered into an arrangement (by way of **permit**, lease, licence or otherwise) in relation to trading from a particular site on a **road** or **municipal place**, a second **person** other than the **person** with whom **Council** has the arrangement must not trade from that site whether or not that second **person** has a **permit** for another site or no particular site.

- (2) Without a **permit**, a **person** must not sell or offer for sale any goods or services from any **private property** or **municipal place** adjacent to a **road** .

25. Displaying Goods for Sale

- (1) Without a **permit**, a **person** must not place or display, or cause or allow another **person** to place or display, any goods for sale on any **road** or **municipal place**.

26. Use of a Municipal Place for Outdoor Eating Facilities

- (1) Without a **permit**, a **person** must not use any **road** or **municipal place** for the purposes of an **outdoor eating facility**.

27. Removing the Outdoor Eating Facility

- (1) The **permit holder** must move or remove the **outdoor eating facility** to which the **permit** relates when requested to do so by an **Authorised Officer**, a member of Victoria Police, a member of an emergency service or a member of a **service authority** to facilitate cleaning or maintenance of the site, for public safety reasons or for any other reason.

28. Advertising Signs

- (1) Without a **permit**, a **person** must not erect, place or display on any part of a **road** or **municipal place** an **advertising sign**, or cause or in any way authorise another **person** to do so.

29. Collections

- (1) Without a **permit**, a **person** must not:
- (a) Solicit or collect any money, items or subscriptions; or
 - (b) Distribute any handbills, flyers or other printed material,
on or from any **road** or **municipal place**, or from house to house, or cause or authorise another **person** to do so.
- (2) Sub-clause (1) does not apply to
- (a) Hand delivering printed matter to street-side letterboxes;
 - (b) Delivery of newspapers, magazines and goods at the request of the **occupier** of the premises;
 - (c) Solicitation or distribution of printed electoral material; or
 - (d) The collection of signatures for a petition.

30. Shopping Trolleys

- (1) A **person** must not leave a shopping trolley on a **road** or in a **municipal place**, except in an area designated for the leaving of shopping trolleys.
- (2) A **retailer** who provides shopping trolleys intended for the use of customers must ensure that their name and trading name are clearly marked on the shopping trolleys.
- (3) A **retailer** who provides shopping trolleys intended for the use of customers must ensure that each shopping trolley has a coin operated lock or perimeter constraint system attached to it.

- (4) A **retailer** must ensure that shopping trolleys left outside the **owner's** premises when the business is closed are secured so as to prevent any shopping trolley being used.
- (5) Sub-clause (3) does not apply to a **retailer** who has less than twenty five (25) shopping trolleys available for the use of customers.

PART 3 – AMENITY

Division 1 – Your Property

31. Unsightly and Dangerous Properties

- (1) An **owner** or **occupier** of **private property** must ensure that the **private property** and any structure on the **private property**:
 - (a) Does not constitute a danger to health of a **person, animal** or property;
 - (b) Is not detrimental to the amenity of the surrounding area, including through a lack of effective maintenance.
- (2) Without limiting subclause (1), **private property** or any structure on it may be unsightly or detract from the amenity of the surrounding area by reason of the presence of:
 - (a) Unconstrained rubbish or **waste** material;
 - (b) Conditions conducive to the harbourage and breeding of **vermin**;
 - (c) Disused excavations;
 - (d) Excessive vegetation, including grass exceeding 150mm in height;
 - (e) Machinery, **vehicles, caravans, boats** or any or any parts of them;
 - (f) Scrap metal;
 - (g) A building which is incomplete and not currently under construction; or
 - (h) A building or other structure or thing which is detrimental to the amenity of the surrounding area.
- (3) Without limiting subclauses (1) and (2), a **Notice to Comply** issued by an **Authorised Officer** with respect to an offence against this clause may include a direction that the **private property**, building or structure be:
 - (a) Cleared of any substance, material or equipment;
 - (b) Suitably fenced, screened or otherwise enclosed in the manner specified in the **Notice to Comply**;
 - (c) Boarded up or otherwise secured to prevent access or otherwise alleviate the danger, unsightliness, nuisance, detriment to general amenity or offending condition; and/or
 - (d) Protected by warning signs or barriers to alert members of the public to the presence on the **private property** of a danger to persons entering the **private property**.
- (4) For the purposes of this clause, a building includes an outbuilding, fence and any other capital improvement on the **private property**.

