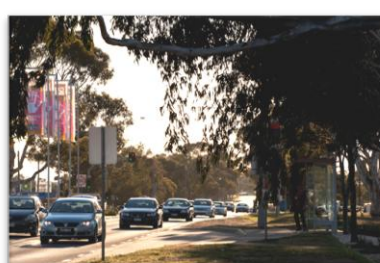
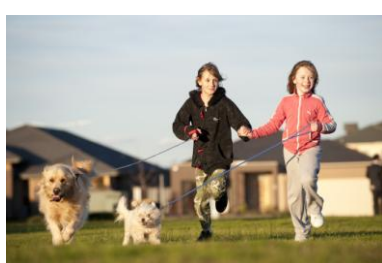


A Proud Community Growing Together



Melton City Council General Local Law 2015

Adopted: 13 October 2015 | Gazetted: 22 October 2015
Effective: 13 October 2015



Notes

1. This document includes, but is not limited to, a consolidation and restructure of the previous General Local Law 2005.

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PART 1 PRELIMINARY PROVISIONS

1. TITLE

This is the General Local Law 2015.

2. PURPOSE

The purpose of this Local Law is to:

- a) provide for the peace order and good government of the Municipal District of Melton City Council in a way that is complementary to Council's Plan; and
- b) provide for those matters which require a Local Law under the Act and any other Act; and
- c) provide for the administration of Council powers and functions; and
- d) prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance or danger to a Person or their health and safety nor detrimental effect to a Person's Property nor impede free and safe movement by any Person, and in particular a Person with a disability.

3. AUTHORISING PROVISION

This Local Law is made under section 111(1) of the Act and section 42 of the *Domestic Animals Act 1994*.

4. OPERATION DATE

This Local Law comes into operation on 13 October 2015.

5. REVOCATION DATE

This Local Law ceases to operate on 12 October 2025.

6. REVOCATION OF OTHER LOCAL LAWS

All previous General Local Laws and amendments thereto are, from the date of commencement of this Local Law, hereby revoked.

For the avoidance of doubt this revocation does not include the Meeting Procedure Local Law (2013).

7. DEFINITIONS

Unless the contrary intention appears in this Local Law, the following words and expressions are defined to mean:

Act	means the <i>Local Government Act 1989</i> .
Advertising Sign	means any sign, self-resting 'A' frame, poster, panel or other object which advertises or promotes Premises or Merchandise or any other thing.
Animal	includes every living thing except for Plants and human beings and so extends to, but is not limited to, all species of mammal, marsupial, bird, fish and Reptile.

Annexe	means: <ul style="list-style-type: none">a) structure; orb) an awning; orc) a room; ord) a lean-to; ore) other enclosed or partially enclosed area which is used or is capable of being used in conjunction with a Caravan or tent.
Appointed Agent	means the person appointed by the Owner or Builder of the Building Site.
Appropriate Fee	means the appropriate fee determined by Council by resolution.
Asset Protection Fee	has the same meaning as Permit Fee.
Asset Protection Permit	has the same meaning as Permit.
Authorised Officer	means a member of Council staff appointed under Section 224 of the Act as an authorised officer for the purposes of this Local Law.
Barbecue	means a structure, device or contraption: <ul style="list-style-type: none">a) designed or constructed for the primary purpose of cooking food in the open air for human consumption; andb) which is being used for the purposes of cooking food or preparatory or subsequent thereto.
Builder	means a Person engaged by or on behalf of the Owner or Occupier of a Building Site to carry out Building Works.
Building	includes any structure or building, whether temporary or permanent, or part of such building or structure.
Building Refuse	means any solid or liquid domestic or commercial waste, debris or other refuse, including but not limited to any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and like material, substance or thing, generated by or in connection with Building Work.
Building Site	means any Property on which Building Work is being carried out.
Building Work(s)	means: <ul style="list-style-type: none">a) work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a Building, and includes landscaping and concreting; orb) the delivery of products or materials used or intended to be used for or in connection with work described in paragraph a); or

	c) excavation, Road making, drainage or other works relating to a Building Site or work described in paragraph a) above, where the transitional value of which is \$5,000 or more.
Bulk Waste Container	means any portable container or receptacle specifically designed for the collection of waste, and includes a rubbish hopper and skip but not a Council-Provided Mobile Bin.
Caravan	means a dwelling that is designed to be movable.
Cat	means a cat over the age of 3 months.
Charity Bin/Clothing Bin	means a container for the reception of used clothing or the donation of goods or items.
Chief Executive Officer	means the Chief Executive Officer of Council, and includes a Person acting as Chief Executive Officer.
Commercial Filming	has the same meaning as in the <i>Filming Approval Act 2014</i> .
Completion of Building Work	means the date on which all Building Works will cease on the Building Site.
Council	means Melton City Council.
Council Asset	means Footpath, kerb and channel, nature strip, sign, notice, parking sign, irrigation or sprinkler system, tree, shrub and other vegetation, street furniture, play equipment, structure, fixture, Vehicle Crossing or other Council property or works forming part of a Road, Council Land or Reserve.
Council Land	means any land, Building or facilities which are owned or occupied by or vested in Council or in respect of which Council has the care and management, including land, Buildings and facilities to which the public has access, whether an entry fee is paid or not, and may include a Public Place, Reserve, Road, Building or facility managed on Council's behalf.
Council-Provided Mobile Bin	means a refuse bin provided by Council for the purpose of refuse collection.
Dog	means a dog over the age of 3 months.
Domestic appliance	means any fixed or portable appliance designed exclusively for meal preparation and fire by gas or electricity.
Driver	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
Environment Protection Authority	means the Environment Protection Authority constituted under the <i>Environment Protection Act 1970</i> .

Fire	does not include: <ul style="list-style-type: none">a) a fire lit by a member of a Fire Brigade in the course of his or her official duties; orb) a domestic appliance; orc) a tool of trade.
Fire Brigade	means the Metropolitan Fire and Emergency Services Board or Country Fire Authority.
Footpath	means the area between the Property boundary and the kerbside of a Road that is provided for use by pedestrians.
Fuel Burning Equipment	has the same meaning as in the <i>Environment Protection Act 1970</i> and includes an Incinerator.
Handbill	means a leaflet, brochure, place-card, notice, book, pamphlet, free newspaper or magazine or any other printed material.
Heavy Motor Vehicle	means a Vehicle which has a gross vehicle mass greater than 4.5 tonnes, and includes any other Vehicle that is: <ul style="list-style-type: none">a) physically connected to the Heavy Vehicle (even if that other Vehicle is not a Heavy Vehicle); orb) designed to seat a driver and more than 12 adults.
Household Refuse	means all refuse and rubbish produced or accumulated in or about a Property (including food waste and discarded food ordinarily used for human consumption) but does not include bricks, trade or garden waste, furniture, fittings or machinery.
Incinerator	includes a structure, device or contraption (not enclosed in a Building) which is: <ul style="list-style-type: none">a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; andb) not licensed or otherwise subject to control under the provisions of the <i>Environment Protection Act 1970</i>; andc) not a Barbecue.
Industrial Waste	has the same meaning as in the <i>Environment Protection Act 1970</i> .
Land	includes a Property, Council Land, a Reserve and a Road but does not include Land: <ul style="list-style-type: none">a) owned by; orb) occupied by; orc) under the care, management or control of Council, and which is designated as being, or is set aside for use as, a camping area.

Large Bird	means any pigeon, cockatoo or other bird or similar or larger size of any age but does not include Poultry.
Legislative Enactment	includes: <ul style="list-style-type: none"> a) an Act of Parliament; and b) a regulation, rule, by-law, local law or any other delegated or subordinate legislation made under an Act of Parliament.
Liquor	has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Livestock	has the same meaning as the <i>Impounding of Livestock Act 1994</i> , namely an Animal (including a bird such as a Rooster) of any species used in connection with primary production or kept for recreational purposes, other than a Cat or a Dog.
Merchandise	means all goods which are sold or offered for sale or in respect of which a sale can be arranged from or within Retail Premises.
Motor Vehicle	means a Vehicle.
Melton Recycling Facility	means Council's waste transfer station (located at 33-41 Ferris Road, Melton South), including Melton Re-Sale and Permanent Drop Off site (Detox Your Home).
Melton Recycling Facility Operator	means the operator, from time to time, of the Melton Recycling Facility.
Municipal District	means the area from time to time comprising the municipal district of Council.
National Park	has the same meaning as in the <i>National Parks Act 1975</i> .
Noxious Weed	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
Obstruction	includes any Building Refuse, hoarding, Plant, tree, congregation of people and any other article or thing that is likely to cause an impediment to pedestrian or Vehicular traffic.
Occupier	means a Person or Persons in occupation of any Property, Vehicle, Building or Building Site.
Offence	means an offence under this Local Law.
Open Air	means any place other than within a Permanent Structure.
Organisation	means any body, whether incorporated or not, and includes a club, association, group, league and co-operative.
Owner	means the Person or Persons who own the Property, Vehicle, Animal, Building or Building Site.

Permit	means a permit issued under this Local Law which authorises a use or an activity, including an Asset Protection Permit and, in the case of a Reserve, a lease or licence.
Permit Fee	means a fee fixed by resolution of Council.
Permanent Structure	means a structure of a permanent kind consisting of a wall on each side of a roof; and a) includes a Caravan; but b) does not include a tent.
Person	includes a corporation, an association incorporated under the <i>Associations Incorporation Reform Act 2012</i> and a partnership.
Person in Charge	means the Person immediately responsible in the absence of the Owner or Occupier for the Building Works being carried out on a Building Site.
Planning Scheme	means the Melton Planning Scheme.
Plant	means a: a) shrub; or b) hedge; or c) other form of vegetation.
Playing Arena	means an area within a Reserve designated or set aside for competitive games or sports.
Portable Self-Storage Container	means any reusable container intended to consolidate multiple items, goods or materials for storage, capable of being or intended to be transported or conveyed.
Poultry	means ducks, geese, peacocks, pheasants, turkeys, guinea fowl, female chickens and other edible birds over the age of 12 weeks but does not include Roosters.
Property	includes land on which no Building is constructed, Buildings, Building Sites and Retail Premises.
Protected Public Land	has the same meaning as in the <i>Forests Act 1958</i> .
Public Place	has the same meaning as in the <i>Summary Offences Act 1966</i> .
Public Body	has the same meaning as in the Act.
Recreational Vehicle	includes a mini-bike, trail bike, go-kart, motor scooter and motorised device used for the conveyance of a Person and included in the definition of Vehicle.
Recyclables	includes: a) unbroken glass bottles, jars and other containers; and b) polyethylene terephthalate; and c) high density polyethylene; and d) polyvinyl chloride; and

	<ul style="list-style-type: none"> e) aluminium cans; and f) steel cans; and g) liquid paperboard; and h) paper and cardboard; and i) garden organics; and j) any other material approved by Council as a recyclable material from time to time and specified as such on Council's website.
Refuse Disposal Site	means a site established or approved by Council for the collection, deposit or disposal of refuse and rubbish.
Refuse Facility	means a container designed for the containment of litter and waste material within a Building Site, and which is: <ul style="list-style-type: none"> a) of robust construction, with side walls of one piece construction of either a welded metal frame and cyclone wire mesh or a solid material welded in each corner; and b) not less than one cubic metre in volume; and c) lockable and has a lid that is attached to the container with welded hinges; and d) not overfilled at any time.
Registered	means, in respect of a Vehicle, registered by the Roads Corporation under the <i>Road Safety Act 1986</i> or by an equivalent registration authority in another State or Territory.
Reptile	means any snake, lizard, turtle or tortoise.
Reserve	means any park, garden, playground, sporting or recreational reserve or other place of public recreation or resort, and includes a lineal creek reserve.
Residential Area	means an area comprising primarily Residential Land.
Residential Land	means any land used, adapted to be used or zoned to allow to be used primarily for residential purposes.
Residential Zone	means an area which is zoned Residential under the Planning Scheme.
Retail Premises	means any Premises that are used wholly or predominantly for the carrying on of a business involving the sale or hire of goods by retail.
Road	has the same meaning as in the Act and includes a Footpath.
Road Related Area	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
Rodent	includes any ferret, guinea pig or rabbit.
Rooster	means a male chicken of any age.
Rural Zone	means an area which is zoned Rural under the Planning Scheme.

