

Murrindindi Shire Council

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Community Local Law 2019



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Community Local Law
Adopted by Council on ? 2019

PART 1 - PRELIMINARY

1. Local Law

This Community Local Law is a local law made under Part 5 of the *Local Government Act 1989* and Part 3 of the *Domestic Animals Act 1994*.

2. Objectives

The objectives of this local law are to provide for:

- (1) the peace, order and good government of the municipality;
- (2) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
- (3) the safe and fair use and enjoyment of public places;
- (4) the protection and enhancement of the amenity and environment of the municipality;
- (5) a fair and reasonable use and enjoyment of private land; and
- (6) a uniform and fair administration of this Local Law.

3. Commencement and revocations

This Local Law commences to operate on **date** (after publication in Government Gazette **date ? 2019** and ceases to operate on 1/1/2029 unless revoked earlier. Upon its commencement, the *Community Local law 2012* is revoked.

4. Application of Local Law

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

5. Definitions.

In this Local Law the following words have the meaning given to them unless stated otherwise:

the Act	means the <i>Local Government Act 1989</i>
abandoned vehicle	means a vehicle that has not been moved for 2 months as referred to in clause 3(4) of Schedule 11 of the Act

advertising sign	means a board, notice, banner or similar device used for the purposes of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.
alfresco dining	Means any tables and/or chairs that are used for commercial purposes and are located outside of doors on a municipal place at which food or drinks are served and may be consumed in connection with premises adjoining or situated nearby
animal	includes every species of quadruped and every species of bird and includes a kangaroo, ostrich and emu
asset	means a resource or structure that has a public service function and may require management by Council or another service authority, including, but not limited to: a) roads; b) footpaths; c) nature strips; d) kerb and channel; e) drainage pits and pipes; f) street furniture; g) signage; h) street trees; and i) service pits.
Asset Protection Permit	A written permit issued by Council for the protection of public infrastructure assets during works
Authorised Officer	means a person appointed as an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> . This includes a staff member of the Council delegated by the Council to perform a duty or function or to exercise a power conferred by this <i>Community Local Law 2019</i> , whether by direct delegation from the Council or by delegation from the Chief Executive Officer
barbecue	means any fixed or portable device designed exclusively for meals preparation fired by gas, electricity or other flammable materials
building site	means any land on which building work is carried out
building work	includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure. Includes retaining walls and pools. Please also see "minor building works"
bulk rubbish container	means a container, bin, skip, hopper or other receptacle which is designed or used for holding refuse or rubbish and is unlikely to be moved without mechanical assistance, but does not include a rubbish receptacle used in connection with the Council's collection service for domestic waste
busk	Means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money
camp	means erecting and occupying a tent, caravan, RV or other similar vehicle or device

caravan	means a vehicle used or adapted for living and designed to be towed by another vehicle and includes vehicles without wheels or axles and whether it is resting directly on the ground or on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used in conjunction with a caravan while it is stationary
Chief Executive Officer	means the person appointed as the Chief Executive Officer of the Council
clothing bin	means any receptacle designed for the collection of donated clothing or goods for recycling
commercial waste	means any rubbish, refuse, sludge, slurry, liquid, hard garbage or other matter whatsoever arising from any trade, industry or commercial undertaking
commercial zone	means land zoned commercial under the <i>Murrindindi Planning Scheme</i>
Council	means the Murrindindi Shire Council
dangerous dog	Has the same meaning as in the Domestic Animal Act 1994. It is defined as: (a) a dog which has been declared to be dangerous by a Council under Part 3 of the Domestic Animals Act 1994; or (b) a dog which by virtue of the operation of section 34A of the Domestic Animals Act 1994 is a dangerous dog.
Domestic Bird	Means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary but excludes large and/or noisy birds (eg: roosters) capable of causing disturbance and discomfort to neighbours, and, , excludes pigeons, fowl and poultry
Droving of Livestock	Means a single driving of Livestock in or through the Municipal District, or from one location to another for the purpose of changing the grazing area, or for the purposes of sale or relocation after sale, but excludes the "Regular Movement of Livestock" or the "Grazing of Livestock"
Drone	means a remote piloted aircraft
farm animal	Has the same meaning in this Local Law as "livestock"
fine	A sum of money exacted as a penalty. Fines are calculated by multiplying the value of one penalty unit by the number of penalty units prescribed by the offence. See schedule 9 for the current value of a penalty unit
Fire Danger Period	Has the same meaning as the <i>Country Fire Authority Act 1958</i> , Section 4
grazing of livestock	Means the use of a road for the purposes of grazing livestock, which includes supplementary feeding, but excludes the 'Droving of Livestock' or the 'Regular Movement of Livestock'
heavy vehicle	is any vehicle over 4.5 tonnes gross vehicle mass

incinerator	<p>means a structure, device, contraption (not enclosed in a building) which is:</p> <p>(a) used or intended, adapted, or designed to be used or capable of being used for the purpose of burning anything;</p> <p>(b) not licensed or otherwise subject to control under the provisions of any other legislation; and</p> <p>(c) not a barbecue, fire pit or other structure/device used to contain a fire for warmth</p>
industrial zone	means land zoned industrial under the <i>Murrindindi Planning Scheme</i>
livestock	means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes other than a dog or cat
long vehicle	has the same meaning as the <i>Road Safety Road Rules 2009</i>
minor building work	<p>works are only classified as minor once the municipal building surveyor has made a determination. A determination is only made once the context and circumstances of each case are considered by the municipal building surveyor.</p> <p>Please also see “building works”</p>
motorhome	means a motor vehicle on a purpose built chassis and designed to serve as self-contained living quarters for recreational travel also referred to as an “RV” or recreational vehicle
motorized recreational vehicle	means all mini bikes, trail bikes, motor bikes, motor scooters, go- karts, motor cars and any other bike or vehicle propelled by a motor which is normally used for recreational purposes, but does not include mobility scooters or any vehicle used primarily in respect of primary production, construction or maintenance or motor homes or buses
Municipal Environmental Health Officer	Means any Municipal Environmental Health Officer appointed by the Council from time to time
Municipal Fire Prevention Officer	Means any Municipal Fire Prevention Officer appointed by the Council from time to time
Municipal Building Surveyor	administers the building control responsibilities of the Local Government and Building Acts on behalf of Council
municipal road	<p>has the same meaning as the <i>Road Management Act 2004</i>. Namely:</p> <p>any road which is not a State road, including any road which:</p> <p>(a) is a road referred to in section 205 of the <i>Local Government Act 1989</i> ; or</p> <p>(b) is a road declared by VicRoads to be a municipal road under section 14(1)(b) ; or</p>

	(c) is part of a Crown land reserve under the <i>Crown Land (Reserves) Act 1978</i> and has the relevant municipal council as the committee of management
municipal place	Means any place within the Municipal District that is owned or occupied by the Council and/or controlled or managed by the Council, which the public may or may not have access to (whether an admittance fee is required or not) but also includes Council Land, a Municipal Reserve, Municipal Building, recreation centre, Footpath and Road, and any structures, artworks, public decorations or other public displays erected upon or situated at these places.
municipal reserve	Means any land, either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public decorations, other public displays and any structures other than a building, erected upon or situated at these places, but excludes a Road.
notice to comply	means a notice issued by Council under this <i>Community Local Law 2019</i> that requires initiation and/or completion of actions within a required time frame
noxious	substance that is physically harmful or potentially fatal to living beings. When being burned, noxious substances may give off noxious smoke
nuisance	Doing something that stops another person fully using and enjoying land they own or occupy. For example, someone burning off smelly rubbish in their backyard might ruin a neighbour's enjoyment of their garden.
penalty unit	Means a Penalty Unit set out in section 110(2) of the <i>Sentencing Act 1991</i> that is currently fixed at \$100 for each one (1) Penalty Unit and includes any amendments to that amount as determined from time to time
permit	means a permit issued by Council under this <i>Community Local Law 2019</i>
poultry	domestic fowl such as chickens, turkeys, ducks and geese
Planning Scheme	means the <i>Murrindindi Planning Scheme</i> operating in the Murrindindi Shire made under the <i>Planning and Environment Act 1987</i>
public place	has the same meaning as the <i>Summary Offences Act 1966</i>
recyclables	means any substances or articles which the Council designates as Recyclables and are described by the Council in any newspaper generally circulating in the Municipal District
regular movement of livestock	Is defined as movement of livestock along roads or roadsides at least once per month
residential zone	means land in any of the residential zones under the <i>Murrindindi Planning Scheme</i> or land characterised as such if the land is under 1 hectare in size
resource recovery centre	Is a waste recycling, collection and transfer facility aiming to facilitate the reduction of the volume of local waste going into landfill

