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1. PART 1 PRELIMINARY PROVISIONS

1.1 Title

1.1.1 This is the General Local Law 2025.

1.2 Purpose

1.2.1 The purpose of this Local Law is to:

- (a) provide for the peace order and good governance of the Municipal District in a way that is complimentary to the Council Plan;
- (b) provide for those matters which require a Local Law under the Act and any other Act;
- (c) provide for the administration of Council powers and functions;
- (d) promote a physical and social environment free from hazards to health, in which the residents of the Municipal District can enjoy a quality of life that meets the general expectations of the community;
- (e) prevent and suppress nuisances which may adversely affect the enjoyment of life within the Municipal District or the health, safety and welfare of Persons within the Municipal District; and
- (f) regulate, control and prohibit certain activities of people within the Municipal District which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the Municipal District.

1.3 Authorising Provision

1.3.1 This Local Law is made under section 71(1) of the Act and section 42 of the *Domestic Animals Act 1994*.

1.4 Operation Date

1.4.1 This Local Law comes into operation on ##insert date.

1.5 Revocation date

1.5.1 Unless revoked sooner, this Local Law ceases to operate on the day that is 10 years after it comes into operation.

1.6 Revocation of other Local Laws

1.6.1 From the commencement of this Local Law, the General Local Law 2015 is revoked.

1.7 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 2020</i> .
Advertising Sign	means any sign, self-resting A frame, poster, panel or other object which advertises or promotes Premises or Merchandise, a business or other commercial activity or enterprise.
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 a structure, awning, room, lean-to or 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 a Building Site.
Appropriate Fee	means the appropriate fee determined by Council from time to time.
Asset Protection Fee	means the fee payable in respect of an Asset Protection Permit.
Asset Protection Permit	means a Permit issued under clause 3.12.
Authorised Officer	means a person appointed under Section 224 of the <i>Local Government Act 1989</i> as an authorised officer for the purposes of this Local Law.
Barbecue	means a structure, device or contraption: (a) designed or constructed for the primary purpose of cooking food in the open air for human consumption; and (b) which is being used for the purposes of cooking food or preparatory or subsequent 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	has the same meaning as in the <i>Building Act 1993</i> .
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: (a) work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a Building, and includes landscaping and concreting; or (b) 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), where the transitional value of which is \$5,000 or more.
Bulk Waste	means any portable container or receptacle specifically designed for the

Container	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 Person appointed to or acting in the position of Chief Executive Officer of Council from time to time.
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. For the avoidance of doubt, Building Work in respect of a dwelling will be complete on the date that an Occupancy Permit is issued.
Council	means Melton City Council.
Council Asset	means any Footpath, kerb and channel, nature strip, sign, notice, parking sign, irrigation and sprinkler system, tree, shrub and other vegetation, street furniture, play equipment, structure, fixture, Vehicle Crossing and other Council property or works forming part of a Road, Council Land or Reserve and any other infrastructure or other asset owned or under the care and management of Council'
Council Land	means any land, Building and other 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 other 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 to a Property by Council for the purpose of, or in connection with, Council-provided refuse collection services.
Dog	means a dog over the age of 3 months.
Driver	has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
Environment Protection Authority	means the Environment Protection Authority constituted under the <i>Environment Protection Act 2017</i> .
Fire Brigade	means either or both of the Metropolitan Fire and Emergency Services Board or Country Fire Authority, as the case may be.
Footpath	means the area between the Property boundary and the kerbside of a Road that is developed for use by pedestrians.
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: (a) physically connected to the Heavy Vehicle (even if that other Vehicle is not a Heavy Vehicle); or

- (b) 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:

- (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; and
- (b) not licensed or otherwise subject to control under the provisions of the *Environment Protection Act 2017*; and
- (c) not a Barbecue.

Industrial Waste has the same meaning as in the *Environment Protection Act 2017*.

Informational Sign means sign, self-resting A frame, poster, panel or other object which contains or displays information but which is not an Advertising Sign.

Land includes a Property, Council Land, a Reserve and a Road but does not include Land:

- (a) owned by; or
- (b) occupied by; or
- (c) 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 of similar or larger size of any age but does not include Poultry.

Liquor has the same meaning as in the *Liquor Control Reform Act 1998*.

Livestock has the same meaning as the *Impounding of Livestock Act 1994*.

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), or any other waste transfer station or similar facility nominated by Council from time to time.

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 *National Parks Act 1975*.

Notice to Comply means a notice issued under clause 8.6.

Noxious Weed	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
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 who owns, or Persons who own, the relevant Property, Vehicle, Animal, Building or Building Site.
Penalty Unit	has the same meaning as in the <i>Sentencing Act 1991</i> .
Permit	includes a Permit issued under this Local Law, a written consent issued under the Road Management Act 2004 and any other written permission or licence issued by Council from time to time.
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 in Charge	means the Person in charge of Building Works being carried out on a Building Site.
Planning Scheme	means the Melton Planning Scheme.
Playing Arena	means an area within a Reserve designated or set aside for competitive games or sports.
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
- (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:

- (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 *Road Safety Act 1986* 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 it to be used primarily for residential purposes.

Residential Zone means an area which is zoned Residential under the Planning Scheme.

Responsible Person for the purposes of clause 3.12 means the:

- (a) Owner of the Property;
- (b) Builder; and
- (c) demolition contractor engaged to carry out any demolition work on the Property.

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 <i>Local Government Act 1989</i> .
Road Related Area	has the same meaning as in the <i>Road Safety Road Rules 2017</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: (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 cause or allow to be sold or offered for sale; and (b) sell for re-sale.
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 stand, crouch or lie, and which is designed to enable or facilitate self-propulsion and beneath which is fitted a set or sets of rollers.
Small Bird	means a budgerigar, canary, finch or other similar sized 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 an area designated to be a smoke free area in accordance with clause 3.9.4.
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 1958</i> .
Tobacco Product	has the same meaning as in the <i>Tobacco Act 1987</i> and includes an e-cigarette, vape and similar product.
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 Premises or other Property from which a trade, business or undertaking is carried on.
Unregistered	means, in respect of a Vehicle, a Vehicle that is not Registered.
Vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .

Vehicle Crossing means an opening or artificial surface which allows or facilitates access from a Road to a Property which abuts that Road.

1.8 Application of Local Law

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

1.9 Incorporation of Documents

1.9.1 The following documents are incorporated into this Local Law in accordance with s 76 of the Act:

- (a) Nature Strip Guidelines Booklet available on Council's website; and
- (b) [other incorporated documents].

1.10 Interpretation

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

2. PART 2 STREETS AND ROADS

2.1 Introduction

- 2.1.1 This Part 2 of the Local Law regulates the use of Roads in the Municipal District.
- 2.1.2 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.
- 2.1.3 Division 2 contains provisions in relation to works on any Road

Division 1 - Traffic

2.2 Exemptions from this Part

2.2.1 The following Vehicles are exempt from the requirements of this Division:

- (a) coaches and Public Transport Corporation buses when parked in clearly designated bus parking areas;
- (b) taxis and stretch limousines providing taxi services when parked in a clearly designated taxi rank;
- (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.

2.3 Power to exempt Persons

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

2.4 Operator Onus

- 2.4.1 Any Offence in this Local Law which may be committed by a Person in respect of a Vehicle may be committed by either the Registered Owner of the Vehicle or any other Person driving or otherwise in charge of the Vehicle at the time of the commission of the offence.