32. Dilapidated Building

- (1) An **owner** or an **occupier** of **private property** which is unoccupied, unfit for occupation or normal use, or not occupied most of the time must:
 - (a) Not allow a building located on the **private property** to become dilapidated or further dilapidated;
 - (b) Take all reasonable steps to secure any building located on the **private property** from unauthorised access; and
 - (c) Maintain any building located on the **private property** in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect that is out of character with neighbourhood amenity.
- (2) For the purposes of subclause (1), a building is considered dilapidated if the exterior of the building is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, misuse or has been damaged or defaced.
- (3) For the purposes of this clause, a building includes an outbuilding, fence and any other capital improvement on the **private property**.

33. Noxious Weeds and Pest Animals

- (1) An owner or occupier of **private property** must take all reasonable steps to control, reduce and remove **noxious weeds** and **pest animals** on that **private property**.

34. Obstructions from Private Property

- (1) The **owner** or **occupier** of **private property** must not allow any **tree**, sign, fence, structure or other thing on that **private property** to remain in such a manner that it causes danger to traffic, drivers or pedestrians by preventing an unobstructed passage or a clear view of other **vehicles** or signs or signals installed to control, direct, guide, regulate or warn traffic.
- (2) Without limiting sub-clause (1), the **owner** or **occupier** of **private property** must not allow any **tree**, sign, fence, structure or other thing on that **private property** to:
 - (a) Overhang a **road** or **municipal place** at a height of less than 2.4 metres; or
 - (b) Overhang the carriageway of a **road** at a height of less than 4.5 metres.

35. Shipping Containers

- (1) A **person** must not keep, store, repair or in any other manner use a **shipping container** on **land** without a **permit** issued under this Local Law unless the **Planning Scheme** requires a planning **permit** for such use and a planning **permit** under the **Planning Scheme** has been issued.

36. Clothing/donation bins

- (1) A **person** must not keep, store, repair or in any other manner use a **clothing / donation bin** on **private property** without a **permit**.

37. Camping on Private Property

- (1) A **person** must not **camp** on vacant **private property**.
- (2) A **person** may **camp** on **private property** where there is an existing dwelling for a cumulative period of not more than six (6) months in any twelve (12) month period provided that:

- (a) Appropriate sanitary facilities are available to the **private property**; and
 - (b) There is no detrimental effect to the amenity of adjoining **land**.
- (3) Without a **permit**, a **person** must not camp on **private property** in excess of the period prescribed in subclause (2).
- (4) For the purposes of calculating a twelve (12) month period under sub-clause (2), it will commence on the first day that a person **camp**s on the **private property** and renew every 12 months thereafter.

38. Heavy and Long Vehicles on Private Property

- (1) Without a **permit**, a **person** must not keep, store or do work on any **vehicle** over 7.5 metres in length (including any trailer and fittings) and/or a **vehicle** with a **GVM** in excess of 4.5 tonnes.
- (2) Sub-clause (1)(b) does not apply to one (1) **caravan** being stored on **private property** by the **occupier**.

Division 2 - Animals

39. Keeping of Animals

- (1) Without a **permit**, an **owner** or **occupier** of **private property** must not keep or allow to be kept on the **private property** any more of each species or group of **animals** than is stated in the following table.
- (2) For the purpose of calculating the numbers of any **animal** kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from twelve (12) weeks after its birth

Type of animal	Maximum allowed			
	Flats, units or townhouses	Land less than 4,000 square metres	Land between 4,000 and 10,000 square metres	Land greater than 10,000 square metres
Dogs	1	2	3	4
Cats	1	2	3	4
Domestic guinea pigs, rats and mice	5	5	20	20
Rabbits	5	5	10	20
Ferrets	5	5	5	5
Poultry (excluding roosters)	0	5	20	20
Caged birds (excluding large and/or noisy birds)	5	20	No limit	No limit
Large and/or noisy birds (including roosters)	0	0	2	5
Horses and donkeys	0	0	2	5

Type of animal	Maximum allowed			
	Flats, units or townhouses	Land less than 4,000 square metres	Land between 4,000 and 10,000 square metres	Land greater than 10,000 square metres
Cattle	0	0	5	10
Sheep and goats	0	0	6	15
Pigs	0	0	0	1
Any other livestock	0	0	2	2

(3) Without a **permit**, an **owner** or **occupier** of **private property** must not keep an **animal** of a species not listed in the table in sub-clause (3) on that **private property**.