restricted breed dog	<p>Has the same meaning as in section 3(1) of the <i>Domestic Animal Act 1994</i>, namely a dog that is any one of the following breeds:</p> <ul style="list-style-type: none"> (a) Japanese Tosa; (b) fila Brasileiro; (c) dogo Argentino; (d) Perro de Presa Canario (or Presa Canario); (e) American Pit Bull Terrier (or Pit Bull Terrier);
Roadside	<p>Has the same meaning as the <i>Road Management Act 2004</i>. Namely:</p> <p>any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed</p>
rural zone	means land zoned rural under the <i>Murrindindi Planning Scheme</i>
scaregun	means a gas gun or similar gun or noise emitting device designed to scare birds from attacking crops, but does not include a firearm
sell	<p>includes any of the following:</p> <ul style="list-style-type: none"> (a) barter or exchange; (b) agree to sell or offer or expose for sale; (c) receive for sale; (d) have in possession for sale; (e) send, forward or deliver for sale; (f) advertise for sale; (g) sell for re-sale; (h) cause, permit or attempt any of the acts or things mentioned in paragraphs (a) to (g); (i) give away.
Senior Officer	Has the meaning ascribed to it in section 3 of the <i>Local Government Act 1989</i> and includes the Chief Executive Officer.
septic tank system	has the same meaning as in section 53J of the <i>Environment Protection Act 1970</i>
spruik	Means attracting custom by public aural appeals to passers-by, with or without sound amplification equipment

toxic	containing or being poisonous material especially when capable of causing death or serious debilitation
unoccupied land	land without a dwelling or land without a residence
vehicle	has the same meaning as “motor vehicle” in section 3 of the <i>Road Safety Act 1986</i>
vehicle crossing	Means the constructed surface between the road pavement to the property boundary for vehicle access, including any Footpath section, crossing culverts, kerb and channel or layback
vermin	has the same meaning as prohibited pest animals, controlled pest animals, regulated pest animals or established pest animals in the <i>Catchment and Land Protection Act 1994</i> and includes (but is not limited to): <ul style="list-style-type: none"> • Cattle, Goats, Sheep, Antelope, Camels, Llamas, Deer (certain breeds), Pigs, Cats, Dogs, Rats, Mice, Red Foxes, Rabbits, Hares, Horses, Donkeys,
waste	Has the meaning ascribed to it in section 4 of the <i>Environment Protection Act 1970</i>

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PART 2 - SAFETY OF PEOPLE & PROPERTY

Animals

6. Keeping animals

(1) Without a permit, an owner or occupier of land in a [residential zone](#), must not keep or allow to be kept on that land:

- (a) more than 4 different kinds of animals at any time; or
- (b) more than the following number of animals:
 - (i) 2 dogs (not being a restricted breed, menacing or declared dangerous dog);
 - (ii) any restricted breed, dangerous or menacing dog
 - (iii) 2 cats;
 - (iv) 10 chickens;
 - (v) 2 ducks, geese, pheasants, turkeys;
 - (vi) 2 rabbits;
 - (vii) 2 guinea pigs;
 - (viii) 2 ferrets;
 - (ix) 50 [domestic birds](#); or
- (c) any sheep, goats, horses, or cattle unless the land is larger than *0.5 hectares* where an owner/occupier may keep 2; or
- (d) any pigs, roosters or peacocks.

Penalty Units: 10

(2) Without a permit, an owner or occupier of land in a [rural zone](#) must not keep or allow to be kept on that land:

- (a) more than 5 dogs;
- (b) more than 5 cats.
- (c) any restricted breed, dangerous or menacing dog

Penalty Units: 10

(3) Without a permit, an owner or occupier of any land must not keep or allow to be kept on any land any pigeons other than those registered with an accredited organisation.

Penalty Units: 10

Accredited organisations include Victorian Racing Pigeon Union, Victorian Homing Association and Victorian Pigeon Racing Association.

7. Animal housing

- (1) The owner or occupier of any land on which animals are kept must ensure they are securely confined to the property at all times.

Penalty Units: 10

- (2) Housing needs to be adequate and appropriate in the circumstances, taking into consideration:

- (a) the type of animals to be kept;
- (b) the height of the shelter;
- (c) the number of animals to be kept;
- (d) the capacity to maintain it in a sanitary and inoffensive condition;
- (e) the capacity to protect neighbours from noise from animals on the land; and
- (f) any other matters considered to be relevant.

Penalty Units: 10

8. Animal excrement

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on any [municipal road](#), [municipal reserve](#) or [municipal place](#).

Penalty Units: 5

- (2) A person in charge of an animal, which litters a public place must immediately collect and dispose of the droppings in such a manner as not to cause a detriment to any other person or to present any environmental pollution.

Penalty Units: 5

- (3) A person in charge of an animal that is deceased, must ensure that the deceased animal is buried, burnt or removed from that land in a timely manner and ensure that the deceased animal is properly disposed of in a humane manner without creating a public health or environmental hazard.

Penalty Units: 5

9. Droving¹, regular movement and roadside grazing of livestock

- (1) Without a permit, a person must not undertake [droving of livestock](#) on any any [municipal road](#), [municipal reserve](#) or [municipal place](#).

Penalty Units: 10

¹ Note that if livestock is to be driven on an arterial road, the consent of VicRoads is required. See rules 400, 402, 403 and 404 of the *Road Safety Road Rules 2017*

- (2) Without a permit, a person must not undertake [regular movement of livestock](#) on any [municipal road](#), [municipal reserve](#) or [municipal place](#)

Penalty Units: 10

- (3) Without a permit, a person must not allow [livestock](#) onto a any [municipal road](#), [municipal reserve](#) or [municipal place](#) for the purposes of grazing.

Penalty Units: 10

Land & General Amenity

10. Dangerous Land

- (1) An owner or occupier of land must not cause or allow the land to be:
- (a) kept in a manner which is dangerous or likely to cause danger to life or property; or
 - (b) used for the storage of any substance, which in the opinion of an authorised officer is dangerous or is likely to cause danger to life or property; or
 - (d) in any condition determined by the Council from time to time to be dangerous or likely to cause danger to life or property and notified by the Council to the owner.

Penalty Units: 20

- (2) An owner or occupier of property who is aware that there is a European Wasps' nest on the property must take steps to cause it to be removed.

Penalty Units: 10

- (3) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove a European Wasps' nest(s)

Penalty Units: 10

11. Unsightly land

- (1) An owner or occupier of land must not allow or permit the land to be kept in a manner that is unsightly or detrimental to the general amenity of the neighbourhood.

Penalty Units: 15

- (2) For the purposes of clause 11(1), land is deemed to be unsightly or detrimental to the general amenity of the neighbourhood in which the land is located if the land:

- (a) has upon it for more than 24 hours, any of the following:
 - (i) uncontained rubbish, construction or demolition rubble;
 - (ii) disused excavation material;
 - (iii) excessive waste or other materials (as determined by an authorised officer);
 - (iv) disused machinery or [vehicles](#);
 - (v) more than two unregistered [vehicles](#) outside of shedding;

- (vi) graffiti that remains on the premises for more than seven (7) days, unless any Act or regulation relating to graffiti permits such graffiti to remain on the land for a longer period.
- (vii) uncontrolled [vermin](#);
- (viii) grass or weeds present on the land which exceed 200 millimetres in height;
- (ix) shipping containers, unless they comply with requirements outlined in [Schedule 1](#); or
- (x) Any other item or thing as determined by Council from time to time.

Penalty Units: 15

- (3) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove unsightly material and maintain the property in an appropriate manner.

Penalty Units: 15

12. Storage of machinery and second hand goods on property

- (1) A person must not, without a permit, use any land for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.

Penalty Units: 10

- (2) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove machinery and second hand goods and maintain property in appropriate manner

Penalty Units: 15

13. Shipping Containers

- (1) A person must not, without a permit, store, keep or place a shipping container on any land within the municipal district unless permitted under a planning permit issued in accordance with the Murrindindi Planning Scheme.