2.5 Offence to park Vehicle on Reserve

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

Penalty: 4 Penalty Units

2.6 Abandoned Vehicles – Vehicles left for an extended period

- 2.6.1 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

2.7 Painting and Repairing on Roads

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

Penalty: 4 Penalty Units

- 2.7.2 Nothing in clause 2.8 applies to a Person who is repairing a Vehicle with the intention and for the purpose of rendering that Vehicle immediately mobile.

2.8 Barriers and Obstructions on Roads

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

Penalty: 6 Penalty Units

- 2.8.2 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

Division 2 – Roads Generally

2.9 Permit required for Works on a Road and Road Related Areas

- 2.9.1 A Person must not, without a Permit, and other 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: 20 penalty units

2.10 Vehicle Crossings

- 2.10.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, construct a temporary or permanent Vehicle Crossing.

Penalty: 10 penalty units

- 2.10.2 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 Crossing by the Owner or Occupier of any Property.
- 2.10.3 A Person must not access a Property in a Vehicle other than via a temporary or permanent Vehicle Crossing.

Penalty: 4 penalty units

- 2.10.4 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 the Vehicle Crossing:
- (a) is redundant;
 - (b) has been constructed in breach of any provision of this clause or a Permit;
 - (c) has not been properly maintained; or
 - (d) is in a state of disrepair.
- 2.10.5 An Owner or Occupier of Property to whom a notice in writing is given under clause 2.10.2 or 2.10.4 must comply with that notice.

Penalty: 10 penalty units

- 2.10.6 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

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

Division 1 –Obstructions and Behaviour

3.1 Introduction

- 3.1.1 Division 1 of this Part 3 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).
- 3.1.2 Division 2 of this Part 3 contains provisions regarding the use of Reserves.

3.2 Behaviour on Roads, Public Places, Council Land and Reserves

- 3.2.1 A Person must not on any Road, Council Land or Reserve:

- (a) behave in a manner which is harmful, indecent, offensive or abusive, or which annoys, disturbs or causes an interruption to the quiet enjoyment by any Person using it or living in close proximity to it;
- (b) behave in a way which is detrimental to Council Assets on it, including by writing or drawing on, or affixing a sticker or other object to, such Council Assets;
- (c) behave contrary to any Sign that contain conditions applying to the use of it; or
- (d) behave contrary to any direction of an Authorised Officer.

Penalty: 2 Penalty Units

- 3.2.2 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.

3.3 Displays, Advertising Signs and Outdoor Trading

- 3.3.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit:
- (a) display any goods or services on a Road, Road Related Area, Council Land or Reserve;
 - (b) place, or cause or allow to be placed, any Advertising Sign on a Road, Road Related Area, Council Land or Reserve;
 - (c) place, or cause or allow to be placed, out any tables and/or chairs on a Road, Road Related Area, Council Land or Reserve for the purposes of outdoor eating or drinking by customers; or
 - (d) place, or cause or allow to be placed, on a Road, Road Related Area, Council Land or Reserve any seat, umbrella, table, chair, planter box, heater, ash tray or other item associated with trading activities.

Penalty: 5 Penalty Units

- 3.3.2 Clause 3.3.1(b) does not apply to an Advertising 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 is only incidental to and not the primary reason why the Vehicle is on the Road, Road Related Area, Council Land or Reserve; and
 - (ii) the Advertising Sign remains on that Vehicle even when it is not on that Road, Road Related Area, Council Land or Reserve; or
- (c) placed out with the consent of a Public Body having the care, management and control of the Road, Road Related Area, Council Land or Reserve.

- 3.3.3 For the purposes of clause 3.3.1(c), 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.

3.4 Informational Signs

- 3.4.1 A person must not, without a Permit, and other than in accordance with the conditions of such Permit, place, or cause or allow to be placed, any Informational Sign on a Road, Road Related Area, Council Land or Reserve.

Penalty: 5 Penalty Units

3.5 Protruding Objects

- 3.5.1 A Person must not plant, locate or cause or allow to be planted or located a tree, plant, sign, hoarding, flag, banner or bunting or other similar object in a way that obstructs or interferes with pedestrian or vehicular traffic by:
- (a) overhanging any Footpath or other part of the Road used by pedestrians at a height of less than 2.1 metres from the ground, or so that it otherwise 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 at an intersection;
 - (ii) obstructs the view between Drivers and pedestrians;
 - (iii) obstructs any Council Asset, including a drain;
 - (iv) obscures a traffic control item from the Driver of an approaching Vehicle or a pedestrian;
 - (v) obscures street lighting; or
 - (vi) otherwise constitutes a danger to Vehicles or pedestrians or compromises the safe and convenient use of the Road.

Penalty: 5 Penalty Units

3.6 General Obstructions

- 3.6.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, cause or permit, or cause or allow to continue, any Obstruction on a Road, Footpath, Council Land or Reserve.

Penalty: 5 Penalty Units

- 3.6.2 Nothing in sub clause 3.6.1 extends to any Person:

- (a) who holds or operates under a permit issued with the authority of an Act or this Local Law;
- (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.

3.7 Shopping Trolleys

- 3.7.1 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 cause 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

- 3.7.2 The Person referred to in clause 3.7.1 must ensure that each Shopping Trolley provided displays a sign that legibly identifies the Person's name or the trading name of the business to which it belongs and a current contact telephone number.

Penalty: 2 Penalty Units

- 3.7.3 The Person referred to in clause 3.7.1 who provides a Shopping Trolley must ensure that the Shopping Trolley is not left on any Road 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

- 3.7.4 A Shopping Trolley and the contents of the shopping trolley found on a Road or on Council Land may be removed and impounded by an Authorised Officer in accordance with clause 8.9.

- 3.7.5 Upon notification that a Shopping Trolley has been impounded, a Shopping Trolley and the contents of the shopping trolley may be claimed by the Person referred to in clause 3.7.1 after the impounding fees have been paid in full in accordance with clause 8.9.

- 3.7.6 Any Person referred to in clause 3.7.1 who does not claim an impounded Shopping Trolley and the contents of the 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

3.8 Consumption and Possession of Liquor

- 3.8.1 A Person must not, on any Road 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:

- (c) licensed premises within the meaning of the *Liquor Control Reform Act 1998*;
- (d) 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*;
- (e) an area in respect of which Council has issued a Permit or licence for the consumption of the Liquor; or
- (f) within an area designated by resolution of Council as an area to which the prohibition in this clause 3.8.1 does not apply.

Penalty: 5 Penalty Units

- 3.8.2 Where an Authorised Officer believes on reasonable grounds that a Person is contravening or has contravened clause 3.8.1, the Authorised Officer may direct

the Person to seal any container or dispose of the contents of any unsealed container.

- 3.8.3 A Person to whom a direction is given under clause 3.8.2 must comply with that direction.

Penalty: 5 Penalty units

3.9 No Smoking in Smoke Free Areas

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

Penalty: 5 Penalty units

- 3.9.2 Where an Authorised Officer believes on reasonable grounds that a Person is contravening or has contravened clause 3.9.1, the Authorised Officer may direct the Person to extinguish and then dispose of the Tobacco Product.

- 3.9.3 A Person to whom a direction is given under clause 3.9.2 must comply with that direction.

Penalty: 5 Penalty units

- 3.9.4 Council may by resolution designate any area within the Municipal District to be a Smoke Free Area.

3.10 Interference with Council Assets

- 3.10.1 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

3.11 Interference from Adjoining Property

- 3.11.1 An Owner or Occupier of Property must not cause or 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

3.12 Council Asset Protection Permit – Building Works

- 3.12.1 A Responsible Person must:

- (a) obtain an Asset Protection Permit before carrying out, or allowing to be carried out, Building Work on any Property; and
- (b) not carry out, or cause or allow to be carried out, any Building Work on a Property unless an Asset Protection Permit has been obtained.

