



Macedon Ranges Shire Council

General Local Law No. 8

PO Box 151
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Macedon Ranges Shire Council General Local Law No. 8

I Ian Morris hereby certify that this is a true copy of a Local Law made by the Macedon Ranges Shire Council, in accordance with the requirements of Section 119 of the Local Government Act 1989.

The notices required to be given by Section 119(2) of the Act were given in the Victorian Government Gazette No. G26 of 26th June 2003, at page 1552 and in newspapers circulating in the municipal district during the week beginning 23rd June 2003.

The notices required to be given by Section 119(3) of the Act were given in the Victorian Government Gazette No. G38 of 18th September 2003, at page 2444 and in newspapers circulating in the municipal district during the week beginning 22nd September 2003.

A copy of the Local Law was sent to the Minister for Local Government on the 24th September 2003.

The Local Law came into operation on the 1st October, 2003 and will expire on the 30th September 2013.

Ian Morris
Chief Executive

TABLE OF CONTENTS

TABLE OF CONTENTS	1
PART 1 PRELIMINARY	6
1.1 Title	6
1.2 Objectives of the Local Law	6
1.3 Purpose of the Local Law.....	6
1.4 Power to Make this Local Law	8
1.5 Operational Date of this Local Law	8
1.6 Date this Local Law Ceases Operation.....	8
1.7 Revocation of Other Local Laws and By Laws.....	8
1.8 Scope of this Local Law	8
1.9 Interpretation	8
1.10 Words Used in this Local Law.....	9
PART 2 ADMINISTRATION OF THIS LOCAL LAW	16
2.1 Exercise of Discretions.....	16
2.2 Register of Determinations.....	16
2.3 Appeals	16
2.4 Delegations	16
PART 3 PERMITS	17
3.1 Exemptions	17
3.2 Previous Permits, Consents or Registrations.....	17
PART 4 ANIMAL CONTROL	18
4.1 Keeping of Animals	18
4.2 Limit on the Number of Animals	19
4.3 Animal Excrement.....	19
4.4 Fencing of Properties	19
PART 5 PUBLIC LAND.....	20
DIVISION 1: OBSTRUCTIONS AND BEHAVIOUR	20
5.1 Advertising Signs	20
5.2 Outdoor Eating Facilities	21
5.3 Council Signs	22
5.4 Repair or Dismantle Vehicles.....	22
5.5 Abandoned and Unregistered Vehicles on Roads	22
5.6 Shopping Trolleys	22
5.7 Trees and Hedges at Intersections	23
5.8 Overhanging Vegetation and Signs	23
5.9 Street Parties, Street Festivals and Processions	23
5.10 Specific Obstructions	24
5.11 Containers and Bins.....	24
5.12 Consumption and Possession of Alcohol.....	25
5.13 Person Selling Goods	26
5.14 Street Collection.....	27
5.15 Unsolicited Material.....	28
5.16 Busking	28
5.17 Sale of Vehicles	29
5.18 Toy Vehicles.....	29
DIVISION 2: MUNICIPAL AMENITY	29
5.19 Camping and Caravans	29
5.20 Lighting Fires.....	30

Macedon Ranges Shire Council
LOCAL LAW NO. 8

5.21	Council to Approve Road Names	30
5.22	Record of Road Names	30
5.23	Council to Allot Property Numbers	30
5.24	Display of Property Numbers	30
5.25	Cigarette Butt Receptacles	31
5.26	Vehicle Noise	31
5.27	Use of Scareguns.....	32
DIVISION 3:	MUNICIPAL PLACES.....	33
5.28	Behaviour in Municipal Places	33
5.29	Access and Use of Municipal Places	34
5.30	Activities Prohibited in Municipal Buildings	35
5.31	Activities Prohibited in Reserves.....	35
5.32	Activities Requiring a Permit in Reserves	36
5.33	Municipal Recreation Centres	37
DIVISION 4:	COUNCIL ASSETS AND LAND.....	38
5.34	Works or Damage to Roads.....	38
5.35	Trees and Plants on Roads.....	39
5.36	Grazing and Tethering of Animals on Roads	39
5.37	Damage to Council Land by Trees or Plants	39
5.38	Vehicle Crossings	39
5.39	Redundant Vehicle Crossings.....	40
5.40	Temporary Vehicle Crossings.....	40
5.41	Interference with Drains and Water Courses	41
5.42	Netting Fences Across Drains.....	41
5.43	Maintenance of Drains	41
5.44	Substances from Vehicles and Animals.....	42
DIVISION 5:	WASTE DISPOSAL.....	42
SECTION 1:	MUNICIPAL WASTE DISPOSAL FACILITIES	42
5.45	Use of Municipal Refuse Disposal Facilities	42
5.46	Scavenging at a Municipal Refuse Disposal Facility.....	43
SECTION 2:	DOMESTIC WASTE	43
5.47	Disposal of Disused Refrigerators and Other Compartments	43
5.48	Use of Garbage and Recycling Bins	43
5.49	Placement of Garbage and Recycling Bins.....	44
5.50	Maintenance of Garbage and Recycling Bins	44
5.51	Removal of Garbage and Recycling Bins	44
5.52	Prohibited Waste.....	45
5.53	Recycling and Hard Garbage Collection	45
SECTION 3:	COMMERCIAL WASTE	45
5.54	Storage of Commercial Waste	45
5.55	Storage Site for Trade Waste.....	46
5.56	Transportation of Waste.....	47
PART 6	PRIVATE LAND.....	48
6.1	Parking in Residential Zones	48
6.2	Caravans.....	48
6.3	Camping.....	49
6.4	Recreation Vehicles	50
6.5	Machinery, Materials, Goods or Vehicles on Land.....	51
6.6	Unightly Land	52
6.7	Sanitary Facilities.....	52

Macedon Ranges Shire Council
LOCAL LAW NO. 8

6.8	Litter on Building Sites	52
6.9	Fires	52
6.10	Incinerator	54
6.11	Nuisances	54
6.12	Extinguishing Fires.....	55
6.13	Wasp Nests.....	55
6.14	Maintenance of Septic Tank Systems	55
PART 7	ENFORCEMENT	56
7.1	Impounding	56
7.2	Permits	56
7.3	Considering Applications.....	57
7.4	Correction of Permit	57
7.5	Grounds for Cancellation of or Amendment of Permits.....	58
7.6	Notices to Comply	58
7.7	Urgent Circumstances.....	59
7.8	Offences.....	59
7.9	Infringement Notices	60
SCHEDULES
SCHEDULE 1	APPLICATION FOR PERMIT.....	63
SCHEDULE 2	PERMIT.....	64
SCHEDULE 3	NOTICE TO COMPLY	65
SCHEDULE 4	NOTICE OF IMPOUNDING	66
SCHEDULE 5	TOWNSHIP AND DESIGNATED COMMERCIAL AREAS.....	67

PART 1 PRELIMINARY

1.1 Title

This Local Law No. 8 shall be called the General Local Law of the Macedon Ranges Shire Council and consists of the following seven parts:

PART 1: PRELIMINARY

PART 2: ADMINISTRATION OF THIS LOCAL LAW

PART 3: PERMITS

PART 4: ANIMAL CONTROL

PART 5: PUBLIC LAND

PART 6: PRIVATE LAND

PART 7: ENFORCEMENT

1.2 Objectives of the Local Law

This Local Law is made for:

- a) providing for the peace, order and good government of the Shire of Macedon Ranges.
- b) providing a safe and healthy environment in which the residents of the Shire of Macedon Ranges may enjoy a quality of life that meets the general expectations of the community;
- c) preventing and suppressing nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district;
- d) prohibiting activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the municipal district; and

1.3 Purpose of the Local Law

- a) regulating activities which may adversely affect the environment and the health and wellbeing of persons within the municipal district;
- b) Regulating and controlling access to and behaviour in Municipal Places;
- c) Protecting Council land and assets;
- d) Prohibiting interference with water courses and drains;
- e) Regulating and controlling vehicle crossing;
- f) Prohibiting the keeping of unsightly land;

Macedon Ranges Shire Council
LOCAL LAW NO. 8

- g) Regulating and controlling the storage, assembly and dismantling of old machinery, materials, goods or services on land;
- h) Regulating and controlling camping and the use of caravan, tents and like structures;
- i) Prohibiting vegetation which may constitute a traffic hazard;
- j) Prohibiting vegetation and structures overhanging roads;
- k) Prohibiting the encroachment of vegetation on roads and Council land;
- l) Providing for the destruction of vermin and noxious weeds;
- m) Preventing fire risks;
- n) Regulating and controlling the numbering of allotments;
- o) Prohibiting unreasonable noise;
- p) Regulate and control the use of scareguns within the municipal district in a manner that prevents their use being detrimental to the environment or to the quality of life of persons residing in or visiting the municipal district
- q) Regulating and controlling open air fires and the use of incinerators;
- r) Providing for sanitary facilities on building sites;
- s) Prohibiting the dilapidation of buildings;
- t) Regulating and controlling dogs;
- u) Regulating and controlling the placement of goods, advertising signs and furniture on roads and Council land
- v) Regulating and controlling obstructions on roads;
- w) Regulating and controlling works on roads
- x) Prohibiting the performance of work on vehicles on roads, and Council land;
- y) Regulating and controlling the consumption and possession of alcohol on roads and Council land;
- z) Regulating and controlling the sale of goods;
- aa) Regulating and controlling street collections and distributions;
- bb) Regulating and controlling the distribution of unsolicited material
- cc) Regulating and controlling busking;
- dd) Regulating clothing recycling bins on Council land;
- ee) Prohibiting spoil on roads;
- ff) Providing for bulk rubbish containers on building sites;

- gg) Regulating the use of heavy motor vehicles on land;
- hh) Regulating and controlling the keeping of animals
- ii) Providing for the collection, storage and transportation of refuse, trade waste, hard garbage and recyclable materials.

1.4 Power to Make this Local Law

The Council's power to make this Local Law is contained in Section 8 and Part 5 of the Local Government Act 1989.

1.5 Operational Date of this Local Law

This Local Law comes into operation on the 1st October 2003.

1.6 Date this Local Law Ceases Operation

Unless this Local Law is revoked sooner, its operation will cease on the date which is 10 years after the day on which it came into operation.

1.7 Revocation of Other Local Laws and By Laws

From the date of operation of this Local Law the following Local Laws will cease to operate: Local Law No. 1 (Animal Control), Local Law No. 2 (Environment), Local Law No. 3 (Street And Roads), Local Laws No. 4 (Council Properties), Local Law No. 6 (Consumption of Liquor) and Local Law No. 7 (Number of Dogs and Cats).

1.8 Scope of this Local Law

This Local Law applies to the whole of the municipal district of the Macedon Ranges Shire Council.

1.9 Interpretation

- a) If there appears to be any inconsistency between any provision of this Local Law and any Act or Regulation of the State of Victoria or the Commonwealth of Australia then to the extent of such inconsistency, the provision of this Local Law shall be inoperative.
- (b) Unless inconsistent with the context, in this Local Law:
 - i) the singular includes the plural and the plural includes the singular;
 - ii) a reference to a gender includes a reference to each other gender;
 - iii) a reference to a person includes a reference to a firm, corporation or other corporate body;
 - iv) a reference to a statute includes any statutes amending, consolidating or replacing same and any regulations made under such statutes; and
 - v) all headings are for ease of reference only and shall not be taken into account in the construction or interpretation of the Local Law.

Note: The operation of this Local Law does not negate the authority and responsibility of the Council under other relevant Acts or Regulations.

1.10 Words Used in this Local Law

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

"abandoned"	Means left standing on any road for seven (7) consecutive days.
"Act"	Means the Local Government Act 1989 (or as amended)
"advertising sign"	Means a board, notice, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of a property where goods or services may be obtained.
"alcohol"	Means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees celsius.
"animal"	Includes every species of quadruped and includes a kangaroo, ostrich and emu.
"applicant"	Means the person who applies for a permit under this Local Law.
"appropriate fee"	Means a fee determined by the Council
"authorised officer"	Means any person appointed by the Council to be an authorised officer under section 224 of the Act and, in respect of clause 5.12 and 5.26, includes any police officer in accordance with section 224A of the Act.
"barbecue"	Means any fixed or portable appliance designed exclusively for meals preparation and fired by gas, electricity or other flammable materials.
"bird"	Includes poultry.
"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.
"bulk rubbish container"	Means a bin, container, 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.
"camp"	Means the erection and occupation of a tent or other similar structure but does not include a caravan.