Sell	includes: <ul style="list-style-type: none">a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; andb) sell for re-sale.
Shopping Trolley	means a receptacle: <ul style="list-style-type: none">a) to which wheels are attached; andb) which is supplied by a retailer of goods to enable customers purchasing any of those goods to transport them from one place to another.
Sign	means a sign made and erected or installed by or on behalf of Council.
Skateboard	includes roller skates and roller blades, and any board on which a Person may: <ul style="list-style-type: none">a) stand; orb) crouch; orc) lie and <ul style="list-style-type: none">i) which is designed to enable or facilitate self-propulsion; andii) beneath which is fitted a set or sets of rollers.
Small Bird	means a budgerigar, canary, finch or other similar size or smaller bird.
Smoke	means to smoke, hold or otherwise have control over an ignited Tobacco Product or to light a Tobacco Product.
Smoke Free Area	means as area designated to be a smoke free area in accordance with clause 33 and identified as such on Council's website.
Special Event	means an organised sporting, recreational, cultural, commercial or social gathering of people which is held on a Road, Road Related Area, Council Land or in any other Public Place.
Spruik	includes haranguing or addressing members of the public (whether directly or by the use of pre-recorded speech or messages) to encourage members of the public to enter Premises, purchase goods or both.
State Forest	has the same meaning as in the <i>Forests Act</i> 1958;
Tobacco Product	has the same meaning as in the <i>Tobacco Act</i> 1987.
Tout	includes soliciting business, whether by addressing members of the public directly or the emission of music or other noise calculated to attract business.
Trade Waste	means waste from any Retail or Property Premises from which a trade, business or undertaking is carried on.

Unregistered	means, in respect of a Vehicle, a Vehicle that is not Registered.
Urban Area	means an area which is built-up.
Vehicle	means any form of conveyance, and includes: <ul style="list-style-type: none"> a) a motor car; and b) a Caravan; and c) a motor bike; and d) a trailer; and e) a tractor; and f) a Recreational Vehicle; and g) all goods and other chattels attached to a form of conveyance.
Vehicle Crossing	means an: <ul style="list-style-type: none"> a) opening; or b) artificial surface which <ul style="list-style-type: none"> c) allows; or d) facilitates access from a Road to a Property which abuts that Road.
Written	includes duplicated, lithographed, photocopied, photographed, printed and typed.

8. APPLICATION OF LOCAL LAW

Except as otherwise provided, this Local Law will apply to and operate throughout the whole of the Municipal District.

9. INCORPORATION OF DOCUMENTS

1. The document titled 'Nature Strip Guidelines Booklet', as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.
2. Relevant Codes of Practice made under the:
 - a) *Prevention of Cruelty to Animals Act 1986*; or
 - b) *Domestic Animals Act 1994*.

10. INTERPRETATION

1. A Person (including an Owner or Occupier of Property) commits an offence against this Local Law if he or she does something or omits to do something contrary to this Local Law. In that event he or she can be prosecuted and can be liable to a penalty not exceeding the penalty shown under the provision in respect of which the offence has been committed.
2. Any activity or other matter that requires the consent or approval of Council under the *Road Management Act 2004* (including but not limited to any written

consent given by Council as the coordinating road authority) is to be evidenced by way of the grant of a Permit under this Local Law.

3. Introductions to Parts and boxed notes do not form part of this Local Law. They are provided to assist understanding.

PART 2 STREETS AND ROADS

11. INTRODUCTION

Division 1 contains provisions which aim to regulate the parking of vehicles on Roads, allow for the closure of Roads and regulate the use of Roads by Heavy Motor Vehicles.

Division 2 contains provisions in relation to works on any Road

Division 1 - Traffic

12. EXEMPTIONS FROM THIS PART

The following Vehicles are exempt from the requirements under this Division:

- a) coaches and Public Transport Corporation buses when parked in clearly designated bus parking areas; and
- b) taxis and stretch limousines providing taxi services when parked in a clearly designated taxi rank; and
- c) Vehicles owned or operated by Council, the Public Transport Corporation and the Roads Corporation; and
- d) Police, Ambulance, Fire Brigade and State Emergency Service Vehicles.

13. POWER TO EXEMPT PERSONS

Council or the Victoria Police may exempt any Person from the operation of this Division or any of the requirements contained in it.

14. OFFENCE TO PARK VEHICLE ON RESERVE

A Person must not park or leave stopped or standing a Vehicle in any Reserve.

Penalty: 4 Penalty Units

15. ABANDONED VEHICLES – VEHICLES LEFT FOR AN EXTENDED PERIOD

A Person must not park or leave stopped or standing a Registered Vehicle in any Public Place, including on a Road, for more than 2 consecutive months.

Penalty: 4 Penalty Units

16. UNREGISTERED VEHICLES

A Person must not park or leave stopped or standing an Unregistered Vehicle in a Public Place.

Penalty: 4 Penalty Units

NOTE: Clause [16](#) does not extend to Unregistered Vehicles on Roads because this is regulated by section 7(1) of the *Road Safety Act* 1986.

17. POWER TO REMOVE OR IMPOUND

Council may move or impound any Vehicle which has been parked or left stopped or standing contrary to clause [14](#), [15](#) or [16](#).

NOTE: The procedure in relation to impoundment is set out in clause [109](#).

18. PAINTING AND REPAIRING ON ROADS

1. A Person must not:
 - a) dismantle or paint a Vehicle; or
 - b) repair a Vehicle on a Road.

Penalty: 4 Penalty Units

2. Nothing in subclause [18.1.a](#)) applies to a Person who is repairing a Vehicle:
 - a) with the intention; and
 - b) for the purpose of rendering that Vehicle immediately mobile.

19. CLOSED ROADS AND STREETS

A Person must not drive a Vehicle on a Road or part of a Road which has been closed in accordance with the Act.

Penalty: 4 Penalty Units

20. BARRIERS AND OBSTRUCTIONS ON ROADS

1. A Person must not place an obstruction or barrier on a Road.

Penalty: 6 Penalty Units

2. A Person must not remove, destroy, damage, interfere or tamper with or deface any barrier or obstruction placed on a Road in accordance with the Act.

Penalty: 4 Penalty Units

3. Nothing in this clause [20](#) precludes the Chief Executive Officer from placing or maintaining (or causing to be placed or maintained) obstructions or barriers on a Road, to prevent any injury to Persons or damage to Property, if he or she:
 - a) is satisfied that the circumstances require urgent action; and
 - b) removes the obstructions or barriers (or causes the obstructions or barriers to be removed) immediately upon the cessation of the risk of injury to Persons or damage to property.

21. HEAVY MOTOR VEHICLES

1. A Person must not:
 - a) drive; or
 - b) cause to be driven a Heavy Motor Vehicle on or onto any:
 - i) Road; or
 - ii) by-pass

which has been the subject of a prohibition or restriction on entry imposed by Council and specified on Council's website unless, in the event of a restriction on use by Heavy Motor Vehicles, the Heavy Motor Vehicle is:

- y) driven; or
- z) caused to be driven

on the Road or by-pass at a time or in a manner when that restriction does not apply.

Penalty: 4 penalty Units

2. Nothing in this clause [21](#) applies if Council exercises or purports to exercise any power conferred by clause 10 of Schedule 11 to the Act.

22. PARKING OF VEHICLES

Council from time to time may, by resolution, fix the days, hours and conditions under which a Vehicle may be left on a Road or Council Land and may erect appropriate signs advising of the restrictions.

Division 2 – Roads Generally

23. RESIDENT PARKING SCHEME

Council may from time to time introduce a resident parking scheme which:

1. prohibits parking in a specified area or areas by Persons other than permit holders; and
2. exempts residents or specified Persons or classes of Persons from any parking restriction otherwise applicable to the area regulated by the resident parking scheme.

24. PERMIT REQUIRED FOR WORKS ON A ROAD AND ROAD RELATED AREAS

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, carry out or cause to be carried out any works on a Road or Road Related Area.

Penalty: 10 penalty units

NOTE: In cases where Council is not the coordinating road authority under the *Road Management Act 2004*, the written consent of the coordinating road authority may still need to be obtained under section 63(1) of that Act.

25. VEHICLE CROSSINGS

1. A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, construct a temporary or permanent Vehicle Crossing.

Penalty: 10 penalty units

2. Council or an Authorised Officer may by notice in writing require:
 - a) the construction of a temporary or permanent Vehicle Crossing; or
 - b) the repair or reconstruction of a Vehicle Crossingby the Owner or Occupier of any Property.

3. A Person must not access a Property in a Vehicle other than via a temporary or permanent Vehicle Crossing.

Penalty: 4 penalty units

4. Council or an Authorised Officer may by notice in writing given to an Owner or Occupier of Property 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 Council or an Authorised Officer, the Vehicle Crossing:
 - a) is redundant; or
 - b) has been constructed in breach of any provision of this clause or a Permit; or
 - c) has not been properly maintained; or
 - d) is in a state of disrepair.
5. An Owner or Occupier of Property to whom a notice in writing is given under subclause [25.2](#) or [25.4](#) must comply with that notice.

Penalty: 10 penalty units

6. An Owner or Occupier of Property must ensure that any work in respect of a Vehicle Crossing is performed to the satisfaction of Council or an Authorised Officer.

Penalty: 10 penalty units

PART 3 BEHAVIOUR ON AND USE OF, ROADS, PUBLIC PLACES AND COUNCIL LAND INCLUDING RESERVES

Division 1 – Obstructions and Behaviour

26. INTRODUCTION

This Part contains provisions which aim to regulate behaviour on Roads, in Public Places, on Council Land and on Reserves, including a prohibition on interference with Council Assets and consumption of alcohol in public as well as the regulation of Obstructions to ensure safety and the free movement of pedestrians (including those with a disability).

Division 2 contains provisions regarding the use of Reserves.

27. BEHAVIOUR ON ROADS, PUBLIC PLACES, COUNCIL LAND AND RESERVES

1. A Person must not on any Road, in any Public Place or on any Council Land or Reserve:
 - a) behave in a manner which is boisterous or harmful, indecent, offensive or abusive or which annoys, disturbs or causes an interruption to the quiet enjoyment by any Person using the area or living in close proximity to the area; or
 - b) behave in a way which is detrimental to property or Council Assets on such Road, Public Place, Council Land or Reserve, including by writing on, drawing on or affixing a sticker or other object to such Property or Council Asset; or
 - c) behave contrary to any Sign that contain conditions applying to the use of the area; or
 - d) behave contrary to any direction of an Authorised Officer.

Penalty: 2 Penalty Units

2. For the avoidance of doubt, a Person does not interfere with the quiet enjoyment of other Persons simply by expressing political or other opinions which may cause offence.

28. DISPLAYS, ADVERTISING SIGNS AND OUTDOOR TRADING

1. A Person must not, without first obtaining a Permit nor otherwise in accordance with the conditions of such Permit:
 - a) display any goods or services on a Road or Road Related Area or in a Public Place; or
 - b) place out any Advertising Sign or other promotional sign on a Road or Road Related Area or in a Public Place; or
 - c) place or allow to be placed out any tables and/or chairs on a Road or Road Related Area or in a Public Place for the purposes of outdoor eating or drinking by customers; or
 - d) place or allow to be placed on a Road or Road Related Area or in a Public Place any seat, umbrella, table, chair, planter box, heater, ash tray or other item associated with trading activities.

Penalty: 5 Penalty Units

2. Subclause [28.1.b](#)) does not apply to an Advertising Sign or other promotional sign:
 - a) placed out in accordance with the Planning Scheme or which is an exempt sign or a sign not requiring a permit under the Planning Scheme;
 - b) painted on or permanently fixed to a Vehicle if:
 - i) the existence of the Advertising Sign or other promotional sign is only incidental to and not the primary reason why the Vehicle is on the Road or Road Related Area or in the Public Place; and
 - ii) the Advertising Sign or other promotional sign remains on that Vehicle even when not on that Road or Road Related Area or in that Public Place; or
 - c) placed out with the consent of a Public Body having the care, management and control of the Road, Road Related Area or Public Place.
3. For the purposes of subclause [28.1](#), a permit issued by Council for a temporary food stall under the provisions of the *Food Act* 1984 will be deemed to be a Permit.
4. For the purposes of subclause [28.1](#), Council may declare, by resolution, Property that is privately owned but being used for a public purpose as a Public Place.
5. Any privately owned Property declared as a Public Place under subclause [28.4](#) must be:
 - a) advertised in a newspaper generally circulated within the Municipal District; and
 - b) advised to the Owner of the Property as shown on Council's rates records at the time of the declaration.