40. Housing of Animals

(1) An **owner** or **occupier** of **private property** must ensure that any part of the **private property** used for housing an **animal** is:

- (a) Adequately fenced, and the fence and gates maintained in a satisfactory condition, so that any **animal** kept on the **private property** cannot escape from the **private property**; and
- (b) Maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other **person**, including by ensuring that:
 - (iv) The part of the **private property** surrounding the place where the **animal** is kept is free from rubbish or vegetation that could attract or harbour **vermin**;
 - (v) All **animal** food for consumption kept or stored on the **private property** is kept or stored in a **vermin** and fly-proof receptacle;
 - (vi) All **animal waste** is removed from the **private property** so as not to be offensive or a nuisance to any other person;
 - (vii) Any **animal** odour emanated from the **private property** does not interfere with the immediate amenity of the area; and
 - (viii) The **private property** is kept in accordance with any relevant Codes of Practice.

(2) An **owner** or **occupier** of **private property** must not allow a structure used for housing an **animal** to be located:

- (a) less than six (6) metres from the frontage of the **private property**;
- (b) less than one (1) metre from any boundary of the **private property**; or
- (c) less than three (3) metres of a dwelling on adjoining **land**.

(3) Sub-clause (2)(c) does not apply to any dog kennel, cat enclosure or bird aviary used to house small birds (excluding poultry).

41. Dog Waste on Roads and in Municipal Places

(1) A **person** in charge of a dog on any **road** or **municipal place** must carry a facility for the effective removal of **dog waste** that may be deposited by that dog and must produce them on the request of an **Authorised Officer**.

- (2) A **person** in charge of a dog must not allow any part of **dog waste** generated by that dog to remain on any **road** or **municipal place** and must immediately collect and dispose of the **dog waste**.

42. Feeding of Wild Animals

- (1) If the feeding of an uncaged wild **animal** by a **person** is causing a nuisance, a detrimental environmental impact, or giving rise to a risk of damage to property, an **Authorised Officer** may direct the **person** to cease feeding the **animal**.

43. Wasps

- (1) An **owner** or **occupier** of **private property** must ensure that any European wasps on the **land** are destroyed.

Division 3 – Open Air Burning

44. Restrictions on Burning in the Open Air – Declared Fire Danger Period

- (1) Nothing in the following clauses permits a **person** to light a fire on any **land** in the **municipal district** during a declared **Fire Danger Period** (including a day of **Total Fire Ban**) or otherwise in contravention of the provisions of the *Country Fire Authority Act 1958* or the *Fire Rescue Victoria Act 1958*.

45. Burning of Offensive Materials

- (1) A **person** must not burn, or cause or allow to be burned, in any part of the **municipal district** any offensive materials, or any materials that may cause offensive emissions of smoke and odour to enter any neighbouring property. This includes but is not limited to:
- (a) Manufactured chemicals or pressurised cans;
 - (b) Rubber or plastic;
 - (c) Electronic equipment and recyclable materials (excluding timber);
 - (d) Petroleum, oil or oil-based products;
 - (e) Paint or receptacle which contains or contained paint; and
 - (f) Food **waste**, fish or other offensive or noxious matter.

46. Restrictions on Burning in the Open Air – Private Property

- (1) A **person** must not place or use an incinerator on any land.
- (2) A **person** must not without a **permit**, light, or cause or allow to be lit, a **fire** in the open air on any **land** less than 4,000 square metres.
- (3) A person must not light, or cause or allow to be lit, a **fire** in the open air on any **land** 4,000 square metres or greater or in a designated bushfire prone area, except where the **fire** is lit for genuine fuel reduction purposes, and:
- (a) The **fire** has been registered with **ESTA** and reasonable attempts have been made to notify the **occupier** of each property adjoining and immediately across the road from the **land** on which the **fire** is to be lit; and
 - (b) Until any **fire** lit has been completely extinguished:

- (i) The perimeter of the burning area is regularly patrolled;
 - (ii) The **fire** is monitored to make sure smoke is not impacting on neighbouring properties or causing a traffic hazard;
 - (iii) An adequate number of adults and adequate **fire** suppression equipment or appliances are present; and
 - (iv) Any **fire** is extinguished and left in a state so that it does not reignite; and
- (c) In the case of any pile **fire** burning, it is undertaken in accordance with the following:
- (i) With a pile size no more than six (6) metres long by six (6) metres wide and three (3) metres in height of vegetation;
 - (ii) Material can be added to the **fire**, provided that the pile size is never permitted to exceed the area and height restrictions in sub-clause (i); and
 - (iii) More than one **fire** is permitted to be alight at any one time as long as there are enough people to monitor, contain and extinguish the **fires** safely and effectively if required; and
- (d) Where a rural farming property manager, as part of their farm management practices, wishes to undertake a linear **fire** burn, being for the creation of a **fire** break along their property boundaries or for the removal of crops, grass or stubble with a slow burn type of operation, the property manager must ensure Clauses 42, 43(3)(a) and 43(3)(b) are followed.
- (4) Sub-clauses (1), (2) and (3) do not apply to fires:
- (a) that are monitored and attended to by the **land occupant** and are:
 - (i) In a **barbecue**, pizza oven or other properly constructed appliance while it is being used for cooking food; or
 - (ii) In a chiminea, fire pit or other similar and properly constructed appliance while being used for heating;
 - (b) Lit by **Council** staff members or any person contracted or authorised by **Council** for the purpose of undertaking controlled burning-off as a part of normal parks maintenance on any **road** or **municipal place**;
 - (c) Lit by **fire** and emergency services agencies carrying out training or **fire** hazard reduction activities; or
 - (d) Lit by a **person** for the purpose of enjoying their culture or practising their religion.
- (5) An **Authorised Officer** may grant exemptions or **permits** to any part of sub-clauses (1), (2) and (3) in special or unusual circumstances, such as for **fires** relating to disease control with dead stock, in emergencies, urgent circumstances or natural disasters.

47. Restrictions on Burning in the Open Air – Municipal Places

- (1) A **person** must not, without a **permit**, light or allow to be lit a **fire** in any **municipal place**.

Division 4 – Waste and Recycling

48. Use of Domestic Bins

- (1) The **occupier** of premises to which Council provides a **Domestic Bin** for different classes of waste, recyclables or organics must use the **Domestic Bin** only for the purpose for which it was provided.
- (2) The **occupier** of premises to which **Council** provides a **Domestic Bin** must not place, or allow to be placed, in the **Domestic Bin** any:
 - (a) Slops or liquid waste;
 - (b) Concrete, masonry, bricks, building debris or soil, or machinery, engine or vehicle parts;
 - (c) **Trade waste**;
 - (d) Hazardous chemicals;
 - (e) Oil, paint, solvents, acids or similar substances or any other substance that may damage the bin or reduce its strength or effectiveness;
 - (f) The carcass of a deceased **animal**;
 - (g) Nightsoil (except that sanitary, continence aids and disposable nappies may be placed or caused to be placed in a garbage bin if they are wrapped in impervious material);
 - (h) Needles or syringes;
 - (i) Medical or infectious waste;
 - (j) **E-waste**; or
 - (k) Any other matter identified by Council from time to time by notice to **occupiers** of a **property**.

49. Collection and Storage of Domestic Bins

- (1) The **occupier** of premises may place the **Domestic Bins** out for collection on the nature strip or **road** reserve nearest the premises or in such other location as may be approved or permitted by **Council** or an **Authorised Officer**, and must:
 - (a) Not place the **Domestic Bin** so as to interfere with the free movement of pedestrian or vehicular traffic;
 - (b) Place the **Domestic Bin** so that the opening of the bin is facing, and accessible from the **road**.
- (2) All **Domestic Bins** must be:
 - (a) maintained in a clean and tidy manner so as not to cause any health risk or be offensive to any **person**; and
 - (b) stored on the property to which they have been issued when not left out for collection.
- (3) A **Domestic Bin** must be covered by its lid at all times, except when items are being deposited in or removed from the **Domestic Bin**.

- (4) A **person** must not damage or interfere with a **Domestic Bin** or its contents.
- (5) A **person** must not place materials into a **Domestic Bin** issued to another premises.

50. Hard Waste Collection

- (1) Where **Council** provides a hard waste collection, the hard waste to be collected:
 - (a) Must be left within the property's boundary or other location directed or authorised by **Council** or an **Authorised Officer**; and
 - (b) Must be left for collection in accordance with the instructions given by **Council** or an **Authorised Officer** at the time of booking the hard waste collection.