Penalty Units: 15

- (2) An owner or occupier if directed or given written notice by an authorised officer, must take steps to remove a shipping container from any land that is not permitted in accordance with clause 13(1)

Penalty Units: 15

- (3) Shipping containers placed on any land in the Murrindindi Shire must comply with requirements outlined in [schedule 1](#).

Penalty Units: 15

14. Motorized Recreational Vehicles

- (1) A person must not, without a permit, use a [motorized recreational vehicle](#) on any [municipal reserve](#) or [municipal place](#) (other than any public highway or road) unless the land or reserve has been designated by Council for that purpose.

Penalty Units: 15

- (2) A person must not, without a permit, use a [motorized recreational vehicle](#) on [unoccupied land](#) unless it is for primary production purposes or for the management of that land

Penalty Units: 15

- (3) A person must not use a [motorized recreational vehicle](#) on private land in such a manner as to cause a [nuisance](#) to neighbouring landowners because of sound, smell, dust, smoke, soil erosion or any other factor that causes a [nuisance](#)

Penalty Units: 15

- (4) An owner or occupier if directed or given written notice by an authorised officer, must take steps to ensure [motorized recreational vehicle](#) use does not cause a [nuisance](#)

Penalty Units: 15

- (5) Recreational vehicle use must comply with requirements outlined in [schedule 4](#).

Penalty Units: 10

15. Noise in a public place

- (1) A person must not, without a permit, in a [public place](#) sound, play, control, operate or use a loudspeaker, amplifier, microphone, wireless receiving set or broadcasting set or other like device capable of being used for making or amplifying sounds or noise which is detrimental to the general amenity of the place.

Penalty Units: 10

- (2) An owner or occupier must when directed by an authorised officer, cease making noise in a [public place](#)

Penalty Units: 10

16. Audible Alarms - Buildings

- (1) An owner or occupier of any premises must not install or permit or allow to be installed or cause to be retained in an active state at or upon any such premises any alarm which emits a noise audible beyond the boundary of such premises unless such an alarm is so constructed or regulated as to ensure that:

- (a) When a detection device is activated, the audible alarm is automatically rendered inaudible beyond the boundary of the premises within 10 minutes of the device being activated;

Penalty Units: 10

- (b) The audible alarm cannot reactivate until the device has been manually reset.

Penalty Units: 10

- (2) Despite the above provisions an audible alarm may operate for a further period of 10 minutes should an alarm be activated by a different detection device following the cessation of the audible intruder alarm in accordance with paragraph (a) and (b) of clause (1).

- (3) If the owner or occupier of the property housing the audible alarm or other device confirms a complaint, an authorised officer may by notice to comply require that the audible intruder alarm be:
- (a) adjusted to comply with this clause;
 - (b) replaced with a complying audible intruder alarm;
 - (c) switched off; or
 - (d) disconnected.

Penalty Units: 10

17. Council Signs – Code of Conduct

A person must comply with the instructions or 'code of conduct' on any Council sign erected in/on any municipal building, or on any [municipal reserve](#) or [municipal place](#).

Penalty Units: 5

18. Camping

- (1) A person must not, without a permit, [camp](#) on any municipal road, [municipal reserve](#) or [municipal place](#)

Penalty Units: 10

- (2) A person must not, without a permit, camp on [unoccupied land](#) unless they comply with requirements in [Schedule 8](#)

Penalty Units: 5

19. Events and festivals

- (1) A person must not, without a permit, conduct a festival or other similar event on on any [municipal reserve](#) or [municipal place](#).

Penalty Units: 10

- (2) Clause (1) does not apply where the Council's planning scheme allows an event to be held subject to a planning permit being obtained or required.

20. Consumption of Alcohol

- (1) A person must not without a permit:

- (a) consume alcohol or be in possession of [alcohol](#) in an open container in a [municipal place](#) or [municipal reserve](#) outside the hours of 12pm (noon) and 8pm unless otherwise permitted.

Penalty Units: 10

- (b) consume alcohol at any time in a [municipal place](#) or [municipal reserve](#) designated as an alcohol free zone (see [schedule 2](#) for a list of zones) unless otherwise permitted.

Penalty Units: 10

- (2) Subclauses 20(1)(a) and 20(1)(b) do not apply to a person taking part in an event or festival for which Council has granted a permit which allows the consumption of liquor or allows the possession of liquor or is an authorised premises under the *Liquor Control Reform Act 1998*.

Open Air Burning

21. Any Fire

- (1) An authorised officer may direct any person to extinguish any fire.
Penalty Units: 20
- (2) Clauses relating to burning of vegetation (clauses 25-26) do not apply during the Country Fire Authority's annual declared [Fire Danger Period](#).

22. Burning of vegetation piles – land size less than one hectare

- (1) A person may light a fire to burn vegetation piles on land less than one hectare without a permit - if they comply with the conditions set out in [Schedule 5](#).
Penalty Units: 20
- (2) A person must not without a permit light a fire to burn vegetation piles on land up to one hectare for any fire that does not comply with the requirements set out in [Schedule 5](#).
Penalty Units: 20

23. Burning of vegetation piles – land size greater than one hectare

- (1) A person may light a fire to burn vegetation piles on land greater than one hectare without a permit - if they comply with the conditions set out in [Schedule 6](#).
Penalty Units: 20
- (2) A person must not without a permit light a fire to burn vegetation piles on land greater than one hectare for any fire that does not comply with the requirements set out in [Schedule 6](#).
Penalty Units: 20

24. Nuisance

- (1) A person must not light a fire on land that causes a [nuisance](#) to any other person.
Penalty Units: 20
- (2) A person must not on any land burn any [noxious](#) or [toxic](#) substance.
Penalty Units: 20
- (3) A person who directs another person to light a fire in contravention of subclause (1) and (2) is guilty of an offence.
Penalty Units: 20
- (4) For the purpose of subclause (2) materials containing the following substances are classified as [noxious](#) or [toxic](#):
- (a) any manufactured chemical;

- (b) any rubber, plastic, foam or fabric, or article which is comprised of these in whole or part;
- (c) any petroleum or oil;
- (d) any item which is painted in whole or part, or any receptacle which contains liquid or dried paint;
- (e) food waste or other offensive or noxious matter;
- (f) construction or demolition waste, including but not limited to manufactured timbers, painted timbers, plasterboard, insulation, pipework, cladding, flooring, cabinetry, asbestos;
- (g) household items, including but not limited to furniture, bedding, clothing, kitchen goods;
- (h) business or industrial waste, including but not limited to cardboard, fabric, silage wrap, bale twine, bale netting, chemical drums; and
- (i) any other material as determined by the Council from time to time

25. Incinerators

- (1) Without a permit, a person must not light an [incinerator](#) at any time.

Penalty Units: 20

Disposal of Waste

26. Removing or interfering with recyclable material

- (1) A person must not remove or interfere with recyclable material left for municipal collection on a road, or at any other collection point.

Penalty Units: 10

- (2) Clause (1) does not apply to a person authorised by Council to remove such materials.

27. Domestic waste

This clause applies to the occupier/owner of every dwelling or other property where the Council provides a garbage service.

- (1) All domestic garbage and [recyclables](#) must be placed in authorised garbage and recycling bins provided by Council for collection in accordance with Council requirements and on the days from time to time specified by the Council.

Penalty Units: 10

- (2) The bins used should be those wheelie bins provided by Council and marked with the Council logo. They include:
- (a) a garbage bin that meets Council requirements. Approved garbage bins are a red lidded wheelie bin with Council logo;
 - (b) a recycling bin that meets Council requirements. Approved recycling bins are a yellow lidded wheelie bin with Council logo.

Council may alter the shape, volume and colour of the bin bodies at any time.

In exceptional circumstances, an authorised officer may authorise the collection of a non-shire bin, but the bin must still be an appropriately sized wheelie bin of strong construction with a fitted lid.

Penalty Units: 10

- (3) When the Council supplies or arranges the supply of bins, any domestic garbage or [recyclables](#) left for collection must be stored in the appropriate bin supplied.

Penalty Units: 10

- (4) Bins must be placed on the verge of the vehicle crossing or roadway abutting the property the night before the waste is to be collected. If this is not possible - such as if property is on the turn-around area of a court, the bin is to be left of the verge of a non-turn-around section of the road.