Penalty: 20 penalty units

- 3.12.2 Any Responsible Person may apply for an Asset Protection Permit in respect of a Property.

- 3.12.3 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;
 - (b) requiring protection works to be done;
 - (c) requiring the payment of an Asset Protection Fee;
 - (d) requiring the erection of temporary fencing to the satisfaction of Council;
 - (e) requiring that any or all Council Assets or infrastructure damage be repaired, replaced or re-instated within a specified time;
 - (f) requiring a temporary Vehicle Crossing to be installed to Council's specifications before commencement of any Building Work or delivery of any equipment or materials to the Property; and
 - (g) requiring a bond to be paid to Council.
- 3.12.4 At least 7 days before Building Work commences on a Property, a Responsible Person must give notice to Council of what, if any, damage already exists to any Footpath, kerb and channel, nature strip, street furniture, tree, plant, drain, other Council Asset and Vehicle Crossing which is:
- (a) adjacent to the Property to which the Asset Protection Permit relates; and/or
 - (b) likely to be affected by the Building Works to which the Asset Protection Permit relates.
- 3.12.5 If the holder of the Building Permit does not give notice to Council in accordance with clause 3.12.4, it is deemed, for the purposes of this clause 3.12, that there was no pre-existing damage.
- 3.12.6 A Responsible Person must notify Council of the issue of an occupancy permit or certificate of final inspection in connection with the Building to which an Asset Protection Permit relates within 7 days of issue, so that Council can cause an inspection to be carried out of each Footpath, kerb and channel, nature strip, street furniture, tree, plant, drain, other Council Asset and Vehicle Crossing which is:
- (a) adjacent to the Property; and/or
 - (b) likely to be affected by the Building Works,
- to which the Asset Protection Permit relates.
- 3.12.7 A Responsible Person must repair to the satisfaction of Council or an Authorised Officer all damage to any Footpath, kerb and channel, nature strip, street furniture, tree, plant, drain, other Council Asset and Vehicle Crossing which the inspection conducted under clause 3.12.6 identifies as having been damaged during the course of the Building Work within 28 days of being given notice of the damage.

Penalty: 20 Penalty Units

- 3.12.8 If the conditions on an Asset Protection Permit require a bond to be paid, the amount of the bond will be proportionate to the likely costs of repairing any damage to any Footpath, kerb and channel, nature strip, street, tree, plant, drain, other Council Asset and Vehicle Crossing arising from the Building Work.

- 3.12.9 Where a bond is paid to Council, upon completion of the Building Work, the amount of the bond:
- (a) may be retained by Council to offset the costs of carrying out any works in accordance with the Act and this Local Law; or
 - (b) may be refunded to the person who lodged it upon Council or an Authorised Officer being satisfied that no damage has been caused, or that any damage caused has been repaired, by, or on behalf of, that person.

Division 2 - Reserves

3.13 Introduction

- 3.13.1 The purpose of this Division is to regulate the use of Reserves.
- 3.13.2 Behaviour generally within Reserves is regulated by clause 3.2 and any other relevant clauses in this Local Law.

3.14 Access

- 3.14.1 Council may, by resolution:
- (a) set aside days on, and times at, which members of the public cannot use or enter a Reserve; and
 - (b) fix charges or entrance fees which members of the public must pay before using or entering a Reserve.
- 3.14.2 A Person must not, without a Permit, and other than in accordance with any conditions on that Permit, 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

- 3.14.3 A Person must not, without a Permit, and other than in accordance with any conditions on that Permit, use or enter a Reserve without paying the charge or entrance fee fixed by Council.

Penalty: 2 Penalty Units

3.15 Council may grant Leases and Licences

- 3.15.1 Where Council grants a lease or licence to a Person to occupy or use a Reserve for any purpose:
- (a) if there is any difference or conflict between the provisions of that lease or licence and this Local Law, the provisions of the lease or licence will prevail; and
 - (b) during the period of occupation or use by a lessee or licensee, a Person must not, without the authority of Council:
 - (i) enter; or
 - (ii) remain within or upon,the Reserve without the consent of the lessee or licensee.

Penalty: 5 Penalty Units

3.16 Use of Reserves

3.16.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, within a Reserve:

- (a) camp or pitch, erect or occupy any camp, tent, temporary shelter, Caravan, trailer or Vehicle used as a mobile home;
- (b) hold any circus, carnival or fair, wedding, rally, demonstration or other public gathering;
- (c) erect, fix or place any Advertising Sign or Informational Sign;
- (d) conduct, organise or participate in any competitive game or sport;
- (e) engage in, play or practice football, soccer, cricket, bowls, tennis, lacrosse, archery or any like game, or throw any javelin, shot putt, hammer or boomerang, in a manner that interferes, or is likely to interfere, with the quiet enjoyment of the Reserve by any other Person or Persons;
- (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;
- (g) make a collection of money;
- (h) permit an Animal owned by the Person, or of which the Person is in charge, to be on the Reserve, unless the Animal is controlled by leash, chain or cord not exceeding 1.8 metres in length;
- (i) operate any radio controlled model or vehicle;
- (j) ride or drive any horse, Vehicle or Skateboard:
 - (i) unless, in the case of parking a Vehicle, the Person parks in an area designated for that purpose;
 - (ii) unless, in the case of riding a bicycle or Skateboard, the bicycle or Skateboard is ridden so as to not interfere, or be likely to interfere, with the quiet enjoyment of the Reserve by any other Person or Persons;
 - (iii) except by a member of Council staff or the Victoria Police acting in the course of their 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;
- (k) deliver an address or engage in any form of entertainment;
- (l) conduct a promotion or display any promotional material;
- (m) play or practice golf (except in the Melton Valley Golf Course or the golf practice area located in McPherson Park, Coburns Road); or
- (n) cause or allow vehicular access to adjoining Property for the purposes of Building Works or any other activity (for example, use of a crane).

Penalty: 5 Penalty Units

- 3.16.2 Nothing in clause 3.16.1(h) applies to a Person in control of a dog or a cat on a Reserve, in which case the Person must comply with the *Domestic Animals Act 1994*.

3.17 Adjoining Properties Generally

- 3.17.1 The Owner or Occupier of a Property abutting a Reserve must not, without a Permit, or other than in accordance with the conditions of such Permit:

- (a) install on the Property:
 - (i) a gateway which services; or
 - (ii) other means of access to or from, the Reserve;
- (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

3.18 Lawful Direction to Leave

- 3.18.1 If an Authorised Officer of a member of Victoria Police reasonably believes that a Person in or on a Reserve is contravening this Local Law, they may direct the Person to leave a Reserve, notwithstanding that the Person has paid a fee or charge for admission.

- 3.18.2 A person must immediately comply with a direction issued under clause 3.18.1.

Penalty: 5 Penalty Units

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

4.1 Introduction

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

4.2 Permit required for Soliciting and Collections

- 4.2.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, solicit or collect a gift of money or subscription, Sell a raffle ticket, or otherwise engage in any fundraising activity, in or on a Road, Road Related Area or Council Land.

Penalty: 5 Penalty Units

4.3 Selling Goods or Soliciting for Trade and Similar Activities

- 4.3.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, in or on a Road, Road Related Area or Council Land, Sell goods or solicit or try to attract trade or business or Tout or Spruik, or cause or allow any Person to do so.

Penalty: 5 Penalty Units

4.4 Selling Services

- 4.4.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, Sell any services in or on a Road, Road Related Area or Council Land.