29. PROTRUDING OBJECTS

A Person must not plant, locate or allow to be located a tree, Plant, sign, hoarding, flag, banner or bunting or other similar object in a way that it is obstructing or interfering with pedestrian or vehicular traffic by:

- a) overhanging any Footpath or other part of the Road used by pedestrians to any extent up to a height of 2.1 metres or so that it gets in the way of pedestrians or is likely to cause injury or damage; or
- b) extending over any part of the Road in such a way that it:
 - i) obstructs the view between drivers of Vehicles at an intersection; or
 - ii) obstructs the view between drivers of Vehicles and pedestrians; or
 - iii) obstructs any Council Asset, including a drain; or
 - iv) obscures a traffic control item from the driver of an approaching Vehicle or a pedestrian; or
 - v) obscures street lighting; or

- vi) constitutes a danger to Vehicles or pedestrians or compromises the safe and convenient use of the Road.

Penalty: 5 Penalty Units

30. GENERAL OBSTRUCTIONS

1. A Person must not, without first obtaining a Permit nor otherwise in accordance with the conditions of such Permit, cause, or allow to continue, any Obstruction on a Road or Footpath, in a Public Place or on Council Land or a Reserve.

Penalty: 5 Penalty Units

2. Nothing in sub clause [30.1](#) extends to any Person:
 - a) who holds or operates under a Permit issued with the authority of an Act or this Local Law; or
 - b) where the Person has obtained Council's permission pursuant to the Nature strip Guidelines Booklet available on Council's website; or
 - c) to whom section 4(e) of the *Summary Offences Act 1966* applies.
3. If an Authorised Officer finds a Person contravening subclause [30.1](#), Council or that Authorised Officer may
 - a) remove the item or Obstruction; or
 - b) cause the item or Obstruction to be removed.
4. Any expenses incurred by Council in exercising the power conferred by subclause [30.3](#) will be a debt due and payable to Council by the Person contravening subclause [38.1](#).

31. SHOPPING TROLLEYS

1. Except where a Person (being the Owner or Occupier of Retail Premises) has 25 Shopping Trolleys or less, a Person must not make a Shopping Trolley available for use, or allow it to be used, unless the Shopping Trolley has either:
 - a) a coin operated mechanism attached to it; or
 - b) the Person has an agreed 12 month renewable management plan in place with Council for the effective control and retrieval of Shopping Trolleys.

Penalty: 2 Penalty Units

2. The Person referred to in subclause [31.1](#) must ensure that it has a sign on each Shopping Trolley that legibly identifies his or her name or the trading name of the business to which it belongs and a current contact telephone number.

Penalty: 2 Penalty Units

3. The Person referred to in subclause [31.1](#) who provides a Shopping Trolley must ensure that the Shopping Trolley is not left on any Road, in any Public Place or on any Council Land unless it is left on land provided or set aside by Council as an area for that purpose.

Penalty: 2 Penalty Units

4. A Shopping Trolley found on a Road, in a Public Place or on Council Land which is not the Property on which it is usually kept may be removed and impounded by an Authorised Officer in accordance with clause [109](#).

5. Upon notification that a Shopping Trolley has been impounded, a Shopping Trolley may be claimed by the Person referred to in subclause [31.1](#) after the impounding fees have been paid in full in accordance with clause [109](#).
6. Any Person referred to in subclause [31.1](#) who does not claim an impounded Shopping Trolley within the time specified by Council for collection in any notice given to that Person is guilty of an offence.

Penalty: 2 Penalty Units

7. A Person must not use a Shopping Trolley for any purpose other than for the purpose for which the Shopping Trolley has been specifically designed.

Penalty: 2 Penalty Units

32. CONSUMPTION AND POSSESSION OF LIQUOR

1. A Person must not, on any Road, in any Public Place or on any Council Land:
 - a) consume any Liquor; or
 - b) be in possession or control of any Liquor other than in a sealed container or receptacle

except in such place as may for the time being be:

- i) licensed premises within the meaning of the *Liquor Control Reform Act 1998*; or
- ii) an area in which the consumption of Liquor is permitted in accordance with a permit or licence granted under the *Liquor Control Reform Act 1998*; or
- iii) an area in respect of which Council has issued a Permit or licence for the consumption of the Liquor; or
- iv) within an area designated by resolution of Council as an area to which the prohibition in this subclause [32.1](#) does not apply.

Penalty: 5 Penalty Units

2. Where an Authorised Officer believes on reasonable grounds that a Person is contravening or has contravened subclause [32.1](#), the Authorised Officer may direct the Person to seal any container or dispose of the contents of any unsealed container.
3. A Person to whom a direction is given under subclause [32.2](#) must comply with that direction.

Penalty: 5 Penalty units

4. Any area designed by resolution as an area to which the prohibition in subclause [32.1](#) does not apply must be specified on Council's website.

33. NO SMOKING IN SMOKE FREE AREAS

1. A Person must not Smoke a Tobacco Product in a Smoke Free Area.

Penalty: 5 Penalty units

2. Where an Authorised Officer believes on reasonable grounds that a Person is contravening or has contravened subclause [33.1](#), the Authorised Officer may direct the Person to extinguish and then dispose of the Tobacco Product.

3. A Person to whom a direction is given under subclause [33.2](#) must comply with that direction.

Penalty: 5 Penalty units

4. Council may designate any area within the Municipal District to be a Smoke Free Area.
5. When determining whether to designate an area as a Smoke Free Area, Council must have regard to the following factors:
 - a) the size of the proposed Smoke Free Area; and
 - b) the opinions of any Person who is the Owner or Occupier of any part of the proposed Smoke Free Area; and
 - c) the proximity of the proposed Smoke Free Area to a Public Place; and
 - d) the extent and outcome of any public consultation on the proposed Smoke Free Area; and
 - e) any benefits to the community which would be achieved by Council designating the proposed Smoke Free Area; and
 - f) any detriment to the community which would be caused by Council designating the proposed Smoke Free Area; and
 - g) any other matter which Council considers relevant.
6. Council or an Authorised Officer must erect, or cause to be erected, a 'No Smoking' sign in every designated Smoke Free Area.

34. NOISE FROM VEHICLE SOUND EQUIPMENT

1. A driver or Owner or Person in control of a Vehicle which is:
 - a) parked on; or
 - b) stopped on; or
 - c) being driven along

a Road or Council Land or Public Place is guilty of an offence if the volume of any sound equipment installed or kept in the Vehicle reaches a level which causes unreasonable noise or which interferes with the reasonable comfort of Persons within the proximity of the Vehicle.

Penalty: 5 Penalty units

2. Without limiting the generality of subclause [34.1](#), sound equipment will be deemed to be causing unreasonable noise or interfering with the reasonable comfort of Persons within the proximity of the Vehicle if it can be heard above the prevailing noise at a distance of 10 metres from the Vehicle.

35. INTERFERENCE WITH COUNCIL ASSETS

A Person must not interfere with or use Council Assets in such a way that:

- a) damage or detriment is caused to a Council Asset; or
- b) any other Person is injured or suffers loss as a result of that interference or use.

Penalty: 10 penalty units

36. INTERFERENCE FROM ADJOINING PROPERTY

An Owner or Occupier of Property must not allow any tree or Plant on that Property to cause damage to or interfere with a Road or Council Land or Council Asset, including any drain vested in or under the control of Council.

Penalty: 2 Penalty Units

37. REPAIRING ANY DAMAGE

1. An Authorised Officer may direct a Person who has damaged or interfered with Council Assets contrary to clause [35](#) or [36](#) to repair any damage.
2. A Person to whom a direction is given under subclause [37.1](#) must comply with that direction.

Penalty: 4 Penalty Units

38. COUNCIL ASSET PROTECTION PERMIT – BUILDING WORKS

1. In addition to a Building Permit, a Person must obtain a non transferable Asset Protection Permit to carry out or allow to be carried out Building Works on a Property.

Penalty: 20 penalty units

2. Without limiting Council’s powers under Part 8 of this Local Law, an Asset Protection Permit may be subject to such conditions as Council determines, including conditions:
 - a) acknowledging any existing damage; or
 - b) requiring protection works to be done; or
 - c) requiring the payment of an Asset Protection Fee; or
 - d) requiring the erection of temporary fencing to the satisfaction of Council; or
 - e) requiring that any or all Council Assets or infrastructure damage be repaired, replaced or re-instated within a specified time; or
 - f) requiring a temporary Vehicle Crossing to be installed to Council’s specification before commencement of any Building Works or delivery of any equipment or materials to the Property.
3. Within seven days after being issued with a Building Permit, the holder of the Building Permit must give notice to Council of what, if any, damage already exists to any Footpath, kerb and channel, nature strip, street or reserve furniture, tree, plant, drain and Vehicle Crossing which is:
 - a) adjacent to the Property to which the Building Permit relates; or
 - b) likely to be affected by the Building Works authorised by the Building Permit.
4. Council must, as soon as is reasonably practicable after receiving such notice, acknowledge any pre-existing damage.
5. If the holder of the Building Permit does not give notice to Council in accordance with subclause [38.3](#), or if Council does not acknowledge the pre-existing damage, it is deemed, for the purposes of this clause [38](#), that there was no pre-existing damage.

6. Council must, as soon as is reasonably practicable after receiving notice of the issue of an occupancy permit or certificate of final inspection referable to the Building to which the Asset Protection Permit relates, cause an inspection to be carried out of each Footpath, kerb and channel, nature strip, street or reserve furniture, tree, plant, drain or Vehicle Crossing which is:
 - a) adjacent to the Property to which the Building Permit relates; or
 - b) likely to be affected by the Building Works authorised by the Building Permit.
7. If the Building Works authorised by the Building Permit have caused damage to any Footpath, kerb and channel, nature strip, street or reserve furniture, tree, plant, drain and Vehicle Crossing which is:
 - a) adjacent to the Property to which the Building Permit relates; or
 - b) likely to be affected by the Building Works authorised by the Building Permit

an Authorised Officer may serve on the holder of the Building Permit or the Owner of the land to which the Building Permit relates a notice to comply requiring that person to repair or cause to be repaired the Footpath, kerb and channel, nature strip, street or reserve furniture, tree, plant, drain or Vehicle Crossing (as the case may be) within 28 days after the notice is given.
8. Upon receiving any such notice to comply, the Owner or Occupier must carry out the works required therein within the time allowed.
9. A notice to comply served under this clause [38](#) may require the Owner or Occupier to carry out any work required to remedy anything that constitutes a contravention of this clause [38](#).
10. Failure to comply with a notice to comply is a contravention of the Local Law.

Penalty: 20 Penalty Units

11. An Owner or Occupier on whom a notice to comply has been served may, in accordance with Part 8, lodge an objection with the Authorised Officer who issued the notice within 7 days of the service of the notice to comply.

Division 2 - Reserves

39. INTRODUCTION

The purpose of this Division is to regulate the use of Reserves.

Behaviour generally within Reserves is regulated by clause [27](#) and any other relevant clauses in this Local Law.

40. ACCESS

1. Council may, by resolution:
 - a) set aside days on, and times at which, members of the public cannot use or enter a Reserve; or
 - b) fix charges or entrance fees which members of the public must pay before using or entering a Reserve.
2. A Person must not, without the authority of Council, use or enter a Reserve on a day, or at a time, when members of the public are prohibited from using or entering the Reserve.

Penalty: 10 Penalty Units

3. A Person must not, without the authority of Council, use or enter a Reserve without paying the charge or entrance fee fixed by Council.

Penalty: 2 Penalty Units

41. COUNCIL MAY GRANT LEASES AND LICENCES

1. Council may grant to any Person a lease or licence to occupy or use a Reserve for the purposes of conducting a competitive game or sport or recreational activity.
2. Any lease or licence granted by Council is subject to such terms as Council thinks fit.
3. If there is any difference or conflict between the express provisions of any lease or licence and this Local Law, the provisions of such lease or licence will apply.
4. During the period of occupation or use by a lessee or licensee, a Person must not, without the authority of Council:
 - a) enter; or
 - b) or remain within or uponthe Reserve without the consent of the lessee or licensee.