51. Street Waste Bins

- (1) A **person** must not deposit any waste or recyclable material in a **street waste bin** contrary to any sign, notice or label detailing the type of waste that will be received in the **street waste bin**.
- (2) A **person** must not deposit, or authorise the deposit of, any household waste or any waste or recyclable material that has originated from a commercial activity, into a **street waste bin**.

52. Trade Waste Bins (Including Trade Recycling Bins)

- (1) Waste bins used for the collection and storage of **trade waste** or recyclables must:
 - (a) Be constructed of approved impervious material to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;
 - (b) Be water-tight, fly and vermin proof;
 - (c) If its capacity exceeds 500 litres, contain a removable drainage plug for the purpose of cleaning; and
 - (d) Be fitted with a fly and vermin proof lid with overlapping flanges, which must be kept continuously closed, except when being used for the immediate deposit of **trade waste**.
- (2) Waste bins used for the collection and storage of **trade waste** or recyclables must be regularly emptied to prevent the contents from becoming offensive.
- (3) The **owner** or **occupier** of any **private property** at which waste bins used for the collection and storage of **trade waste** are kept must ensure that the bins are kept on the **private property** on which the **trade waste** is generated except for the period from twelve (12) hours before their collection to (4) hours following their collection.
- (4) The **owner** or **occupier** of any **private property** at which waste bins used for the collection and storage of **trade waste** are kept must ensure that:
 - (a) The bin is, or bins are, stored and maintained in a clean, sanitary and inoffensive condition;
 - (b) Any public land, including a **road**, adjoining the storage area is kept clean and free from rubbish or run-off at all times;
 - (c) The surface upon which the bin is, or bins are, stored is impervious and graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices;

- (d) The site on which the bin is, or bins are, stored is supplied with a tap connection and hose;
 - (e) The bin is, or bins are, screened from public view; and
 - (f) The bin is, or bins are, adequately constructed, located or secured in such a way as to deny access to the public.
- (5) Waste bins used for the collection and storage of **trade waste** must display a notice, sign or label indicating the:
- (a) Type of **trade waste** permitted to be deposited in that bin; and
 - (b) **Property address** at which the bin is usually kept.
- (6) A **person** must not place **trade waste**:
- (a) In a **street waste bin**;
 - (b) In a **clothing/donation** bin;
 - (c) On a hard waste collection pile;
 - (d) In a **Council** supplied bin that is for the purpose of residential collection; or
 - (e) In a **Council** supplied bin that is for commercial collection, for a property they do not own or occupy.

PART 4 – COUNCIL ASSET PROTECTION

53. Occupation of Roads and Municipal Places

- (1) Without a **permit**, a person must not occupy all or part of a **road** or **municipal place**.
- (2) The requirement to obtain a **permit** does not apply to the occupation of a **road** or **municipal place**:
 - (a) By a **service authority** in an emergency or urgent circumstances;
 - (b) In connection with works being carried out in accordance with the *Road Management Act 2004*;
 - (c) By a contractor providing works or services to **Council**; or
 - (d) By a **person** who has been granted a **permit** under another provision of this Local Law which permits that **person** to occupy a **road** or **municipal place**.

54. Council Asset Protection – Building Works

- (1) A **builder, owner, occupier** or **appointed agent** must not carry out or allow to be carried out **building works** on or in respect of **private property** unless **Council** or an **Authorised Officer** has issued an **Asset Protection Permit** in respect of that **private property**.
- (2) An **Asset Protection Permit** may be subject to such conditions as **Council** or the **Authorised Officer** deems appropriate.
- (3) Without limiting sub-clause (2), an **Asset Protection Permit** may include a condition that the **permit holder** pays to Council a bond, in the form of a bank guarantee or such other form specified, before commencing the works to which the **Asset Protection Permit** applies.
- (4) A **builder, owner, occupier** or **appointed agent** of a **private property** must comply with any conditions or requirements in the **Asset Protection Permit** and **Council's Building and Works Code of Practice**.
- (5) The requirements of sub-clause (1) and (2) do not apply where **minor building works** are being undertaken.