Penalty: 5 Penalty Units

4.5 Handbills

- 4.5.1 A Person must not, without a Permit, and other 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 or Council Land, or cause or allow any Person to do so.

Penalty: 5 Penalty Units

4.6 Special Events and Filming for Commercial Purposes

- 4.6.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, hold a Special Event, or carry out or cause or allow to be carried out any Commercial Filming, in or on a Road, Road Related Area or Council Land.

Penalty: 20 Penalty Units

- 4.6.2 Any Person applying for a Permit to hold a Special Event must, to the extent relevant to the application and as required by an Authorised Officer, provide:

- (a) details of the Special Event in the format required by Council;
- (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;
- (c) advice of any potential police and emergency services personnel resource issues;
- (d) a proposed traffic plan for the event area, with access details for emergency Vehicles and Road closures, and proof of notification and approval from any other relevant authorities;
- (e) a copy of any extended liquor licence application;
- (f) a copy of any extended trading hours application;
- (g) a proposed disaster plan for the event area; and
- (h) a certificate of currency indicating that the applicant has at least \$20 million cover under a public liability policy of insurance.

4.7 Garage Sales

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

- (a) A garage sale must:

- (i) be held entirely on 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; and
 - (ii) not extend to the Footpath or nature strip adjacent the Residential Land or Organisation's Property.
- (b) A Person who, or Organisation which, conducts a garage sale, must not conduct, or cause or allow to be conducted, more than 2 garage sales from any one parcel of Residential Land or other Property within any 1 calendar year.
- (c) A garage sale must not:
- (i) be conducted earlier than 8.00am or later than 7.00pm on any day; or
 - (ii) conducted on more than 2 consecutive days.

Penalty: 2 Penalty Units

4.7.2 A Person who, or Organisation which, conducts a garage sale may erect a sign or signs advertising the garage sale at the Property on which it is conducted, provided that the sign complies, or signs comply, with the provisions set out below:

- (a) the sign or signs must not be erected any earlier than 48 hours before the commencement of the garage sale;
- (b) the sign or signs must be removed prior to midday of the day immediately following the garage sale;
- (c) the sign or signs must not exceed 297mm x 420mm (A3);
- (d) the sign or signs must not contain any offensive language;
- (e) the sign or signs must not be attached to any Council Assets, including Council Buildings, trees and/or street signs;
- (f) the sign or signs must not obstruct any Footpath or walkway, street furniture or Road sign;
- (g) the sign or signs must not be erected on roundabouts or median strips or impact on Road safety in any manner;
- (h) the sign or signs must not be displayed on utility poles; and
- (i) no more than 3 signs relating to a garage sale are to be displayed.

4.7.3 Notwithstanding clause 4.7.2(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.

4.8 Causing Obstruction

4.8.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, invite, encourage, cause 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 or Council Land.

5. PART 5 PROTECTION OF THE AMENITY OF THE MUNICIPAL DISTRICT

5.1 Introduction

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

Division 1 - General

5.2 Identification of Property

5.2.1 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

5.2.2 The Owner or Occupier of a Property must not display, or cause or allow to be displayed, on that Property an incorrect or misleading number.

Penalty: 5 Penalty Units

5.3 Nature Strip Maintenance

5.3.1 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 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

5.4 Camping on Roads and Council Land

5.4.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, occupy or use, or cause or allow to be occupied or used, any tent, Caravan or Annexe on a Road or Council Land.

Penalty: 5 Penalty Units

5.5 Camping on other land

5.5.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, occupy or use, or cause or allow to be occupied or used, any tent, Caravan or Annexe on any land other than a Road or Council Land for a period exceeding 24 continuous hours, unless the occupation or use is otherwise permitted by or under Law.

Penalty: 5 Penalty Units

5.6 Charity or Clothing Bins

5.6.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, place a Charity Bin or Clothing Bin on Council Land or a Road.

Division 2 – Building Works - Impacts

5.7 Building Refuse

5.7.1 Each Responsible Person must ensure that:

- (a) a Refuse Facility is placed on the Building Site on commencement of any Building Works;
- (b) a Refuse Facility is kept on the Building Site for the deposit of Building Refuse until completion of the Building Works;
- (c) all Building Refuse generated on the Building Site is placed in the Refuse Facility;
- (d) 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;
- (e) the lid on the Refuse Facility remains closed at all times except when placing Building Refuse in the Refuse Facility;
- (f) the Refuse Facility is emptied immediately it becomes full, and otherwise at the direction of an Authorised Officer;
- (g) the Refuse Facility is removed from the Building Site within 7 days of the Completion of the Building Work;
- (h) all materials/refuse for or from the Building Site is contained within the boundaries of the Building Site; and
- (i) 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 Roads.

Penalty: 10 Penalty Units

5.8 Site Identification

5.8.1 Prior to the commencement of any Building Work, each Responsible Person must ensure that a sign is erected at the main entrance to the Building Site which:

- (a) is at least 600 millimetres in height and 400 millimetres in width;
- (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;
- (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

5.8.2 Each Responsible Person must ensure that the sign referred to in clause 5.8.1 is not removed until Completion of Building Work.

Penalty: 5 Penalty Units

- 5.8.3 If, prior to Completion of Building Work, there is a change of Builder, the Owner must, within 7 days of that change, give written notice to Council.

Penalty: 8 Penalty Units

- 5.8.4 The notice under clause 5.8.3 must specify the date of the change of Builder and be signed by the Owner and the new Builder.

Penalty: 8 Penalty Units

- 5.8.5 From the date of receipt of the notice under clause 5.8.4 above, the new Builder specified in the notice becomes the Builder for the purposes of this Local Law.

5.9 Building Site Toilets

- 5.9.1 Each Responsible Person must not carry out, or cause or allow to be carried out, any Building Work on a Building Site that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, unless a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (at least monthly), for the use of persons on that Building Site to the satisfaction of Council or an Authorised Officer.

Penalty: 10 Penalty Units

5.10 Site Fencing

- 5.10.1 Prior to the commencement of any Building Work, each Responsible Person must ensure that a fence is erected 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; and
- (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

- 5.10.2 Each Responsible Person must ensure that the fencing referred to in clause 5.10.1 is maintained at all times and remains in place until Completion of the Building Work.

Penalty: 10 Penalty Units

5.11 Unsightly, Dilapidated and Dangerous Premises

- 5.11.1 The Owner and the Occupier of a Property must not cause, permit or allow:

- (a) the Property to become unsightly;
- (b) the Property to become detrimental to the amenity of the area in which it is located;

- (c) a Noxious Weed to grow on the Property;
- (d) vegetation growth of more than 20 centimetres in height on the Property if the Property is located in a Residential 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

- 5.11.2 An Owner and an 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

- 5.11.3 Without limiting the generality of clause 5.11.1(a) and clause 5.11.1(b), a Property may be considered unsightly or detrimental to the amenity of the area in which it is located by the presence of:

- (a) the unreasonable accumulation of Household Waste or Building Refuse on the Property that is visible to the public;
- (b) the overgrowth of vegetation on the Property onto a Road or Road Related Area;
- (c) machinery or vehicle parts which has or have been stored on the land for more than 60 days in one calendar year and the appearance of which is detrimental to the appearance of the surrounding area;
- (d) more than 3 unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles;
- (e) flammable material or any solid or liquid likely to assist the spread of fire or constitute a fire hazard;
- (f) a disused excavation; or
- (g) a Building or structure which is incomplete and is not currently under construction.