- (5) The following material is prohibited from being placed in garbage bins for collection by the Council:

- (a) liquid waste of any kind;
- (b) grossly offensive material, including but not limited to animal carcasses;
- (c) dirt, dust, or other matter from any vacuum cleaner, ashes, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;
- (d) ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;
- (e) glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless and inoffensive;
- (f) oil, paint, solvents or similar substance or any other substance which may damage the bin or reduce its strength or effectiveness;
- (g) disposable nappies unless they have been securely wrapped in impervious material prior to being placed in the bin;
- (h) construction or demolition waste; and
- (i) trade wastes of any kind.

Penalty Units: 10

- (6) The recycling bins provided are for the collection of domestic recycling only, typically those items generated in the kitchen, bathroom and laundry. Only the following items are allowed in a recycle bin:

- (a) dry, clean paper or cardboard;
- (b) tin or aluminium cans;
- (c) glass bottles or jars; and

- (d) solid plastic containers marked with recyclable symbols 1-7

Penalty Units: 10

- (7) It is not permitted to place the following items in recycle bins:

- (a) any recyclable product that is grossly contaminated with food or other product remnants;
- (b) any other material approved by Council from time to time.

Penalty Units: 10

- (8) Once the waste has been collected by the Council, the empty bins must be returned to the property between collections. Any small amounts of waste which has inadvertently spilled onto the road, nature-strip or surrounding area during collection must be removed by the occupier responsible for the bin.

Penalty Units: 10

- (9) Bins must be maintained in a sound, clean and odour-free condition suitable for collection.

Penalty Units: 10

28. Temporary trade waste and industrial waste hoppers, skips and bins

- (1) The owner, builder or appointed agent who arranges for the collection of trade waste or for the placement of a waste skip or recycling skip must ensure that the requirements of this clause are complied with.

Penalty Units: 5

- (2) Waste skips or bins used for the collection and storage of trade waste must:

- (a) be constructed of approved impervious material to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and
- (b) have a waterproof lid that can also exclude vertebrate and insect [vermin](#) unless they are for construction waste; and

Penalty Units: 5

- (3) Waste hoppers or bins must be emptied at least monthly or more regularly if the contents become offensive.

Penalty Units: 5

- (4) The occupier must ensure that:

- (a) the bin is stored and maintained in a clean, sanitary and inoffensive condition and must at all times keep clean any footway, pavement or ground adjoining the storage area;
- (b) the surface upon which the bin is stored, is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required;
- (c) the bin is screened in an approved way;

- (d) the bin is cleaned thoroughly after each emptying if it has contained degradable or odourous waste.

Penalty Units: 5

- (5) Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

Penalty Units: 5

- (6) A person must not place any waste or material in a trade waste, waste hopper or recycling bin, contrary to the notice on it.

Penalty Units: 5

- (7) A skip bin or trade waste bin must not be placed in a [municipal place](#) or [municipal reserve](#) without a permit.

Penalty Units: 5

29. Depositing of Waste at Resource Recovery Centre

- (1) A person who uses the [resource recovery centre](#) must deposit waste in accordance with the directions of the site operator or other authorised officer of Council, and any signs erected at the [resource recovery centre](#).

Penalty Units: 5

30. Depositing of household or commercial waste in public litter bin

- (1) No person shall place any domestic waste or [commercial waste](#) in any public litter bin located in a [municipal place](#) or [municipal reserve](#)

Penalty Units: 10

Builders Rubbish

31. Control of Builder's Refuse

- (1) When any [building work](#) (other than [minor building work](#)) is being carried out on any land, the owner, builder or appointed agent must:
- (a) provide a facility for the purpose of disposal of builder's refuse and provided the facility contains all builders' refuse on the land to the satisfaction of Council, its size, design and construction will be at the discretion of the builder;
 - (b) place the facility on the land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) not place the facility in a [municipal place](#) or [municipal reserve](#) without a permit;
 - (d) empty the facility whenever full and if necessary, a replacement facility should be provided during the emptying process.

Penalty Units: 15

- (2) Any requirement to provide a facility may be waived at Council's discretion.

32. On-site management of Builder's Refuse

During [building work](#):

- (1) the owner, builder or appointed agent must ensure that all builders refuse, which requires containment is placed in the facility referred to in Clause 31.1(a); and

Penalty Units: 15

- (2) the owner, builder or appointed agent must ensure that the builders' refuse is not deposited in, or on any land other than in accordance with Clause 33; and

Penalty Units: 15

- (3) the owner, builder or appointed agent must ensure that the builder's refuse is not deposited in or over any part of the stormwater system.

Penalty Units: 15

33. Disposal of Builders Refuse

- (1) On any land where [building work](#) is being, or has been carried out, the owner, builder, or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the facility referred to in Clause 31.1(a), within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.

Penalty Units: 10

- (2) All builders waste, whether construction or demolition waste, must be taken for disposal to a facility that is a lawfully designated waste disposal facility licensed to accept that particular type of waste.

Penalty Units: 10

- (3) The driver of any vehicle involved in placing or removing builders' refuse facilities must access the building site by way of a [temporary vehicle crossing](#), unless otherwise permitted by council and in accordance with that permission.

Penalty Units: 10

PART 3 - STREETS AND ROADS

Streets and Roads

34. Vegetation on roads and roadsides

- (1) A person must not, without a permit, cut down, remove, interfere with or damage any vegetation including wood, timber, branches or trees on a [municipal road](#), [municipal place](#) or [municipal reserve](#).

Penalty Units: 20

- (2) In regards to clause 34(1), in deciding whether to grant a permit, the Council or its authorised officer, must give regard to any adopted policy, either State or Local Government, which is relevant to the matter being considered.
- (3) The requirement to obtain a permit under sub-clauses (1 and 2) does not apply if:
- (a) A planning permit is granted under the *Murrindindi Planning Scheme* to remove native vegetation;
 - (b) the removal of any vegetation is required under the Roadside Management Plan
- (4) A person must not, without a permit, plant vegetation in a [municipal place](#) or [municipal reserve](#)

Penalty Units: 20

35. Vegetation not to obstruct or obscure

A person must not allow any vegetation on land owned or occupied by him or her to obstruct or interfere with the passage of traffic by:

- (1) Overhanging any footpath or other part of the road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage; or

Penalty Units: 10

- (2) Extending over any part of the road in such a way that it:
- (a) obstructs the view between vehicles at an intersection; or
 - (b) obstructs the view between vehicles and pedestrians where they come close to each other; or
 - (c) obscures a traffic control item from an approaching vehicle or pedestrian; or
 - (d) obscures street lighting.

Penalty Units: 10

- (3) In the opinion of an authorised officer, otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the [road](#).

Penalty Units: 15

36. Property numbers to be displayed

- (1) For each property that has been allotted a property number under this clause, the owner or occupier must clearly mark the property with the number allotted.

Penalty Units: 10

- (2) A property is marked with a number in a clear manner if the number:

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

Penalty Units: 10

- (3) From time to time, the Council may make changes to property numbers.

37. Vehicle Crossings

- (1) The owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty Units: 10

- (2) Any vehicle crossing requires a permit under the Murrindindi Planning Scheme, *Road Management Act 2004* or local law permit from Council.

Penalty Units: 10

- (2) For the purposes of this clause a vehicle crossing is properly constructed if-

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

Penalty Units: 10

- (3) If the Council or an authorised officer is of the opinion that a vehicle crossing is in a state of disrepair or otherwise is in an unsatisfactory condition, the Council or the authorised officer may serve a Notice to Comply on the owner or occupier of the property to be served by the crossing.

Penalty Units: 15

38. Temporary vehicle crossings

The installation of temporary vehicle crossings is covered in Part 4 – Asset Protection Permits.

39. Riding horses on reservations, public reserves and recreation grounds

- (1) A person must not without a permit ride or lead a horse or cause or authorise another person to ride or lead a horse on a [municipal reserve](#) unless designated for that purpose.

Penalty Units: 5

- (2) Clause (1) does not apply to a [municipal reserve](#), which is signposted by the Council or other authorised authority as being available for horse riding.

40. Trading Activities

- (1) Without a permit a person must not on a [municipal road](#), [municipal reserve](#) or [municipal place](#):

- (a) [busk](#);
- (b) place any [advertising sign](#) or a-frame sign;
- (c) display any goods;
- (d) distribute any handbills or any other unsolicited material;
- (e) place any outdoor eating furniture or associated facilities ([alfresco dining](#));
- (f) place any structure for the purpose of [selling](#) or offering to [sell](#) any goods or services (roadside trading); or
- (g) collect (collection on roads or collect from house to house).

