

Casey Community Local Law 2018



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PART 1 PRELIMINARY

1. Title

This Local Law is known as the Casey Community Local Law 2018.

2. Purposes of the Local Law

The purpose of this Local Law is to:

- (1) provide for the peace, order and good government of the ***municipal district***,
- (2) promote a physical and social environment free from hazards to health, in which the residents of the ***municipal district*** can enjoy a quality of life that meets the general expectations of the community; and
- (3) prevent and suppress nuisances which may adversely affect the enjoyment of life within the ***municipal district*** or the health, safety and welfare of persons within the ***municipal district***,

and to achieve these objectives by:

- (4) regulating and controlling activities of people within the ***municipal district*** which may be ***dangerous***, unsafe or detrimental to the quality of life of other people in, or the environment of, the ***municipal district***; and
- (5) providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the ***municipal district***.

3. Date of Commencement

This Local Law comes into operation on 1 January 2018.

4. Area of Operation

This Local Law applies throughout the entire municipal district.

5. Cessation Date

Unless earlier revoked, this Local Law ceases to operate on 31 December 2027.

6. Authorising Provision

This Local Law is made under the provisions of section 111(1) of the *Local Government Act 1989*.

7. Revocation of Previous Local Laws

Upon this Local Law coming into operation, the following Local Law is revoked:

City of Casey Community Local Law No. 2/ 2010.

8. Application of Local Law

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

PART 2 DEFINITIONS

9. Definitions

(1) In this Local Law:

Act	means the <i>Local Government Act 1989</i> .
accessible to the public	means accessible to any member of the public without assistance from a person described in clause 48(3) or an employee or agent of such person.
animal	includes every living thing except for plants and human beings. This includes, but is not limited to all species of mammal, marsupial, bird, fish and reptile.
Applicable Breeding Establishment	means an enterprise that is run, regardless if profit is made or not, which carries out the breeding of dogs or cats where: <ul style="list-style-type: none"> (a) The enterprise has 3 or more fertile female animals of either or both species; or (b) The enterprise has 10 or more fertile female animals of either or both species and is a member of an Applicable Organisation.
Applicable Organisation	means an organisation that is declared by the relevant Minister to be an applicable organisation under Section 5A of the <i>Domestic Animals Act 1994</i> .
Authorised Officer	means a person appointed pursuant to Section 224 of the Act as an Authorised Officer for the purposes of this Local Law.
barbeque	means any structure or device, erected or fixed outdoors, portable or mobile, which has as its primary purpose the cooking of food for human consumption.
building site	means land on which building works are being undertaken.
building works	includes works associated with the construction, demolition or removal of a building, and includes road making and drainage works.
bulk rubbish container	is a container having a greater capacity than one cubic metre used for the containment of rubbish and waste materials.
Bunjil Place	is the area shown in Schedule 2.
busk	play music in the street for voluntary donations.
cat	is a cat over the age of 3 months.
Chief Executive Officer	means the Chief Executive Officer of Council .

<i>chimney</i>	means a vertical channel conducting smoke or combustion gases etc. up and away from a fire, furnace or engine.
<i>clothing bin</i>	is a container for the reception of used clothing.
<i>Code of Practice</i>	any Code of Practice published by the Department of Environment Land Water and Planning or the Bureau of Animal Welfare and includes but is not limited to the following: <ul style="list-style-type: none"> (a) The Code of Practice for the housing of caged birds; or (b) The Code of Practice for the private keeping of dogs; or (c) The Code of Practice for the private keeping of cats.
<i>commercial activity</i>	includes any activity conducted for the purpose of financial gain or run for profit and includes but is not limited to: <ul style="list-style-type: none"> (a) any business; or (b) any street trading; or (c) all stakeholders involved in filming or recording for television, radio, feature films, advertising, student film projects, documentaries, and music videos.
<i>Council</i>	means Casey City Council.
<i>Council land</i>	is land owned, controlled, managed by or vested in <i>Council</i> but excludes a <i>road</i> .
<i>dangerous</i>	means able to or likely to cause harm or injury.
<i>desexed</i>	is an animal which has been castrated (male) or spayed (female). This involves the removal of an animal's reproductive organs to prevent breeding.
<i>dog</i>	is a dog over the age of 3 months.
<i>driver</i>	is a person in control of a vehicle or as defined in the <i>Road Safety Act 1986</i> .
<i>drone</i>	is a remote-controlled pilotless aircraft.
<i>environment</i>	as defined in the <i>Environment Protection Act 1970</i> .
<i>emergency services agency</i>	as defined in the <i>Emergency Management Act 1986</i> and includes a member or officer of a <i>fire brigade</i> .
<i>EPA</i>	means the Environment Protection Authority.