- 5.11.4 Without limiting the generality of clause 5.11.2, a Building on a Property might be considered to have become dilapidated or further dilapidated due to:

- (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;
- (b) architectural features of the Building not being properly maintained; or
- (c) the Building having been damaged by fire or storm.

- 5.11.5 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

- 5.11.6 Without limiting the generality of clause 5.11.5, a Property might be considered dangerous, or likely to cause danger to life or property, if 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;
 - (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.

Division 3 - Open Air Burning and Incinerators

5.12 Purpose

5.12.1 The purposes of this Division are:

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

5.13 Application

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

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

5.14 Fire Hazards

5.14.1 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

5.14.2 For the purpose of sub-clause 5.14.1(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.

- 5.14.3 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;
 - (b) ploughing or grading a 3 metre fire break around the perimeter of the Property;
 - (c) burning a 3 metre fire break around the perimeter of the Property, provided that 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

- 5.14.4 Nothing in this clause 5.14 alters or removes any requirement or obligation of an Owner or Occupier under the *Planning and Environment Act 1987*, Planning Scheme or the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) in respect of native vegetation or flora.

5.15 Nuisance and Prohibition of Burning of Certain Materials

- 5.15.1 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:

- (c) cause a nuisance;
- (d) be liable to be injurious or prejudicial to human health; or
- (e) be offensive to any Person.

Penalty: 10 Penalty Units

- 5.15.2 Unless expressly permitted to do so by law, a Person must not burn any:

- (a) rubber or plastic substance;
- (b) petroleum oil or material containing petroleum oil;
- (c) paint or receptacle which contains or has contained paint;
- (d) manufactured chemical; or
- (e) food waste.

Penalty: 20 Penalty Units

5.16 Fires on Roads

5.16.1 A Person must not, without a Permit, without a Permit, and other than in accordance with the conditions of such Permit, light a Fire in the Open Air on a Road, unless that Person is:

- (a) an officer of; or
- (b) a Person authorised by,

a Public Body and engaged in fire protection measures for or on behalf of that Public Body.

Penalty: 20 Penalty Units

5.17 Fires in the Open Air or in an Incinerator

5.17.1 A Person must not, without a Permit, without a Permit, and other than in accordance with the conditions of such Permit, on any Land which is less than two hectares in area light a Fire in:

- (a) the Open Air; or
- (b) an Incinerator.

Penalty: 20 Penalty Units

5.17.2 Nothing in clause 5.17.1 applies in respect of a Fire which is authorised by law to be lit.

5.18 Duty of Owner, Occupier and Person in Charge

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

Penalty: 20 Penalty Units

5.19 Permits

5.19.1 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;
- (b) location of the proposed Fire; and
- (c) day or days upon which the proposed Fire is to be lit and its expected duration.

5.19.2 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;
- (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;

- (c) that the Fire must be supervised by an adult Person from the time it is lit until the time it is completely extinguished;
- (d) that adequate means must be readily available at all times for extinguishing the Fire;
- (e) that the ground within 3 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 10 centimetres in height; and
- (f) that the space above:
 - (i) the matter, material or substance being burnt; and
 - (ii) the ground within 3 metres of the matter, material or substance is free from any vegetation or flammable material;
- (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;
 - (ii) petroleum oil or material containing petroleum oil;
 - (iii) paint or receptacle which contains or has contained paint;
 - (iv) manufactured chemical; or
 - (v) food waste
 must not be burnt.

5.19.3 Council must include in a Permit issued under this clause 5.17 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.

5.20 Directive Powers

5.20.1 A Person who is burning any matter, material or substance upon any Land or on a Road or Council Land 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;
- (b) be liable to be injurious or prejudicial to human health;
- (c) be offensive to any Person upon any other Land or on a Road; or

(d) constitute an offence against this Local Law,

must immediately extinguish the burning matter, material or substance upon being directed to do so by the Authorised Officer.

Penalty: 20 Penalty Units

6. PART 6 ANIMAL CONTROL

6.1 Introduction

6.1.1 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.

6.2 Animal Litter

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

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

Penalty: 4 Penalty Units

6.3 Animal Numbers

6.3.1 A Person must not, without a Permit, and other than in accordance with such Permit keep, or cause or allow to be kept:

- (a) any more of each species or group of Animals than is stated in Table 1 in this clause 6.3.1; or
- (b) any Animal that is not listed in Table 1 in this clause 6.3.1.

Penalty: 8 Penalty Units

TABLE 1

Type of Animal or Bird	On land of 4,000m ² or less	On land more than 4,000m ² and less than 20,000m ²	On land of 20,000m ² or more
Dogs	2	5	Unlimited
Cats	2	5	Unlimited
Poultry (except Roosters)	12	Unlimited	Unlimited
Roosters	Prohibited	1	Unlimited
Small Birds	20	Unlimited	Unlimited
Large Birds	20	Unlimited	Unlimited
Reptiles	5	Unlimited	Unlimited
Rodents	5	Unlimited	Unlimited

6.4 Animals kept in or on Council Land

- 6.4.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, keep any Animal in or on any Council Land.

Penalty: 8 Penalty Units**6.5 Animal Keeping**

- 6.5.1 The Owner or Occupier of a Property must not keep any Animal on that Property except in accordance with any relevant Code of Practice made under the:

- (a) *Prevention of Cruelty to Animals Act 1986*;
- (b) *Domestic Animals Act 1994*; or
- (c) any other relevant Law.

Penalty: 10 Penalty Units

- 6.5.2 The Owner or Occupier of a Property on which any Animal is kept must ensure that the Property is adequately secured to the satisfaction of Council or an Authorised Officer to prevent such Animal from escaping from that Property.

Penalty: 8 Penalty Units

- 6.5.3 The Owner or Occupier of a Property must ensure that any structure on the Property used for housing any Animal on the Property is:

- (a) designed and constructed in a manner approved by Council or an Authorised Officer;
- (b) not less than 6 metres from the frontage of the Property;

- (c) not less than 2 metres from any boundary of the Property;
- (d) not less than 6 metres from any dwelling on adjoining Property; and
- (e) not less than 3 metres from the nearest dwelling.

Penalty: 5 Penalty Units

6.5.4 Clause 6.5.3(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.

6.5.5 The Owner or Occupier of a Property must ensure that any structure on that Property used for housing any Animal and the area within 3 metres of such structure is maintained:

- (a) in a clean, inoffensive and sanitary condition;
- (b) so that it does not cause any nuisance; and
- (c) to the satisfaction of Council or an Authorised Officer.

Penalty: 5 Penalty Units

6.6 Bees and Wasps

6.6.1 The Owner or Occupier of a Property who keeps bees, or causes or allows bees to be kept, on that Property must do so in accordance with the Apiary Code of Practice.

Penalty: 5 Penalty Units

6.7 Permits

6.7.1 Nothing in this Part 6 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 6 or where what would otherwise be prohibited by this Local Law is expressly permitted under Law.

7. PART 7 WASTE MANAGEMENT

7.1 Introduction

7.1.1 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;
- (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

7.2 Deposit of Refuse and Recyclables

7.2.1 Subject to clauses 7.5, 7.6 and 7.10, a Person must not:

- (a) deposit any Household Refuse, Recyclable or other waste upon any Road, Public Place or Council Land;
- (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

7.3 Occupier to Maintain Council-Provided Mobile Bin

- 7.3.1 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.

Penalty: 2 Penalty Units

7.4 Storage of Council-Provided Mobile Bins

- 7.4.1 The Owner of any block of flats or units (none of which is occupied by the Owner) must provide for the use of the Occupiers an area in which to store Council-Provided Mobile Bins which is clearly identified and of sufficient size to hold the relevant number of Council-Provided Mobile Bins.