"car park"	Means any property which is primarily used for the purpose of parking vehicles.
"caravan"	Includes any object or structure having the general characteristics of a caravan, a house on wheels, a covered van and any vehicle used or adapted for living purposes whether the wheels or axles have been removed or not, and whether it is resting directly on the ground or placed on blocks or other supports; and any structure, awning, verandah, lean-to, carport or other enclosed or partly enclosed area used in conjunction with or appurtenant to a caravan.
"Chief Executive"	Means the Chief Executive of the Council.
"commercial waste"	Means any rubbish, refuse, sludge, slurry, liquid, hard garbage or other matter whatsoever arising from any trade, industry or commercial undertaking.
"commercial waste hopper"	Means a purpose built receptacle for the deposit of commercial trade waste that is ordinarily emptied by mechanical means.
"the Council"	Means the Macedon Ranges Shire Council.
"Council land"	Means any land vested in or under the control of the Council, including reserves, parks, gardens, sporting grounds, watercourses, reservations, and the like, but excludes a road.
"delegate"	Means: a) any member of the Council's staff to whom a delegation has been made pursuant to section 98 of the Act; or b) a committee to which a delegation has been made under section 86 of that the Act. for the purposes of this Local Law.
"domestic waste"	Means all refuse, rubbish or waste material or hard garbage generated from residential premises but excludes commercial waste.
"drain"	Means any physical system or feature the prime function of which is to convey water or waste water.
"enclosure"	Means an immobile enclosed structure used for the purpose of keeping animals or birds (including, in the case of birds, any fowl run or fowl pen which may be attached to such structure).

“ farm land “	Means any rateable land (a) that is not less than 2 hectares in area; and (b) that is used primarily for grazing (including agistment), dairying, pig farming, poultry farming, fish farming, tree farming, bee keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities; and (c) that is used by a business (i) that has a significant and substantial commercial purpose or character; and (ii) that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and (iii) that is making a profit from its activities on the land, or that has reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.
"garbage or recycling bin"	Means a wheeled mobile garbage bin or container for the purpose of collecting recyclable goods supplied by or on behalf of the Council in connection with the Council's collection service for domestic waste.
"goods"	Includes food.
"horse"	Includes stallion, mare, gelding, colt, filly, ass, mule and foal.
"incinerator"	Means 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 thing; b) not licensed or otherwise subject to control under the provisions of any other legislation; and c) not a barbecue.
"intersection"	Has the same meaning as in the Road Rules - Victoria.
"land"	Includes: a) Buildings and other structures permanently fixed to land; and b) land covered with water; and c) any estate, interest, easement, servitude, privilege or right in or over land.
"legislation"	Includes subordinate legislation as defined in the Interpretation of Legislation Act 1984.

- "livestock"** Means an animal (including a bird) or any species used in connection with primary production or kept for recreational purposes, other than a dog or cat.
- "Municipal Building"** Means:
- a) any building which is owned, occupied or controlled by the Council; and
 - b) any land on which such a building is located which the Council or an authorised officer determines is to constitute part of a "Building" for the purpose of this definition, and includes any -
 - (i) structure;
 - (ii) fixture;
 - (iii) fitting; and
 - (iv) garden -
- located on, at or in a Municipal Building, but excludes a Municipal Recreation Centre and a Municipal Reserve.
- "Municipal District"** Means the municipal district of the Council.
- "Municipal Place"** Means a:
- a) Municipal Building;
 - b) Municipal Recreation Centre;
 - c) Municipal Reserve; or
 - (d) Municipal Refuse Disposal Facility.
- "Municipal Recreation Centre"** Means any land and all buildings, structures and equipment on such land constructed by, or on behalf of the Council, as a recreation centre from time to time.
- "Municipal Refuse Disposal Facility"** Means any refuse disposal facility used for the disposal, storage or transfer of waste within the municipal district designated by the Council from time to time as a "Municipal Refuse Disposal Facility".

"Municipal Reserve"	<p>Means any land within the municipal district which is:</p> <p>a) owned, occupied or controlled by the Council; and</p> <p>b) dedicated or used for cultural, recreational or entertainment purposes and includes any:</p> <ul style="list-style-type: none">• structure;• fixture;• fitting; and• garden <p>on or at the land and any park, but excludes a Municipal Building or a Municipal Recreation Centre.</p>
"Notice to Comply"	<p>Means a notice generally in the form of Schedule 3.</p>
"occupier"	<p>Includes a person having control or management of premises whether alone or with other people.</p>
"offensive"	<p>Has the same meaning as in section 3(1) of the Health Act 1958.</p>
"open drain"	<p>Means any drain which is not a natural watercourse or a piped drain.</p>
"outdoor eating facility"	<p>Means any tables, benches or chairs located out of doors at which food or drink is served or consumed for commercial gain.</p>
"owner"	<p>in relation to premises means:</p> <p>a) the person rated or liable to be rated in respect of those premises in relation to any general rate of the Council; or</p> <p>b) if the premises are so not rated or liable to be rated, the person who is the owner as defined in section 3 of the Act.</p>
"Penalty Unit"	<p>Has the meaning ascribed to it in the Sentencing Act 1991.</p>
"permit holder"	<p>Is a person to whom a permit has been issued under this Local Law.</p>
"permit"	<p>Means a permit issued in writing by the Council under this Local Law.</p>
"person"	<p>Includes the owner, occupier or person in charge of any land, dwelling or property and includes a corporation and its agents.</p>

"Planning Scheme"	Means the Macedon Ranges Shire Council Planning Scheme.
"procession"	Means an organised group of people proceeding along a road and includes fun runs and bicycle events.
"property"	Means any land, building, dwelling or flat in separate ownership or separate occupation within the municipal district.
"public body"	Means a government department or statutory authority.
"public place"	Means: a) any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare notwithstanding that it may be formed on private property; b) any park, garden, reserve or other place of public recreation or resort; c) any market; d) any racecourse, cricket ground, football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission; e) any place of public resort; or f) any open place to which the public whether upon or without payment for admittance have or are permitted to have access.
"recreational vehicle"	Means all mini bikes, trail bikes, motor bikes, motor scooters, go-carts, motor cars and any other bike or vehicle propelled by a motor which is normally used for recreational purposes, but does not include any vehicle used primarily in respect of primary production, construction or maintenance or motor homes or buses or for the conveyance of an incapacitated person.
' residential premises '	Means a building used to permanently or temporarily accommodate persons and includes dwelling, residential hotel, motel, boarding home, and bed and breakfast establishment
"Regulations"	Means the Local Government Regulations 2001(or as amended)

"road"	Includes: <ul style="list-style-type: none">(a) a street, and(b) a right of way; and(c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and(d) a passage; and(e) a cul de sac; and(f) a by-pass; and(g) a bridge or ford; and(h) a footpath, bicycle path or nature strip; and(i) any culvert or kerbing or other land or works forming part of the road.
' 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"	Includes sell (whether by wholesale or by retail or by means of any machine or mechanical device), barter or exchange, agreeing to sell, offering or exposing for sale, keeping or having in possession for sale, sending, forwarding, delivering or receiving for, or on sale, or attempting, directing, causing, suffering or admitting any of such acts or things.
"shopping trolley"	Means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
"sign"	Means a board, placard or the like displayed in public and inscribed with words or designs intended to inform.
"street festival"	Means an organised recreational, cultural, commercial or social gathering of people held on a road.
"street party"	Means an organised social gathering of people held on a road in, or near to which those people reside.
"township area"	Means all land defined and shown in the maps contained in Schedule 5.
"toy vehicle"	Means a vehicle other than a bicycle, designed to be propelled by human power and includes a scooter, skateboard, roller skates, and similar toys and includes a motorised scooter and skateboard.
"traffic control item"	Means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers or pedestrians.
"vehicle"	Means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes a bicycle or other pedal powered vehicle, trailer, and air cushion vehicle but does not include railway locomotive or railway rolling stock, a toy vehicle, or in respect of an injured or disabled person, a wheelchair or a motorised wheelchair that is capable of a speed of no more than 10 kilometres per hour.

PART 2 ADMINISTRATION OF THIS LOCAL LAW

2.1 Exercise of Discretions

- a) In exercising any discretion contained in this Local Law, the Council will take into account:
 - (i) the objectives of this Local Law; and
 - (ii) any relevant considerations specified in this Local Law, as appropriate.
- b)
 - (i) The Council may from time to time prepare guidelines for use by the Council, members of the Council's staff and other persons for the purposes of this Local Law.
 - (ii) Any guidelines prepared by the Council must not be inconsistent with the objectives of this Local Law or with the considerations specified in this Local Law.
 - (iii) In preparing guidelines, the Council must consider the objectives of this Local Law and the considerations specified in this Local Law.

2.2 Register of Determinations

- a) Any determinations made or guidelines prepared by the Council for the purposes of this Local Law must be maintained by the Council in a register kept for that purpose.
- b) The register kept for the purposes of this clause must be made available for inspection at the office of the Council during normal office hours.

2.3 Appeals

Any person who is aggrieved by any action taken under this Local Law may make a written submission for consideration by the Council. Any person who has made a written submission to the Council and requested that he or she be heard in support of the written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council. This right will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under this Local Law.

2.4 Delegations

- a) The Council may delegate to an authorised officer who is a member of its staff, or to any other member of staff, the power to:
 - (i) sign, issue, revoke or cancel any notice or order on behalf of the Council; and
 - (ii) form the necessary opinion before issuing a notice to comply; or
 - (iii) do any act, matter or thing required, necessary to or incidental to the performance or exercise of any function or power by the Council under this Local Law.

PART 3 PERMITS

3.1 Exemptions

Where any activity or thing is prohibited under this Local Law except where a permit has been obtained, the Council or an authorised officer may exempt any person, class of persons or body from the need to obtain a permit, and

- a) any exemption under this clause may be made subject to such conditions as the Council or authorised officer specifies in any individual case; and
- b) a breach of any condition specified pursuant to this exemption will constitute a breach of the clause in this Local Law to which the exemption pertains.

3.2 Previous Permits, Consents or Registrations

- a) In this clause, "existing permit" means a permit or other written authorisation, issued under a Local Law in force in the municipal district, which would (if that Local Law had not been revoked) be in force at the date of commencement of this Local Law.
- b) An existing permit continues to be in force as if it were a permit issued under this Local Law until the earlier of:
 - (i) the day on which the permit would have expired had the Local Law under which it was made not been revoked; and
 - (ii) one year after the day on which this Local Law comes into operation.

PART 4 ANIMAL CONTROL

4.1 Keeping of Animals

- (a) Each owner and occupier of land on which an animal is kept must:
- (i) ensure that the animal does not:
 - 1. cause a nuisance to anyone by noise, smell or other condition;
 - 2. damage any flora or fauna on that land;
 - 3. pollute any drain, gutter, watercourse or water catchment on or through that land; or
 - 4. cause the invasion or spread of noxious or environmental weeds on or from that land;
 - (ii) Keep the ground surrounding the place where the animal is kept free from weeds, refuse, rubbish and other material harbouring, or which may harbour, rats or vermin;
 - (iii) keep all food for consumption by the animal in vermin proof buildings or containers with the exception of baled, rolled, sheaf hay or silage; and
 - (iv) place all manure, excrement, refuse or rubbish produced or accumulated by the animal, as soon after the production or accumulation as is reasonably practicable, in a container which is sanitary, impervious and vermin proof, and the contents of which are removed and disposed of at least once every week or at such other intervals as an authorised officer considers necessary; and
 - (v) ensure that any enclosure for an animal is maintained so as not to give rise to any condition that is likely to be offensive, dangerous to health, unsightly or a nuisance.
- (b) In determining the existence of a nuisance for the purposes of clause 4.1(a), an authorised officer shall take into account:
- (i) the cleanliness of the land and its surrounds;
 - (ii) the security of the land including the state of fencing and the adequacy of the animal shelters and runs;
 - (iii) the welfare of the animal;
 - (iv) the impact on the amenity of the area;
 - (v) whether the adjoining landowners and occupiers have expressed a complaint;
 - (vi) the conservation of the land and flora of the region in which the land is located;
 - (vii) the past history of the person owning the animal in terms of responsible animal ownership; and
 - (viii) any other matter considered relevant by the Authorised Officer

4.2 Limit on the Number of Animals

- (a) Without a permit the owner or occupier of any land must not keep or allow to be kept any more animals in number than as set out in the following table.