extinguish	means to put out any flame or ember so that any flame or ember cannot continue or reignite in the future. The method used to extinguish must be a method recommended by either an Authorised Officer , a fire prevention officer , a member or officer of Victoria Police or an emergency services agency .
farm land	has the same meaning as in the <i>Valuation of Land Act 1960</i> .
fire	means a chemical reaction involving heat, oxygen and fuel resulting in flames and smoke; and for the purpose of this Local Law, does not include: <ul style="list-style-type: none"> (a) a fire lit by a member or Officer of a Fire Brigade acting in that capacity; or (b) any fire that is lawful under the <i>Country Fire Authority Act 1958</i> or <i>Summary Offences Act 1966</i>.
fire brigade	means the Country Fire Authority, the Metropolitan Fire Brigade or the Emergency Services Board and includes the Royal Botanic Gardens, Parks Victoria, Department of Environment Land Water and Planning and any other corporate body established by legislation to assume the responsibilities of those agencies.
fire break	means for land of less than 20,000 square metres, a minimum strip of land, 10 metres wide around the entire external perimeter of the property; or for land of 20,000 square metres or more, a minimum strip of land, 20 metres wide, around the entire external perimeter of the property. A fire break can be maintained on that land by: <ul style="list-style-type: none"> (a) cutting all grass, weeds or undergrowth inside the fire break; or (b) keep grazing animals or livestock inside the fire break to strip graze (the animals eat the grass, weeds or undergrowth and keep the grass, weeds or undergrowth below the required height).
fire hazard	is any fire that has the potential to harm the health or safety of a person or people, or has the potential to damage or destroy property or livestock .
fire prevention officer	has the same meaning as in the <i>Country Fire Authority Act 1958</i> .
fodder	means grass grown for the production of food for grazing animals or livestock either by grazing animals directly on the land, or for the production of hay.

footpath	means land set aside for use by pedestrians.
incinerator	means an apparatus for incinerating waste material, which is not a barbeque .
land	includes any private property, Council land, reserve or road .
large bird	means any pigeon, cockatoo or other bird of similar or larger size of any age but does not include poultry .
liquor	means a beverage with an alcoholic content greater than 0.5% by volume at a temperature of 20o Celsius.
livestock	has the same meaning as the Impounding of <i>Livestock Act 1994</i> . (Note - At the time of making the Local Law livestock was defined as <i>an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.</i>)
municipal district	means the municipal district of Council .
Notice of impounding	means a notice in the form specified by Council .
noxious weed	has the same meaning set out in the <i>Catchment and Land Protection Act 1994</i> .
nuisance	includes any behaviour or condition which is liable to be dangerous to health, offensive or injurious to personal comfort.
owner	of a vehicle includes the last registered owner recorded with VicRoads or any other relevant authority.
permit	is a permit in writing issued by Council under this Local Law which may include specific permit conditions.
person in charge	means in Part 3 of this Local Law: <ul style="list-style-type: none"> 1. a person in charge of a building site or land where there is the carrying out of building works; 2. a person who carries out or causes the carrying out of building works on any land; 3. the builder named in any building permit for the building works; 4. where the builder in sub-clause 3 above is a corporation, each director of the corporation and the registered building practitioner responsible for the building works; or 5. the owner of the land on which the building works are being carried out, or on which the building site is situated.