Penalty: 2 Penalty Units

- 7.4.2 The Occupier of any flat or unit must keep their Council-Provided Mobile Bin in the area provided for that purpose under clause 7.4.1.

Penalty: 2 Penalty Units

7.5 Collection of Council-Provided Mobile Bins

- 7.5.1 The Occupier of a Property who places, or causes or allows to be placed, a Council-Provided Mobile Bin out for collection must do so in a manner that ensures that it:

- (a) is as near to the kerb as possible;
- (b) is aligned so that the handle of the bin is facing away from the kerbside;
- (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.

Penalty: 2 Penalty Units

- 7.5.2 The Occupier of a Property:

- (a) must not place a Council-Provided Mobile Bin out for collection earlier than the day before the day scheduled for collection of the relevant Council-Provided Mobile Bin; and
- (b) must cause each Council-Provided Mobile Bin to be returned to their Property no later than the day after the day scheduled for collection of the relevant Council-Provided Mobile Bin.

Penalty: 2 Penalty Units

- 7.5.3 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

7.6 Designated Collection Points

- 7.6.1 If a designated collection point is provided by Council 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 provided to the Property is placed out for collection at the location specified in the notice.

- 7.6.2 Where a notice is given to the Owner and Occupier of Property under clause 7.6.1, a Person who places, or causes or allows to be placed, a Council-Provided Mobile Bin at a location other than that specified in the notice is guilty of an offence.

Penalty: 2 Penalty Units

7.7 Refuse Receptacles Generally

- 7.7.1 A Person must not place out refuse for collection by Council other than in a Council-Provided Mobile Bin.

Penalty: 2 Penalty Units

- 7.7.2 Unless authorised by Council, the Owner and Occupier of Property must not place, or cause or allow to be placed, out for collection more than the number of Council-Provided Mobile Bins provided by Council to that Property.

Penalty: 2 Penalty Units

7.8 Deposit of Waste in Council-Provided Mobile Bins

- 7.8.1 A Person must not place anything other than:
- (a) Household Refuse in a Council-Provided Mobile Bin which is specifically designated for Household Refuse; or
 - (b) Recyclables in a Council-Provided Mobile Bin which is specifically designated for Recyclables.

Penalty: 2 Penalty Units

7.9 Prohibited Waste

- 7.9.1 A Person must not place, or cause or allow to be placed, in any Council-Provided Mobile Bin any:
- (a) slops or liquid waste;
 - (b) moist refuse unless the moist refuse has previously been strained and securely wrapped in paper so as to prevent its escape or leakage;
 - (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;

- (d) ashes or other like substance unless the ashes are or other substance is non-combustible and free from any heat-generating particles;
- (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;
- (f) commercial or domestic building waste, such as brick, rubble, concrete, timber, plaster, tiles or soil;
- (g) hazardous chemical or material, such as asbestos;
- (h) volatile, explosive or flammable substance;
- (i) nightsoil;
- (j) oil, paints, solvents or like substances;
- (k) waste of a shape, size or weight that cannot be contained in such a Council-Provided Mobile Bin;
- (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;
- (m) needle, syringe or medical waste;
- (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

7.10 Collection of Hard Rubbish

- 7.10.1 Where Council or an Authorised Officer has given notice that a hard rubbish collection will be made, the Owner or Occupier of any Property wishing to make use of that hard rubbish collection must place any hard rubbish out for collection in accordance with the requirements specified in that notice.
- 7.10.2 Upon being placed out for collection, any hard rubbish becomes the unencumbered property of Council.
- 7.10.3 A Person must not, without the authority of Council remove or interfere with any hard rubbish which is placed out for collection.

Penalty: 4 Penalty Units

7.11 Bulk Waste Containers

- 7.11.1 A Person must not, without a Permit, and other than in accordance with the conditions of such Permit, place, or cause or allow to be placed, on a Road or Council Land any Bulk Waste Container.

Penalty: 10 Penalty Units

- 7.11.2 If a Person to whom a Permit is issued under clause 7.11.1:

- (a) has endangered or threatens to endanger the safety of any Person; or

- (b) has Obstructed or threatens to Obstruct the orderly flow of pedestrian or vehicular traffic,

Council or an Authorised Officer may cancel the Permit.

- 7.11.3 A Person to whom a Permit is issued under clause 7.11.1 must ensure that any Bulk Waste Container is capable of containing all waste deposited in it.

Penalty: 10 Penalty Units

- 7.11.4 A Person to whom a Permit is issued under clause 7.11.1 must remove all waste within a 3 metre radius of the Bulk Waste Container, and any waste that has spilt or been blown from the Bulk Waste Container.

Penalty: 5 Penalty Units

7.12 Trade Waste

- 7.12.1 An Occupier of Property which produces Trade Waste must ensure that any container used for the storage of Trade Waste:
 - (a) is constructed of strong and impervious material so as to prevent the escape by leakage of any of its contents and to absorb and accumulate any waste-matter which may be deposited in it;
 - (b) is water, fly and vermin-proof;
 - (c) is provided with a close-fitting lid;
 - (d) 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
 - (e) is otherwise kept in good order and in a clean, sanitary and inoffensive condition.

Penalty: 8 Penalty Units

Division 3 – Melton Recycling Facility

7.13 Introduction

- 7.13.1 The purpose of this Division is to regulate the use of the Melton Recycling Facility.
- 7.13.2 Behaviour generally within the Melton Recycling Facility is regulated by clause 3.2 and any other relevant clauses in this Local Law.

7.14 Melton Recycling Facility

- 7.14.1 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 from time to time;
 - (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;

- (c) may only deposit material designated by Council or the Melton Recycling Facility operator from time to time; and
- (d) must not deposit any hazardous, dangerous or infectious materials.

Penalty: 10 Penalty Units

- 7.14.2 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

- 7.14.3 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

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

Penalty: 5 Penalty Units

8. PART 8 ENFORCEMENT AND PERMIT

8.1 Introduction

- 8.1.1 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

8.2 Offences

- 8.2.1 Failure to comply with this Local Law, whether by the commission of any act, or failure to do anything required by this Local Law, constitutes the an offence against the relevant clause of this Local Law.
- 8.2.2 Where no penalty is specified in any provision of this Local Law the maximum penalty for an offence is 20 penalty units.

8.3 Power of Authorised Officers

- 8.3.1 An Authorised Officer may issue a warning to, serve a notice to comply on or issue an infringement notice to a Person who has breached or is breaching the Local Law and may 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.

8.4 Directive Powers

- 8.4.1 Where a Person has breached or is breaching this Local Law, an Authorised Officer may issue a direction relating to that breach.
- 8.4.2 A Person to whom a direction is issued under clause 8.4.1 must comply with that direction.

Penalty: 3 Penalty Units

8.5 Urgent Circumstances

8.5.1 If:

- (a) a Person has breached any provision of this Local Law in respect of which a Notice to Comply can be issued;
- (b) the breach threatens a person's or an animal's life or health, any property or the environment; and
- (c) the circumstances or situation are sufficiently urgent and that the time involved or difficulties associated with serving a Notice to Comply may exacerbate that threat,

an Authorised Officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:

- (d) the action taken; and
- (e) the reasons for taking the action,

to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

- 8.5.2 Any action taken by an Authorised Officer under clause 8.5.1 must not extend beyond what is necessary to cause the immediate abatement of, or to minimise, the risk or danger.

8.6 Notices to Comply

- 8.6.1 Council or an Authorised Officer may, by serving a Notice to Comply, direct any Person to remedy any thing which constitutes a breach of this Local Law.