Penalty Units: 10

41. Signs

- (1) If an [advertising sign](#) is erected or placed on a [municipal road](#), [municipal reserve](#) or [municipal place](#) or contrary to any Council requirement or in contravention of any permit conditions, an authorised officer may remove and impound the sign(s).

Penalty Units: 10

- (2) This clause does not apply to an [advertising sign](#) for a garage sale or auction if:
- (a) The sign is no larger than 1 metre by 1 metre or more than 0.5 metre thick; and
 - (b) The sign does not obstruct any constructed footpath or any walkway; and
 - (c) The sign is not located on any area of the [road](#) to which motor vehicles have access; and
 - (d) The sign is not displayed other than on the day preceding and on the day or days of the garage sale or auction.

42. Street parties, street festivals and processions

- (1) A person must not, without a permit, hold a street party, street festival or procession on a [municipal road](#)

Penalty Units: 10

43. Placing temporary bulk rubbish containers

- (1) A person must not, without a permit, place, cause or permit another person to place a [bulk rubbish container](#) or skip bin on a [road](#) or [roadside](#).

Penalty Units: 10

- (2) A [bulk rubbish container](#) placed on any part of a [road](#) or [roadside](#) contrary to this division or in contravention of any conditions of a permit may be removed by an authorised officer and impounded.

Vehicles

44. Repair and Sale of vehicles

- (1) A person must not dismantle, paint, carry out maintenance on or, except for the purpose of removing it, repair a [vehicle](#) on a [municipal place](#) or [municipal reserve](#) and a person must not permit or authorise another person to do so.

Penalty Units: 10

- (2) An owner or person in charge of a vehicle must not offer to sell that [vehicle](#) from a [municipal place](#) or [municipal reserve](#)

Penalty Units: 10

45. Unregistered and abandoned vehicles

- (1) A person must not leave an unregistered motor [vehicle](#) or [abandon](#) a motor vehicle in a [municipal place](#) or [municipal reserve](#)

Penalty Units: 10

46. Heavy Vehicles in Residential Zones

- (1) A person must not without a permit park, keep, store, repair or authorise another person to keep, store or repair a [heavy vehicle](#) on any land in any of the residential zones.

Penalty Units: 10

- (2) This clause does not apply in relation to a [heavy vehicle](#), which is parked, kept, stored or repaired for less than one hour or the driver is picking up or setting down goods.

47. Other obstructions – Municipal place or Municipal Reserve

If, in the opinion of an authorised officer, a rubbish container, movable structure, device, material or other object is:

- (1) Causing an unlawful obstruction; or
- (2) A danger to road users; or
- (3) Getting in the way of, or likely to get in the way, of traffic.

Maximum Penalty Units: 10

- (3) If a registered [vehicle](#) is impounded the Council must notify in writing the registered owner.

48. Aircraft and drones

- (1) Unless in an emergency, aircraft that transport or hold people cannot be flown from or land upon any [municipal reserve](#) or [municipal place](#) without a permit

Penalty Units: 10

- (2) All drones or remotely piloted aircraft cannot be operated from, above or land upon any [municipal reserve](#) or [municipal place](#) without a permit.

Penalty Units: 10

49. Filming

- (1) A permit is not required to undertake [low impact filming](#) on any [municipal reserve](#) or [municipal place](#) if conditions set out in [Schedule 7](#) are met.

Penalty Units: 10

- (2) A person must not, without a permit, undertake any other filming other than [low impact filming](#) on any [municipal reserve](#) or [municipal place](#)

Penalty Units: 10

PART 4 – ASSET PROTECTION

50. Asset Protection

(1) A person must obtain an Asset Protection Permit before either:

- (a) obtaining a building permit;
- (b) obtaining a permit for a temporary vehicle crossing; or
- (c) obtaining a permit for works in the road reserve.

Penalty Units: 20

(2) An application for an Asset Protection Permit must:

- (a) be accompanied by such fee and/or bond as is fixed by council;
- (b) include a statement from the Person in Charge of the location and the extent of any pre-existing damage and latent defects in public infrastructure assets adjacent to the building site; and
- (c) be lodged with council prior to commencement of doing the thing for which the Asset Protection Permit is necessary.

(3) Any Asset Protection Permit issued by Council:

- (a) may be issued subject to conditions; and
- (b) will not be operative until the applicant for the Asset Protection Permit has paid such permit fee as is fixed by Council.

(4) An Asset Protection Permit issued by Council is applicable for the entire validity period of any permit issued for related works.

(5) A person to whom an Asset Protection Permit has been issued must comply with any conditions contained in that Asset Protection Permit.

Penalty Units: 20

(6) Council may exempt any person from one or more of the obligations imposed by this Part subject to conditions it considers appropriate.

(7) A person granted an Asset Protection Permit under this Clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted.

(8) When the Council receives notice of the completion of the works the subject of the Permit, the land may be inspected by the Council and the amount of the security bond:

- (a) may be retained by the Council to the proportion necessary to offset the costs of carrying out any works to rectify any damage, provided the person who lodged the bond is first notified of the damage and declines or fails within 30 days to make good the damage at their own expense to the Council's satisfaction; or
- (b) must be refunded to the person who lodged it upon the Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to the Council's satisfaction.

51. Damage to Council Assets

(1) A person must not damage a Council Asset

Penalty Units: 20

52. Temporary Vehicle Crossings

- (1) A person must not, without a permit, enter a property in a vehicle via any means other than a properly constructed vehicle crossing.

Penalty Units: 15

- (2) Temporary vehicle crossings must be built to a standard approved by an authorised officer.

Penalty Units: 15

- (3) Council may require a bond for the installation of a temporary vehicle crossing.

- (4) Any damage to Council's assets may incur a penalty and must be reconstructed or reinstated at the applicants cost to Council's satisfaction.

Penalty Units: 15

- (5) When a temporary crossing is no longer required, the land must be restored to its original state or to the satisfaction of an authorised officer.

Penalty Units: 15

DRAFT

PART 5 - ADMINISTRATION

Permits, fees and delegations

Any permit issued under the Local Law can be the subject of a FOI request and available to the public

53. Applying for a permit

- (1) A person who wishes to apply for a permit may do so by:
 - (a) lodging with the Council an application, in a form approved by the Council; and
 - (b) paying to the Council the appropriate application fee.
- (2) The Council may require an applicant to provide additional information before dealing with an application for a permit or for an exemption.
- (3) The Council may require a person making an application for a permit to give public notice, which will entitle any person to make a submission and to be heard in accordance with section 223 of the *Local Government Act 1989*.

54. Fees and Bonds

- (1) The Council may, from time to time, by resolution determine fees for the purposes of this local law.
- (2) In determining any fees and charges, the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge.
- (3) The Council may waive, reduce or alter a fee with or without conditions.

55. Issue of permits

The Council may:

- (1) issue a permit, with or without conditions; or
- (2) refuse to issue a permit.

56. Duration of permits

- (1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the permit, the permit expires on 30 June next after the day on which it is issued.

57. Conditional permits

- (1) A conditional permit may be subject to conditions, which the Council considers to be appropriate in the circumstances including:
 - (a) the payment of a fee or charge;
 - (b) a time limit to be applied either specifying the duration, commencement or completion date;

- (c) the happening of an event;
 - (d) the rectification, remedying or restoration of a situation or circumstance;
 - (e) when the applicant is not the owner of the subject property, the consent of the owner;
and
 - (f) the granting of some other permit or authorisation.
- (2) The conditions of a permit must be set out in the permit.
- (3) The Council may, during the currency of a permit, alter the conditions of a permit if it considers it to be appropriate to do so, after providing the permit holder with an opportunity to make comment on the proposed alteration.
- (4) A person who undertakes an activity for which the Council has issued a permit must comply with the conditions of the permit.

Maximum Penalty Units: 10

58. Cancellation or amendment of permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if he or she considers that there has been:
- (a) a material misstatement, false representation or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the use of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions of the permit; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- (2) The Council or the Authorised Officer must notify the holder of a permit of the Council's or Authorised Officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- (3) If the Council or the Authorised Officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or Authorised Officer must note that cancellation or amendment in the register of permits.