<i>playground</i>	an outdoor area set aside for recreation and play, especially one containing equipment such as but not limited to, seesaws and swings.
<i>poultry</i>	means ducks, geese, peacock, pheasant, turkey, guinea fowl, female chicken, and other edible birds over the age of 12 weeks, but does not include a <i>rooster</i> .
<i>private property</i>	means any <i>land</i> which is not owned or occupied or under the control or management of a public body (including <i>Council</i>).
<i>property</i>	means any building or other structure, wall, fence, hoarding, gate, <i>road</i> , pavement, bridge or like thing.
<i>public holiday</i>	means a public holiday within the meaning of the <i>Public Holidays Act 1993</i> , applying in the <i>municipal district</i> .
<i>public place</i>	has same meaning as in the <i>Summary Offences Act 1966</i> , but does not include a Council owned or managed public/community hall.
<i>recreational vehicle</i>	means any mini bike, motor bike, motor scooter, go-kart or other vehicle propelled by an internal combustion engine or motor which is used for recreational purposes.
<i>reserve</i>	means any <i>land</i> which is owned, leased, occupied, managed or controlled by <i>Council</i> and dedicated or used for recreation, conservation, horticulture, cultural, sporting or entertainment purposes.
<i>residential area</i>	means any area zoned as residential or predominantly residential under an applicable Planning Scheme.
<i>residential purposes</i>	means where a person lives or resides or if a domestic electrical power supply is connected.
<i>retailer</i>	means a person who sells goods by retail.
<i>road</i>	has the same meaning as in the <i>Local Government Act 1989</i> ; or has the same meaning as in the <i>Road Safety Act 1986</i> ; and includes: <ul style="list-style-type: none"> (a) a street; or (b) a footpath; or (c) nature strip; or (d) a public road under the <i>Road Management Act 2004</i>; or (e) a right of way; or (f) a bicycle path; or (g) a carriageway; or (h) any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>; or (i) any culvert or curbing or other land or works forming part of the road.

<i>roadworthy</i>	means a <i>vehicle</i> which is in its current condition, meets all of the requirements for a certificate of roadworthiness under the Road Safety (Vehicles) Regulations 2009.
<i>rooster</i>	means a male chicken of any age.
<i>rubbish container</i>	means a lidded waste container of sufficient size which prevents the escape of its contents.
<i>sign</i>	means any placard, board, card, banner poster, A-boards or A-frames whether portable or affixed or attached to any land or building used to advertise goods, services, events, competitions or to provide any other information.
<i>site fencing</i>	<p>means a fence around the entire perimeter of a building site at the commencement and for the duration of the building works:</p> <ul style="list-style-type: none"> (a) at a height not less than 1500 millimetres; and (b) so as to be capable of preventing litter from being transported from the site by wind; and (c) having not more than one access opening which: <ul style="list-style-type: none"> (i) has a width not greater than 3000 millimetres; and (ii) is fitted with a 1500 millimetres high gate or gates which prevents or prevent litter from being transported from a building site when closed; and (iii) is located to correspond with the <i>vehicle crossing</i> referable to the <i>building site</i>; and (iv) opens inwards into the <i>building site</i>.
<i>site identification</i>	<p>means a sign which is at least 300 millimetres in height and 400 millimetres in width, erected at the entrance to the building site and clearly visible from the road, and includes:</p> <ul style="list-style-type: none"> (a) the lot number, as described on the Certificate of Title relevant to the <i>land</i>; and (b) the name of the person undertaking <i>building works</i>; and (c) the 24-hour contact telephone number(s) for the person undertaking the <i>building works</i>.
<i>small bird</i>	means any budgerigar, canary, finch or other similar size or smaller bird.
<i>store</i>	means keep for future use for a continuous period of two (2) months.
<i>temporary structure or dwelling</i>	means a tent, shanty, lean-to, or other semi-permanent structure constructed of a combination of metal, wood, plastic or other organic material.