Penalty: 5 Penalty Units

42. USE OF RESERVES

A Person must not, without first obtaining a Permit and observing the conditions of such Permit or in accordance with any lease or licence, within a Reserve:

- a)
 - i) camp; or
 - ii) pitch, erect or occupy any camp, tent, temporary shelter, Caravan, trailer or Vehicle used as a mobile home; or
- b) hold any circus, carnival or fair, wedding, rally, demonstration or other public gathering; or
- c) erect, fix or place any Advertising Sign; or
- d) conduct, organize or participate in any competitive game or sport; or
- e) engage in, play or practise football, soccer, cricket, bowls, tennis, lacrosse, archery or any like game or throw any javelin, shot putt, hammer or boomerang in or upon the Reserve if this is interfering with the quiet enjoyment of the Reserve by any other Person or Persons; or
- f) Sell any food, drink or other article or possess any food, drink or other article with the intention of Selling it or exposing or offering it for sale; or
- g) make a collection of money; or
- h) permit an Animal owned by him or her or of which he or she is in charge unless, in the case of a Dog, such Dog is controlled by leash, chain or cord not exceeding 1.8 metres in length; or
- i) control any radio controlled model or vehicle; or
- j) ride or drive any horse, Vehicle or Skateboard:

- i) unless, in the case of parking a Vehicle, he or she parks in an area designated for that purpose or, being an area other than a Playing Arena, does not interfere with the quiet enjoyment of the Reserve by any other Person or Persons; or
- ii) unless, in the case of the riding of a bicycle or Skateboard, the bicycle or Skateboard is ridden so as to not interfere with the quiet enjoyment of the Reserve by any other Person or Persons; or
- iii) except by a member of Council staff or the Victoria Police acting in the course of his or her employment; or
- iv) except upon any designated roadway or, in the case of bicycles, a bicycle pathway in circumstances in which no damage is caused to such Reserve; or
- k) deliver an address or engage in any form of entertainment; or
- l) conduct a promotion or display any promotional material; or
- m) play or practise golf (except in the Melton Valley Golf Course or the golf practice area located in McPherson Park, Coburns Road); or
- n) allow vehicular access to adjoining Property for the purposes of Building Works or any other activity (for example, use of a crane); or
- o) remain in or upon the Reserve after having been lawfully directed to leave by an Authorised Officer or a member of the Victoria Police, regardless of any entrance fee paid.

Penalty: 5 Penalty Units

43. ADJOINING PROPERTIES GENERALLY

1. The Owner or Occupier of a Property abutting a Reserve must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit:
 - a) install:
 - i) a gateway which services; or
 - ii) other means of access to or from the Reserve; or
 - b) propagate any tree, shrub, flower or Plant within the Reserve; or
 - c) erect or install any structure, equipment or Barbecue within the Reserve.

Penalty: 10 Penalty Units

2. Without limiting Council's powers under Part 8 of this Local Law, in determining whether to grant a Permit under this clause [43](#) the matters to which Council may have regard include:
 - a) the use or likely use to which the gateway or other means of access will be put; and
 - b) the existing means of access to and from the Reserve; and
 - c) the tree, shrub, flower or Plant which it is proposed to propagate; and
 - d) the structure, equipment or Barbecue which it is proposed to erect or install; and

- e) whether the application is prepared to forgo any claim to an easement or title acquired by adverse possession; and
- f) whether the application complies with any policy adopted by Council.

44. LAWFUL DIRECTION TO LEAVE

If an Authorised Officer reasonably suspects that a Person is contravening this Division, he or she may request the Person to leave the Reserve, notwithstanding that the Person has paid a fee or charge for admission.

PART 4 SALE OF GOODS, STREET SELLING, COLLECTIONS, DISTRIBUTIONS AND SPECIAL EVENTS

45. INTRODUCTION

This Part contains provisions which aim to manage and facilitate responsible trading and entertainment on Roads, Road Related Areas and Council Land or in Public Places to increase the attractiveness and comfort of these places, by controlling the soliciting of gifts and money, busking, Selling and other behaviour.

46. PERMIT REQUIRED FOR SOLICITING AND COLLECTIONS

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, solicit or collect a gift of money or subscription or Sell a raffle ticket in or on a Road, Road Related Area, Council Land or a Public Place.

Penalty: 5 Penalty Units

47. SELLING GOODS OR SOLICITING FOR TRADE AND SIMILAR ACTIVITIES

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, in or on a Road, Road Related Area, Council Land, a Public Place, vacant land or land which he or she does not ordinarily occupy, Sell goods or solicit or try to attract trade or business or Tout or Spruik or allow any Person to solicit or try to attract trade or business or Tout or Spruik.

Penalty: 5 Penalty Units

48. SELLING SERVICES

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, Sell any services in or on a Road, Road Related Area, Council Land, or a Public Place.

Penalty: 5 Penalty Units

49. HANDBILLS

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, display or distribute to any Person any Handbill in or on a Road, Road Related Area, Council Land, a Public Place or a Reserve or allow that to occur.

Penalty: 5 Penalty Units

50. SPECIAL EVENTS AND FILMING FOR COMMERCIAL PURPOSES

1. A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, hold a Special Event or allow Commercial Filming in or on a Road, Road Related Area, Council Land or Public Place.

Penalty: 20 Penalty Units

2. Any Person applying for a Permit to hold a Special Event must provide:
a) details of the Special Event in the format required by Council; and

- b) advice of any potential security or emergency issues for the Victoria Police and other emergency service organisations, such as the Country Fire Authority, Ambulance Victoria, State Emergency Service, St John's Ambulance and others; and
- c) advice of any potential police and emergency services personnel resource issues; and
- d) a proposed traffic plan for the event area, with access details for emergency Vehicles and Road closures, proof of notification and approval from any other relevant authorities; and
- e) a copy of any extended liquor licence application; and
- f) a copy of any extending trading hours application; and
- g) a proposed disaster plan for the event area; and
- h) a certificate of currency indicating that the applicant has at least \$10 million cover under a public liability policy of insurance.

51. GARAGE SALES

An Occupier of Residential Land on which a garage sale is being conducted, and any Organisation responsible for the conducting of a garage sale, must comply with the following requirements.

1. Location of Garage sales:
 - a) A garage sale must be held from private Residential Land or, if being conducted by an Organisation (such as a school, a religious group or a community group), on that Organisation's Property.
 - b) A garage sale must be contained to the Residential Land or Property boundary and not extend to the Footpath or nature strip.
2. Frequency of Garage Sales
 - a) The Occupier of Residential Land, or an Organisation responsible for conducting a garage sale, must not conduct or allow to be conducted more than two (2) garage sales from any one parcel of Residential Land or other Property within any one calendar year.
3. Hours/length of Operation of Garage Sales
 - a) A garage sale cannot be held prior to 8.00am or after 7.00pm on any day.
 - b) A garage sale cannot be held for more than two (2) consecutive days.

Penalty: 2 Penalty Units

4. The Occupier of Residential Land, or an Organisation responsible for conducting a garage sale, may erect a sign or signs advertising a garage sale at the garage sale's Property location provided that the sign/s complies with the provisions set out below:
 - a) the sign/s must not be erected any earlier than 48 hours before the commencement of the garage sale; and
 - b) the sign/s must be removed prior to midday of the day immediately following the garage sale; and
 - c) the sign/s must not exceed 297mm x 420mm (A3); and

- d) the sign/s must not contain any offensive language; and
 - e) the sign/s must not be attached to any Council Assets, including Council Buildings, trees and/or street signs; and
 - f) the sign/s must not obstruct any Footpath or walkway, street furniture or Road sign; and
 - g) the sign/s must not be erected on roundabouts or median strips or impact on Road safety in any manner; and
 - h) the sign/s must comply with Roads Corporation requirements for utility poles, so that signs cannot, for example, be displayed on utility poles; and
 - i) no more than three (3) signs relating to a garage sale are to be displayed.
5. Notwithstanding subclause [51.4.e](#)), a sign can be displayed on the nature strip in front of the Residential Land or other Property at which the sale is being held, and on private fences (including a fence at the Residential Land or other Property at which the sale is being held). If the sign is displayed on other fences (eg. on a fence at the end of the Road in which the sale is being held), the fence owner's permission must be obtained prior to displaying the sign.

52. CAUSING OBSTRUCTION

A Person must not invite, encourage or allow the congregation of Persons so as to Obstruct or interfere with the passage of pedestrian or vehicular traffic in or on a Road, Road Related Area, Council Land or a Public Place.

Penalty: 4 Penalty Units

PART 5 PROTECTION OF THE AMENITY OF THE MUNICIPAL DISTRICT

53. INTRODUCTION

The aim of this Part is to protect the amenity of the Municipal District.

Division 1 - General

54. IDENTIFICATION OF PROPERTY

1. If Council has allocated a street number to a Property the Owner or Occupier of that Property must ensure that the number allocated is clearly displayed on the Property by ensuring that it can be clearly read in normal lighting conditions from the Road immediately adjacent to the front boundary.

Penalty: 5 Penalty Units

2. Council may, where a Property is not marked by its Owner or Occupier with the street number allocated, cause the Property to be numbered and recover the cost of doing so from the Owner or Occupier (as the case may be) as a debt due and payable to Council.
3. Council may cause a Road name or number unlawfully or incorrectly painted, affixed or set up to be removed, obliterated or destroyed.

55. NATURE STRIP MAINTENANCE

The Owner or Occupier of a Property must, unless Council has allowed nature strip modification works in respect of the Property, ensure that the nature strip between the Road and the Property boundary on any Road which abuts the Property is kept and maintained such that any grass, stubble, weeds, scrub, undergrowth or other like material on that nature strip does not generally exceed 20 centimetres in height.

Penalty: 2 Penalty Units

56. CAMPING ON ROADS AND PUBLIC PLACES

A Person must not occupy or use or cause to be used any tent, Caravan or Annexe:

- a) on a Road or in a Public Place; and
- b) for a period exceeding 24 continuous hours.

Penalty: 5 Penalty Units

57. CAMPING ON ANOTHER'S LAND

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, occupy or use or cause to be used any tent, Caravan or Annexe on any land for a period exceeding 24 continuous hours, unless the occupation or use is permitted by or under the *Residential Tenancies (Caravan Park and Moveable Dwellings Registration and Standards) Regulations 2010*.

Penalty: 5 Penalty Units

58. ALLOWING OTHERS TO CAMP

1. The Owner or Occupier of a Property must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, allow or license another to occupy or place or cause to be placed, or use or cause to be

used, any tent or Caravan or Annexe on that Property for a period exceeding 24 continuous hours.

Penalty: 5 Penalty Units

2. Nothing in subclause [58.1](#) requires a Person to obtain or comply with such a Permit if he or she:
 - a) holds or operates under a permit issued with the authority of the *Planning and Environment Act 1987*; or
 - b) holds or operates under a licence issued with the authority of the *Residential Tenancies (Caravan Park and Moveable Dwellings Registration and Standards) Regulations 2010*.
3. In determining whether to grant a Permit under subclause [58.1](#), the matters to which Council may have regard include:
 - a) the amenity of the area in which the Property is located; and
 - b) the dimensions and nature of the Caravan, tent or Annexe; and
 - c) the number of Caravans, tents or annexes which it is proposed to occupy, place or use; and
 - d) the duration of any proposed occupation or use; and
 - e) any hygiene or sanitary requirements applicable to the Caravan, tent or Annexe; and
 - f) the purpose of the occupation or use; and
 - g) the presence of any Buildings on the Property.

59. CHARITY OR CLOTHING BINS

A Person must not, without first obtaining a Permit nor otherwise in accordance with the conditions of such Permit, place a Charity or Clothing Bin in or on a Public Place, Council Land or a Road.

Penalty: 5 Penalty Units

Division 2 – Building Works - Impacts

60. BUILDING REFUSE

1. The
 - a) Owner of a Building Site; and
 - b) Builder, and each employee or agent of a Builder, engaged to carry out Building Works on the Building Sitemust ensure that:
 - i) A Refuse Facility is placed on the Building Site on commencement of any Building Works; and
 - ii) a Refuse Facility is kept on the Building Site for the deposit of Building Refuse; and
 - iii) the Refuse Facility is so designed and constructed as to prevent any Building Refuse within the Refuse Facility being blown from it by a gust of wind; and
 - iv) the lid on the Refuse Facility remains closed at all times except when placing Building Refuse in the Refuse Facility; and

- v) the Refuse Facility is emptied immediately it becomes full or at the discretion of an Authorised Officer; and
- vi) all wind blown Building Refuse created or accumulated on the Building Site is deposited into the Refuse Facility upon the Building Refuse being created or accumulated; and
- vii) the Refuse Facility is removed from the Building Site within 7 days of the cessation of Building Work; and
- viii) all materials/refuse for or from the Building Site is contained within the boundaries of the Building Site; and
- ix) any mud or slurry remains on the Building Site and that any Vehicle exiting the Building Site does not carry any mud or slurry onto the adjoining or nearby Road.