On land up to 4000 square metres (ie one acre block)	2 dogs and 2 cats
On land greater than 4000 square metres	4 dogs and 4 cats

- (b) The provisions of clause 4.2(a) apply to the whole of the municipal district except where;
- (i) to do so is specifically authorised by and in accordance with the Planning Scheme or a permit granted under the Planning Scheme; or
 - (ii) the animals are kept for working stock on farm land that is greater than 40 hectares in area.

4.3 Animal Excrement

A person in charge of an animal must not allow any excrement deposited by the animal to remain on any Council land or in a public place.

4.4 Fencing of Properties

No person shall keep any livestock upon any land within the municipal district which in the opinion of an authorised officer is not securely enclosed or fenced to prevent that livestock from straying.

, If the Council or an authorised officer is of the opinion that fencing is inadequate for the purpose of preventing livestock from straying, the Council or the authorised officer may require each owner or occupier of such land to install, repair, replace or modify fencing and gates as considered appropriate.

PART 5 PUBLIC LAND

Division 1: Obstructions and Behaviour

5.1 Advertising Signs

- a) Subject to this clause, unless:
- (i) in accordance with a permit under this Local Law;
 - (ii) to do so is specifically authorised by and in accordance with the Planning Scheme or a permit granted under the Planning Scheme; or
 - (iii) the sign is of a type / size and in a location which the Council has declared from time to time by resolution to be a permitted sign,
- a person must not place an advertising sign or other sign, poster or banner on or over any road or Council land or a public place or allow that to occur.
- b) In determining whether to grant a permit under clause 5.1(a), the Council shall take into account:
- (i) whether the sign is proposed to be placed in an area which the Council has declared from time to time by resolution to be a prohibited area;
 - (ii) the size, construction, wording and colour of the sign;
 - (iii) the nature of the material comprising the sign;
 - (iv) the likely interference with the free passage of any pedestrian or vehicle;
 - (v) the Royal Victorian Institute for the Blind (RVIB) Street Furniture Policy
 - (vi) whether a hazard will be created to pedestrians or vehicles;
 - (vii) the likely nuisance or detriment to be caused;
 - (viii) whether any public liability insurance has been effected; and
 - (ix) any other matter relevant to the circumstances of the application.
- c) The Council or an authorised officer may impound any advertising sign placed in breach of clause 5.1(a).
- d) Any items impounded under clause 5.1(a) must be dealt with under clause 7.1.
- e) This clause does not apply to advertising signs relating to garage sales at a residential premises, provided that:
- (i) the portable advertising sign is erected so as not to interfere with or obstruct vehicular or pedestrian traffic;
 - (ii) the wording of the portable advertising sign is not offensive;

- (iii) the portable advertising sign is not illuminated or reflectorised;
- (iv) the portable advertising sign is erected not more than 7 days before such event and removed within 24 hours of the event;
- (v) the size of the portable advertising sign is restricted to 0.5 square metre. (A 0.5 square metre sign may be double sided, viz. a sandwich board);
- (vi) the portable advertising sign is not attached to obstruct or obscure any street furniture or road signs;
- (vii) the portable advertising sign is not attached to any existing trees or shrubs other than by string; and
- (viii) no more than 4 such signs relating to the event are installed.

5.2 Outdoor Eating Facilities

- a) Unless:
 - (i) in accordance with a permit under this Local Law; or
 - (ii) to do so is specifically authorised by and in accordance with the Planning Scheme or a permit granted under the Planning Scheme,a person must not establish an outdoor eating facility on any road or Council land or in a public place.
- b) In determining whether to grant a permit under clause 5.2a), the Council shall take into account:
 - (i) whether the outdoor eating facility is conducted in conjunction with, and as an extension of, food premises located immediately abutting the facility, where those food premises are registered in accordance with the *Food Act* 1984, and the applicant is the person conducting such food premises;
 - (ii) whether the outdoor eating facility would be located where it would obstruct the visibility at an intersection;
 - (iii) whether appropriate and safe pedestrian access can be maintained;
 - (iv) The Royal Victorian Institute for the Blind (RVIB) Street Furniture Policy
 - (v) whether the outdoor eating facility will be a hazard;
 - (vi) whether any public liability insurance has been effected; and
 - (vii) any other matter relevant to the circumstances of the application.
- c) The Council or an authorised officer may impound any outdoor eating facility established in breach of clause 5.2a);

- d) Any items impounded under clause 5.2) must be dealt with under clause 7.1.

5.3 Council Signs

- a) The Council may by a notice or sign prohibit or regulate the use of any Council land or the conduct of a person on that land.
- b) A person must not erect or remove, interfere or deface any notice or sign referred to in clause 5.3a) except with the authority of the Council.
- c) A person must not act contrary to any notice or sign referred to in clause 5.3a).

5.4 Repair or Dismantle Vehicles

A person must not:

- a) paint;
- b) service; or
- c) carry out maintenance on

a vehicle on any road or Council land or in a public place except to enable it to be removed.

5.5 Abandoned and Unregistered Vehicles on Roads

A person must not leave standing on a road any vehicle which:

- a) is unregistered; or
- b) has been abandoned.

5.6 Shopping Trolleys

- a) A person must not leave a shopping trolley -

- (i) on a road;
- (ii) on Council land;
- (iii) in a public place;
- (iv) in a car park -

except in an area designated for the leaving of shopping trolleys.

- b) The Council or an authorised officer may impound any shopping trolley left in a place in breach of clause 5.8a).
- c) Any shopping trolley impounded under clause 5.8a) must be dealt with under clause 7.1.

5.7 Trees and Hedges at Intersections

Each owner and occupier of any land situated at the intersection of two or more roads must not allow any tree, shrub, hedge or other vegetation within 12 metres of the intersection of the roads to exceed 1.2 metres in height.

5.8 Overhanging Vegetation and Signs

- a) Each owner and occupier of land must not on that land:
 - (i) allow any vegetation, sign or structure to extend over a road at a height of less than three metres from the surface of the road; or
 - (ii) allow any vegetation, sign or structure in any way to constitute a road interference.
- b) In this clause 5.8a) "road interference" means interference with the unobstructed, safe and fair use of roads by people and includes interference with:-
 - (i) traffic, including pedestrians and vehicles;
 - (ii) traffic control items; or
 - (iii) street lighting.

5.9 Street Parties, Street Festivals and Processions

- a) A person must not, without a permit, organise a street party, street festival or procession on a road.
- b) In determining whether to grant a permit under clause 5.9a), the Council shall take into account:
 - (i) whether the road can be closed to vehicular traffic;
 - (ii) whether all owners and occupiers of properties with vehicular access along the section of road to be closed have been advised by letter and given adequate time to comment or object;
 - (iii) whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the road at locations and times specified by an authorised officer;
 - (iv) whether the footpath on at least one side of the road can be kept clear of obstructions; and
 - (v) whether the consent of the Roads Corporation has been obtained and all of its requirements met, including an appropriate traffic detour signing scheme;
 - (vi) any other matter relevant to the circumstances of the application.

5.10 Specific Obstructions

- a) Unless:-
- (i) in accordance with a permit under this Local Law; or
 - (ii) to do so is specifically authorised by legislation,
- a person must not make or place an obstruction or allow one to be made, placed or exist on any part of a road or Council land.
- b) For the purposes of this clause, "obstruction" includes:
- (i) a hedge, heap or fence;
 - (ii) a ditch, hole or drain;
 - (iii) building material;
 - (iv) goods for sale;
 - (v) a box or other container
 - (vi) a table or chair;
 - (vii) a board, sign, or sandwich board;
 - (viii) a bicycle lying on the footpath or leaning on a building;
 - (ix) a pole, post or basketball ring;
 - (x) scaffolding or a stage, crane, awning, hoarding or hoist; and
 - (xi) any other thing likely to cause an obstruction to any part of the road or premises if left on a road or premises.
- c) The Council or an authorised officer may impound any obstruction placed in breach of clause 5.10a).
- d) An obstruction impounded under clause 5.10a) must be dealt with under clause 7.1.

5.11 Containers and Bins

- a) A person must not, without a permit, place or cause or allow another person to place a bulk rubbish container on any road, Council land or in a public place.
- b) A person must not place or allow the placement of a clothing bin on a road, Council land or in a public place unless:
- (i) 1. in accordance with a permit under this Local Law; or
 - 2. the site of the bin is prescribed by the Council for such use generally or is allocated to that bin; and

- (ii) the bin has clearly indicated on at least 2 sides, the name of the person on whose behalf the bin is placed and items that are sought for depositing in it.

5.12 Consumption and Possession of Alcohol

- a) Subject to this clause, a person must not without a permit -
 - (i) consume any alcohol; or
 - (ii) have in his or her possession a -
 - 1. bottle;
 - 2. can;
 - 3. wine cask; or
 - 4. other receptacle -
which contains alcohol and has been opened -
 - (iii) on a road or Council land or in a public place except:
 - 1. in licensed premises or authorised premises under the Liquor Control Reform Act 1998;
 - 2. where the consumption of alcohol is permitted under a permit issued under clause 5.12a); or
 - 3. a place which the Council has declared from time to time by resolution to be exempt from the operation of this clause 5.12.
- b) In determining whether to grant a permit under clause 5.12a), the Council shall take into account:
 - (i) the nature of the event; and
 - (ii) any other matter relevant to the circumstances of the application.
- c) Where an authorised officer believes on reasonable grounds that a person is contravening, or has contravened, clause 5.12a, the authorised officer may direct the person to either, seal any, or dispose of the contents of any unsealed,
 - (i) bottle;
 - (ii) can;
 - (iii) wine cask; or
 - (iv) other receptacle -
in the possession of a person.
- d) Any liquid is deemed to be liquor until the contrary is proven.

- e) Clause 5.12a) shall not apply to a person in an area designated by the Council from time to time by resolution to be a picnic area during daylight hours unless an authorised officer reasonably believes that:
 - (i) the person in possession of an open container of liquor is intoxicated; or
 - (ii) the consumption of liquor by the person or a group of persons of which the person is a member is causing a nuisance, or intimidating or disturbing others in the vicinity.
- f) Clause 5.12a) shall not apply to a person on a sporting field or reserve during a time when that sporting field or reserve is in the exclusive use and control of an incorporated organisation pursuant to a hiring or other booking arrangement with the Council, except:
 - (i) when so requested in writing by the organisation; or
 - (ii) during and one hour immediately before and immediately after events intended for participants under 18 years of age.