55. Drainage Tapping and Discharging Groundwater

- (1) Without a **permit**, a **person** must not:
 - (a) Tap into, destroy, damage or interfere with any drain which is the property or under the control of **Council**; or
 - (b) Discharge groundwater into any drain which is the property or under the control of **Council** or into or onto any **road** or **municipal place**.

56. Damage to Council Assets – Building Works

- (1) The **builder, owner, occupier** or **appointed agent** of **private property** on or in respect of which **building works** have been carried out must repair any damage to any Council asset caused by the carrying out of the **building works** to the satisfaction of **Council**.
- (2) Where an **Authorised Officer** determines that any **vehicle crossing** or **Council asset** has been damaged as a result of or arising out of the **building works** carried out on **private**

property, the **builder, owner, occupier** or **appointed agent** of the **private property** on which the **building works** have been carried out must, if directed by **Council**:

- (a) Repair the damage; or
 - (b) Reimburse **Council** for the cost of repairing the damage.
- (3) The amount of reimbursement for such repairs under sub-clause (2)(b) must not exceed the actual cost to **Council** of repairing any damage.

57. Requirement for Vehicle Crossings

- (1) An **owner** of **private property** must ensure that each point of **vehicle** access from a **road** to the **private property** has a properly constructed **vehicle crossing** between the **road** and the boundary of such **private property** abutting the **road**.
- (2) For the purposes of sub-clause (2), a **vehicle crossing** is properly constructed if:
 - (a) It was constructed by, or in accordance with the terms of an approval given by, **Council**; or
 - (b) **Council** has approved in writing the method of construction of the particular **vehicle crossing** and the **vehicle crossing** has been constructed in accordance with that approved method.
- (3) An **owner** of **private property** must, at their own cost, ensure that the **vehicle crossing** between the **road** and the boundary of such **private property** is maintained.
- (4) In the event that a **vehicle crossing** becomes redundant, **Council** or an **Authorised Officer** may direct the **owner** or **occupier** of the **private property** to which the **vehicle crossing** provides access to remove it.

58. Constructing a Vehicle Crossing

- (1) Without a **permit**, a **person** must not construct, install, remove or alter a **vehicle crossing**, whether temporarily or permanently.
- (2) A **person** must not remove, prune or damage any tree growing on a **road** in the course of, or in connection with, the construction, installation, removal or alteration of a **vehicle crossing**.

59. Vehicular Site Access

- (1) The **builder, owner, occupier** or **appointed agent** of **private property** on or in respect of which **building works** have been or are being carried out must ensure that vehicular entry to the **private property** takes place only across the existing **vehicle crossing** or a temporary **vehicle crossing**.

PART 5 – ADMINISTRATION

60. Permits

- (1) An application for a **permit** under this Local Law must be
 - (a) submitted in a form approved by **Council** or an **Authorised Officer**; and
 - (b) accompanied by the fee prescribed by **Council**, unless waived by **Council** or an **Authorised Officer**.

- (2) **Council** or an **Authorised Officer** may require an applicant for a **permit** to supply more information before **Council** or the **Authorised Officer** deals with the **permit** application, or to give notice of the application in a manner specified by **Council** or an **Authorised Officer**.
- (3) **Council** or an **Authorised Officer** may in their absolute discretion decide:
 - (a) to grant a **permit** with or without conditions; or
 - (b) to refuse to grant a **permit**.
- (4) **Council** or an **Authorised Officer** may cancel a **permit** if:
 - (a) the conditions of the **permit** have been breached;
 - (b) a **Notice to Comply** has been issued, but not complied with within the time specified in the **Notice to Comply**;
 - (c) there was an error or misrepresentation in the application for the **permit**; or
 - (d) there has been a change of circumstances which has occurred since the issue of the **permit**.
- (5) **Council** or an **Authorised Officer** may correct a **permit** if that **permit** contains:
 - (a) an unintentional error or an omission; or
 - (b) a miscalculation of figures or a mistake in the description of a **person**, thing, or property referred to in the **permit**.
- (6) Before cancelling or correcting a **permit** under sub-clause (4) or (5), **Council** or an **Authorised Officer** must notify the **permit holder** of the intention to cancel or correct the **permit** and provide the **permit holder** an opportunity to make written submissions on the proposed cancellation or correction.
- (7) **Council** may exempt a **person** or class of **persons** from the requirement to obtain a **permit** under this Local Law.
- (8) Except where expressly stated in this Local Law or in a **permit**, a **permit** expires one (1) year after the date of issue.
- (9) **Council** must keep a register of **permits** and any correction or cancellation of a **permit** must be noted in this register.
- (10) The holder of a **permit** issued under this Local Law must comply with all **permit** conditions.
- (11) A **person** must not make a false representation or declaration in an application for a **permit** or **permit** exemption.