8.6.2 A Notice to Comply must:

- (a) specify the thing in breach of the Local Law;
- (b) specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and
- (c) state the time and date by which the breach must be remedied.

- 8.6.3 The time required by a Notice to Comply must be reasonable in the circumstances, having regard to:

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

8.7 Failure to comply with a Notice to Comply

- 8.7.1 A Person who fails to comply with a Notice to Comply served on that Person is guilty of an offence.

8.8 Objection to Notice to Comply

- 8.8.1 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.
- 8.8.2 If a Person lodges an objection the Notice to Comply must be stayed pending determination of the objection by the Authorised Officer.
- 8.8.3 Within 14 days of an objection being lodged, the Authorised Officer must:
- (a) confirm the Notice to Comply;
 - (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.
- 8.8.4 If the Authorised Officer:
- (a) confirms the Notice to Comply, they must provide written notice of the new date and time by which the Person must comply with the Notice to Comply; or
 - (b) varies the Notice to Comply, they must issue a replacement Notice to Comply which includes the new requirements and the new date and time by which the Person must comply with the replacement Notice to Comply.
- 8.8.5 If the Authorised Officer fails to confirm, vary or withdraw the Notice to Comply within the 14-day time period referred to in clause 8.8.3 they will be deemed to have confirmed the Notice to Comply and the date and time for compliance with the Notice to Comply is to be extended by 21 days from expiry of the 14-day period.
- 8.8.6 Failure to comply with a Notice to Comply as confirmed or replaced following an objection is an offence.

8.9 Power of Authorised Officers to Impound

- 8.9.1 An Authorised Officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
- 8.9.2 Where any thing has been impounded under this Local Law, Council or an Authorised Officer must, if it is reasonably practicable to do so, serve notice of the impounding on the Owner or Person apparently responsible for the impounded thing.
- 8.9.3 An impounded thing must be returned to:
- (a) its Owner; or
 - (b) a Person acting on behalf of its Owner who provides evidence to the satisfaction of an Authorised Officer of their authority from the Owner,
- upon

- (c) evidence to the satisfaction of the Authorised Officer being provided of the Owner's right to the thing; and
 - (d) payment of any fee determined by Council or an Authorised Officer from time to time.
- 8.9.4 If, after the time specified in a notice of impounding given under clause 8.9.2, an impounded thing is not retrieved, an Authorised Officer may dispose of the impounded thing:
 - (a) where it has no saleable value, by disposing of in the most economical way;
 - (b) where it has some saleable value, by disposing of it by tender, public auction or private sale; or
 - (c) where the Owner has advised Council in writing that Council may dispose of the goods because they do not intend to retrieve them, by disposing of them in such manner as the Authorised Officer sees fit, including by disposal, sale and give away.
- 8.9.5 When the identity or whereabouts of the Owner of or Person apparently responsible for an impounded thing is unknown, an 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 clause 8.9.4 once they are satisfied that all reasonable efforts have been made to contact the Owner of or Person apparently responsible for the impounded thing.
- 8.9.6 Any proceeds from the disposal of impounded things must be paid to the Owner of the impounded thing, except for the reasonable costs incurred by Council in the disposal of the impounded thing and the administration of this Local Law.
- 8.9.7 If a Person described in clause 8.9.6 cannot be identified or located, Council must comply with requirements of the *Unclaimed Money Act 2008*.
- 8.9.8 Nothing in this clause 8.9 applies to the impounding of alcohol or other things where the nature of the thing impounded is such that it would be impracticable to return it to the person from whom it was impounded or the Owner.

8.10 Infringement Notice

- 8.10.1 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.
- 8.10.2 The penalties fixed in respect of an infringement notice served under this clause 8.10 are the penalties specified in Schedule 1.
- 8.10.3 If no penalty for an infringement notice is stated in Schedule 1, the penalty is 2 penalty units.
- 8.10.4 Any person issued with an infringement notice may pay the penalty in the manner stated on the infringement notice.

8.11 Continuing Offence

- 8.11.1 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

8.12 Permits and Written Consent

- 8.12.1 Any activity requiring the written consent or permission of Council may evidence this consent by way of a Permit issued under this Local Law.

8.13 Application for a Permit

- 8.13.1 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.
- 8.13.2 Council may in its discretion:
- (a) require further information from an applicant;
 - (b) grant an application for a Permit;
 - (c) grant an application for a Permit by issuing a Permit with conditions; or
 - (d) refuse to grant an application for a Permit.
- 8.13.3 In exercising its discretion whether to grant an 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;
 - (b) any submission that may be received in respect of the application;
 - (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.
- 8.13.4 Council may from time to time prescribe:
- (a) the manner and form in which applications for Permits under this Local Law should be made;
 - (b) the manner and form in which any Permit under this Local Law should be issued; and
 - (c) the fee for any such Permit.
- 8.13.5 Any Permit issued by Council will not be operative until the applicant pays any applicable Permit Fee.

8.14 Public Notice

- 8.14.1 Before considering any application for a Permit, Council may require the applicant to give notice of the application:

- (a) in the manner and form; and
- (b) to the Persons,

specified by Council from time to time or in a particular case.

8.14.2 All written submissions received by Council within the time specified in the notice will be considered by Council when determining the application.

8.15 Cancellation and Amendment of Permits

8.15.1 Council may cancel or amend a Permit if:

- (a) there has been a serious or ongoing breach of the conditions of the Permit;
- (b) a Notice to Comply has been issued but not complied with within 7 days after the date and time for compliance specified in the Notice to Comply;
- (c) there was a significant error or misrepresentation in the application for the Permit; or
- (d) in the circumstances, the Permit should be cancelled.

8.15.2 If Council proposes to cancel or amend a Permit, it must:

- (a) give the Permit holder an opportunity to make submissions on whether the cancellation or amendment should occur; and
- (b) take into account any submissions in deciding whether to cancel or amend the Permit.

8.15.3 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.

8.15.4 Unless cancelled sooner, a Permit expires on the date specified in the Permit or, if no date is specified, on the date that is 1 year after the date that the Permit is issued.

8.15.5 A Permit-holder must not assign, transfer or encumber their Permit.

8.16 Contravention of a Permit

8.16.1 Failure to comply with a Permit issued under this Local Law, and any conditions attached to it, constitutes an offence.

8.16.2 An offence against cl 8.16 may be committed by both the Permit Holder and any Person who engages in conduct which contravenes the Permit or the conditions attached to it.

Penalty: 10 Penalty Units

8.17 Fees and Charges

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

8.17.2 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.

8.17.3 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.

8.18 Exemptions

8.18.1 Council may exempt a Person or a class of Persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.

8.18.2 Any exemption:

- (a) must be in writing; and
- (b) may be subject to conditions.

8.19 Authorised Officers

8.19.1 Where in this Local Law the authority of Council is required, that authority may be granted by an Authorised Officer.

8.19.2 Where in this Local Law, something may be done by Council, it may be done by an Authorised Officer.

8.20 Delegation

8.20.1 Pursuant to section 78 of the Act, Council:

- (a) delegates to the Chief Executive Officer all of its powers, functions and duties under this Local Law; and
- (b) authorises the Chief Executive Officer to delegate those powers, functions and duties to the holder of an office or position as a member of Council staff.