<i>toilet</i>	means a functioning toilet or a functioning water closet type facility.
<i>unsightly</i>	includes land which contains one or more of the following features but is not limited to: <ul style="list-style-type: none"> (a) excessive unconstrained rubbish such as paper, cardboard, plastic bags, styrene, domestic garbage, second hand containers; and/or (b) storing of excessive second-hand timber or second-hand building material; and/or (c) discarded, rejected, surplus or abandoned solid or liquid materials; and/or (d) graffiti on exterior walls or fences; and/or (e) excessive machinery, machinery parts or similar; and/or (f) anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area; and/or (g) any other thing making the land visually repugnant.
<i>vehicle</i>	has the same meaning as in the <i>Road Safety Act 1986</i> and includes 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 bicycle or other pedal- powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock.
<i>vehicle assistance provider</i>	means any authorised person or organisation that provides emergency roadside assistance including tow truck and roadside assistance personnel for the purpose of moving the <i>vehicle</i> to another location.
<i>vehicle crossing</i>	means a constructed area that provides for the passage of <i>vehicles</i> from a <i>road</i> to <i>private property</i> and includes the kerb, channel, nature strip and <i>footpath</i> .
<i>VicRoads</i>	means the Roads Corporation as defined in the <i>Road Safety Act 1986</i> and established by Section 15 of the <i>Transport Act 1983</i> .
<i>windblown refuse</i>	means any refuse capable of being blown away by winds.

- (2) Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.

PART 3 COMMUNITY PROTECTION

ANIMALS

10. Animal Litter

- (1) A person who is in charge or control of any **dog, cat, livestock** or **animal** in or on a **public place**:
- (2) must have in his or her possession a bag or other receptacle for the purpose of removing from the **public place** excrement from that **dog, cat, livestock** or **animal** deposited in or on the **public place**; and
- (3) must not permit excrement of any **dog, cat, livestock** or **animal** under his or her care or control, or of which he or she is in charge to remain in or on a **public place**; and
- (4) must remove from a **public place** any excrement of a **dog, cat, livestock** or **animal** under his or her care or control, or of which he or she is in charge, if directed to do so by an **Authorised Officer**.

11. Animal Numbers

- (1) A person who owns or occupies land of:
 - (a) less than 4000 square metres must not, except with a **permit**, keep more than;
 - (i) 5 **large birds**; and/or
 - (ii) 20 **small birds**; and/or
 - (iii) 6 **poultry**; and/or
 - (iv) 5 rabbits; and/or
 - (v) 8 guinea pigs or ferrets; and/or
 - (vi) 2 **dogs** and 2 **cats**.
 - (b) greater than 4,000 square metres or more must not, except with a **permit**, keep more than;
 - (i) 4 **dogs**; and/or
 - (ii) 4 **cats**.
- (2) A person who owns or occupies land of less than 4,000 square metres must not, except with a **permit**, keep any livestock on that land.

12. Animals in a public place

- (1) A person must not, except with a **permit**, keep or feed any **animal**, in or on any **public place** or **Council land**.

13. Animal Keeping

- (1) A person who owns or occupies **land** must not keep any **animal** on that **land** unless each individual is kept in accordance with all relevant **Code of Practice**.
- (2) A person who owns or occupies **land** on which any **animal** is kept must ensure that the **land** is adequately secured to the satisfaction of **Council** or an **Authorised Officer** to prevent any **animal** from escaping from that **land**.

- (3) A person who owns or occupies **land** must ensure that any **structure** on the **land** used for housing any **animal** is:
- (a) designed and **constructed** in a manner approved by **Council**; and
 - (b) not less than six metres from the frontage of the **land**; and
 - (c) not less than 1.2 metres from any boundary of the **land**; and
 - (d) not less than three metres from any dwelling on adjoining **land**.
 - (e) sub-clause (d) does not apply to any **dog** kennel, **cat** enclosure or a bird aviary used to house **small birds**.
- (4) A person who owns or occupies **land** must ensure that any structure on that **land** used for housing any **animal**, and the area within three metres of such structure, is maintained:
- (a) in a clean, inoffensive and sanitary condition; and
 - (b) so it does not cause any nuisance; and to the satisfaction of **Council** or an **Authorised Officer**.

14. Animal Nuisance

- (1) A person who owns or occupies **land** on which any **animal** is kept must not allow any noise or smell from any **animal** to emanate which interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

15. Responsible Breeding of Cats

- (1) A person must not sell or give to any person, or allow to be sold or given to any person, a **cat** that has not been **desexed** except:
- (a) in accordance with a **permit**; or
 - (b) where a **cat** is 10 years of age or older; or
 - (c) where the person is the proprietor of an **Applicable Breeding Establishment** and sells or gives away, or permits to be sold or given away, the **cat** in the course of the business of the **Applicable Breeding Establishment**; or
 - (d) where the person is a member of an **Applicable Organisation** with which the **cat** is registered.