59. Exemptions

- (1) The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- (2) In determining whether to grant an exemption to the requirement to obtain a permit, an Authorised Officer will have regard to:
- (a) the circumstances of the application;
 - (b) whether the application is to raise funds for community or charitable purposes;
 - (c) whether the proposed activity or use will have an overall community benefit;

- (d) whether the proposed activity or use could have a detrimental effect on adjoining properties;
 - (e) whether the applicant will be given an unfair advantage over any other person or organisation; and
 - (f) any other matters relevant to the circumstances of the application.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.

Penalty Units: 5

- (4) An exemption may be cancelled or corrected as if it were a permit.

60. False Representation

- (1) A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty Units: 5

61. Delegation

- (1) In accordance with Section 114 of the *Local Government Act 1989*, the Council hereby:
- (a) delegates to the [Senior Officer](#) and to any person for the time being acting for such persons all the powers, discretions, authorities and considerations of Council under this Local Law including the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, to waive the need for any permit, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the Council; and
 - (b) delegates to the Manager Development Services and the Coordinator Community Safety and to any person for the time being acting for those persons the power to issue or refuse permits and apply conditions, exercise discretions and require additional information.

PART 5 – ENFORCEMENT

Infringement notices issued under the Local Law are subject to the *Infringements Act 2006*. Section 12 sets out the manner of service of an infringement notice

62. Power of authorised officers to direct - notice to comply

- (1) An authorised officer may serve a written notice given on a person who appears to be in breach of this local law directing that person to remedy any situation, which constitutes a breach under this local law.

63. Time to comply

- (1) A notice to comply must state the time and date by which the situation must be remedied.
- (2) The time required by a notice to comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved;
 - (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.

64. Failure to comply with a notice to comply

- (1) A person who fails to comply with a notice to comply is guilty of an offence.

Maximum Penalty Units: 15

65. Power of authorised officers to act in urgent circumstances

- (1) In urgent circumstances an authorised officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:
 - (a) the authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
 - (b) wherever practicable, a [Senior Officer](#) is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an authorised officer must take into consideration, to the extent relevant:
 - (a) whether it is practicable to contact:
 - (i) the person by whose default, permission or sufferance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and

- (b) whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.
- (3) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement or minimise the risk or danger involved.
- (4) An authorised officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
 - (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) a report of the action taken is submitted to the Chief Executive Officer.

66. Power of authorised officers to impound

- (1) If an authorised officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- (2) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- (3) As soon as possible after the impounding and where practicable to do so, the authorised officer must, serve written notice on the owner or person responsible for the item which has been impounded setting out the fees and charges payable and time by which the item must be retrieved.
- (4) If after the time required in a notice of impounding an impounded item is not retrieved, an authorised officer may take action to dispose of the impounded item according to the following principles:
 - (a) when the item has no saleable value, it may be disposed of in the most economical way; and
 - (b) when the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the authorised officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money except for the reasonable costs incurred by the Council in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located within six months after the date of the notice of impounding, any proceeds of the sale cease to be payable to that person, and may be retained by the Council for municipal purposes.

67. Offences and Penalties

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

- (2) Where any provision in this Local Law requires that something must not be done, any person who does that act is guilty of an offence.
- (3) Where any provision in this Local Law requires that something must not be done between specified hours of the day or night, during specified months of the year, or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, in or at the location or a specified part of a location is guilty of an offence.
- (4) Where any provision in this Local Law requires that a person obtain a permit from Council for the purpose of engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without first obtaining a permit from Council.
- (5) Where any permit granted under this Local Law contains conditions any person who contravenes or fails to comply with a condition of a permit is guilty of an offence.
- (6) Where a provision in this Local Law requires a person to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law a person who fails to comply with those requirements is guilty of an offence.
- (7) The penalty for an offence against this Local Law that appears at the foot of a provision is the maximum amount that may be imposed by a Court. Where an infringement notice is issued the fixed penalty for infringement purposes is contained in [Schedule 9](#).
- (8) Penalties paid within 14 days of an offence will be eligible for a 50% reduction on any infringement fee issued. This clause applies to all infringement fees issued unless otherwise determined by an authorised officer.

Resolution Regarding Local Law

Resolution for making this Local Law was agreed to by the Murrindindi Shire **Council** on ?
December 2019 and

THE COMMON SEAL of the)
MURRINDINDI SHIRE COUNCIL was)
hereunto affixed in the presence of:)
)

.....
Chief Executive Officer

.....
Mayor

.....
Councillor

"I certify that this is a true copy of the Community Local Law made by the Murrindindi Shire Council on ? in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by Section 119(2) of the Act appeared in the Government Gazette No. ? **ON DATE** and in the Alexandra Standard and Yea Chronicle on ?, Marysville Triangle on ? and Whittlesea Review on ?.

A copy of the Local Law was sent to the Minister for Local Government in a letter dated **day date**.

The Local Law commenced operation on **day date** and will expire on **DATE** unless revoked earlier.

.....
Chief Executive Officer

Infringement Notice - example

MURRINDINDI SHIRE COUNCIL
 P.O. BOX 138 ALEXANDRIA VICTORIA 3714
 Email: msc@murrindindi.vic.gov.au

INFRINGEMENT NOTICE

DPS Form 101
 Penalty Notice (BY MAIL) Act 20
 2018/19 Murrindindi Notice (M) 20/1988

Date of Notice: / /

Traffic Parking Regulation Vehicle Environment Protection
 Local Laws Litter Transport Tobacco Domestic Animals

Other: _____

Family Name (or Company or Inc Owner): _____
 Given Name: _____
 Address: _____
 Include Postcode: _____

Date of Birth: / / Licence No.: _____ State: _____
 Sex: Licence Type: _____ Expiry Date: / /
 M F

Information and nature of alleged offence/infringement:

Local Law and/or Regulation under which this notice given: _____

FIXED PENALTY
 \$ _____

Date of Offence: / / Street: _____ CODE NO. _____ Side: _____
 Time of Offence: _____
 AM PM

Vehicle/Animal Registration No.: _____ Check Digit: _____ State: _____ Reg. Type: _____ Expiry Date: / /
 Vehicle Make / Animal: _____ Vehicle type / Animal breed: _____ Colour: _____

Other identification details: _____ Sex: M F

HOW TO PAY THE PENALTY

BY POST Within 28 DAYS send this notice and a cheque or money order for the FULL AMOUNT (not part payments) to: MURRINDINDI SHIRE COUNCIL P.O. Box 138 Alexandria Vic. 3714	IN PERSON Within 28 DAYS take this notice and your payment for the FULL AMOUNT to: ALEXANDRIA Parade Street Alexandria Vic. 3714 Ph: (03) 5772 0033	NOTE: CHEQUES or MONEY ORDERS should be marked "Not Negotiable" and payable to: MURRINDINDI SHIRE COUNCIL
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INFRINGEMENT NOTICE

IF YOU PAY THE PENALTY WITHIN 28 DAYS OF THE DATE OF THIS NOTICE AT THE ABOVE ADDRESS, THIS MATTER WILL NOT BE BROUGHT BEFORE A COURT UNLESS A WITHDRAWAL NOTICE IS SENT TO YOU BEFORE THE END OF THE PERIOD SPECIFIED IN THIS NOTICE AS THE TIME FOR PAYMENT OF THE PENALTY.

Name of Issuing / Authorised Officer: _____
 Signature of Issuing / Authorised Officer: _____



OFFICE COPY ONLY – WHEN RECEIPTED

DATE	RECEIPT No.	AMOUNT	DATE
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Infringement will not be deemed to have been expiated until the imprint of cash register appears hereon

DATE	RECEIPT No.	AMOUNT	DATE
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INFRINGEMENT NOTICE

IF YOU PAY ON TIME

In the case of a parking offence, the matter is finished. It will not go to Court. Regarding Domestic Animal offences, if you pay the penalty indicated within 28 days from the date of this Notice, the matter will not be brought before a Court unless a Withdrawal Notice is sent to you before the end of the period specified in the Notice as the time for payment of the penalty.

In the case of other offences, the Enforcement Agency or Local Government Authority are entitled to withdraw this notice and take the matter to Court. However, this happens rarely. If it happens in this case, the Enforcement Agency or Local Government Authority will write to you and your payment will be refunded.

