

Central Goldfields Shire Council

General Local Law 2005

PART 1 - PRELIMINARY

1.1 Local Law

This General Local Law is a local law made under Part 5 of the Local Government Act 1989 and Part 3 of the Domestic (Feral and Nuisance) Animals Act 1994.

1.2 Objectives

The objectives of this Local Law are to provide for –

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

1.3 Commencement

This Local Law commences on the day it is made.

1.4 Revocation of Local Law

On the commencement of this Local Law, the General Local Law 2000 is revoked.

1.5 Application of this local law

This Local Law applies throughout the municipality.

1.6 This Local Law does not apply where any act or thing is authorised by any Act, Rule, Regulation or Planning Scheme.

1.7 Definitions

In this Local Law –

“authorised officer” means a person appointed by Council under section 224 of the Local Government Act 1989;

“Council” means the Central Goldfields Shire Council;

“farming area” means any part of the municipality in which farming activity is the predominant land use;

“incinerator” means a structure, device or contraption (not enclosed in a building and not being a barbecue) which is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter.

“land” includes structures permanently fixed to the land;

“livestock” has the same meaning as defined in the Impounding of Livestock Act 1994, namely an animal (including a bird) of any species used in connection with primary production or kept for recreational purposes other than a dog or a cat;

“municipality” means the municipal district of the Central Goldfields Shire Council;

“public place” has the same meaning as in the *Summary Offences Act 1966* and, to the extent that it does not include the following, also includes any –

- (a) place prescribed by the Council as a public place;
- (b) park, garden, reserve or other place of public recreation or resort;
- (c) vacant land or vacant space adjoining any road;
- (d) road; and
- (e) Council building.

“toy vehicle” means equipment designed to be propelled by (but not limited to) human power and includes a skateboard, scooter, roller skates and in line skates but excludes a bicycle.

PART 2 - ROADS AND PUBLIC PLACES

2.1 Council Signs

A person must comply with any sign erected by Council in a public place.

2.2 Alcohol

Without a permit, a person must not consume or be in possession of any alcohol in an unsealed container in a public place –

- (a) between 9pm and 6am; or
- (b) during other periods in specified areas as determined by Council.

2.3 Trading Activities

Without a permit a person must not on a road –

- (a) place any advertising sign;
- (b) display any goods;
- (c) place any outdoor eating furniture or associated facilities;
- (d) place any structure for the purpose of selling or offering to sell any goods or services;
- (e) sell or offer for sale any goods or services carried about or placed on the person or any other moveable thing;
- (f) solicit business or gifts of money ;
- (g) collect any waste materials; or
- (h) busk;

or cause or authorise another person to do so.

2.4 Rubbish Containers on Roads

Except for Council supplied domestic refuse containers, without a permit, a person must not place on a road any container used for the storage of industrial, trade or commercial refuse or rubbish.

2.5 Occupation of Road for Works

Without a permit a person must not carry out any works on a road or occupy a road for the purpose of carrying out works

2.6 Repair of Vehicles

Without a permit a person must not repair a vehicle on a road (other than for emergency repairs).

2.7 Noise

Without a permit, a person must not use any sound amplification equipment –

- (a) in a public place; or
- (b) from land adjacent to a public place if the noise resulting from the use is capable of being heard in the public place.

2.8 Toy Vehicles

A person must not ride on or cause or allow to be ridden a toy vehicle in a public place –

- (a) so as to inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any person or other user of the public place; or
- (b) areas designated by Council.

PART 3 - ENVIRONMENT

3.1 Dangerous and Unsightly Land

An owner or occupier of land must ensure that the land -

- (a) does not constitute a danger to health or property;
- (b) does not constitute a fire hazard; and
- (c) is not unsightly or detrimental to the general amenity of the neighbourhood.

Open Air Burning

3.2 Without a permit a person must not light a fire in the open air, unless the fire is lit –

- (a) in a barbecue, for the purpose of cooking food; or
- (b) in a farming area or a rural area.

3.3 Without a permit a person must not light, or allow to remain alight, an incinerator.

3.4 Chimneys

An owner or occupier of land must ensure that any chimney on that land does not discharge dust, grit, ashes or smoke to such an extent that is dangerous to health or offensive.

3.5 Heavy Vehicles

Without a permit a person must not park or keep for longer than 4 hours a vehicle of more than 3 tonne gross, on land or a road in a residential area.

3.6 Caravans on Private Land

Without a permit a person must not keep or occupy a caravan on private land for longer than a total of 2 months in any calendar year, other than for the purpose of storage or parking of one caravan.

3.7 Waste

All owners and occupiers of land must comply with Council's Waste Disposal and Collection guidelines which may be adopted from time to time.