BUILDING

16. Building Works on Private Land

- (1) The **person in charge** must not undertake **building works** on a **building site** unless **the building site** is provided with:
- (a) a **toilet**; and
 - (b) a **rubbish container**; and
 - (c) **site fencing**; and
 - (d) **site identification**;

to the satisfaction of an **Authorised Officer**, and the **person in charge** complies with any Building Code of Practice adopted by **Council**.

- (2) The **person in charge** of **building works** must ensure that
- (a) all refuse is placed in a **rubbish container** referred to in sub-clause (1)(b);
 - (b) all refuse and other material for, or from the **building site** is contained within the boundaries of the **building site**; and

- (c) the **rubbish container** referred to in sub-clause (1)(b) is not placed on any **Council land** or **road** without a **permit**.
- (3) The **person in charge** of **building works** must ensure that any toilet and rubbish container is removed from a building site by the person who undertook the building works within three (3) working days of the completion of the building works or issue of an occupancy permit, whichever occurs last.

PROPERTY AMENITY

17. Unsightly and Dangerous Premises

- (1) A person who owns or occupies **land** must not allow that land to be kept in a manner which is considered by an **Authorised Officer** to be:
 - (a) **unsightly**; or
 - (b) **dangerous**; or
 - (c) detrimental to the general amenity of the neighbourhood in which it is located.
- (2) A person who owns or occupies **land** must not allow any grass, weeds or undergrowth on that **land**, except that which is grown for **fodder**, to exceed 30 centimetres in height.
- (3) Further to sub-clause (2), if grass, weeds or undergrowth on land is used for **fodder**, a person who owns or occupies **land**, must not allow any grass, weeds or undergrowth to exceed 10 centimetres in height within a **fire break**.
- (4) A person who owns or occupies **land** must not, except with a **permit**, keep on any **land** in a **residential area** a shipping container.

18. Noxious Weeds

- (1) A person who owns or occupies **land** must not allow any **noxious weed** to be present on that **land**.

19. Temporary Dwellings on Private Property

- (1) A person who owns or occupies **land** must not, except with a **permit** use **permit**, use or allow to be used for **residential purposes** on that **land**:
 - (a) a caravan; and/or
 - (b) mobile home; and/or
 - (c) moveable dwelling; and/or
 - (d) tent or swag; and/or
 - (e) **vehicle** used for **residential purposes**; and/or
 - (f) shipping container; and/or
 - (g) shed; and/or
 - (h) other **temporary structure or dwelling**;

for more than 14 days in any 60-day period.

20. Temporary Dwellings on Public Place, Reserve or Road

(1) A person must not, except with a **permit**, camp, erect, place or occupy a:

- (a) caravan; and/or
- (b) mobile home; and/or
- (c) moveable dwelling; and/or
- (d) tent or swag; and/or
- (e) **vehicle** used for **residential purposes**; and/or
- (f) shipping container; and/or
- (g) shed; and/or
- (h) other **temporary structure or dwelling**;

in or on any **public place, reserve or road**.

NOISE and ALARMS

21. Nuisances and Noise

A person must not cause or allow any **noise or nuisance** to exist on any land which

(1) interferes with the:

- (a) reasonable comfort of a person on the land or any adjoining land; or
- (b) reasonable enjoyment of any part of the land by any person; or

(2) in the case of **noise** is:

- (a) annoying;
- (b) objectionable; or
- (c) unreasonable.

(3) For the purposes of clause 21 (2), in assessing whether noise is annoying, objectionable or unreasonable regard must be had to:

- (a) its volume, intensity or duration; and
- (b) the time when, place where and other circumstances in which it is emitted.

22. Noise and Nuisance from Audible Alarms

(1) An owner or occupier of **land** must not:

- (a) install;
- (b) allow to be installed; or
- (c) cause to be retained and active

on the **land** any form of intruder alarm which emits a noise audible beyond the boundary of the **land** unless the alarm is so constructed or regulated as to ensure that:

- (d) whenever a detection device is activated, the alarm is automatically rendered inaudible beyond the boundary of the **land** within five (5) minutes of being activated; and
- (e) the alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset.