HOW TO PAY

If expiating, you have to pay the penalty within 28 days of the date of this Notice. Payment whether posted or delivered must reach the Office of the Enforcement Agency or Local Government Authority as shown on the front of this Notice.

HOW TO DEFEND THE CHARGE

You will be sent a letter after 28 days which will tell you what to do. You are responsible for parking and litter offences committed with your car unless you can show somebody else was using your car at the time of the offence. Infringement Notices in such cases are addressed to "The Owner". Contact the Enforcement Agency or Local Government Authority who charged you to find out what you need to do.

For Local Law offences, the local Government Act 1989 provides that the alleged offender is entitled to disregard the Infringement Notice and defend the prosecution for the offence in Court.

IF YOU DO NOT PAY THE PENALTY WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, COSTS WILL BE ADDED AND THE MATTER TAKEN TO COURT.

This is an "Infringement Notice" in relation to the offence.
Road Safety Act 1986, Transport Act 1983,
Environment Protection Act 1970,
Tobacco Act 1987, Local Government Act 1989,
Domestic Animals Act 1994.

Form approved by the Environment Protection Authority.

Schedule 1 – Shipping Container Requirements

The shipping container must, unless otherwise permitted by Council, be entirely located on a private property. Permits for containers on nature strips or other sites may be issued under special circumstances.

The following applies to temporary shipping container site locations and placement unless otherwise permitted. Containers:

- (a) must be placed at least 5 metres from the property boundary
- (b) cannot be located over effluent treatment disposal areas/systems
- (c) cannot be located over underground power lines
- (d) cannot be located over water, wastewater/stormwater mains or dedicated drainage easements
- (e) cannot be located in flood prone areas
- (f) must be painted a neutral colour to blend with the surrounding natural environment and built structures, with the proposed colour to be approved by Council
- (g) must not be stacked
- (h) must be placed on flat, solid ground. Any associated earthworks (cut & fill) must be in accordance with Council requirements
- (i) must be located within any building envelope associated with the lot
- (j) near overhead power lines must comply with the setback requirements of the relevant electricity authority
- (k) must comply with any other requirements as determined by an authorised officer.

Schedule 2 – Consumption of Alcohol

- (1) Designated alcohol free zone – means an area designated as an ‘alcohol free zone’ either by way of signage or specification within this schedule and includes:
 - (a) Bollygum Park – Kinglake
 - (b) Hec Ingram Reserve – Alexandra
 - (c) Yea Railway Reserve – Yea
 - (d) All community skate parks and swimming pools
 - (e) Within 100 metres of school
- (2) Subclause (1) does not apply to areas defined as a licensed premises under the *Liquor Control Reform Act 1998*.

Schedule 3 – Designated Areas (Rail Trail Code of Conduct)

For the purpose of clause 20 and 46 – ‘designated areas’ are defined as areas associated with the Great Victorian Rail Trail (GVRT). ‘Code of Conduct’ signs apply to all areas of the GVRT, which are located at major entry points and clearly stipulate the requirements that apply to the GVRT ‘Code of Conduct’.

GVRT – Code of Conduct

This is a shared trail. To ensure enjoyment for all, please respect the following:

Respect the rights of other users at all times:

- Cyclists give way to walkers

- Approach horses with care
- Warn others when approaching from behind and passing
- Keep left and don't obstruct the trail

Respect the rights of landholders:

- Stay within the rail reserve
- Give way to stock at crossing points
- Move quietly near stock
- Leave gates as you find them
- Report any wandering stock within the Reserve to your local Council

Help protect the environment:

- Leave all flora and fauna undisturbed
- Take your rubbish home
- Camp in designated areas only

Horses:

- Ride horses off the bike/walking track unless signage indicates otherwise
- Remove horse manure from the bike/walking track
- Riders must dismount to cross bridges where signage indicates

Dogs:

- Keep dogs on a leash and under control at all times
- Remove dog faeces from the reserve

For your safety:

- Wear approved helmets
- Be careful at road crossings
- Observe all signs and local regulations
- Be prepared for changes in weather conditions
- Motor vehicles including motor bikes are not permitted within the reserve
- Plan your journey

Carry:

- Water and food (the availability of drinking water along the trail is limited)
- Bicycle repair kit and a good pump
- Mobile phone

Regulations:

- Crown Land Reserves (Great Victorian Rail Trail Reserve) regulations 2010 apply to this reserve
- Permits may be required for some events or activities. Contact the Council listed below for more information.

Signage for Code of Conduct also includes the location where sign is placed and the following:

- In Case of Emergency dial 000, noting your location.
- Unauthorised motor vehicles or motor bikes are not permitted on the trail, penalties apply.
- Help us to maintain and improve our trail by reporting misuse and damage to:
- Murrindindi Shire Council - Perkins Street Alexandra
- 03 5772 0333 msc@murrindindi.vic.gov.au
- www.greatvictorianrailtrail.com.au

Schedule 4 – Recreational Vehicle Noise Guidelines

In addition to the requirement that the use of a motorised recreation vehicle on land must not cause a [nuisance](#), a person must not use or allow others to use a motorised recreation vehicle on land owned or occupied by him or her unless:

- (a) the motorised recreation vehicle is not used continuously for a period in excess of 1-hour after which no motorised recreation vehicle must be used for a minimum 2-hour period; and
- (b) the motorised recreation vehicle is not used other than between 10am to 6pm Monday to Saturday and 1pm to 4pm on Sundays and public holidays
- (c) on a day declared to be a Total Fire Ban Day under the *Country Fire Authority Act 1958*

Schedule 5 – Burning of Vegetation Piles on Land Less Than One Hectare

Burning of vegetation piles on land less than one hectare must:

- (a) Not be more than 1m wide or high. Material may be continuously fed into fires of this size but must not be greater than 1m wide or high.
- (b) Be cleared of flammable material for a minimum radius of 3 metres
- (c) Have adequate means available at all times for preventing the escape of and for extinguishing the fire.
- (d) Have an adult person with the fire at all times whilst it is alight.
- (e) Be registered with the burn off line on 1800 668 511 before being lit.
- (f) Not include damp or green materials. Materials to be burned must be suitably dry or cured
- (g) Be extinguished if directed to do so by an authorised officer.
- (h) Not be within the Country Fire Authority's declared [Fire Danger Period](#).

Schedule 6 – Burning of Vegetation Piles on Land Greater than One Hectare

Burning of vegetation piles on land greater than one hectare must:

- (a) Be lit only when wind speed is below 15kph.
- (b) Not be located closer than 5 metres to the property boundary or 5 metres to any building.
- (c) Be cleared of flammable material for a minimum radius of 3 metres.
- (d) Have adequate means available at all times for preventing the escape of and for extinguishing the fire
- (e) Have an adult person with the fire at all times whilst it is alight.
- (f) Be registered with the burn off line on 1800 668 511 before being lit.
- (g) Give notice of intention to burn to each owner or occupier of abutting land.
- (h) Not be greater than 20 cubic meters in size. Piles over this size always require a permit regardless of time of year
- (i) Not include damp or green materials. Materials to be burned must be suitably dry or cured
- (j) Be extinguished if directed to do so by an authorised officer.
- (k) Not be within the Country Fire Authority's declared [Fire Danger Period](#).

Schedule 7 – Low impact filming

Low impact filming is identified as:

- (a) a filming activity of six people or less (includes all production crew and talent);
- (b) no more than one camera, one tripod, and handheld sound recording equipment;
- (c) public safety is maintained at all times and all public pathways, footpaths and roads must not be blocked;
- (d) no exclusive use of public space; and
- (e) filming content and messaging do not undermine Council's core values and the sustainability of our destination.
- (f) A current copy of Public Liability insurance must be provided to Council two weeks prior to filming
- (g) the issue of any permit will be in accordance with the *Filming Approval Act 2014* and the film friendly guidelines.