61. Setting Fees and Charges

- (1) **Council** may determine the fees, charges, bank guarantees or bonds to apply under this Local Law, which may include an administrative or processing fee or charge.

62. Differential or Structured Fees and Charges

- (1) In determining any fees and charges, **Council** may establish a system or structure of fees

and charges, including minimum and maximum and pro-rata fees or charges.

63. Waiver of Fees and Charges

- (1) **Council** or an **Authorised Officer** may waive the whole or part of any fee or charge otherwise payable under this Local Law, with or without conditions, upon receipt of a written submission from the applicant stating reasons why any such fee or charge should be waived.

PART 6 – ENFORCEMENT

64. Exemptions

- (1) **Council** or an **Authorised Officer** may exempt a person or class of persons from the operation of any provision of this Local Law if it is in the public interest to do so.
- (2) Any exemption under sub-clause (1):
 - (a) must be in writing; and
 - (b) may be subject to conditions.

65. Power to Issue a Direction

- (1) An **Authorised Officer** may, by serving a direction, request any **person** apparently responsible for a situation that contravenes this Local Law to remedy that situation.
- (2) A direction issued under sub-clause (1) may be verbal or written.
- (3) A person to whom a direction is issued under sub-clause (1) must comply with that direction.

66. Notice to Comply

- (1) An **Authorised Officer** may issue a **Notice to Comply** to any **person** who has contravened any provision of this Local Law.
- (2) A **Notice to Comply** issued under sub-clause (1) must:
 - (a) Specify the thing in breach of the Local Law;
 - (b) Specify the thing to be done or the work to be carried out work to remedy the thing in breach of this Local Law; and
 - (c) State the time and date by which the thing must be done or the work carried out.
- (3) The time required by a **Notice to Comply** issued under sub-clause (1) must be reasonable in the circumstances, having regard to:
 - (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 potential risk posed by the breach; and
 - (f) Any other relevant factor.
- (4) Within ten (10) days of being issued a **Notice to Comply**, a **person** may make representations to **Council** or the **Authorised Officer** about matters contained in the **Notice to Comply**, unless the **Notice to Comply** is urgent and requires immediate compliance to ensure the safety of the community or an affected person or poses a danger to the environment.

67. Power to Act in Urgent Circumstances

- (1) **Council** or an **Authorised Officer** may take action to remove, remedy or rectify circumstances which threaten a **person's** or an **animal's** life or health or any property without issuing a verbal direction under clause 65 or a **Notice to Comply** under clause 66, provided that:
- (a) **Council** or the **Authorised Officer** determine that the circumstances are sufficiently urgent and that the time necessary, or potential difficulty in, issuing a **Notice to Comply** may place a **person, animal, property, or the environment** at risk or in danger of substantial detrimental effect; and
 - (b) The **Chief Executive Officer** or their 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 **person** apparently responsible for the circumstances that were remedied.
- (2) Action taken by **Council** or an **Authorised Officer** under this clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger involved.

68. Impounding

- (1) An **Authorised Officer** may seize and impound a thing which has been or is being used or possessed in contravention of this Local Law.
- (2) Where a thing has been impounded under this Local Law, **Council** or an **Authorised Officer** must, if it is practicable to do so, serve notice of the impounding personally or by post on the person who appears to be the owner of the impounded thing.
- (3) If the identity or whereabouts of the owner of a thing impounded under this Local Law is unknown, **Council** or an **Authorised Officer** must take reasonable steps to ascertain the owner's identity or whereabouts prior to exercising their powers under Clause 698.
- (4) An impounded thing 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 their authority from the owner; and
 - (c) On payment of any fee and reasonable costs of impounding determined by **Council** or an **Authorised Officer**.
- (5) Sub-clause (4) does not apply where the impounded thing cannot be kept or possessed in accordance with this Local Law or any Act or regulation.