OBSTRUCTIONS

23. Obstructions to Roads

- (1) A person must not, except with a **permit**, construct or place anything on a **road** pertaining to a nature strip, other than:
 - (a) receptacles for domestic waste or recyclable materials; or
 - (b) other waste for which arrangements have been made with **Council** for collection.
- (2) Any receptacle for domestic waste or recyclable materials must be placed on a **road** pertaining to a nature strip;
 - (a) not more than 24 hours before collection; and
 - (b) must be removed not more than 24 hours after collection.
- (3) A person must not, except with a **permit**, place anything on **Council land**, in a **public place** or on a **road** which:
 - (a) encroaches on or is likely to encroach on or obstructs or is likely to obstruct a **road**; or
 - (b) endangers any person or is likely to endanger any person, or damages any **property** or is likely to damage any **property**.

24. Vegetation at roads

- (1) A person who owns or occupies **land** that adjoins a **road**, must not allow any vegetation located on that **land** to grow in a manner that obstructs the clear view or passage of:
 - (a) a **driver** of any **vehicle**; or
 - (b) a pedestrian; or
 - (c) signs or signals installed to control, direct, guide, regulate or warn drivers.
- (2) A person who owns or occupies **land** must not allow vegetation on that **land** to overhang a **road** at any height of less than three metres from the surface of the **road**.

BULK RUBBISH CONTAINERS, CLOTHING BINS, HARD RUBBISH INTERFERENCE

25. Bulk Rubbish Containers/Clothing Bins

- (1) A person must not, except with a **permit**, place a **bulk rubbish container** or **clothing bin** in or on any **public place** or **road**.

26. Waste

- (1) A person must not:
 - (a) without the consent of the relevant occupier, deposit waste or other matter in any receptacle supplied to any **land** on which he or she does not reside; or
 - (b) without the consent of **Council** or an **Authorised Officer**, remove or interfere with any waste placed out for collection in a receptacle or any hard rubbish placed out for collection in accordance with **Council's** hard waste collection service.

SIGNS

27. Signage

- (1) A person must not, except with a **permit**, display or permit to be displayed a **sign** on any **road** or **Council land**.

28. Council Signs

- (1) A person must not, except with a **permit**, do anything contrary to any sign erected by or on behalf of **Council** in or on any **public place, reserve** or **road** which prohibits such a thing.

29. Property Numbers

- (1) A person who owns **private property** must display on that **private property** the number allocated to the private property by **Council**, so that the **Council** allocated number is clearly visible from:
 - (a) the street or road to which the number applies; and where also applicable
 - (b) the nearest **road** frontage of that **private property**.

FIRE/SMOKE/INCINERATORS/CHIMNEYS

30. Fire

- (1) A person must not, except with a **permit**, light a **fire** or allow a **fire** to remain alight in the open air on any **land** except:
 - (a) if the **fire** is lit on **private property** by a person and the **fire** is contained in a **barbeque** for the purpose of cooking food for human consumption; or
 - (b) if the **fire** is lit on **private property** by a person and the **fire** is in a brazier or chiminea for the purposes of heating; or
 - (c) if the **fire** is on a **reserve** and is contained in either:
 - (i) a **barbeque** provided by **Council**; or
 - (ii) a portable liquefied gas **barbeque**.
- (2) A person must not, on any **land**, light a **fire** and burn or allow to be burned in the open air any rubber, plastic, petroleum oil, chemicals, food wastes to such an extent that it becomes a public nuisance, or is **dangerous** or is likely to be **dangerous** to the health and safety of any person or animal, or is harming or is likely to be harmful to the **environment**.
- (3) A person who has lit a **fire** or allowed a **fire** to remain alight must **extinguish** that **fire** upon being directed to do so by:
 - (a) an **Authorised Officer**; or
 - (b) a member or officer of an **emergency services agency**; or
 - (c) a member of Victoria Police.
- (4) A person must not erect, construct, install, use or allow to be used an **incinerator** on any **land**.

Note: The following are further clauses relating to **fire** under this Local Law:

17. *Unightly and Dangerous Premises*
31. *Discharge from Chimneys*

31. Discharge from Chimneys

- (1) A person who owns or occupies **land** used for **residential purposes** must not allow any **chimney** on that **land** to discharge ash, smoke or dust to such an extent that it:
 - (a) becomes a nuisance; or
 - (b) is **dangerous** or is likely to be **dangerous** to the health and safety of any person or **animal**; or
 - (c) is harming or is likely to be harmful to the **environment**.