PART 4 - ANIMALS

Numbers

4.1 Without a permit an owner or occupier of land in a residential area must not keep more than –

- (a) 2 cats;
- (b) 2 dogs;
- (c) 60 pigeons being 40 flying birds plus 20 breeding birds;
- (d) 10 poultry ;

4.2 Without a permit an owner or occupier of land in a residential area must not keep any –

- (a) large birds including emus, ostriches and turkeys;
- (b) horses or donkeys;
- (c) cattle;
- (d) sheep;
- (e) goats;
- (f) pigs;
- (g) roosters;

- (h) camels; or
- (i) other agricultural animals.

4.3 Without a permit an owner or occupier of land in a rural or farming area must not keep more than –

- (a) 4 cats;
- (b) 6 dogs;

4.4 Housing

Any structure used for animal housing must be maintained -

- (a) in a clean and inoffensive condition; and
- (b) to the satisfaction of Council or an authorised officer.

4.5 Adequate Fencing

An owner or occupier of any land on which an animal is kept must ensure that the land is adequately fenced so as to prevent the animal's escape from the land.

4.6 Wasps Nests

An owner or occupier of land must remove any wasps' nests that may at any time be on the land.

4.7 Animal Excrement

A person in charge of an animal other than cattle must –

- (a) not permit the excrement of the animal to remain in a public place;; and
- (b) carry a device suitable for the removal of any excrement that may be deposited by the animal.

4.8 Horses on Reservations

Without a permit a person must not ride or lead a horse on a road reservation, in an area which there is urban development or in which street lighting is provided on roads.

4.9 Dogs in retail precincts

A person in charge of a dog must not allow that dog to enter, or remain, with the exception of guide dogs that are utilized by the visually impaired and dogs utilized by the Victoria Police for the purposes of crime detection, in any retail precinct as determined by Council and on any days and between any hours as also determined by Council.

PART 5 - LIVESTOCK

- 5.1** Without a permit a person must not move or drive any livestock in a public place unless the livestock are being –
- (a) moved in order to travel a reasonable distance within the municipality from one property to another;
 - (b) relocated by an authorised officer;
 - (c) relocated in an emergency to avoid or minimise danger;
 - (d) moved in accordance with VicRoads guidelines.
- 5.2** Without a permit a person must not graze any animal or stock on a road reserve.

PART 6 - ADMINISTRATION

Permits

- 6.1** An application for a permit under this Local Law must be in a form previously approved by Council and accompanied by the appropriate fee as previously prescribed by Council.
- 6.2** Council may require an applicant to supply additional information or to give public notice of the application.
- 6.3** **Direction of Authorised Officer**

An authorised officer may, by written notice, make any reasonable direction to a person –

- (a) in respect of any matter under this Local Law; or
- (b) a person's use of a public place.

6.4 **Power of Authorised Officer – Urgent Circumstances**

An authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, without serving a notice under this clause, provided that –

- (a) the circumstance arises out of a person's use of a public place or failure to comply with a provision of this Local Law;
- (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and

- (c) the person to whom a notice under clause 6.3 would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

Impounding

6.5 An authorised officer may –

- (a) impound any item that encroaches or obstructs the free use of a public place;
- (b) release the item to its owner on payment of a fee previously determined by Council, which is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping and releasing the item; and
- (c) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of service of the notice under clause 6.6 or having complied with clause 6.7.

6.6 If Council impounds an item under this Local Law it must serve on the owner a notice in a form previously approved by Council as soon as possible after the impounding.

6.7 If the identity or whereabouts of the owner of an item impounded under this Local Law is unknown, Council must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising its powers under clause 6.5 (c).

6.8 Council is entitled to retain out of the proceeds of sale of any impounded item, its reasonable costs incurred in impounding, keeping and selling the item.

PART 7 - ENFORCEMENT

7.1 Offences

A person is guilty of an offence if the person –

- (a) does something which a provision of this Local Law prohibits to be done;
- (b) fails to do something which a provision of this Local Law requires to be done;
- (c) engages in activity without a current permit where a provision of this Local Law requires that the person obtain a permit before engaging in that activity;

- (d) breaches or fails to comply with a condition of a permit issued under this Local Law;
- (e) fails to comply with a direction of an authorised officer under this Local Law; or
- (f) makes a false representation or declaration or intentionally omits relevant information in an application for a permit or an exemption.

Infringement Notice

7.2 Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue to that person an infringement notice, in a form previously approved by Council, as an alternative to a prosecution for the offence.

7.3 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.

7.4 The amount to be paid under an infringement notice is 1 penalty unit.

7.5 Penalties

A person guilty of an offence under this Local Law is subject to the following penalties:

- (a) First offence – 4 penalty units; and
- (b) Second and subsequent offences – 20 penalty units.

Appeals

7.6 A person may appeal to Council or a Council delegate for a review of an order, direction or notice made in relation to her or him under this Local Law within 14 days of the order, direction or notice being made.

7.7 Where an appeal is to be heard under this clause the person appealing must do all that is necessary to cooperate in the prompt and speedy hearing of the appeal.



**CENTRAL
GOLDFIELDS
SHIRE
COUNCIL**

General Local Law 2005

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