Penalty: 10 Penalty Units

2. If an Authorised Officer reasonably suspects that any Person described in subclause [60.1](#) is contravening that subclause he or she may serve on that Person a notice directing that the contravention cease immediately, and upon receiving such notice, the Person must cease his or her contravention of subclause [60.1](#) in accordance with the notice.

Penalty: 10 Penalty Units

3. A notice served under this subclause [60.2](#) may require the Person to remove Building Refuse from a Building Site or deposit Building Refuse into a Refuse Facility on a Building Site.

61. SITE IDENTIFICATION

1. Prior to the commencement of any Building Work, the Owner, Builder or Appointed Agent must erect a sign at the main entrance to the Building Site which:
 - a) is at least 600 millimetres in height and 400 millimetres in width; and
 - b) is placed in such a location as to be clearly legible in normal lighting conditions from the Road immediately adjacent to the front boundary; and
 - c) contains the lot number as described in the relevant certificate of title; and
 - d) identifies the name, postal address and the 24 hour contact telephone number or numbers of the Person in Charge of the Building Work.

Penalty: 10 Penalty Units

2. Each Person referred to in subclause [61.1](#) must ensure the sign referred to in subclause [61.1](#) is not removed until completion of the Building Work.

Penalty: 5 Penalty Units

3. If, prior to the completion of the Building Work, there is a change of Builder, the Owner must, within seven days of that change, give written notice to Council.

Penalty: 8 Penalty Units

4. The notice under subclause [61.3](#) must specify the date of the change of Builder and be signed by the Owner, the Builder who has been replaced and the new Builder.

Penalty: 8 Penalty Units

5. From the date of receipt of the notice under subclause [61.3](#) above, the new Builder specified in the notice becomes the Builder for the purposes of this Local Law.

62. BUILDING SITE TOILETS

1. Where any Building Work is carried out on a Building Site that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, the Person in Charge must ensure that:
 - a) a temporary toilet with hand washing facilities is provided on Building Site at all times, and is of a type approved by Council; and
 - b) servicing, maintenance and location of temporary toilets is to the satisfaction of Council

Penalty: 10 Penalty Units

2. 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.

63. SITE FENCING

1. Prior to the commencement of any Building Work, the Owner, Builder or Appointed Agent must erect a fence around the entire perimeter of a Building Site which:
 - a) is not less than 1500mm in height;
 - b) is capable of preventing litter from being transported from the Building Site by wind;
 - c) has not more than one access opening which:
 - i) has a width not greater than 2800 mm;
 - ii) is fitted with 1500mm high gates which prevents litter from being transported from the Building Site by wind; and
 - iii) is located to correspond with the vehicle crossing referable to the Building Site.

Penalty: 10 Penalty Units

2. The Owner, Builder or Appointed Agent must ensure that the site fencing referred to in subclause [63.1](#) is maintained at all times and remains in place for the duration of the Building Work.

Penalty: 10 Penalty Units

64. UNSIGHTLY, DILAPIDATED AND DANGEROUS PREMISES

1. The Owner, and/or Occupier of a Property must not allow:
 - a) the Property to become unsightly; or
 - b) the Property to become detrimental to the amenity of the area in which it is located; or
 - c) a Noxious Weed to grow on the Property; or
 - d) vegetation growth of more than 20 centimetres in height on the Property if the Property is located in an Urban Area; or
 - e) unconstrained refuse, rubbish, rubble, demolished or discarded materials from Building Work or other matter to accumulate on the

Property so as to constitute a hazard to the health or safety of any Person.

Penalty: 10 Penalty Units

2. An Owner or Occupier of a Property must not cause, allow or suffer a Building located on the Property to become dilapidated or further dilapidated.

Penalty: 10 Penalty Units

3. For the purposes of subclause [64.2](#), circumstances in which a Building on Property becomes dilapidated or further dilapidated include any of the following:
 - a) the exterior of the Building being in a state of disrepair and having been damaged or defaced so as to:
 - i) affect the visual amenity of the Property; or
 - ii) cause the Building to be out of conformity with the general standard of appearance of other Buildings in the vicinity of the Property; and
 - b) architectural features of the Building not being properly maintained; and
 - c) the Building having been damaged by fire or storm.
4. An Owner or Occupier of a Property must not cause, allow or suffer the Property to be dangerous or likely to cause danger to life or property.

Penalty: 20 Penalty Units

5. For the purposes of subclause [64.4](#), circumstances in which a Property is dangerous, or likely to cause danger to life or property, include when the Property has upon it any of the following:
 - a) except where allowed under the Planning Scheme, any substance, materials or equipment that is dangerous, or is likely to cause danger to life or property; or
 - b) an unsecured hole or excavation; or
 - c) an unsecured Building that is in a state of disrepair, causing it to be dangerous to life or property.
6. If an Authorised Officer serves a notice to comply in relation to a contravention of subclause [64.4](#) the works required to correct the contravention may include any of the following:
 - a) removal of any substance, material or equipment; and
 - b) erection of a suitable fence, barrier or other enclosure; and
 - c) erection of suitable warning signs; and
 - d) securing or filling in a hole or excavation; and
 - e) securing any dilapidated Building.

65. SHIPPING CONTAINERS

A Person, other than an Authorised Officer acting in the course of his or her duties, must not:

- a) keep, store, repair or in any other manner use any shipping container upon any Council Land; or

- b) keep, store, repair or in any other manner use any shipping container upon any land other than Council Land that is in a Residential Zone, except in accordance with a Permit.

Penalty: 10 Penalty Units

66. PORTABLE SELF-STORAGE CONTAINERS

A Person, other than an Authorised Officer acting in the course of his or her duties, must not:

- a) keep, store, repair or in any other manner use any Portable Self-Storage Container upon any Council Land; or
- b) keep, store, repair or in any other manner use any Portable Self-Storage Container upon any land other than Council Land for more than four consecutive weeks, except in accordance with a Permit.

Penalty: 5 Penalty Units

67. HEAVY VEHICLES

An Owner or Occupier of a Property located in a Residential Area must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, allow a Vehicle with a gross vehicle mass over 4.5 tonnes to be parked, kept stored or repaired on that Property.

Penalty: 10 Penalty Units

68. STORAGE & UNREGISTERED VEHICLES

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit:

- a) use any Residential Land for the storage of Vehicles or machinery or the dismantling or breaking up of Vehicles or storage;
- b) use Residential Land for the repair or servicing of any Vehicle other than a Vehicle registered or normally housed at the address of the land; or
- c) store more than one (1) unregistered Vehicle on Residential Land in a manner which is unsightly or detrimental to the amenity of the area.

Penalty: 10 Penalty Units

Division 3 - Open Air Burning and Incinerators

69. PURPOSE

The purpose of this Division is for:

- a) fire prevention and protection; and
- b) the collection and disposal of refuse; and
- c) the prevention and abatement of nuisances; and
- d) environment control, protection and conservation; and
- e) the prohibition or regulation of the lighting of fires in the Open Air or in an Incinerator; and
- f) minimising airborne particle pollution.

70. APPLICATION

This Division applies throughout the whole of the Municipal District except for Land that is or is part of:

- a) a State Forest; or
- b) a National Park; or
- c) Protected Public Land.

71. FIRE HAZARDS

1. An Owner or Occupier of a Property must ensure that:
 - a) all necessary steps are taken to:
 - i) prevent fire on; and
 - ii) minimise the possibility of a fire spreading from that Property; and
 - b) the Property is kept free of material or substances which may assist the spread of fire.

Penalty: 5 Penalty Units

2. For the purpose of sub-clause [71.1.b](#) “material and substances” includes undergrowth, scrub, weeds, stubble, grass (whether alive or dead and whether standing or not standing) and any other vegetation, wood, flammable liquid or substances.
3. To determine whether:
 - a) there is, on any Property, any material which constitutes or may constitute a fire danger to the Property or any other property; or
 - b) a fire break is required to be made or cleared on any Propertyan Authorised Officer may enter and inspect the Property.
4. In addition to the above requirements, an Owner or Occupier of a Property in a Rural Zone must, between 1 September and 30 April of the following year, put in place and maintain fire breaks in respect of that Property each year by:
 - a) slashing a 20 metre break around the perimeter of the Property; or
 - b) ploughing or grading a 3 metre fire break around the perimeter of the Property; or
 - c) burning a 3 metre fire break around the perimeter of the Property providing a planned burn or 'burn-off' permit is issued by the Country Fire Authority or a Municipal Fire Prevention Officer, if the fire is to be conducted during the Country Fire Authority Declared Fire Danger Period; or
 - d) if the Property abuts Residential Land, then the ploughing or grading of a minimum 25 metre fire break along all the residential fence lines that the property shares with each parcel of Residential Land.

Penalty: 5 Penalty Units

72. EXEMPTIONS

1. The Owner or Occupier of a Property may request and be granted an exemption from any provision in clause [71](#), if:

- a) the Property contains native or endangered flora or fauna, provided that an approved management plan is given to Council prior to any works being commenced; or
 - b) crops have been planted on the Property and, upon harvest, the required fire breaks will be installed and maintained until a specified date; or
 - c) grazing of Livestock has commenced and will significantly reduce the risk of fire to the satisfaction of an Authorised Officer; or
 - d) there is any other reason which is appropriate in the circumstances.
2. A request for exemption under this clause must be in writing and no exemption will apply unless the applicant has received a written response from Council advising that the exemption has been granted.

73. NUISANCE AND PROHIBITION OF BURNING OF CERTAIN MATERIALS

1. A Person must not in:
- a) the Open Air, or
 - b) an Incinerator
- burn any matter, material or substance in such a manner or to such an extent as to
- i) cause a nuisance; or
 - ii) be liable to be injurious or prejudicial to human health; or
 - iii) be offensive to any Person.

Penalty: 10 Penalty Units

2. Unless expressly permitted to do so under any other Legislative Enactment, a Person must not burn any:
- a) rubber or plastic substance; or
 - b) petroleum oil or material containing petroleum oil; or
 - c) paint or receptacle which contains or has contained paint; or
 - d) manufactured chemical; or
 - e) food waste.

Penalty: 20 Penalty Units

74. FIRES ON ROADS

A Person must not light a Fire in the Open Air on a Road:

- a) unless that Person is
 - i) an officer of; or
 - ii) a Person authorised by a Public Body and engaged in fire protection measures for or on behalf of that public body; or
- b) except in accordance with a Permit.

Penalty: 20 Penalty Units

75. FIRES IN THE OPEN AIR OR IN AN INCINERATOR

1. A Person must not on any Land which is less than two hectares in area light a Fire in:
 - a) the Open Air; or
 - b) an Incineratorexcept in accordance with a Permit.

Penalty: 20 Penalty Units

2. Nothing in subclause [75.1](#) applies in respect of a Fire which is authorised to be lit under the provisions of any Legislative Enactments.

76. DUTY OF OWNER, OCCUPIER AND PERSON IN CHARGE

The Owner, Occupier and any Person who is in charge of Land on which a Fire is lit, maintained, controlled or exists otherwise than in accordance with this Local Law or any Permit must, upon becoming aware that the Fire is not authorised by this Local Law, immediately take all steps necessary to make secure and then completely extinguish the Fire.

Penalty: 20 Penalty Units

77. PERMITS

1. In addition to the other requirements of this Local Law, an application for a Permit must state the:
 - a) purpose for which the fire is proposed to be lit; and
 - b) location of the proposed fire; and
 - c) day or days upon which the proposed fire is to be lit and its expected duration.
2. Council may include in a Permit such conditions as it thinks fit, including any or all of the following conditions:
 - a) that not more than one fire in the Open Air may be lit or be allowed to remain alight at any one time; and
 - b) that while a fire remains alight, the material, matter or substance being burnt must at all times occupy a space not exceeding one square metre; and
 - c) that the fire must be supervised by an adult Person from the time it is lit until the time it is completely extinguished; and
 - d) that adequate means must be readily available at all times for extinguishing the fire; and
 - e) that the ground within three metres of any material, matter or substance being burnt must be free from any:
 - i) flammable material; and
 - ii) vegetation except for growing vegetation not exceeding ten centimetres in height; and
 - f) that the space above:
 - i) the matter, material or substance being burnt; and
 - ii) the ground within three metres of the matter, material or substance is free from any vegetation or flammable material; and

- g) that any part of the fire must not be closer than 7.5 metres to a log or stump; and
 - h) that:
 - i) rubber or plastic substance; or
 - ii) petroleum oil or material containing petroleum oil; or
 - iii) paint or receptacle which contains or has contained paint; or
 - iv) manufacture chemical; or
 - v) food wastemust not be burnt.
3. Council must include in a Permit a condition to the effect that a fire must not be lit or allowed to remain alight on any day:
- a) which the Environment Protection Authority has declared as a smog alert day in the whole or any part of Victoria which includes the Municipal District; or
 - b) part of a day which has been declared under Section 40 of the *Country Fire Authority Act 1958* to be one of total fire ban in respect of the whole of the State of Victoria or that part of the State in which is located the Land on which the fire exists.