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

..... Councillor

..... Chief Executive Officer

Schedule 1 Infringement Penalties

Clause	Description ¹	Penalty Units
2.5.1	Parking on Reserves	1
2.6.1	Abandoning Registered Vehicle	1
2.7.1	Dismantling, painting or repairing Vehicle on Road	1
2.8.1	Placing barrier or obstruction on Road	2
2.8.2	Removing, destroying, damaging, interfering or tampering with or defacing any barrier or obstruction on a Road	1
2.9.1	Carrying out works on Road or Road Related Area without a Permit	5
2.10.1	Constructing temporary or permanent Vehicle Crossing without a Permit	3
2.10.3	Accessing a Property in a Vehicle other than via a temporary or permanent Vehicle Crossing	1
2.10.5	Failing to comply with a notice issued under clause 2.10.2 or clause 2.10.4	3
2.10.6	Failing to perform satisfactory work to a Vehicle Crossing	3
3.2.1	Behaviour on Roads, Public Places, Council Land and Reserves contrary to Local Law	0.5
3.3.1	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	1
3.4.1	Placing Informational Signs on Road or Road Related Area or in a Public Place contrary to Local Law	1
3.5.1	Planting or locating trees, Plants and other objects contrary to Local Law	1
3.6.1	Obstructing Road, Footpath, Public Place, Council Land or Reserve	1
3.7.1	Making Shopping Trolley available for use contrary to Local Law	0.5

¹ Descriptions are to advisory only and are not intended to assist in the interpretation of the Local Law and offences created by it.

Clause	Description ¹	Penalty Units
3.7.2	Failing to make Shopping Trolley identifiable	0.5
3.7.3	Failing to ensure Shopping Trolley is not left on any Road, in a Public Place or on any Council Land	0.5
3.7.6	Failing to claim impounded Shopping Trolley	0.5
3.8.1	Consumption or Possession of Alcohol contrary to Local Law	1
3.8.3	Failing to comply with direction given	1
3.9.1	Smoking in Smoke Free Area	1
3.9.3	Failing to comply with direction given	1
3.10.1	Interfering with or using Council Assets contrary to Local Law	3
3.11.1	Allowing any tree or Plant on Property to cause damage to or interfere with a Road or Council Land or Council Asset	0.5
3.12.1	Failing to obtain an Asset Protection Permit	5
3.12.7	Failing to satisfactorily repair Council Assets	5
3.14.2	Using a Reserve without the authority of Council	3
3.14.3	Using or entering a Reserve without paying the charge or entrance fee fixed by Council	0.5
3.15.1	Being on a Reserve without consent of a lessee or licensee	1
3.16.1	Using Reserve without a Permit and contrary to Local Law	1
3.17.1	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	3
3.18.2	Failing to comply with a direction issued under clause 3.18.1	1
4.2.1	Soliciting or collecting money or gift without a Permit	1

Clause	Description ¹	Penalty Units
4.3.1	Selling goods, soliciting trade or conducting other similar activities without a Permit	1
4.4.1	Selling any service without a Permit	1
4.5.1	Displaying or distributing handbill without a Permit	1
4.6.1	Holding Special Event or allowing filming without a Permit	5
4.7.1	Holding a garage sale contrary to Local Law	0.5
4.8.1	Causing obstruction	1
5.2.1	Failing to ensure Property is clearly identified	1
5.2.2	Display of an incorrect or misleading Property number	1
5.3.1	Failing to ensure Nature Strip is maintained in accordance with Local Law	10.5
5.4.1	Camping on Road or Council Land	1
5.5.1	Camping on other land	1
5.6.1	Placing a Charity or Clothing Bin on Council Land or Road without a Permit	1
5.7.1	Failing to comply with Local Law in relation to Building Refuse	3
5.8.1	Failing to erect site identification sign in accordance with Local Law	3
5.8.2	Removal of site identification sign contrary to Local Law	1
5.8.3	Failing to give notice of change of Builder	2
5.8.4	Failing to give details in notice of change of Builder in accordance with Local Law	2
5.9.1	Failing to provide Building Site toilet in accordance with Local Law	3

Clause	Description ¹	Penalty Units
5.10.1	Failing to erect Building Site fencing in accordance with Local Law	3
5.10.2	Failing to ensure that Building Site fencing is maintained and remains in place in accordance with Local Law	3
5.11.1	Allowing a Property to become unsightly or otherwise contrary to Local Law	3
5.11.2	Allowing a Property to become dilapidated or further dilapidated	3
5.11.5	Allowing a Property to become dangerous or likely to cause danger to life or property	5
5.14.1	Allowing fire hazard contrary to local law	1
5.14.3	Failure to maintain fire breaks, conduct slashing, ploughing or grading	1
5.15.1	Burning of certain materials contrary to Local Law	3
5.15.2	Burning of certain materials contrary to Local Law	5
5.16.1	Lighting a Fire in the Open Air on a Road	5
5.17.1	Lighting a fire on any Land less than two hectares without a Permit	5
5.18.1	Failing to extinguish a Fire that is contrary to Local Law or Permit	5
5.20.1	Failing to comply with direction of an Authorised Officer	5
6.2.1	Allowing Animal excrement to remain in or on a Public Place and failing to comply with direction of an Authorised Officer	1
6.3.1	Keeping Animal contrary to Local Law	2
6.4.1	Keeping Animal in or on Council Land	2
6.5.1	Keeping Animal contrary to relevant Codes of Practice	3
6.5.2	Failing to adequately secure a Property for the keeping of Animal	2

Clause	Description ¹	Penalty Units
6.5.3	Failing to ensure any structure for housing Animal complies with Local Law	1
6.5.5	Failing to ensure any structure for housing Animal is maintained in accordance with Local Law	1
6.6.1	Keeping bees contrary to relevant Codes of Practice	1
7.2.1	Depositing Household Refuse or Recyclables contrary to Local Law	1
7.3.1	Failing to keep and maintain Council-Provided Mobile Bin	0.5
7.4.1	Failing to provide storage area for Council-Provided Mobile Bins	0.5
7.4.2	Failing to keep Council-Provided Mobile Bins in storage area provided	0.5
7.5.1	Placing a Council-Provided Mobile Bin out for collection contrary to Local Law	0.5
7.5.2	Leaving Council-Provided Mobile Bin out for longer than specified	0.5
7.5.3	Interfering with Council-Provided Mobile Bins contrary to Local Law	1
7.6.2	Failing to comply with notice of designated collection point	0.5
7.7.1	Placing out refuse for collection other than in an approved Council-Provided Mobile Bin	0.5
7.7.2	Placing out Council-Provided Mobile Bin in excess of number approved	0.5
7.8.1	Placing anything other than Recyclables in a Council- Provided Mobile Bin specifically designed for Recyclables	0.5
7.9.1	Placing any prohibited waste in a Council-Provided Mobile Bin	3
7.10.3	Interfering with hard rubbish placed out for collection	1
7.11.1	Placing a Bulk Waste Container on a Road or on Council Land without, or contrary to a Permit	3
7.11.3	Failing to ensure any Bulk Waste Container is capable of containing waste	3

Clause	Description ¹	Penalty Units
7.11.4	Failing to remove all waste within 3 metre radius of any Bulk Waste Container	1
7.12.1	Failing to ensure any container used for the storage of Trade Waste complies with the Local Law	2
7.14.1	Failing to use the Melton Recycling Facility in accordance with the Local Law	3
7.14.2	Entering the Melton Recycling Facility when it is closed to members of the public	3
7.14.3	Failing to leave the Melton Recycling Facility when directed to do	0.5
7.14.4	Smoking within the grounds of the Melton Recycling Facility	1
8.4.2	Failing to comply with the direction of an Authorised Officer	1
8.7.1 / 8.8.6	Failing to comply with a Notice to Comply	3
8.16.1	Failing to comply with a Permit	3