<https://www.film.vic.gov.au/images/uploads/Victorian-Film-Friendly-Guidelines.pdf>

Schedule 8 – Camping on Unoccupied Private Land

Camping on [unoccupied land](#) must:

- (a) Only occur up to 20 nights a year without a permit
- (b) Camping equipment must be removed when not being used or occupied
- (c) Not be [unsightly](#) and not constitute a [nuisance](#)
- (d) Only occur in rural zones. Camping is not allowed in the residential zones
- (e) Not be for commercial purposes

Schedule 9 – Penalty Units and Calculated Penalties table

- (1) Penalty units for Local Government are set under Section 110(2) of the *Sentencing Act 1991* as \$100.00 per unit.
- (2) As per the *Sentencing Act 1991*, the maximum penalty for any Local Law infringement is 20 penalty units or \$2,000.00.
- (3) Penalties paid within 14 days of an offence will be eligible for a 50% reduction on any infringement fee issued, unless otherwise determined by an authorised officer.
- (4) The following calculated penalty table lists both maximum penalty units and infringement notice penalty units for all offences under the *Community Local Law 2019*.

Calculated Penalties Table

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
6(1)(a-c)	001	Failing to obtain permit for keeping excess animals	10	2.5
6(2)	002	Failing to obtain permit for more than 5 dogs or cats – rural property	10	2.5
6(3)	003	Failing to obtain permit for pigeons	10	2.5
7(1)	004	Failing to securely confine animals to property	10	3
7(2) (a-f)	004	Failure to provide adequate animal housing	10	3
8(1)	005	Failing to remove animal excrement	5	1
8(2)	006	Failure to remove animal excrement causing nuisance or environmental pollution	5	2
8(3)	007	Failing to dispose of deceased animal in correct manner	5	3
9(1)	008	Failing to obtain permit for droving of livestock	10	3
9(2)	009	Failing to obtain permit for regular movement of stock	10	3
9(3)	010	Failure to obtain permit for grazing of livestock	10	3
10(1)(a)	011	Land that is likely to cause danger to life or property	20	5
10(1)(b)	012	Unpermitted storage of dangerous goods	20	5
10(2)	013	Failure to remove wasps nests if occupier aware	10	3
10(3)	014	Wasp nests - Failure to comply with officer or notice	10	3
11(1)	015	Unsightly land	15	5
11(3)	016	Unsightly land - Failure to comply with officer or notice	15	10
12(1)	017	Storage of unpermitted second hand goods/machinery	10	5
12(2)	018	Storage of unpermitted second hand goods/machinery - Failure to comply with officer or notice	15	10
13(1)	019	Unpermitted Shipping Container	15	5

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
13(2)	020	Failure to comply with officer or notice to remove shipping container	15	10
13(3)	021	Failure to comply with conditions – Shipping Container	15	5
14(1)	022	Unpermitted motorised recreational vehicle use – Municipal reserve/place	15	5
14(2)	023	Unpermitted motorised recreational vehicle use – Private land	10	5
14(3)	024	Motorised recreational vehicle creating nuisance	10	5
14(4)	025	Motorised recreational vehicle use - Failure to comply with officer or notice	10	5
14(5)	026	Failure to comply – recreational vehicle use guidelines	10	5
15(1)(a)	027	Unpermitted noise - public place	10	4
15(2)	028	Noise in public place - Failure to comply with notice	10	8
16(1)	029	Audible alarm - heard outside of property	10	2
16(2)	030	Audible alarm – failure to reset appropriately	10	2
16(3)(a-d)	031	Audible alarm - Failure to comply with notice	10	5
17(1)	032	Code of conduct on Council signs – Failure to comply	5	2
18(1)	033	Camping without a permit – municipal reserve/place	10	3
18(2)	034	Unpermitted camping or camping not in alignment with schedule – private land	5	3
19(1)	035	Unpermitted event or festival	10	5
20(1)	036	Unpermitted consumption of alcohol – Municipal place/reserve	10	2.5
21(1)	037	Open air burning – failure to extinguish fire after direction	20	9
22(1)	038	Burning of vegetation piles – less than one hectare – noncompliance with schedule	20	5
22(2)	039	Burning of vegetation piles – less than one hectare – noncompliance with permit	20	5
22(1)	040	Burning of vegetation piles – greater than one hectare – noncompliance with schedule	20	5
23(2)	041	Burning of vegetation piles – greater than one hectare – noncompliance with permit	20	5
24(1)	042	Fire or smoke causing nuisance	20	2.5
24(2)	043	Burning a noxious or toxic substance	20	5
24(3)	044	Directing a person to light a fire that causes nuisance or burns toxic/noxious substance	20	5
25(1)	045	Unpermitted Incinerator use	20	2.5

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
26(1)	046	Interfering with recyclable material	10	2
27(1)	047	Improper disposal/placement of domestic waste	10	2.5
27(2-3)	048	Use of non-compliant bin	10	2.5
27(5)	049	Placement of prohibited material in domestic rubbish bin	10	2.5
27(7)	050	Contaminated recycling material placed in recycle bin	10	1
27(8)	051	Uncontrolled waste spilled from domestic bin/recycling bin	10	1
27(9)	052	Domestic bin/recycling bin not appropriately maintained	10	0.5
28(1-2), 28(4)	053	Non-compliant trade waste bin	5	2.5
28(3)	054	Trade waste not emptied monthly or as required	5	2.5
28(5)	055	Non-compliant signage on trade waste bin	5	2.5
28(6)	056	Placing waste in a trade waste receptacle against signage instructions	5	2.5
28(7)	057	Unpermitted placement of skip/trade waste bin on Council land	5	2.5
29(1)	058	Non-compliant placement of waste at resource recovery centre	5	2.5
30(1)	059	Placement of commercial/domestic waste in public litter bin	10	2.5
31(1)	060	Management of building refuse – Failure to comply	15	5
32(1-3)	061	On site management of builders refuse – Failure to comply	15	5
33(1)	062	Builders refuse disposal within 7 days – Failure to comply	10	8
33(2)	063	Builders refuse not taken to appropriate facility	10	2
33(3)	064	Accessing site to remove rubbish – by inappropriate means	10	2
34(1)	065	Unauthorized removal of vegetation	10	5
34(4)	066	Unauthorized planting of vegetation – municipal reserve/place	20	5
35(1)	067	Private trees/vegetation – impeding pedestrian/road access/egress	10	2.5
35(2)	068	Private trees/vegetation - overhanging road	10	2.5
35(3)	069	Private trees/vegetation – danger to pedestrians/vehicles	15	5
36(1)	070	Property number incorrect, faded or missing	10	1
36(2)	071	Property numbers – Failure to comply with standards	10	2.5

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
37(1)	072	Vehicle crossing – improper construction, failure to meet standards	10	2.5
37(2)	073	Unpermitted vehicle crossing	10	2.5
37(3)	074	Vehicle crossing- Failure to comply with notice to comply	15	5
39(1)	075	Unpermitted horse riding on municipal reserve or municipal place	5	2
40(1)	076	Unpermitted trading on a municipal road, municipal reserve or municipal place	10	3
41(1)	077	Unpermitted, or failing to adhere to conditions - advertising sign	10	3
42(1)	078	Unpermitted street party, festival, procession – Municipal Road	10	3
43(1)	079	Unpermitted placement of bulk rubbish container - road	10	3
44(1)	080	Unpermitted repair of vehicles – Municipal place/reserve	10	3
44(2)	081	Unpermitted selling of vehicles – Municipal place/reserve	10	2.5
45(1)	082	Abandoned or unregistered vehicle – Municipal place/reserve	10	3
45(1)	083	Unpermitted heavy vehicle parking – residential zone	10	2.5
47(1-3)	084	Unlawful or dangerous obstruction – Municipal place/reserve	10	3
48(1-2)	085	Unpermitted drone or aircraft use	10	5
49(1-2)	086	Unpermitted filming	10	5
50(1)	087	Asset Protection– Fail to obtain permit	20	5
50(5)	088	Asset Protection– Failure to comply with conditions	20	5
51(1)	089	Damage to a Council Asset	20	5
52(1)	090	Entering property without using properly constructed crossing or without permit	15	2
52(2)	091	Non-compliant temporary vehicle crossing	15	5
52(3)	092	Non-compliant temporary vehicle crossing – failure to pay bond	15	2
52(4)	093	Temporary vehicle crossing – damage to Council assets	15	5
52(5)	094	Restoration of vehicle crossing – Failure to comply	15	5
57(4)	095	Failure to comply with conditions of permit	10	2.5
59(4)	096	Failure to comply with conditions of an exemption	5	2.5
60(1)	097	False representation or declaration	5	1

Infringement Number	Penalty Code	Infringement	Maximum Penalty Units	Infringement Penalty Units
64(1)	098	Failure to comply with notice to comply	15	5

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