VEHICLES

32. Vehicles in a public place

- (1) A person must not, except with a **permit**, park, drive or ride a registered or unregistered **vehicle** or **recreational vehicle** in or on a **public place, road, reserve** or **Council land** unless that **public place, road, reserve** or **Council land** has been designed or developed for the purpose of parking, riding or driving a **vehicle** or **recreational vehicle**.
- (2) A person must not, except with a **permit**, **store** on any road or Council land for a continuous period of more than 2 months;
 - (a) a **caravan**; or
 - (b) a trailer; or
 - (c) a **boat**; or
 - (d) a **vehicle**, whether registered or not, which an Authorised Officer of **VicRoads** or a member of Victoria Police has determined is not **roadworthy**.
- (3) A person must not, except with a **permit**, conduct or undertake any repairs or maintenance on a **vehicle** or **recreational vehicle** in or on any **public place, road, reserve** or **Council land** unless the person is a **vehicle assistance provider** or emergency repairs are required.
- (4) The parent or guardian of a person under the age of 17 years who uses a **vehicle** or **recreational vehicle** in contravention of clause 32 (1) or clause 32 (3) is guilty of an offence.

33. Vehicle Crossings

- (1) A person must not, except with a **permit**, allow any **vehicle** or **recreational vehicle** to enter or leave any **land** except by a **Council** approved **vehicle crossing**.
- (2) A person who owns land, must ensure that each point of vehicular access from a **road** to the **land** has an appropriately constructed **vehicle crossing** approved by **Council**.
- (3) A person must not, without a **permit**, construct, install, remove or alter a **vehicle crossing**.

34. Vehicles on private property

- (1) A person who owns or occupies **private property** must not, except with a **permit**, keep on that **private property** more than two **vehicles** which are not currently registered with or have a permit from **VicRoads** or any other relevant authority (if it is of a class which requires to be or is usually registered under the *Road Safety Act 1986*).
- (2) A person who owns or occupies **private property** must not, except with a **permit**, keep on that **private property** more than 1 **vehicle** which is not currently registered with or have a permit from **VicRoads** or any other authority, if the **property** is 1000 square metres or less.
- (3) Under Sub section (2) such **vehicle** would not be permitted in an area where it may be visible from any adjoining **road**. This does not include a paved/formed/concreted or in some way identifiable area that is used as a driveway and is generally used to **store** vehicles.
- (4) A person who owns or occupies **land** in a **residential area** must not, except with a **permit**, keep on that **land** any vehicle which is greater than 7.5 metres in length or has a Gross Vehicle Mass (GVM) of 4.5 tonnes or greater, except a registered vehicle under the *Road Safety Act 1986* that is a motor home, caravan or boat trailer.

35. Recreational Vehicles

- (1) A person must not, except with a **permit**, use a **recreational vehicle** on any **private property**.

BEHAVIOUR IN A PUBLIC PLACE FOR FINANCIAL GAIN

36. Street Trading

- (1) A person must not, except with a **permit**, in or on any **public place, reserve** or **road**,
 - (a) sell, barter, exchange, display or offer for sale any goods or services; or
 - (b) occupy for the purpose of serving food and or drink to people; or
 - (c) place any item or thing including any **sign**, tables and or chairs, umbrellas, planters, screens, heaters or any other items associated with a **commercial activity**; or
 - (d) construct or erect any structure or anything; or
 - (e) remove or interfere with any structure or thing.

37. Street Collection

- (1) A person must not, except with a **permit**, solicit to collect in or on any **public place** or **road** any gifts or subscriptions for any purpose or cause or authorise another person to do so.

38. Busking

- (1) A person must not, except with a **permit**, **busk** in or on any **road, public place** or **reserve** with the object, or apparent object, of collecting money.

39. Commercial Activity

- (1) A person must not, except with a **permit**, conduct any **commercial activity** if the **commercial activity**;
 - (a) occurs on or in **Council land**, a **public place, road**, or any owned or managed venue or facility of **Council**; or
 - (b) is held on or in **private property**, and buildings where there are temporary structures or buildings erected or used for the **commercial activity** unless permitted to do so under a Planning Scheme applicable to the land.