69. Disposal

- (1) An **Authorised Officer** may sell, destroy, dispose of, or give away any thing impounded under this Local Law if:
 - (a) The owner or a **person** acting on the owner's behalf has not claimed the impounded thing in accordance with Clause 68(4) within fourteen (14) days of service of the notice of impounding;
 - (b) The owner of the thing or a **person** acting on the owner's behalf has not paid the fee and reasonable costs of impounding as determined under Clause 68(4) within fourteen (14) days of service of the notice of impounding; or
 - (c) After reasonable and diligent efforts and enquiries, **Council** or an **Authorised Officer** has been unable to serve a notice of impounding on the owner of the impounded thing.
- (2) If the impounded thing is perishable and will not survive the period specified in sub-clause (1), an **Authorised Officer** may dispose of the thing sooner.
- (3) **Council** is entitled to retain the proceeds of sale of any impounded thing towards its reasonable costs incurred in impounding, keeping, and selling the thing and any remaining proceeds will be returned to the owner or otherwise dealt with in accordance with the *Unclaimed Money Act 2008*.

70. Offences

- (1) A **person** is guilty of an offence if the **person** contravenes a provision of this Local Law.

71. Penalties

- (1) The maximum penalty for an offence against this Local Law is 20 penalty units.

72. Infringement Notices

- (1) As an alternative to prosecution, an **Authorised Officer** may serve an **infringement notice** on a **person** who they believe on reasonable grounds to have committed an offence against this Local Law.
- (2) The penalties for **infringement notices** are set out in Schedule 1.
- (3) If no penalty for an **infringement notice** in respect of an offence is set out in Schedule 1, the penalty for an **infringement notice** is 4 penalty units.

SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICES

Clause	Topic	Penalty Unit
	Part 2 – Roads and Municipal Places	
	Division 1 – Use of Municipal Places and Roads	
9	Behaviour in a municipal place	3
10	Defacing or damaging a municipal place	5
11	Tree and vegetation protection in a municipal place	5
12	Obstructions in a municipal place	3.5
13	Council sign	3
14	Camping in a municipal place	2
15	Events	4
16	Street parties and street festivals	3
	Division 2 – Vehicles	
17	Repair of vehicles	2.5
18	Storage of vehicles	2
19	Wheeled recreational devices	2
20	Behaviour involving motor vehicles	3
	Division 3 – Alcohol and Smoking	
21	Possession and consumption of alcohol	2
22	Smoke free areas	2
	Division 4– Trading Activities	
23	Roadside trading or performing	5
24	Regulation of trading sites	5
25	Displaying of goods for sale	2
26	Use of a municipal place for outdoor eating facilities	2
27	Removing the outdoor eating facility	2
28	Advertising signs	2.5
29	Collections	2
30 (1)	Shopping trolleys	1.5
(2)	Shopping trolley retailer	3.5
(3)	Shopping trolley retailer (lack coin locking or perimeter system)	4
(4)	Retailer securing trolleys	3
	Part 3 – Amenity	
	Division 1 – Your Property	
31	Unightly and dangerous properties	5
32	Dilapidated building	5
33	Noxious weeds and pest animals	2.5
34	Obstructions from private property	2.5
35	Shipping containers	5
36	Clothing/donation bins	5
37	Camping on private property	2.5
38	Heavy and long vehicles on private property	5
	Division 2 - Animals	
39	Keeping of animals	1.5
40 (1)	Housing of animals	1.5
(2)	Housing of animals (location)	2.5
41	Dog waste on roads an in municipal places	1.5
42	Feeding of wild animals	1.5
43	Wasps	1
	Division 4 – Open Air Burning	
45	Burning of offensive materials	5

Clause	Topic	Penalty Unit
46	Restrictions on burning in the open air – private property	5
47	Restrictions on burning in the open air – municipal places	5
	Division 5 – Waste and Recycling	
48	Use of domestic bins	2.5
49	Collection and storage of domestic bins	1.5
50	Hard waste collection	2
51	Street waste bin	2.5
52	Trade waste bins (including trade recycling bins)	3
	Part 4 – Council Asset Protection	
53	Occupation of roads or municipal places	5
54	Council asset protection – building works	5
55	Drainage, tapping and discharging groundwater	5
56	Damage to Council assets – building works	5
57	Requirement for vehicle crossings	5
58	Constructing a vehicle crossing	5
59	Vehicular site access	5
	Part 6 – Enforcement	
65	Power to issue a direction	5
66	Notice to comply	5