5.13 Person Selling Goods

- a) A person must not, without a permit, sell any goods from:
 - (i) a stall;
 - (ii) a vehicle;
 - (iii) a caravan;
 - (iv) a trailer;
 - (v) a barrow;
 - (vi) a box;
 - (vii) a crate;
 - (viii) a bag; or
 - (ix) any other receptacle;standing or placed on:
 - 1. a road;
 - 2. Council land;
 - 3. vacant land; or
 - 4. land which is not ordinarily occupied by the person.
- b) In determining whether to grant a permit under clause 5.13a), the Council shall take into account:

- (i) the zoning of the land;
- (ii) the suitability of the land;
- (iii) the location of the land;
- (iv) the duration of the sale;
- (v) the proposed hours of operation;
- (vi) the availability of parking;
- (vii) the likely effects on traffic;
- (viii) the likely effects on traders in the municipal district;
- (ix) whether the safety of road users or the passage of vehicles or pedestrians will be affected;
- (x) whether permits required by the *Health Act 1958*, *Food Act 1984* or any other legislation have been obtained;
- (xi) whether the activity will disturb, annoy or disrupt adjacent land owners or occupiers;
- (xii) whether the activity will be detrimental to the amenity of the area;
- (xiii) whether appropriate arrangements can be made for waste water disposal, litter and garbage, and lighting;
- (xiv) whether any public liability insurance has been effected; and
- (xv) any other matter relevant to the circumstances of the application.
- (xvi) the Royal Victorian Institute for the Blind (RVIB) Street Furniture Policy.

5.14 Street Collection

- a) Subject to this clause, a person must not, without a permit, solicit or collect -
 - (i) on a road;
 - (ii) on Council land; or
 - (iii) in any public place,any gifts or subscriptions for any purpose or cause or authorise another person to do so.
- b) In determining whether to grant a permit under clause 5.14a), the Council shall take into account:
 - (i) the times and days it is proposed to collect;
 - (ii) the matter or thing to be collected;

- (iii) the roads or areas in which the collections will take place;
 - (iv) the impact on traffic and safety of pedestrians;
 - (v) the age and capacity of the applicant/s to supervise participants; and
 - (vi) any other matter relevant to the circumstances of the application.
- c) This clause does not apply to the collection of money for:
- (i) a recognised service club;
 - (ii) a recognised hospital appeal;
 - (iii) a recognised charity appeal; or
 - (iv) a recognised community group which has received written authority from the Council.

5.15 Unsolicited Material

A person must not, without a permit, distribute any -

- a) handbills;
- b) placards;
- c) notices;
- d) advertisements;
- e) books;
- f) pamphlets;
- g) papers;
- h) goods;
- i) gifts; or;
- j) samples -

to any person on any road or Council land or in any public place.

5.16 Busking

A person must not, without a permit -

- a) sound or play any musical instrument;
- b) sing;
- c) harangue or recite;

- d) perform conjuring tricks;
- e) juggle;
- f) dance;
- g) engage in miming or puppetry; or
- h) perform like activities -

on any road, Council land or in a public place with the object, or apparent object, of collecting money.

5.17 Sale of Vehicles

A person must not park a vehicle on a road or Council land or in a public place including a public car park for the purposes of promoting such vehicle for sale.

5.18 Toy Vehicles

- a) Any person who uses or allows another person to use a toy vehicle on a road must ensure that the use does not, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the road, whether in or on another vehicle or not.
- b) A person must not use a toy vehicle within any area designated as Commercial on any maps contained in Schedule 5.

Division 2: Municipal Amenity

5.19 Camping and Caravans

- a) Unless:
 - (i) in accordance with a permit under this Local Law; or
 - (ii) to do so is specifically authorised by and in accordance with the Planning Scheme or a permit granted under the Planning Scheme,a person must not camp or allow any camping or occupy or place or allow to be occupied or placed any caravan on a road, Council land or in a public place.
- b) In determining whether to grant a permit under clause 5.19a), the Council shall take into account:
 - (i) the location of the land;
 - (ii) the zoning of the land;
 - (iii) the suitability of the land for camping;
 - (iv) the number of tents or other structures to be located on the land;

- (v) the length of time the tents and other structures will be erected on the land;
- (vi) the availability of sanitary facilities to the land;
- (vii) the likely damage to be caused; and
- (viii) any other matter relevant to the circumstances associated with the application.

5.20 Lighting Fires

- a) Subject to this clause, a person must not, without a permit, light or cause to be lit any fire on any road, Council land or in a public place.
- b) This clause does not apply to:
 - (i) a permanent or portable barbecue while being used for the purpose of cooking food; or
 - (ii) a fire being lit by an officer, employee or authorised agent of a public body engaged in an activity for and on behalf of a public body.

5.21 Council to Approve Road Names

- a) A person must not apply a name to a road without the written consent of the Council.
- b) This clause does not apply to:
 - (i) a freeway; or
 - (ii) a supplementary name applied to the entire length of a declared road by the Roads Corporation.

Note: Prior to consideration of a change of name of a road, the Council must give public notice in accordance with section 206, section 207A and Schedule 10(5) to the Act .

5.22 Record of Road Names

The Council must keep a record of all road names and name changes agreed to by the Council and must accurately record the names, locations and the dates the changes became operative.

5.23 Council to Allot Property Numbers

The Council may from time to time allot such numbers (if any) as it considers necessary to any property within the municipal district and may from time to time allot a different number to any property or otherwise change the numbering..

5.24 Display of Property Numbers

- a) Each owner and occupier of any property to which a number has been allotted by the Council must:

- (i) display the number in a position clear of vegetation and other obstructions so as to be clearly visible in daylight from the road on which the allotment has its frontage; and
- (ii) ensure that the number is:
 - 1. made of durable material;
 - 2. not less than 75 mm in height;
 - 3. kept in good state of repair;
 - 4. renewed as often as may be necessary;
 - 5. in the case of a flat, displayed not less than 1.2 metres and not more than 1.8 metres from the base of the principal or front door; and
 - 6. in the case of a property affected by the rural addressing system, reflective.
- b) Each owner and occupier of any property must not display a number on that property unless the number has been allotted to the property by the Council and no other number has subsequently been allotted to the property under this Local Law.

5.25 Cigarette Butt Receptacles

Each owner and occupier of commercial premises at or around which persons are likely to deposit cigarette butts on any public area or Council land must provide, maintain in a clean manner and service approved receptacles for the receipt of those cigarette butts.

5.26 Vehicle Noise

A person driving or in charge of a vehicle with the exception of emergency vehicles: -

- a) must not allow the engine of that vehicle to remain in operation whilst that vehicle is stationary except in the period of 5 minutes:-
 - (i) immediately after becoming stationary;
 - (ii) Immediately before ceasing to be stationary;
- b) must not allow any engine on or in that vehicle to remain in operation for longer than five minutes whilst that vehicle is stationary between 7pm and 7am on any road in or abutting an area zoned residential under the Planning Scheme except where the vehicle is stationary to comply with the Road Rules; and
- c) must not allow the radio or other sound system installed in such vehicle to be played at a level which constitutes a nuisance.

5.27 Use of Scareguns

- (a) A person must not use or allow or authorise others to use a scaregun unless all of the following are satisfied:
 - (i) the scaregun is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period; and
 - (ii) the scaregun is positioned on farm land; and
 - (iii) the distance in a straight line between the scaregun and a residential premises on another property is 500 metres or greater; and
 - (iv) the distance in a straight line between the scaregun and another scaregun in use (whether located on the same property or on another property) is 150 metres or greater; and
 - (v) the scaregun is only used between 7-00am and sunset on any day; and-
 - (vi) the scaregun is not used in excess of twelve hours in one day; and
 - (vii) the maximum noise level of the scaregun when measured immediately in front of a residential premises on another property is 100dB LIN peak or less; and
 - (viii) the scaregun does not emit more than the number or exceed the regularity of blasts in any one day period than the number set out in clause 5.27(c); and
 - (ix) the number of scareguns in use at any one time on the property does not exceed the number set out in clause 5.27(e).
- (b) A permit may be granted to reduce the distance requirement set out in clause 5.27 (a)(iii)
- (c) For the purpose of clause 5.27(a) (viii), the number and regularity of blasts in any one day period is as follows:
 - (i) in the case of a single blast scaregun, 70 blasts, with the time between blasts to be no less than six minutes;
 - (ii) in the case of a multiple blast scaregun, 70 blasts, with:
 - (iii) the time between blast sequences being no less than six minutes; and
 - (iv) the time between the first blast of a sequence and the last blast of a sequence being no more than one minute.
- (d) For the purposes of Clause 5.27 (c)(ii) each blast in a multiple blast sequence shall be counted as one blast.
- (e) For the purposes of clause 5.27.(a)(ix), the number of scareguns in use at any one time on the property is as follows:

- (i) where the area under crop is four hectares or less – one scaregun;
 - (ii) where the area under crop is more than four hectares and less than ten hectares – two scareguns;
 - (iii) where the area under crop is ten hectares or more – three scareguns.
- (f) A permit may be granted to allow the use of more than three scareguns where the area under crop is twenty hectares or more but so as not to allow more than two scareguns for each ten hectares of crop.
- (g) the Council or an authorised officer may impound any scaregun used in breach of clause 5.27(a) or (f).
- (h) Any items impounded under clause 5.27(g) must be dealt with under clause 7.1.

Division 3: Municipal Places

5.28 Behaviour in Municipal Places

A person must not:

- a) without the written consent of the Council or an authorised officer, sell any goods or services in a Municipal Place;
 - b) interfere with another person's use and enjoyment of a Municipal Place;
 - c) act in a manner which endangers any other person in a Municipal Place;
 - d) use indecent, insulting, offensive or abusive language in a Municipal Place;
 - e) behave in an indecent, offensive, insulting or riotous manner in a Municipal Place;
 - f) engage in any rough or boisterous play or conduct in a Municipal Place;
 - g) destroy, damage, interfere with or deface a Municipal Place;
 - h) destroy, damage, interfere with or deface anything located at, on or in a Municipal Place; or
- i) without the written consent of the Council or an authorised officer:
- (i) remove anything from a Municipal Place;
- j) act in a manner contrary to any restriction or prohibition contained in the inscription on a sign at, on or in a Municipal Place;
- k) except for a child under the age of six (6) years in the care of a responsible person, enter or use any dressing room, shower, convenience or other area in a Municipal Place which has been appropriated for persons of the opposite gender;
- l) without the written consent of the Council or authorised officer, erect, affix or place any advertisement in a Municipal Place;

- m) without the written consent of the Council or an authorised officer, erect, operate or cause to be erected or operated any amusement in a Municipal Place;
- n) obstruct, hinder or interfere with any member of staff of the Council in the performance of his or her duties in a Municipal Place;
- o) act contrary to any lawful direction of an authorised officer or member of staff of the Council given in a Municipal Place, including, without limitation, a direction to leave the Municipal Place, whether or not a fee for admission to the Municipal Place has been paid;
- p) use or interfere with any life saving or emergency device located in a Municipal Place, unless:
 - (i) using the device in an emergency; or
 - (ii) participating in instruction approved by the Council or an authorised officer;
- q) smoke any tobacco product within any building in a Municipal Place;
- r) play any unlawful game in a Municipal Place;
- s) without the written consent of the Council or authorised officer, make any wager for money or engage in any form of gambling in a Municipal Place; or
- t) deface or remove any sign, poster, word or symbol on or in a Municipal Place.

5.29 Access and Use of Municipal Places

- a) The Council may from time to time determine:
 - (i) conditions applying to and fees or charges for the use of, hire of, or entry to any Municipal Place or any part thereof;
 - (ii) hours of opening of any Municipal Place; and
 - (iii) any other conditions or restrictions which are to apply to any Municipal Place of any part thereof.
- b) In exercising its power under this clause 5.29a), the Council may determine conditions applying to and the fees or charge for the use of any Municipal Place on multiple occasions, over a period of time, or on any other basis that appears appropriate to the Council.
- c) A person must not:
 - (i) enter or attempt to enter a Municipal Place during hours when the Municipal Place is not open to the public; or
 - (ii) enter or attempt to enter a Municipal Place without having paid any fees or charges as have been set by the Council.

5.30 Activities Prohibited in Municipal Buildings

A person must not, without the written consent of the Council or an authorised officer:

- a) organise any function or event in a Municipal Building;
- b) bring any animal into, or allow any animal under his or her control to remain in, a Municipal Building, except for a guide dog being used by a person who is visually impaired;
- c) ride any vehicle or toy vehicle into a Municipal Building, except for
 - (i) a pram or pusher, or
 - (ii) a wheelchair being used by a disabled person; or
- d) bring into a Municipal Building any substance, liquid, gas or powder which may:
 - (i) be dangerous or injurious to health;
 - (ii) have the potential to foul, pollute or soil any part of the Municipal Building; or
 - (iii) cause discomfort to persons.