78. DIRECTIVE POWERS

A Person who, in the opinion of an Authorised Officer, is burning any matter, material or substance upon any Land or on a Road in such a manner or to such an extent as to:

- a) cause a nuisance to a Person upon any Land or on a Road; or
 - b) be liable to be injurious or prejudicial to human health; or
 - c) be offensive to any Person upon any other Land or on a Road
- must immediately extinguish the burning matter, material or substance upon being directed to do so by the Authorised Officer.

Penalty: 20 Penalty Units

PART 6 ANIMAL CONTROL

79. INTRODUCTION

The aim of this Part is to regulate the keeping of Animals and to prohibit Owners of Animals from allowing those animals to be a nuisance.

80. ANIMAL LITTER

A Person who is in control of any Dog, Cat, Livestock or Animal in or on a Public Place must:

- a) have in his or her possession a bag or other receptacle for the purpose of removing from the Public Place excrement from that Dog, Cat, Livestock or Animal deposited in or on the Public Place; and
- b) not allow excrement of the Dog, Cat, Livestock or Animal to remain in or on the Public Place; and
- c) remove from the Public Place any excrement of the Dog, Cat, Livestock or Animal if directed to do so by an Authorised Officer.

Penalty: 4 Penalty Units

81. ANIMAL NUMBERS

The Owner or Occupier of a Property:

- a) equal to or less than 4,000 square metres in area must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, keep on that Property any Rooster or more than:
 - i) 20 Large Birds; and/or
 - ii) 20 Small Birds; and/or
 - iii) 12 Poultry; and/or
 - iv) 5 Rodents or Reptiles; and/or
 - v) 2 Dogs; and/or
 - vi) 2 Cats; or
- b) greater than 4,000 square metres but less than 20,000 square metres in area must not, except with a Permit nor otherwise than in accordance with the conditions of such Permit, keep on that Property more than:
 - i) 5 Dogs; and/or
 - ii) 5 Cats.

Penalty: 8 Penalty Units

82. ANIMALS IN A PUBLIC PLACE

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, keep any Livestock, Small Bird, Large Bird, Poultry, Rodent or Reptile or any other Animal in or on any Public Place or Council Land.

Penalty: 8 Penalty Units

83. ANIMAL KEEPING

1. The Owner or Occupier of a Property must not keep any Small Bird, Large Bird, Rodent or Reptile, Livestock, or any other Animal on that Property except in accordance with any relevant Code of Practice made under the:
 - a) *Prevention of Cruelty to Animals Act 1986*; or
 - b) *Domestic Animals Act 1994*.

Penalty: 10 Penalty Units

2. The Owner or Occupier of a Property on which any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal is kept must ensure that the Property is adequately secured to the satisfaction of Council to prevent such Livestock, Small Bird, Large Bird, Rodent or Reptile or other Animal from escaping from that Property.

Penalty: 8 Penalty Units

3. The Owner or Occupier of a Property must ensure that any structure on the Property used for housing any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal on the Property is:
 - a) designed and constructed in a manner approved by Council; and
 - b) not less than six (6) metres from the frontage of the Property; and
 - c) not less than two (2) metres from any boundary of the Property; and
 - d) not less than six (6) metres from any dwelling on adjoining Property; and
 - e) not less than three (3) metres from the nearest dwelling.

Penalty: 5 Penalty Units

4. Subclause [83.3.e](#)) does not apply to any Dog kennel, Cat enclosure, a hutch used to house Rodents or a bird aviary used to house Small Birds.
5. The Owner or Occupier of a Property must ensure that any structure on that Property used for housing any Livestock, Small Bird or Large Bird, Rodent or Reptile or any other Animal and the area within three (3) metres of such structure is maintained:
 - a) in a clean, inoffensive and sanitary condition; and
 - b) so it does not cause any nuisance; and
 - c) to the satisfaction of Council or an Authorised Officer.

Penalty: 5 Penalty Units

84. ANIMAL NUISANCE

1. The Owner or Occupier of a Property on which any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal is kept must not allow any noise or smell from any Livestock, Small Bird, Large Bird, Rodent or Reptile or any other Animal to emanate from the Property so as to interfere with the reasonable comfort or convenience of Persons who occupy any adjacent Property or other Property located within 100m of the Property of that Owner or Occupier.

Penalty: 8 Penalty Units

2. Nothing in subclause [84.1](#) applies in respect of any noise emanating from a Dog or Cat.

NOTE: Noise from dogs and cats is regulated by section 32 of the *Domestic Animals Act* 1994.

85. BEES AND WASPS

1. The Owner or Occupier of a Property who keeps or allows bees to be kept on that Property must do so in accordance with any relevant Code of Practice made under the *Prevention of Cruelty to Animals Act* 1986.

Penalty: 5 Penalty Units

2. The Owner or Occupier of a Property must, within a reasonable time of becoming aware of the existence of an unmanaged honeybee swarm on that Property, take reasonable steps to cause the removal of that swarm.

Penalty: 5 Penalty Units

3. The Owner or Occupier of a Property must not allow or suffer English wasps or European wasps to nest on the Property, and, upon becoming aware of the existence of a wasp nest on the Property, must within a reasonable time take reasonable steps to cause the nest to be destroyed.

Penalty: 8 Penalty Units

4. The Owner or Occupier of a Property must not allow or suffer any feral European honey bees on the Property to cause, or be likely to cause, a nuisance to any Person.

Penalty: 5 Penalty Units

5. For the purposes of subclause [85.4](#), circumstances in which feral European honey bees on the Property are causing, or likely to cause, a nuisance include when the feral European honey bees are:

- a) swarming; or
- b) likely to swarm.

6. If an Authorised Officer serves a notice to comply in relation to a contravention of subclause [85.3](#), the works required to ensure compliance may include the destruction of the English wasps or European wasps.

7. If an Authorised Officer serves a notice to comply in relation to a contravention of subclause [85.4](#), the works required to ensure compliance may include:

- a) removal from the Property of the feral European honey bees; or
- b) destruction of the feral European honey bees.

86. PERMITS

1. Without limiting Council's power under Part 8 of this Local Law, in determining whether to grant a Permit under this Part the matters to which Council may have regard include:
 - a) the dimensions of the Property in respect of which a Permit is sought; and
 - b) the amenity of the area in which the Property is located; and
 - c) whether the Property is properly and securely fenced on all boundaries; and

- d) whether any other necessary permits, approvals or consents have been obtained; and
 - e) whether the application complies with any policy adopted by Council.
2. Nothing in this Part requires a Person to obtain or comply with a Permit where a planning permit has been granted in respect of the specific use or activity otherwise regulated under this Part or where what would otherwise be prohibited by this Local Law is expressly allowed by another Legislative Enactment.

PART 7 WASTE MANAGEMENT

87. INTRODUCTION

The aim of this Part is to:

- a) provide for the use and control of Council-Provided Mobile Bins for the deposit and collection of Household Refuse and Recyclables; and
- b) prevent and regulate the deposit of refuse and rubbish upon Roads, Public Places and Council Land; and
- c) regulate the use of the Melton Recycling Facility.

Division 1 - Household Waste

88. DEPOSIT OF REFUSE AND RECYCLABLES

Subject to clauses [91](#) and [96](#), a Person must not:

- a) deposit any Household Refuse, Recyclable or other waste upon any Road, Public Place or Council Land; or
- b) except at a Refuse Disposal Site, deposit any Household Refuse or other rubbish upon another Person's Property; or
- c) place out for collection any Household Refuse unless it is in a Council-Provided Mobile Bin.

Penalty: 4 Penalty Units

89. OCCUPIER TO MAINTAIN COUNCIL-PROVIDED MOBILE BIN

Each Occupier of a Property must keep a Council-Provided Mobile Bin on that Property and maintain it in good working order and in a clean and sanitary condition upon or about the Property.

Penalty: 2 Penalty Units

90. STORAGE OF COUNCIL-PROVIDED MOBILE BINS

1. Unless exempted by Council, the Owner of any block of:

- a) flats; or
- b) units

(none of which is occupied by him or her) must provide for the use of the Occupiers a:

- i) clearly defined; and
- ii) sufficiently large

area for the storage of Council-Provided Mobile Bins.

Penalty: 2 Penalty Units

2. The Occupier of any:

- a) flat; or
- b) unit

must keep his or her Council-Provided Mobile Bin in the area required to be provided for that purpose under subclause [90.1](#).

Penalty: 2 Penalty Units

91. COLLECTION OF HOUSEHOLD REFUSE

1. In order that Household Refuse may be collected, an Occupier of a Property may, during the hours and on the days appointed or advertised by Council, place a Council-Provided Mobile Bin so that it:
 - a) is as near to the kerb as possible; and
 - b) is aligned so that the handle of the bin is facing away from the kerbside; and
 - c) does not interfere with the free movement of vehicular or pedestrian traffic; and
 - d) is clear of all Obstructions, such as trees, Vehicles and other assets to allow collection to occur.
2. A Person must not place a Council-Provided Mobile Bin out for collection other than as provided in subclause [91.1](#).

Penalty: 2 Penalty Units

3. Council is not required to collect the contents of any Council-Provided Mobile Bin that is not placed out as provided in subclause [91.1](#).
4. The Occupier of a Property must cause each Council-Provided Mobile Bin to be removed from the Footpath, Road or other location of its placement within 24 hours after the time when the contents were, or were apparently, emptied from the Council-Provided Mobile Bin.

Penalty: 2 Penalty Units

5. A Person (other than the Occupier of the Property who placed it out for collection) must not remove or interfere with the contents of any Council-Provided Mobile Bin which has been placed out for collection, except with the authority of Council.

Penalty: 5 Penalty Units

92. DESIGNATED COLLECTION POINTS

1. If an Authorised Officer forms the opinion that a designated collection point is required to allow collection of Council-Provided Mobile Bins, Council may, by a notice given to the Owner and Occupier of Property, direct that any Council-Provided Mobile Bin relating to the Property that is placed out for collection be placed at the location specified in the notice.
2. Following the giving of a notice under subclause [92.1](#), a Person who places a Council-Provided Mobile Bin at a location other than that specified in the notice is guilty of an offence and the Council-Provided Mobile Bin will not be collected.

Penalty: 2 Penalty Units

93. REFUSE RECEPTACLES GENERALLY

1. A Person must not place out refuse for collection by Council other than in an approved Council-Provided Mobile Bin.

Penalty: 2 Penalty Units

2. Unless authorised by Council, a Person must not place out for collection more than the number of approved Council-Provided Mobile Bins.

Penalty: 2 Penalty Units

3. Council is not required to collect waste from a refuse receptacle that is not an approved Council-Provided Mobile Bin.

94. SEPARATION OF RECYCLABLES

1. A Person must not place anything other than Recyclables in an approved Council-Provided Mobile Bin which is specifically designated for Recyclables.

Penalty: 2 Penalty Units

2. Council is not required to collect from a Council-Provided Mobile Bin which is specifically designated for Recyclables if it contains material other than Recyclables.

95. PROHIBITED WASTE

A Person must not place or cause or allow to be placed in any Council-Provided Mobile Bin any:

- a) slops or liquid waste; or
- b) moist refuse unless the moist refuse has previously been strained and securely wrapped in paper so as to prevent its escape or leakage; or
- c) dust from any vacuum cleaner, hair or other like substance unless the dust, hair or other substance has first been securely wrapped in paper so as to prevent its escape; or
- d) ashes or other like substance unless the ashes are or other substance is non-combustible and free from any heat-generating particles; or
- e) window glass or other sharp object unless the window glass or other sharp object is wrapped or secured in such a manner as to render it harmless and inoffensive; or
- f) commercial or domestic building waste, such as brick, rubble, concrete, timber, plaster, tiles or soil; or
- g) hazardous chemical or material, such as asbestos; or
- h) volatile, explosive or flammable substance; or
- i) nightsoil; or
- j) oil, paints, solvents or like substances; or
- k) waste of a shape, size or weight that cannot be contained in such a Council-Provided Mobile Bin; or
- l) Household Refuse or waste matter of any kind, the combined weight of which, in the case of a Council-Provided Mobile Bin, exceeds 50 kilograms; or
- m) needle, syringe or medical waste; or
- n) Industrial Waste; or
- o) other object or matter which is or is likely to be hazardous to health or the environment.

Penalty: 10 Penalty Units

Division 2 - Regulation of Other Refuse and Waste**96. COLLECTION OF OTHER REFUSE**

1. Council may from time to time, and in such manner as it may determine, undertake the collection of other waste in the Municipal District.
2. A Person must place out for collection, in an approved location, the volume and type of waste approved by Council.
3. Upon being placed out for collection, any such waste becomes the unencumbered property of Council or an agent appointed by Council.
4. A Person must not, without the authority of Council:
 - a) remove; or
 - b) interfere withany such waste which is placed out for collection.

Penalty: 4 Penalty Units

97. BULK WASTE CONTAINERS

1. A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, place or allow to be placed within a Road or Council Land any Bulk Waste Container.

Penalty: 10 Penalty Units

2. Without limiting Council's powers under Part 8 of this Local Law, in determining whether to grant a Permit under subclause [97.1](#) the matters to which Council may have regard include:
 - a) the proposed site of the Bulk Waste Container; and
 - b) whether any danger will or may be presented to pedestrian or vehicular traffic; and
 - c) whether any signage will be affixed to the Bulk Waste Container; and
 - d) whether any hazard or other lights will be attached to the Bulk Waste Container; and
 - e) whether pedestrian and vehicular traffic will be warned of the presence of the Bulk Waste Container; and
 - f) the period during which it is proposed that the Bulk Waste Container will remain on the site; and
 - g) whether the application complies with any policy adopted by Council:
3. In addition to Council's other rights under this Local Law, if, in the opinion of Council:
 - a) the Permit holder has endangered or threatens to endanger the safety of any Person; or
 - b) the Permit holder has Obstructed or threatens to Obstruct the orderly flow of pedestrian or vehicular traffic;it may revoke the Permit of the Permit holder.
4. The Permit holder must ensure that any Bulk Waste Container is capable of containing all waste, including any windblown matter or sediment.

Penalty: 10 Penalty Units

5. The Permit holder must remove all waste within a 3 metre radius of the Bulk Waste Container, or any waste that has spilt or been blown from the Bulk Waste Container.

Penalty: 5 Penalty Units**98. TRADE WASTE**

An Occupier of Property which produces Trade Waste must ensure that any container used for the storage of Trade Waste is constructed of strong and impervious material so as to prevent the escape by leakage of any of its contents and absorb and accumulate any waste-matter which may be deposited in it, and:

- a) is water, fly and vermin-proof; and
- b) is provided with a close-fitting lid; and
- c) has its contents emptied at regular intervals or immediately upon:
 - i) its contents becoming offensive; or
 - ii) an Authorised Officer directing the emptying of the contents

and is kept in good order and in a:

- d) clean; and
- e) sanitary; and
- f) inoffensive

condition.

Penalty: 8 Penalty Units***Division 3 – Melton Recycling Facility*****99. INTRODUCTION**

The purpose of this Division is to regulate the use of the Melton Recycling Facility.

Behaviour generally within the Melton Recycling Facility is regulated by clause [27](#) and any other relevant clauses in this Local Law.

100. MELTON RECYCLING FACILITY

1. The Melton Recycling Facility will be available for the disposal of waste subject to the fees, charges, terms and conditions determined by Council from time to time.
2. A Person using the Melton Recycling Facility:
 - a) must pay the fees and charges and comply with the terms and conditions determined by Council and/or its operator; and
 - b) must deposit waste in accordance with the directions of the Melton Recycling Facility operator or any Authorised Officer and in accordance with any signs erected at the Melton Recycling Facility; and
 - c) may only deposit material designated by Council or the Melton Recycling Facility operator from time to time; and

- d) may only deposit material permitted by any Environment Protection Authority Licence applying to the Melton Recycling Facility from time to time; and
- e) must not deposit any hazardous, dangerous or infectious materials.

Penalty: 10 Penalty Units

- 3. A person must not, without the authority of Council, enter or use the Melton Recycling Facility on a day or at a time when members of the public are prohibited from entering or using the Melton Recycling Facility.

Penalty: 10 Penalty Units

- 4. A Person must immediately leave the Melton Recycling Facility and take with them any material they brought to the Melton Recycling Facility as and when directed by an Authorised Officer, employee of the operator of the Melton Recycling Facility or a member of the Victoria Police.

Penalty: 2 Penalty Units

- 5. A Person must not Smoke within the grounds of the Melton Recycling Facility.

Penalty: 5 Penalty Units

PART 8 ENFORCEMENT AND PERMIT

101. INTRODUCTION

The aim of this Part is to provide for means of enforcing this Local Law and a means of granting, amending and revoking Permits where one is required under this Local Law.

Division 1 - Enforcement

102. POWER OF AUTHORISED OFFICER

An Authorised Officer may, on behalf of Council, issue a warning to, serve a notice to comply on or issue an infringement notice to a Person who is breaching the Local Law and may, on behalf of Council, commence legal proceedings (including proceedings for injunctive relief) and/or may impound items, goods or equipment in relation to a breach of the Local Law.

103. DIRECTIVE POWERS

A Person who, in the opinion of an Authorised Officer, is in contravention of this Local Law, must immediately obey any reasonable request of the Authorised Officer relating to that contravention.

Penalty: 3 Penalty Units

104. URGENT POWERS

An Authorised Officer may, in urgent circumstances arising from a failure to comply with this Local Law, issue a direction under clause [103](#) of this Local Law or a Permit, to take action to remove, remedy or rectify a situation, provided:

- a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice to comply may place a Person, Animal, Property or thing at risk or in danger; and
- b) details of the circumstances and remedying action are as soon as possible forwarded to the Person on whose behalf the action was taken; and
- c) Council is advised of the action taken at the first available opportunity; and
- d) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

105. RECOVERY OF EXPENSES

Any expense incurred by the Council in consequence of a breach of this Local Law or in the execution of work directed pursuant to this Local Law to be executed by any Person and not executed by him or her must be paid by the Person committing such breach or failing to execute such work. Any costs incurred by Council may be recoverable by it as a debt due and payable.

106. NOTICES TO COMPLY

1. A notice to comply must state the:
 - a) nature of any breach of the Local Law; and

- b) time and date by which the breach must be remedied.
2. The time required by a notice to comply must be reasonable in the circumstances, having regard to:
- a) the amount of work involved; and
 - b) the degree of difficulty; and
 - c) the availability of necessary materials or other necessary items; and
 - d) climatic conditions; and
 - e) the degree of risk or potential risk; and
 - f) any other relevant factor.

107. FAILURE TO COMPLY WITH A NOTICE TO COMPLY

A Person who fails to comply with a notice to comply served on that Person is guilty of an offence.

Penalty: 10 penalty units

108. OBJECTION TO NOTICE TO COMPLY

1. A Person on whom a notice to comply has been served may lodge an objection with the Authorised Officer who issued the notice to comply within 7 days of the service of the notice to comply, stating the grounds of objection.
2. If a Person lodges an objection the notice to comply must be stayed pending determination of the objection by the Authorised Officer.
3. Within 14 days of the lodging of an objection the Authorised Officer may:
 - a) confirm the notice to comply; or
 - b) vary the notice to comply, if the Authorised Officer is satisfied that the variation will appropriately address the breach; or
 - c) withdraw the notice to comply, if the Authorised Officer is satisfied that there is no longer any case for the notice to comply to be served.
4. If the Authorised Officer:
 - a) confirms the notice to comply he or she must, all by written notice, specify a new time within which the Person must comply with the notice to comply; and
 - b) varies the notice he or she must issue a replacement notice to comply and specify a new time within which the Person must comply with the replacement notice to comply.
5. If the Authorised Officer fails to confirm, vary or withdraw the notice to comply within the 14 day time period referred to in subclause [108.3](#) he or she will be deemed to have confirmed the notice to comply and specified a new time period within which to comply with the notice of 7 days following the end of that 14 day period.
6. Failure to comply with a notice as confirmed or replaced is a contravention of this Local Law in accordance with clause [107](#).

109. POWER OF AUTHORISED OFFICERS TO IMPOUND

1. If an Authorised Officer has impounded anything in accordance with this Local Law, Council may refuse to release it until the Appropriate Fee or charge for its release has been paid to Council.
2. As soon as it is reasonably practicable to do so, the Authorised Officer must serve a notice of impoundment on the Owner or Person responsible for the impounded item setting out the fees and charges payable and time by which the item must be retrieved. The time for payment must be not less than 14 days.
3. If, after the time required in a notice of impoundment, an impounded item is not retrieved, an Authorised Officer may take action to dispose of the impounded item according to the following principles:
 - a) where the item has no saleable value, it may be disposed of in the most economical way; and
 - b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph [109.3.a](#)); and
 - c) where the Owner has advised Council in writing that Council may dispose of the goods because he or she does not intend to retrieve them, Council may dispose of them by the method identified in either paragraph [109.3.a](#)) or [109.3.b](#)).
4. When the identity or whereabouts of the Owner or Person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that Person and may proceed to dispose of the impounded item in accordance with subclause [109.3](#) once he or she is satisfied that all reasonable efforts have been made to contact the Owner or Person responsible for the impounded item.
5. Any proceeds from the disposal of impounded items under this Local Law must be paid to the Owner or to the Person who, in the opinion of Council, appears to be authorised to receive the money except for the reasonable costs incurred by Council in the administration of this Local Law.
6. If a Person described in subclause [109.4](#) cannot be identified or located and the money is held by Council for 12 months, Council must comply with requirements of the *Unclaimed Money Act 2008*.

110. INFRINGEMENT NOTICE

1. As an alternative to prosecution, an Authorised Officer may serve an infringement notice on a Person who:
 - a) has contravened; or
 - b) is reasonably suspected of having contravened this Local Law.
2. The penalties fixed in respect of an infringement notice served under this clause [110](#) are the penalties specified in Schedule 1.

111. PAYMENT OF PENALTY

1. A Person served with an infringement notice may pay the penalty specified in the infringement notice to Council within 28 days of service, failing which legal proceedings can be instituted against that Person.

2. Any Person served with an infringement notice is entitled to disregard the infringement notice and defend any subsequent prosecution in Court.
3. An Authorised Officer may, following consideration of correspondence from any Person served with an infringement notice, waive the infringement notice.
4. An infringement notice may be waived, even if the appropriate penalty has been paid provided that the penalty shown on the infringement notice is paid in the manner described in subclause [111.1](#) or before the issuing (even if not yet served) of a Charge in respect of the Offence.
5. Once an infringement notice has been waived, any penalty paid before the waiver must be refunded.

112. CONTINUING OFFENCE

Where a Person has been convicted of an Offence, that Person will be liable to a penalty for a continuing Offence of **1 penalty** unit for each day after conviction for an Offence during which the contravention continues.

Division 2 – Permits, Fees and Delegations

113. APPLICATION FOR A PERMIT

1. Any Person who wishes to apply for a Permit may do so by:
 - a) lodging with Council an application containing any information required by this Local Law; and
 - b) paying to Council any Permit Fee.
2. Council may in its discretion:
 - a) require further information from the applicant in relation to the Permit applied for; or
 - b) grant the application for a Permit; or
 - c) grant the application by issuing a Permit with conditions; or
 - d) refuse to grant the application.
3. In exercising its discretion whether to grant the application for a Permit Council may have regard to any or all of the following:
 - a) any policy, code of practice, standards or guidelines adopted by Council; and
 - b) any submission that may be received in respect of the application; and
 - c) any comments that may be made in respect of the application by any Public Body, community organisation or other body or Person; and
 - d) any other matter it considers relevant.
4. Any Permit issued by Council will not be operative until the applicant pays any Permit Fee and satisfies any other conditions listed on the Permit.

114. FEES AND CHARGES

1. Council may, from time to time, by resolution determine fees and charges for the purposes of this Local Law.

2. In determining any fees and charges Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
3. Council's power to determine fees or charges for the purposes of this Local Law does not apply to any lease or licence that may be entered into.