5.31 Activities Prohibited in Municipal Reserves

In a Reserve, a person must not:

- a) unless he or she is a player, official or a competitor at a sporting match or gathering, enter upon or remain on any area set aside as a playing ground during the course of the sporting match or gathering;
- b) without the written consent of the Council or an authorised officer, destroy, damage or interfere with any flora or anything attached to or supporting such flora, or kill, injure or interfere with any fauna;
- c) climb, jump or get upon or over any wall, fence, gate, seat or other structure;
- d) roll or throw any stones or missiles or use any projectiles;
- e) spit upon or otherwise foul any path or structure;
- f) use an amplifier or electronic device other than in a manner and location permitted by the Council or an authorised officer;
- g) use any children's playground equipment other than for the purpose for which it was provided;
- h) swim, paddle, dive or jump into or in any way enter any wetland, lake, pond or fountain;
- i) throw, place or cause or allow to be thrown or placed any liquid, stones, sticks, paper, dirt, rubbish or any other object, substance or thing into any wetland, lake, pond or fountain;

- j) jump or dive from any bridge or other structure into any wetland, lake, pond or fountain in a manner that endangers any person, including the person diving or jumping;
- k) play, engage in or practice any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is:
 - (i) dangerous to any other person in the Reserve; or
 - (ii) likely to interfere with the reasonable use and enjoyment of the Reserve by any other person;
- l) be the owner of any motor vehicle or other vehicle which is driven or used, or drive or use any motor vehicle, except
 - (i) on a defined road;
 - (ii) in a designated area; or
 - (iii) for maintenance or inspection purposes and with the written consent of the Council or an authorised officer;
- m) dump, deposit or abandon any material or substance except in a receptacle set aside for that purpose;
- n) without the written consent of the Council or an authorised officer, walk on any plot, bed, border or other area set aside for plants in any Reserve;
- o) post bills or advertisements on any fence, gate, wall, seat or other structure; or
- p) unless such activity is designated by a sign as being approved, fish, use a net or trap or by any other method attempt to capture aquatic life in any watercourse or body of water.

5.32 Activities Requiring a Permit in Municipal Reserves

In a Reserve, a person must not, without a permit:

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

- (v) the riding or driving of a vehicle or horse on a road or bicycle path in accordance with any applicable Acts or regulations;
- c) light a fire or permit any fire to remain alight except in a barbecue provided by the Council;
- d) play, organise, practise or engage in any competitive sport or game;
- e) camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
- f) conduct or celebrate a wedding;
- g) hold any circus, carnival or fair;
- h) organise, hold or participate in any rally, procession, demonstration or other public gathering; or
- i) make a collection of money; or
- j) occupy or fence off any part of a Reserve.

5.33 Municipal Recreation Centres

In a Municipal Recreation Centre, a person must not:

- a) enter or remain in a swimming pool unless a Recreation Centre Attendant is present;
- b) permit a child under the age of ten (10) years, who is under his or her care or control, to enter or remain in a swimming pool, unless under the direct supervision of a responsible adult;
- c) enter or remain in any swimming pool beyond his or her depth, if he or she is unable to swim;
- d) interfere with or obstruct any person who is attempting to or in the process of rendering assistance to any person in distress or difficulty in a swimming pool;
- e) enter or remain in a toddlers' swimming pool if over the age of six (6) years, unless that person is in charge of a child under the age of six (6) years;
- f) remain while he or she is in an unclean condition;
- g) enter a swimming pool, spa, sauna or steam room without having first showered at the Municipal Recreation Centre;
- h) spit, spout water or blow his or her nose, urinate or defecate in a swimming pool, spa, sauna or steam room, or perform any other act likely to result in discharges from the body entering a swimming pool, spa, sauna or steam room;
- i) use any substance or preparation which may discolour or render turbid or otherwise unfit for use any shower or swimming pool;
- j) use soap other than in a shower;

- k) foul, pollute or wilfully or improperly soil any part of the Municipal Recreation Centre;
- l) without the consent of an authorised officer or Recreation Centre Attendant bring into or cause or permit to be brought into or remain in any part of the Municipal Recreation Centre:
 - (i) any beach ball, motor tube or other insulated or inflated rubber or plastic article;
 - (ii) any toy;
 - (iii) any facemask, snorkel, flipper, kicking board, life jacket or floater; or
 - (iv) any glass bottle, glass vessel or other thing containing glass;
- m) without the consent of an authorised officer or Recreation Centre Attendant, enter or remain in the Municipal Recreation Centre unless clad in a manner that preserves public decency to the satisfaction of an authorised officer or Recreation Centre attendant;
- n) enter or remain in any swimming pool after nightfall, unless the swimming pool and surrounds are properly lit; or
- o) roll or throw stones or other articles into or upon any part of a Municipal Recreation, unless in the course of a game or activity approved by an authorised officer or Recreation Centre Attendant.

Division 4: Council Assets and Land

5.34 Works or Damage to Roads

- a) A person must not, without a permit under this Local Law or the authority of the Council -
 - (i) occupy or fence off;
 - (ii) erect a hoarding or scaffolding on;
 - (iii) use a mobile crane or travel tower for any work on;
 - (iv) make a hole or excavation in;
 - (v) fill a hole or excavation in;
 - (vi) deposit any soil, refuse, prunings or building materials on;
 - (vii) plant anything on or remove any vegetation or soil, except to maintain any nature strip or remove any long grass and weeds in accordance with any adopted Roadside Management or Fire Prevention Plan from;

- (viii) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on -

any road or part of a road under the control of the Council.

- b) In determining whether to grant a permit for the occupation of roads for works, the Council shall take into account:
 - (i) the nature and duration of the works;
 - (ii) the likely hazard that the works may constitute to users of the road;
 - (iii) the impact of the works on the amenity of the adjoining area;
 - (iv) any other matter relevant to the circumstances of the application; and
 - (v) The Royal Victorian Institute for the Blind (RVIB) Street Furniture Policy.
- c) The Council or an authorised officer may impound any equipment being used for works in contravention of clause 5.34a).
- d) Any equipment impounded under clause 5.34a) must be dealt with under clause 7.1.

5.35 Trees on Roads

Unless there is an immediate hazard or an agreed roadside maintenance program a person must not, without a permit, cut, destroy, damage remove or interfere with any trees including dead trees and fallen limbs or plants on any road.

5.36 Grazing and Tethering of Animals on Roads and Council Land

A person must not, without a permit, graze or permit any livestock under their control to graze on any road, or tether any livestock on any portion of any road, or other Council land.

5.37 Damage to Council Land by Trees or Plants

Each owner and occupier of land must not allow a tree or plant on that land to cause damage to or interfere with Council land or anything on it.

5.38 Vehicle Crossings

- a) Each owner and occupier of any land must ensure that each point of vehicle access from a carriageway on a road to that land has a properly constructed vehicle crossing that is not within 9 metres of an intersection.
- b) For the purposes of clause 5.38a), a vehicle crossing is properly constructed if:-
 - (i) it was constructed by or in accordance with the terms of an approval by the Council; or
 - (ii) the Council has approved in writing the method of construction of the particular vehicle crossing.

- c) Each owner and occupier of any land must ensure that any vehicle crossing to that land from an adjacent carriageway or road and any channel or pipe under or forming part of that vehicle crossing, is repaired and maintained to the satisfaction of an authorised officer.

5.39 Redundant Vehicle Crossings

The Council may by notice in writing require the owner or occupier of any land to remove part or all of a vehicle crossing and to reinstate any kerb, drain, footpath, naturestrip or other part of the road, to the satisfaction of the Council where:

- a) works on the land involve the relocation or closure of a point of vehicular access, or
- b) there is no effective point of vehicle access to the land.

5.40 Temporary Vehicle Crossings

- a) Where: -
 - (i) because of the nature, size or weight of a vehicle or material which may travel or be carried across a kerb, gutter, naturestrip, footpath or vehicle crossing in the course of access or egress between land and the carriageway of a road it is likely that damage may be caused to the kerb, gutter, naturestrip, footpath or vehicle crossing; or
 - (ii) an activity is intended or expected to take place on the land making likely an occurrence of the type described in paragraph (i),then
 - (iii) either the owner or occupier of that land must give written notice to the Council of that expected activity or occurrence before it occurs;
 - (iv) each owner or occupier of that land must not, without a permit, allow entry to or exit from the land by any such vehicle or material;
 - (v) each owner or occupier of that land must take all reasonable steps to protect the existing kerb, gutter, naturestrip, footpath, carriageway and vehicle crossing at all times during the activity or occurrence; and
 - (vi) the person responsible for the activity or occurrence must maintain the road adjacent to the premises in a safe and trafficable condition at all times.
- b) A person who fails to comply with clause 5.40a) must immediately and to the satisfaction of an authorised officer repair any damage caused to the kerb, gutter, naturestrip, footpath, carriageway or vehicle crossing or, at the election of the Council, pay to the Council the cost of the Council doing so.
- c) Where in the opinion of an authorised officer a kerb, gutter, naturestrip, footpath, carriageway or vehicle crossing may be damaged as a result of an activity or occurrence referred to in the clause 5.40a), the owner or occupier of the land must, when requested to do so by the authorised officer, pay or give to the Council a bond in an amount specified by the authorised officer being relative to the likely cost of repairing any damage or reinstatement.

- d) The bond required under clause 5.40c) may be retained by the Council to pay for repairing any damage or reinstatement. If the cost of repair or reinstatement is greater than the bond paid, the additional cost must be paid by the owner or occupier as applicable to the Council when demanded by the Council.

5.41 Interference with Drains and Water Courses

A person must not, without a permit under this Local Law or the authority of the Council -

- a) destroy;
- b) damage, interfere with or tap into; or
- c) discharge silt or any other material or liquid which is not natural rainwater into
- a -
- (i) watercourse;
- (ii) ditch;
- (iii) creek;
- (iv) gutter;
- (v) tunnel;
- (vi) bridge;
- (vii) levee;
- (viii) culvert;
- (ix) drain, pit or easement; or
- (x) fence -

which is vested in or under the control of the Council.

5.42 Netting Fences Across Drains

Each owner and occupier of any land onto which any watercourse, drain or gutter discharges from any road or from which any watercourse, drain or gutter discharges onto any road, across which watercourse, drain or gutter wire netting has been placed, must take all reasonable precautions to prevent such wire netting causing or forming any obstruction to such watercourse, drain or gutter.

5.43 Maintenance of Drains

Each owner and occupier of any land upon which an open drain is located shall ensure that the drain is maintained in a condition which is not dangerous to health, unsightly or a nuisance.

5.44 Substances from Vehicles and Animals

- a) A person must not allow any grease, oil, mud, clay or other substance to fall or run off a vehicle or livestock onto a road or into any drain on or under the road.
- b) A person in charge of a vehicle or livestock from which any substance has fallen or run off onto a road must take all reasonable steps to promptly remove the substance, make good any damage and remove any consequent hazard.
- c) Where any damage or hazard remains, that person must promptly notify the Council or a member of the police of the damage or hazard.
- d) The Council may recover any costs involved in cleaning up or removing any grease, oil, mud, clay or other substance falling from a vehicle or livestock, from the owner of the vehicle or livestock.

Division 5: Waste Disposal

Section 1: Municipal Waste Disposal Facilities

5.45 Use of Municipal Refuse Disposal Facilities

- a) The Council may determine the fees, charges, terms, conditions and hours of opening of a Municipal Refuse Disposal Facility.
- b) If the Council or an authorised officer determines that it is impractical to allow users to enter a Municipal Refuse Disposal Facility because of:
 - (i) fire risk;
 - (ii) health or safety reasons;
 - (iii) maintenance of any kind; or
 - (iv) the condition of access roads,the Municipal Refuse Disposal Facility may be closed to all use or partially closed.
- c) A person must deposit waste at a Municipal Refuse Disposal Facility only at a location directed by the tip attendant, an authorised officer or where indicated by signs.
- d) A person must not, without a permit, place any of the following substances in a Municipal Refuse Disposal Facility:
 - (i) sludge, slurry, semi-liquid or, liquid waste;
 - (ii) oil, paint, solvents and similar matter;
 - (iii) a carcass or parts of a carcass of an animal;
 - (iv) radioactive waste;

- (v) asbestos containing material;
- (vi) any medical or infectious waste;
- (vii) any hazardous chemical waste;
- (viii) any volatile or explosive substance;
- (ix) any night soil;
- (x) any hot ash or embers.

Note: Persons wishing to dispose of these substances must do so in accordance with relevant legislation. Advice on alternative waste disposal of these substances can be obtained from the Council.

5.46 Scavenging at a Municipal Refuse Disposal Facility

A person must not, without a permit, scavenge or salvage material from a Municipal Refuse Disposal Facility.

Section 2: Domestic Waste

5.47 Disposal of Disused Refrigerators and Other Compartments

A person must not place -

- a) a disused refrigerator;
- b) an ice chest;
- c) an ice box;
- d) a trunk;
- e) a chest; or
- f) any other similar article –

with a compartment having a capacity of 0.04 cubic metres or more upon any Municipal Refuse Disposal Facility, Council land, public place or unfenced vacant land without having first removed from it every door and lid; or every lock, catch and hinge attached to a door or lid, or otherwise rendered every door and lid incapable of being fastened.

5.48 Use of Garbage and Recycling Bins

Each owner and occupier of land to which the Council provides a collection service for domestic waste must:

- a) without delay deposit all refuse generated at the land into a garbage or recycling bin, except that the occupier may:
 - (i) use a receptacle for the deposit of refuse prior to the transfer of the refuse to the garbage or recycling bin; or

- (ii) compost any organic waste;
- b) not place out for collection any refuse other than in a garbage or recycling bin;
- c) wrap waste to minimise windblown litter at the disposal facility: and
- d) not place out for collection any garbage or recycling bin, except in accordance with any requirements prescribed by or determined in accordance with this Local Law; and
- e) use a garbage or recycling bin solely for the purpose of enabling a collection service for domestic waste to be operated by the Council itself or through its authorised contractors.

5.49 Placement of Garbage and Recycling Bins

- a) Each owner and occupier of land must not, without the consent of the Council or an authorised officer, place more than one (1) garbage bin and (1) recycling bin out for collection.
- b) Any garbage or recycling bin placed out for collection must be positioned on the nature strip or footpath adjacent to the kerb, or in any other manner directed or allowed by the Council or an authorised officer from time to time.
- c) A person must not damage or interfere with
 - (i) a garbage or recycling bin; or
 - (ii) the contents of a garbage or recycling bin placed out for collection.

5.50 Maintenance of Garbage and Recycling Bins

- a) Each owner and occupier of land must keep any garbage or recycling bin in a clean, inoffensive and sanitary condition.
- b) Each owner and occupier of land must ensure that any area where a garbage or recycling bin is placed between collections is:
 - (i) drained to the satisfaction of an authorised officer; and
 - (ii) kept in a clean, inoffensive and sanitary condition.
- c) A garbage or recycling bin must be covered by its lid at all times, except when refuse is being deposited in or removed from the garbage or recycling bin in accordance with this Local Law.

5.51 Removal of Garbage and Recycling Bins

Once a garbage or recycling bin has been collected by the Council or persons authorised by the Council, each owner or occupier of any land must:

- a) return any empty garbage or recycling bin to the land to which it was supplied by the Council within 48 hours of having been emptied; and
- b) remove any litter from a road or any Council land which has spilled from any garbage or recycling bin supplied to the land which he or she occupies.

5.52 Prohibited Waste

A person must not place any of the following substances in a garbage or recycling container put out for collection: -

- a) sludge, slurry, semi-liquid or, liquid waste;
- b) glass or other sharp objects unless they are properly contained or wrapped in such a way so as to render them harmless and inoffensive;
- c) oil, paint, solvents and similar matter;
- d) a carcass or parts of a carcass of an animal;
- e) radioactive waste;
- f) asbestos containing material;
- g) any medical or infectious waste;
- h) any hazardous chemical waste;
- i) any volatile or explosive substance;
- j) any night soil;
- k) any object weighing in excess of 60 kilograms;
- l) any item which may damage the refuse container or reduce its strength and effectiveness;
- m) any item that would prevent the closure of the lid of the refuse container; or
- n) any hot ash or embers.

Note: Persons wishing to dispose of these substances must do so in accordance with relevant legislation. Advice on alternative waste disposal of these substances can be obtained from the Council.

5.53 Recycling and Hard Garbage Collection

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

Section 3: Commercial Waste

5.54 Storage of Commercial Waste

- a) Each owner and occupier of land must ensure that any commercial waste hopper kept on the land:

- (i) is constructed of impermeable material to the satisfaction of the Council or an authorised officer so as to prevent leakage, absorption or accumulation of any waste that may be deposited in the commercial waste hopper;
 - (ii) is watertight;
 - (iii) is fly and vermin proof;
 - (iv) is equipped with a removable drainage plug, if required by an authorised officer;
 - (v) is equipped with a fly and vermin proof lid which is kept closed at all times except when trade waste is being deposited in or removed from the trade waste hopper;
 - (vi) is emptied at least every seven (7) days or when an authorised officer directs;
 - (vii) is cleaned thoroughly after each emptying or when an authorised officer directs;
 - (viii) is maintained in a clean, inoffensive and sanitary condition;
 - (ix) displays a notice approved by the Council or an authorised officer indicating the type of waste or material which may be deposited and stating that it is an offence to deposit any material contrary to the terms of the inscription on the notice.
- b) A person must not place any waste or material in a commercial waste hopper contrary to the terms of any inscription on a notice on the commercial waste hopper required under clause 5.54a)(ix).

5.55 Storage Site for Trade Waste

If directed by the Council or an authorised officer, an owner or occupier, of any land must ensure that any area where a trade waste hopper is placed:

- a) has an impermeable surface;
- b) is drained to a sewer or other outlet approved by the Council or an authorised officer;
- c) is supplied with water from a tap and hose of a size and type approved by the Council or an authorised officer;
- d) is maintained in a clean, inoffensive and sanitary condition; and
- e) adequately fenced or enclosed in a manner so as to deny access to the public by means of a barrier.

5.56 Transportation of Waste

A person must not convey or cause to be conveyed in a vehicle on a road any-

- a) manure;
- b) dead animal or remains of a dead animal, including offal, bones, hides or skins; or
- c) refuse, rubbish, or other waste matter -

unless the vehicle is constructed, fitted, loaded and covered so that:

- (i) no leakage occurs and no materials are dropped or deposited on any road or adjacent area from the vehicle; and
- (ii) the possibility of escape of offensive odours is reduced.

PART 6 PRIVATE LAND

6.1 Parking in Residential Zones

- a) Unless:-
- (i) in accordance with a permit under this Local Law;
 - (ii) to do so is specifically authorised by and in accordance with the Planning Scheme or a permit granted under the Planning Scheme; or
 - (iii) the vehicle is 7.5 metres or less in length and with a gross vehicle mass of less than 3 tonne,

a person must not allow a vehicle to be parked, kept, stored or repaired on any land zoned residential under the Planning Scheme.

- b) In determining whether to grant a permit under clause 6.1a), the Council shall take into account:
- (i) the likely impact on the residential amenity of the neighbourhood as a result of;
 - 1. the intrusion of long vehicle traffic;
 - 2. excessive noise;
 - 3. pedestrian and motorist safety;
 - 4. the likely damage to be caused to Council assets and street trees;
 - 5. fumes or related smells resulting from the vehicles;
 - (ii) the traffic function, traffic volume and width of other roads in the vicinity;
 - (iii) whether the driver of the vehicle would have an unobstructed view of at least 80 metres in either direction along the road adjoining the property when the vehicle was leaving the property in a forward or reversing direction;
 - (iv) whether the property is of sufficient size and layout to enable the vehicle to be properly garaged;
 - (v) the turning capacity of the vehicle;
 - (vi) any load limit restriction in force on the relevant road; and
 - (vii) any other matter relevant to circumstances of the application.

6.2 Caravans

- a) A person may occupy a caravan on any land where a permanent dwelling is located provided:

- (i)
 - 1. adequate sanitary facilities are provided for the occupant of the caravan; and
 - 2. the siting of the caravan does not adversely affect the occupants of adjacent properties; and
 - 3. the caravan is for private use only; and
 - 4. the use does not exceed 42 days; or
 - (ii) the caravan is within a caravan park that has been registered by the Council.
- b) A person must not, without a permit occupy or place or allow to be occupied or placed a caravan on any land where there is not a permanent dwelling located on that land.
- c) In determining whether to grant a permit under clause 6.2b), the Council shall take into account:
- (i) whether a building permit has been issued for the construction of a dwelling;
 - (ii) whether construction of the dwelling has commenced;
 - (iii) whether sanitary facilities to the satisfaction of an authorised officer are available for the use of the occupant of the caravan;
 - (iv) the siting of the caravan;
 - (v) the type of caravan;
 - (vi) whether the caravan will be occupied by the owner of the property, his or her immediate family or a builder of a dwelling; and
 - (vii) whether continuous progress towards completion of a dwelling is maintained.
- d) A permit granted under clause 6.2b) is to be for a period of six months.
- e) The Council or an authorised officer may, upon application by a permit holder, grant a six month extension for a permit issued under clause 6.2b) providing:
- 1. there is progress towards completion of a dwelling on the land; and
 - 2. no nuisance has occurred within the previous six months; and
 - 3. any other requirement considered relevant is satisfactorily complied with.

6.3 Camping

- a) Subject to this clause, unless:
 - (i) in accordance with a permit under this Local Law; or

- (ii) to do so is specifically authorised by and in accordance with the Planning Scheme or a permit granted under the Planning Scheme,

a person must not camp or allow any camping on any land.

- b) In determining whether to grant a permit under clause 6.3a), the Council shall take into account:

- (i) the location of the land;
- (ii) the zoning of the land;
- (iii) the suitability of the land for camping;
- (iv) the number of tents or other structures to be located on the land;
- (v) the length of time the tents and other structures will be erected on the land;
- (vi) the availability of sanitary facilities to the land;
- (vii) the likely damage to be caused; and
- (viii) any other matter relevant to the circumstances associated with the application.

- c) This clause does not apply where:

- (i) there are no more than 3 tents or, in the case of an organisation approved by the Council or an authorised officer, no more than 20 small tents;
- (ii) camping is limited to a maximum of 21 days duration; and
- (iii) the camping does not involve the use of a caravan.

6.4 Recreation Vehicles

- a) A person must not, without a permit:

- (i) Use any recreational vehicle unless such vehicle is fitted with an effective muffler and spark arrestor in compliance with the appropriate Australian Design Rules for external noise of motor vehicles or external noise of motor cycles;
- (ii) use or allow the use of a recreational vehicle on any property within a township area or on any property less than 2 hectares in area;
- (iii) use or allow the use of more than two recreational vehicles at any time on any property which is less than 20 hectares in area or more than four recreational vehicles at any time on any property
- (iv) use or allow the use of a recreational vehicle continuously on any land for a period in excess of one hour and between any two consecutive periods of one

hour there shall be a period of two hours in which no recreational vehicle shall be used; or

- (v) use or allow the use of a recreational vehicle on any property except within the hours of 9am to 8pm Monday to Saturday inclusive and the hours of 12 noon to 6pm on Sundays.
- b) In determining whether to grant a permit under clause 6.4a) the Council shall take into account:
 - (i) the location of the property where the vehicle is to be used;
 - (ii) the zoning of the property;
 - (iii) the suitability of the land for use by recreation vehicles;
 - (iv) the number of vehicles for which the permit is required;
 - (v) the days, times and hours the vehicles are to be used;
 - (vi) the likely damage which may be caused to any land;
 - (vii) the silencing/exhaust arrangements for the subject vehicles; and
 - (viii) any other matter relevant to the circumstances associated with the application.
- c) A person must not use or allow the use of a recreational vehicle on any property on any day declared a period of Total Fire Ban pursuant to the Country Fire Authority Act 1958.
- d) A person must not use or allow the use of a recreational vehicle on any property if its use constitutes a nuisance in the opinion of an authorised officer, by way of sound, smell, dust, smoke, soil erosion, pollution of water courses or otherwise.