115. PUBLIC NOTICE

1. Before considering any application for a Permit, Council may require the applicant to:
 - a) give notice of the application to any Persons whom Council considers may be detrimentally affected by the grant of the Permit; and
 - b) publish notice of the application in a newspaper generally circulating in the Municipal District.
2. Every notice under sub clause [115.1](#) must consist of:
 - a) a true copy or summary of the application; and
 - b) an indication that Council will consider the application after the expiry of 14 days following the giving of the notice or publication of the public notice; and
 - c) a statement to the effect that all Persons who may be affected by the issue of a Permit may lodge with Council a written submission; and
 - d) a statement to the effect that all written submissions received within 14 days of the date of the notice or public notice will be taken into account in the determination of the application.
3. Where Council has required the giving of notice or publication of a public notice it must not further consider the application until:
 - a) it is satisfied that the applicant has given the notice and/or published the public notice in the required manner; and
 - b) at least 14 days have elapsed since the giving of the notice or publication of the public notice.
4. All written submissions received within the 14 day period must be considered by Council.

116. CONDITIONAL PERMITS

1. A Permit may be issued which contains conditions considered to be appropriate in the circumstances, including (but not limited to) the following:
 - a) the payment of a fee or charge; and
 - b) the payment of a security deposit, bond or guarantee to Council to secure the proper performance of conditions on a Permit or to rectify any damage caused to Council Assets as a result of the use or activity allowed by the Permit; and
 - c) a time limit to be applied specifying the duration, commencement or completion date; and
 - d) that the applicant be insured against a particular risk and to provide a written indemnification of Council against liability arising from the activity or use; and

- e) the rectification, remedying or restoration of a situation or circumstance; and
 - f) where the applicant is not the Owner of the subject property, the consent of the Owner; and
 - g) the granting of some other Permit or authorisation.
2. The conditions of a Permit must be set out in the Permit.

117. PERMITS - REVOCATION, EXPIRY AND AMENDMENTS.

1. Council may revoke a Permit if it considers that:
- a) there has been a serious or ongoing breach of the conditions of the Permit; or
 - b) a notice to comply has been issued, but not complied with within 7 days after the time specified in the notice to comply; or
 - c) there was a significant error or misrepresentation in the application for the Permit; or
 - d) in the circumstances, the Permit should be revoked.
2. If Council proposes to revoke a Permit, it must:
- a) give the Permit holder an opportunity to make submissions on whether the revocation should occur; and
 - b) take into account those submissions in deciding whether to revoke the Permit.
3. Council may correct a Permit if it contains:
- a) a clerical mistake or an error arising from any accident, slip or omission; or
 - b) an evident material miscalculation of figures or an evident material mistake in the description of any Person, thing or Property referred to in the Permit.
4. Council may, during the currency of a Permit, amend the conditions of a Permit if it considers it to be appropriate to do so.
5. In considering whether it is appropriate to amend the conditions on the Permit, Council must have regard to:
- a) the purposes for which the conditions were imposed; and
 - b) whether those purposes are adequately achieved by the current conditions; and
 - c) the impact of the proposed amendment on the Permit holder and any relevant third parties; and
 - d) any other relevant matter.
6. If Council proposes to amend the conditions on a Permit, it must:
- a) give the Permit holder an opportunity to make submissions on whether the amendment should be made; and
 - b) take into account those submissions in deciding whether to amend the Permit.

- 7. Unless it is sooner revoked or is renewed or contains an earlier expiry date, a Permit will continue in force for a period of 12 months from the date of its issue or renewal.
- 8. A Permit-holder must not assign, transfer or encumber his or her Permit.

118. PERSON MUST PRODUCE PERMIT WHEN REQUESTED

A:

- a) Permit holder; and
- b) employee or agent of a Permit holder

must:

- i) give his or her name and address when asked to do so by an Authorised Officer; and
- ii) produce any Permit (or a true copy of any Permit) granted by Council to an Authorised Officer who requests its production.

Penalty: 3 Penalty Units

119. AUTHORISED OFFICERS

- 1. Where in this Local Law the authority of Council is required, that authority may be granted by an Authorised Officer.
- 2. Where in this Local Law, something may be done by Council, it may be done by an Authorised Officer.
- 3. Where in this Local Law Council is required to form an opinion on any matter before it may perform any function or exercise any power under this Local Law, it is sufficient for a delegate or an Authorised Officer of Council to form that opinion.

120. OBSTRUCTION OF AN AUTHORISED OFFICER

A Person must not:

- a) interrupt; or
- b) otherwise interfere with

any Authorised Officer while such Authorised Officer is acting in the proper execution or exercise of his or her duties, functions or powers.

Penalty: 5 Penalty Units

The Common Seal of the Melton City Council was hereunto affixed in the presence of:)
)
)

..... Councillor

..... Chief Executive Officer

SCHEDULE

Schedule 1

As an alternative to prosecution, an Authorised Officer may serve an infringement notice in a form approved by Council on a Person who:

- a) has contravened; or
- b) is reasonably suspected of having contravened

this Local Law, in accordance with the penalties fixed in this Schedule 1 as provided for in clause [110](#).

Clause	Offence	Penalty Units
14	Parking on Reserves	2
15	Abandoning Registered Vehicle	2
16	Parking or leaving stopped or standing unregistered Vehicle in a Public Place	2
18.1	Dismantling, painting or repairing Vehicle on Road	2
19	Driving Vehicle on closed Road	2
20.1	Placing barrier or obstruction on Road	3
20.2	Removing, destroying, damaging, interfering or tampering with or defacing any barrier or obstruction on a Road	2
21.1	Driving Heavy Motor Vehicle contrary to restrictions	2
24	Carrying out works on Road or Road Related Area without a Permit	8
25.1	Constructing temporary or permanent Vehicle Crossing contrary to Permit	8
25.3	Accessing a Property in a Vehicle other than via a temporary or permanent Vehicle Crossing	4
25.5	Failing to comply with a notice issued under subclause 25.2 or 25.4 .	8
25.6	Failing to perform satisfactory work to a Vehicle Crossing	8
27.1	Behaviour on Roads, Public Places, Council Land and Reserves contrary to Local Law	1
28.1	Displaying goods or services, placing Advertising Sign or placing other items on Road or Road Related Area or in a Public Place contrary to Local Law	3
29	Planting or locating trees, Plants and other objects contrary to Local Law	3

30.1	Obstructing Road, Footpath, Public Place, Council Land or Reserve	3
31.1	Making Shopping Trolley available for use contrary to Local Law	1
31.2	Failing to make Shopping Trolley identifiable	1
31.3	Failing to ensure Shopping Trolley is not left on any Road, in a Public Place or on any Council Land	1
31.6	Failing to claim impounded Shopping Trolley	1
31.7	Using Shopping Trolley for purpose other than for which it has been designed	1
32.1	Consumption or Possession of Alcohol contrary to Local Law	1
32.3	Failing to comply with direction given	1
33.1	Smoking in Smoke Free Area	1
33.3	Failing to comply with direction given	1
34.1	Noise from Vehicle Sound Equipment	1
35	Interfering with or using Council Assets contrary to Local Law	5
36	Allowing any tree or Plant on Property to cause damage to or interfere with a Road or Council Land or Council Asset	1
37.2	Failing to comply with direction given	2
38.1	Failing to obtain an Asset Protection Permit	18
38.10	Failing to comply with a notice to comply	18
40.2	Using a Reserve without the authority of Council	5
40.3	Using or entering a Reserve without paying the charge or entrance fee fixed by Council	1
41	Being on a Reserve without consent	3
42	Using Reserve without a Permit and contrary to Local Law	3
43	Installing gateway or access to Reserve, propagating any tree, shrub, flower or Plant within the Reserve or erecting or installing any structure, equipment or Barbeque within the Reserve, without a Permit	8
46	Soliciting or collecting money or gift without a Permit	3
47	Selling goods, soliciting trade or conducting other similar activities without a Permit	3

48	Selling any service without a Permit	3
49	Displaying or distributing handbill without a Permit	3
50	Holding Special Event or allowing filming without a Permit	15
51.3	Holding a garage sale contrary to Local Law	1
52	Causing obstruction	2
54.1	Failing to ensure Property is clearly identified	3
55	Failing to ensure Nature Strip is maintained in accordance with Local Law	1
56	Camping on Road or in Public Place	2
57	Camping on another's land without a Permit	2
58.1	Allowing others to camp without a Permit	2
58.1	Placing a Charity or Clothing Bin on Council Land or Road on in a Public Place without a Permit	3
60.1	Failing to comply with Local Law in relation to Building Refuse	5
60.2	Failing to comply with notice	5
61.1	Failing to erect site identification sign in accordance with Local Law	5
61.2	Removal of site identification sign contrary to Local Law	2
61.3	Failing to give notice of change of Builder	5
61.4	Failing to give details in notice of change of Builder in accordance with Local Law	5
62.1	Failing to provide Building Site toilet in accordance with Local Law	5
63.1	Failing to erect Building Site fencing in accordance with Local Law	5
63.2	Failing to ensure that Building Site fencing is maintained and remains in place in accordance with Local Law	5
64.1	Allowing a Property to become unsightly or otherwise contrary to Local Law	6
64.2	Allowing a Property to become dilapidated or further dilapidated	6
64.4	Allowing a Property to become dangerous or likely to cause danger to life or property	10

65	Keeping, storing, repairing or using shipping container in any other manner, contrary to Local Law	5
66	Keeping, storing, repairing or using Portable Self-Storage Container in any other manner, contrary to Local Law	2
67	Allowing a heavy vehicle to be parked, kept stored or repaired on Property without a Permit	5
68	Allowing the storage, dismantling, breaking up or repair of Vehicles or machinery or unregistered Vehicles without a Permit	5
71	Allowing fire hazard contrary to local law	2
72	Failure to maintain fire breaks, conduct slashing, ploughing or grading	2
73.1	Burning of certain materials contrary to Local Law	6
73.2	Burning of certain materials contrary to Local Law	10
74	Lighting a Fire in the Open Air on a Road	10
75	Lighting a fire on any Land less than two hectares without a Permit	10
76	Failing to extinguish a Fire that is contrary to Local Law or Permit	10
78	Failing to comply with direction of an Authorised Officer	10
80	Allowing Animal excrement to remain in or on a Public Place and failing to comply with direction of an Authorised Officer	2
81	Keeping Animal contrary to Local Law	3
82	Keeping Animal in a Public Place or on Council Land	3
83.1	Keeping Animal contrary to relevant Codes of Practice	5
83.2	Failing to adequately secure a Property for the keeping of Animal	5
83.3	Failing to ensure any structure for housing Animal complies with Local Law	3
83.5	Failing to ensure any structure for housing Animal is maintained in accordance with Local Law	3
84.1	Allow any noise or smell from Animal to interfere with adjacent or nearby Properties	5
85.1	Keeping Bees contrary to relevant Codes of Practice	3

85.2	Failing to take reasonable steps to remove unmanaged honeybee swarm	3
85.3	Allowing English or European wasps to nest or failing to take reasonable steps to destroy nest	4
85.4	Allowing European honey bees to cause a nuisance	3
88	Depositing Household Refuse or Recyclables contrary to Local Law	2
89	Failing to keep and maintain Council-Provided Mobile Bin	1
90.1	Failing to provide storage area for Council-Provided Mobile Bins	1
90.2	Failing to keep Council-Provided Mobile Bins in storage area provided	1
91.2	Placing a Council-Provided Mobile Bin out for collection contrary to Local Law	1
91.4	Failing to remove Council-Provided Mobile Bin from Footpath, Road or other location in accordance with Local Law	1
91.5	Interfering with Council-Provided Mobile Bins contrary to Local Law	3
92.2	Failing to comply with notice	1
93.1	Placing out refuse for collection other than in an approved Council-Provided Mobile Bin	1
93.2	Placing out Council-Provided Mobile Bin in excess of number approved	1
94.1	Placing anything other than Recyclables in a Council-Provided Mobile Bin specifically designed for Recyclables	1
95	Placing any prohibited waste in a Council-Provided Mobile Bin	5
96.4	Interfering with waste placed out for collection	2
97.1	Failing to obtain a Permit to allow any Bulk Waste Container to be placed within a Road or on Council Land	5
97.4	Failing to ensure any Bulk Waste Container is capable of containing waste	5
97.5	Failing to remove all waste within 3 metre radius of any Bulk Waste Container	3
98	Failing to ensure any container used for the storage of Trade Waste complies with the Local Law	6

100.2 and 100.3	Failing to use the Melton Recycling Facility in accordance with the Local Law	8
100.4	Failing to leave the Melton Recycling Facility when directed to do	1
100.5	Smoking within the grounds of the Melton Recycling Facility	3
103	Failing to immediately obey any reasonable request of an Authorised Officer	1
107	Failing to comply with a notice to comply	5
118	Failing to provide name and address and failing to produce any Permit as requested by an Authorised Officer	1
120	Obstructing an Authorised Officer	3