6.5 Machinery, Materials, Goods or Vehicles on Land

Unless:

- a) in accordance with a permit under this Local Law; or
- b) to do so is specifically authorised by the Planning Scheme or a permit granted under the Planning Scheme,

each owner and occupier of land must not use that land for the storage of machinery, vehicles or second hand goods of any kind or for the assembly or dismantling of such machinery, vehicles or goods.

This clause shall not apply to persons who for recreational purposes, repair service, assemble, dismantle or store old or second hand motor vehicles, machinery, materials or goods provided that such activity is:

- 1 a) not conducted for financial gain; and
- 1 b) not conducted in a manner which is unsightly or detrimental to the general amenity of the neighbourhood or;

2. conducted within normal or other lawfully established commercial activities.

6.6 Unsightly Land

- a) Each owner and occupier of any land must not allow that land to be unsightly.
- b) In this clause, “unsightly” in relation to land means any land on which is situated:
- (i) unconstrained rubbish which is, or is likely to be, dangerous to health or offensive;
 - (ii) disused excavation material or waste material;
 - (iii) a building which is incomplete, is not currently constructed, and which is detrimental to the amenity of the area; or
 - (iv) a building or other structure or thing which, for some other reason, is detrimental to the amenity of the area.
- c) A building is to be considered detrimental to the amenity of the area if it has substantial adverse visual impact in the context of the surrounding area:
- (i) taking into account its appearance to the street or other public place; but
 - (ii) not taking into account its intended design or its siting.

6.7 Sanitary Facilities

Each builder or owner builder must not carry out or cause to be carried out any building works unless sanitary facilities have been constructed, erected, installed or maintained on the land to the satisfaction of the Council or an authorised officer.

6.8 Litter on Building Sites

- a) Each builder or owner builder must not carry out or cause to be carried out any building works on a building site unless measures are in place to the satisfaction of Council to ensure that all debris and other waste is contained on the building site.
- b) Each builder or owner builder must ensure that all debris and other waste on the building site is contained in accordance with clause 6.8a).

6.9 Fires

- (a) A person must not without a permit
- (i) light
 - (ii) allow to be lit or
 - (iii) allow to remain alight;

a fire in the open air,

unless the following conditions are met;

1. the location of the proposed burn in proximity to adjoining land will not cause any nuisance to neighbours or create a traffic hazard;

Macedon Ranges Shire Council
LOCAL LAW NO. 8

2. adequate means of controlling and extinguishing the fire are in place;
 3. the material to be burned will not produce any toxic fumes;.
 4. all relevant policies of the Environment Protection Authority and the Country Fire Authority are adhered to;
 5. the material to be burnt is dry garden waste;
 6. the fire is for fire hazard reduction purposes;
 7. the fire is not lit on any day declared by the Country Fire Authority to be a day of total fire ban, or during the declared fire restriction period;
 8. while the fire remains alight the matter being burned occupies a space not exceeding 2 cubic metre at all times; and
 9. the fire is supervised by a person over the age of 16 years from the time it is lit until the time it is completely extinguished; and
 10. the ground within 3 metres of any such fire is free from flammable material and vegetation, except all growing vegetation not exceeding 10 centimetres in height; and
 11. the space above the fire and space above all ground within 3 metres of the fire is free of all flammable material and vegetation; and
 12. only one fire is lit or remains alight at any one time.
- b) In determining whether to grant a permit under clause 6.9a), the Council shall take into account:
- (i) the location of the proposed burning in proximity of adjoining land;
 - (ii) the zoning of the land on which the burning is to take place;
 - (iii) any alternative means of disposal;
 - (iv) any adequate means of controlling and extinguishing the spread of fire;
 - (v) the degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke;
 - (vi) any policies of the Environment Protection Authority; or the Country Fire Authority; and
 - (vii) any other matter relevant to the circumstances associated with the application.
- c) Clause 6.9 does not apply to:
- (i) a barbecue while being used for the purpose of cooking food;
 - (ii) a tool of trade while being used for the purpose for which it was designed; or
 - (iii) a fire lit by a member of staff of the Country Fire Authority in the course of his or her duties.

6.10 Incinerator

- a) Subject to this clause, a person must not -
- (i) construct;
 - (ii) erect;
 - (iii) install;
 - (iv) use; or
 - (v) permit to be:
 - 1. constructed;
 - 2. erected;
 - 3. installed; or
 - 4. used -
- an incinerator on any land.
- b) This section does not apply to:
- (i) a barbecue while being used for the purpose of cooking food;
 - (ii) a tool of trade while being used for the purpose for which it was designed.

6.11 Nuisances

- a) A person must not -
- (i) burn; or
 - (ii) cause or permit to be burned -
- any substance, if the burning of the substance is likely to:
- (i) cause a nuisance;
 - (ii) be dangerous to the health of any person; or
 - (iii) be offensive to any person.
- b) Without limiting the application of clause 6.11a), a person must not -
- (i) burn; or
 - (ii) cause or permit to be burned -
- any:
- 1. rubber or plastic substance;

2. waste petroleum oil or material containing waste petroleum oil;
3. paint or receptacle which contains or has contained paint;
4. manufactured chemical;
5. pressurised can;
6. textile fabric; or
7. food waste.

6.12 Extinguishing Fires

A person who has lit or allowed a fire to remain alight contrary to clauses 6.9, 6.10 or 6.11 must extinguish the fire immediately on being directed to do so by:

- a) an authorised officer or;
- b) a member of the Victoria Police.

6.13 Wasp Nests

Each owner and occupier of any land must not allow a European wasp nest to remain on that land.

6.14 Maintenance of Septic Tank Systems

Each owner and occupier of any land upon which a septic tank system is located must ensure that the septic tank system is maintained in accordance with the requirements of any wastewater management program formally adopted by Council from time to time.

PART 7 ENFORCEMENT

7.1 Impounding

- a) Where any item has been impounded under this Local Law, the Council or an authorised officer must serve a notice, in the form of Schedule 4, of the impounding, personally or by mail, on the person who appears to be the owner of the impounded item if it is practicable to do so.
- b) An impounded item must be surrendered to -
 - (i) its owner; or
 - (ii) a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner -
on:
 - (iii) evidence to the satisfaction of the authorised officer being provided of the owner's right to the item; and
 - (iv) payment of any fee or fine determined by the Council or an authorised officer from time to time

within 14 days of the item having been impounded.

- c) If an impounded item is not surrendered under clause 7.1b) the Council may dispose of it as it sees fit.
- d) where an item is considered to have no saleable value, it may be disposed of in the most economical way, as determined by the Council.
- e) where the item is considered to have some saleable value the item may be disposed of either by tender or public auction.

7.2 Permits

- a) The Council or an authorised officer in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee the Council may require, or may refuse to issue the same.
- b) The Council or an authorised officer may from time to time prescribe:
 - (i) the manner and form in which applications for permits under this Local Law should be made; and
 - (ii) the manner in which any permit under this Local Law should be issued.
- c) The Council or an authorised officer may waive payment of any fee for a permit.
- d) The Council may make appropriate delegations of permit issuing powers.
- e) The Council must keep a register of permits.

- f) The Council may from time to time by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, permit fee, impounding fee or any other fee or charge and the Council must give public notice of its resolution to set or alter fees and charges.
- g) Applications may be withdrawn at any time and fees may be refunded. The amount of the refund will be dependent on the amount of work carried out prior to the withdrawal of the application, but in every case an administrative charge will be retained.
- h) The Council or an authorised officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by the Council or the authorised officer.
- i) An application for a permit under this Local Law may be in the form of Schedule 1 except where this Local Law specifies otherwise and must be accompanied by the appropriate fee.
- j) A person who obtains or attempts to obtain a permit by wilfully making or causing to be made any false representation or declaration whether orally or in writing is guilty of an offence.
- k) The Council or an authorised officer may require an applicant to provide more information before the Council or authorised officer deals with the permit application.
- l) A permit expires on the date specified in the permit or if no such date is specified the permit will expire one (1) year after the date of issue.
- m) Where the Council or an authorised officer is of the opinion that there is or has been a breach of any condition of a permit, it, he or she may serve a Notice to Comply under clause 7.6 on the permit holder.

7.3 Considering Applications

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

- a) any policy or guideline adopted by the Council relating to the subject matter of the application for the permit;
- 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 authority, government department, community organisation or other body or person; and
- d) any other relevant matter.

7.4 Correction of Permit

- a) The Council or an authorised officer may correct a permit issued if the permit contains:
 - (i) a clerical mistake or an error arising from any accident, slip or omission; or

- (ii) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
- b) The Council or the authorised officer must note the correction in the register of permits.

7.5 Grounds for Cancellation of or Amendment of Permits

- a) The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been:
 - (i) a material misstatement or concealment of facts in relation to the application for a permit;
 - (ii) any material mistake in relation to the issue of the permit;
 - (iii) any material change of circumstances which has occurred since the issue of the permit;
 - (iv) a failure to comply with the conditions under which the permit was issued; or
 - (v) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- b) 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.
- c) 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.

7.6 Notices to Comply

- a) The Council or an authorised officer may, by serving a Notice to Comply in the form or to the effect of Schedule 3, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach under this Local Law.
- b) A Notice to Comply issued in accordance with this Local Law must state the date by which the thing must be remedied.
- c) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (i) the amount of work involved;
 - (ii) the degree of difficulty;
 - (iii) the availability of necessary materials or other necessary items;

- (iv) climatic conditions;
 - (v) the degree of risk or potential risk; and
 - (vi) any other relevant matter.
- d) Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

7.7 Urgent Circumstances

If an authorised officer is of the opinion -

- a) that a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued; and
- b) that -
 - (i) any person;
 - (ii) any animal;
 - (iii) any property; or
 - (iv) the environment of the municipal district -is in danger of substantial detriment due to the breach; and
- c) that the danger may be exacerbated by the length of time it may take to serve and ensure compliance with a Notice to Comply -

he or she may take such action as he or she considers necessary to abate or minimise the danger without serving a Notice to Comply if:

he or she obtains the prior approval of the Chief Executive or delegate and;

notice is given, if practicable, of -

- (i) the reasons for taking the action; and
- (ii) the action taken.

7.8 Offences

- a) A person who -
 - (i) contravenes or fails to comply with any provision under this Local Law;
 - (ii) contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or
 - (iii) contravenes or fails to comply with a Notice to Comply within the time specified in the Notice to Comply -is guilty of an offence and is liable to:

- (iv) a penalty of up to ten (10) penalty units;
 - (v) a further penalty of one (1) penalty unit for each day after conviction (or determination by a court that the charge or matter is proven) during which the contravention continues; and
 - (vi) upon conviction for a second or subsequent offence, double the first penalty imposed or 20 penalty units, whichever is the lesser.
- b) As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 7.9 of this Local Law.

7.9 Infringement Notices

a) **Penalty**

The penalty applicable to Infringement Notices is one (1) penalty unit, except for clauses, 5.34, 5.47, and 6.12, which each has a penalty of 2 units.

b) **Form**

Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the authorised officer may serve on that person an Infringement Notice in a form determined by resolution of the Council from time to time.

c) **How is Payment Made?**

Any person issued with an Infringement Notice may pay the penalty indicated to an authorised officer at the Council offices.

d) **When Must Payment be Made?**

To avoid prosecution, the penalty indicated should be paid within 28 days from the date of the issue of the Infringement Notice.

e) **Do You Have to Accept the Notice?**

A person issued with an Infringement Notice is entitled to disregard the Notice and defend the prosecution in Court.

f) **Can Council Waive The Notice?**

If a person issued with an Infringement Notice makes a written representation:

- (i) to the Council or an authorised officer within 28 days of the issue of the Infringement Notice, the representation must be brought to the attention of the Chief Executive or delegate.
- (ii) The Chief Executive or member of staff to whom the power has been delegated may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within twenty-eight (28) days of the issue of the Infringement Notice to which it relates.

g) **Withdrawing A Notice**

- (i) The Council, the Chief Executive or member of the Council's staff to whom the power has been delegated may at any time withdraw an Infringement Notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.
- (ii) Where an Infringement Notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the Infringement Notice.
- (iii) If the penalty referred to in an Infringement Notice has been paid within 28 days of its issue and no representation has been received by the Council or its staff, no decision may be made to withdraw the Infringement Notice and prosecute the offence after the expiry of 28 days from the issue of the Infringement Notice.
- (iv) Any notice of withdrawal of an Infringement Notice may be served in accordance with section 234 of the Act.

h) Failure to Comply with Notice

In the event of the failure of a person served with an Infringement Notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.

SCHEDULES

- | | |
|-------------------|---|
| Schedule 1 | Application for Permit |
| Schedule 2 | Permit |
| Schedule 3 | Notice to Comply |
| Schedule 4 | Notice of Impounding |
| Schedule 5 | Township and Designated Commercial Areas |



P O Box 151, Kyneton Vic. 3444
Telephone 1300 656 576 Facsimile (03) 54 223 623

LOCAL LAW NO. 8 OF THE MACEDON RANGES SHIRE COUNCIL

SCHEDULE 1

APPLICATION FOR PERMIT (Clause 7.2, 7.3, 7.4, 7.5)

I
(Name of Applicant)

of Postcode
(Address)

Owner's Name:

Owner's Address:

Wish to apply for a permit to.....
under clause..... of Local Law No. 8.

In support of this application the following is provided:
(Please provide all details that may assist the processing of this application).

Purpose for which permit is sought:
.....
.....

Property or area for which permit is sought:
.....
.....

Date/s and time/s for which permit is sought:
.....

For further information I may be contacted on (telephone)

Between the following times:and

The application fee is attached.

Signature of Applicant:

Signature of Owner:.....
(if not the applicant)

Date:

Fee Paid:.....
Date Paid:
Receipt No.:
GL# 126129.934-No GST

Information supplied on this Application may be made public to interested parties



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LOCAL LAW NO. 8 OF THE MACEDON RANGES SHIRE COUNCIL

SCHEDULE 2

PERMIT (Clause 7.2, 7.3, 7.4, 7.5)

NO:

To:

Of:

..... Postcode

Is hereby permitted to :

On the land situated at:

.....

This permit shall be valid from am/pm on.....until am/pm on.....
(date) (date)

Subject to compliance with Macedon Ranges Shire Council Local Laws and any conditions set forth hereunder:

CONDITIONS:

Dated this day of 20.....

Signature of Authorised Officer:



P O Box 151, Kyneton Vic. 3444
Telephone 1300 656 576 Facsimile (03) 54 223 623

LOCAL LAW NO. 8 OF THE MACEDON RANGES SHIRE COUNCIL

SCHEDULE 3

NOTICE TO COMPLY (Clause 7.6)

To: Name:

Address:

.....

You have, in the opinion of Macedon Ranges Shire Council (**the Council**) or an authorised officer of the Council, committed a breach of Clause of the Council's Local Law No. 8 by

.....

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

.....

.....

.....

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

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

Date:

Name of authorised officer:

Telephone No:

Signature of Authorised Officer:

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



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Telephone 1300 656 576 Facsimile (03) 54 223 623

LOCAL LAW NO. 8 OF THE MACEDON RANGES SHIRE COUNCIL

SCHEDULE 4

NOTICE OF IMPOUNDING (Clause 7.1)

To:

Of:

..... Postcode

The following item/s has/have been impounded in accordance with Clause
of Local Law No. 8.

.....
.....
.....

You or an agent authorised in writing to act on your behalf may collect the items by attending at the
Municipal Offices between the hours of and to see

.....(Contact Officer) and by paying the following:

DETAILS OF FEES AND CHARGES:

..... \$.....

..... \$.....

..... \$.....

TOTAL \$.....

If you fail to collect the item (s) and pay the required fees and charges by(date),
the authorised officer will proceed to dispose of the item(s) in accordance with the provisions Section
7.2 of this Local Law.

Date:

Name of authorised officer:

Telephone No:

Signature of Authorised Officer:

**SCHEDULE 5
DESIGNATED AREA MAPS (Clause 5.18)**

Map 1 Kyneton

Map 2 Gisborne

Map 3 Woodend

Map 4 Lancefield

Map 5 Malmsbury

Map 6 Romsey

Map 7 Macedon

Map 8 Riddells Creek

Map 9 Tylden

TOWNSHIP MAPS

(In Relation To Clause 5.12 Consumption and Possession of Alcohol on Roads, Public Places or Other Council Property Only)

		Designated Picnic Areas
Map 1	Kyneton	Botanical Gardens, Clowes Street and quarry Reserve, Piper Street / Campaspe Crescent
Map 2	Gisborne	Area between Sankey Reserve and Gardiner Reserve and the area generally along the Jacksons Creek at the end of Brantome Street
Map 3	Woodend	Campaspe Park / Swimming Pool area
Map 4	Lancefield	Showgrounds Reserve
Map 5	Malmsbury	Botanical Gardens
Map 6	Romsey	Lions Park and part Romsey Park
Map 7	Macedon / Mt Macedon	Ash Wednesday Park, Centennial Park and Stanley Park
Map 8	Riddells Creek	Lions Memorial Park, Lake Park
Map 9	Tylden	Tylden Hall Reserve

Macedon Ranges Shire Council
LOCAL LAW NO. 8

INDEX

A		Local Law Ceases 7
		Local Law into Operation 7
		Definitions
		Words Used in this Local Law 8
		Delegations 15
		Determinations 15
		Discretion 15
		Dismantle
		Vehicle 21
		Disposal Facilities <i>See also Tips</i>
		Prohibited Waste 44
		Scavenging 42
		Use of 41
		Drains
		Fences across 40
		Interference with 40
		Maintenance 40
B		E
Behaviour 32		Eating
Bins		Outdoor 20
Bulk Rubbish Containers 23		Exemptions
Maintenance of 43		General 16
Placement of Bins 43		F
Removal of 43		Facilities - Council
Use of Garbage Bins 42		Conditions of Use 33
Building Sites		Fencing
Litter 51		across Drains 40
Sanitary Facilities 51		Festivals 22
Bulk Rubbish Containers		Fires
on Roads/Council Land/Reserves 23		Extinguishing 54
Busking 27		Incinerators 53
C		Lighting of 51
Camping		Nuisances 53
Private Property 48		on Roads/Council Land/Reserves 29
Roads/Council Land 28		Footpaths
Cancellation		Trees, Hedges and Signs 22
of Permits 57		G
Caravans 47		Garage Sales 19
Cigarettes 30		Garbage
Collection		Hard Garbage Collection 44
Hard Garbage and Recyclables 44		Maintenance of Bins 43
Street 26		Placement of Bins 43
Correction		Removal of Bins 43
of Permit 56		Use of Bins 42
Council Land		Goods
Conditions of Use 33		Second Hand 50
Damage to 38		Selling of 25
Lighting Fires 29		H
Liquor - Consumption/Possession of 24		Hedges
Obstructions 23		at Intersections 22
Council Reserves		Overhanging Footpaths 22
Activities Requiring Permit 35		I
Crossings		Impounding 55
Redundant Vehicle Crossing 39		
Temporary Vehicle Crossings 39		
Vehicle 38		
D		
Damage		
Council Land 38		
to Roads 37		
Date		

Macedon Ranges Shire Council
LOCAL LAW NO. 8

Incinerators	53
Interpretation	7
Intersections	
Trees and Hedges	22

L

Land	
Unightly	51
Liquor	
Consumption	24
Litter	
Building Sites	51
Local Law	
Ceases date	7
Interpretation	7
Operational Date	7
Power to Make	7
Purpose of	5
Repeal of other Local Laws	7
Scope of	7

M

Machinery	50
Material	
Unsolicited	27
Material on Land	50
Municipal Recreation Centre	36

N

Names	
Roads	29
Noise	
Vehicle	30
Notices	
Accept	59
Failure to Comply with	60
Infringement Notices	59
Notice of Impounding Form	65
Notice to Comply Form	64
Notices to Comply	57
Waive	59
Withdrawing	59
Nuisances	53
Numbers	
Display Property Numbers	29
Property	29

O

Obstructions	
on Roads and Council Lands	23
Offences	58
Outdoor Eating Facilities	20

P

Parking	
on Private Property	47
Permits	
Activities on Council Reserve	35
Amendments of	57
Cancellation of	57
Considering Applications	56
Correction of	56

Exemptions	16
Issuing of	55
Permit Form	63
Previous	16

Plants

Damage to Council Land	38
on Roads	38

Power

to make this Local Law	7
------------------------------	---

Processions	22
-------------------	----

Prohibited

Activities	34
------------------	----

Property Numbers

Allocation	29
------------------	----

Display of	29
------------------	----

Purpose

of the Local Law	5
------------------------	---

R

Recreation Centres	36
--------------------------	----

Recreational Vehicles	49
-----------------------------	----

Recycling

Collection	44
------------------	----

Placement of Bins	43
-------------------------	----

Removal of Bins	43
-----------------------	----

Refrigerators

Disposal of	42
-------------------	----

Refuse Disposal Facilities	<i>See also Tips</i>
----------------------------------	----------------------

Use of	41
--------------	----

Repeal

of other Local Laws	7
---------------------------	---

Roads

Names of	29
----------------	----

Obstructions on	23
-----------------------	----

Record of Names	29
-----------------------	----

Trees and Plants on	38
---------------------------	----

Works or Damage to	37
--------------------------	----

Rubbish	<i>See Tips, Waste, Garbage</i>
---------------	---------------------------------

Bulk Rubbish Containers	23
-------------------------------	----

S

Sale of Goods	25
---------------------	----

Sale of Vehicle	28
-----------------------	----

Sanitary Facilities	51
---------------------------	----

Scavenging	42
------------------	----

Schedule 1 - Application for Permit	62
---	----

Schedule 5

Designated Area Maps	66
----------------------------	----

Schedules

Schedule 2 - Permit Form	63
--------------------------------	----

Schedule 3 - Notice to Comply	64
-------------------------------------	----

Schedule 4 - Notice of Impounding	65
---	----

Scope of this Local Law	7
-------------------------------	---

Septic Tanks

Maintenance of	54
----------------------	----

Shopping Trolleys	21
-------------------------	----

Signs

Advertising	<i>See Advertising</i>
-------------------	------------------------

Council	21
---------------	----

Soliciting Material	27
---------------------------	----

Street Collection	26
-------------------------	----

Street Festivals	22
------------------------	----

Street Parties	22
----------------------	----

Substances

From Vehicles	41
---------------------	----

Macedon Ranges Shire Council
 LOCAL LAW NO. 8

Swimming Pools.....36

T

Tips

- Disposal of Refrigerators.....42
- Prohibited Waste44
- Scavenging42
- Use of41

Title

- of this Local Law5

Toy Vehicle28

Trees

- at Intersections.....22
- Damage to Council Land.....38
- on Roads.....38
- Overhanging Footpaths.....22

Trolleys

- Shopping.....21

U

- Unightly Land51
- Unsolicited Material27
- Urgent Circumstances.....58

V

Vehicles

- Abandoned and Unregistered..... 21
- Crossings..... 38
- Redundant..... 39
- Temporary 39
- Dismantle of..... 21
- Noise 30
- Recreational 49
- Sale of..... 28
- Storage of..... 50
- Substances from 41
- Toy..... 28

W

Wasps 54

Waste

- Disposal of Refrigerators 42
- Prohibited..... 44
- Storage Site for Trade Waste 45
- Transportation of..... 46

Water Courses

- Interference with 40