FESTIVALS AND ALCOHOL

40. Street Parties, Festivals and Processions

- (1) A person must not, except with a permit or some other form of written approval from Council, organise, hold or participate in or on any road, public place or reserve any:
 - (a) street party; or
 - (b) procession; or
 - (c) circus; or
 - (d) wedding; or
 - (e) festival; or
 - (f) event; or
 - (g) other public gathering.

41. Alcohol

- (1) A person must not in or on any **reserve** or **road**, except with a **permit** or under a lease granted by **Council**, have in his or her possession any **liquor** in an unsealed container.

If an **Authorised Officer** avers that any liquid is or may be liquor, the averment is evidence that the liquid is liquor.

- (2) Sub-clause (1) does not apply to a person who is at a function or venue where a licence under the *Liquor Control Reform Act 1998* has been issued.

COUNCIL LAND AND RESERVES

42. Interfering with Vegetation

- (1) A person must not, except with a **permit**, destroy, damage or interfere with or remove any vegetation on any **Council land, public place or road**.
- (2) Sub-clause (1) does not apply to a person employed or engaged by **Council** while acting in the course of his or her duties.

43. Municipal Reserves

- (1) A person must not, except with a **permit**, in or on a **reserve**;
 - (a) enter upon or remain on an area set aside as a playing ground during the course of an authorised sporting match or gathering unless that person is a player, official or competitor in or at a sporting match or gathering; or

- (b) climb or jump on any wall, fence, gate, seat or other structure; or
- (c) intentionally roll or throw any stone or missile that is **dangerous** or is likely to be **dangerous** to any person or **animal** or has caused or is likely to cause any damage; or
- (d) use any children's playground equipment other than for the purpose for which it is provided; or
- (e) play, engage in or practise any activity, 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 or enjoyment of the **reserve** by any other person; or
- (f) play or practise golf other than in a **reserve** designated or set aside as a golf course; or
- (g) ride or drive a **vehicle** or **animal** in a manner or in a place which is likely to damage any grassed area or turf surface or otherwise interfere with the use of the **reserve** by another person; or
- (h) play, organise, practise or engage in any organised competitive sport or game; or
 - (i) destroy, damage or interfere with any flora; or
 - (j) use an amplifier; or
- (k) walk on any plot, bed, border or any other area set aside for vegetation.

Note: The following is a list of further clauses relating to the use of a **reserve** under this Local Law

- 20. Temporary Dwellings on *public place, reserve* or *road*
- 27. Signage
- 28. *Council* Signs
- 30. *Fire*
- 32. Vehicles in a *public place*
- 36. Street Trading
- 38. Busking
- 40. Street Parties, Festivals and Processions

44. Smoking on Council Land

- (1) A person must not smoke;
 - (a) inside a building on **Council Land**;
 - (b) within 10 metres of the entrance to a building on **Council Land**;
 - (c) within 10 metres of a building on a **reserve** located on **Council Land**;
 - (d) within 10 metres of a **playground** on any **Council Land**;

except where indicated in a designated smoking area.

SHOPPING TROLLEYS

45. Shopping Trolleys

- (1) A person must not leave a shopping trolley in or on a **public place** or **road** except in an area designated for that purpose.
- (2) A retailer must not make available for use or allow to be used a shopping trolley which does not have a system in operation to deter removal of the trolley from the area designated for the purpose, to the satisfaction of an **Authorised Officer**.
- (3) Sub-clause (2) does not apply when a retailer makes available for use or allows to be used 25 shopping trolleys or less.

AIRBORNE DEVICES

46. Discharge of Fireworks on Private Land

- (1) A person must not, except with a **permit**, discharge any fireworks on or from any **private property**.

Note: Public land is covered by *Section 4(j) of the Summary Offences Act 1966*. Firework/s discharged during the CFA declared fire danger period is regulated under Section 110 (1)(Z) of the *Country Fire Authority Act 1958*. Fireworks are regulated under the *Dangerous Goods (Explosives) Regulations 2000*.

47. Use of Drones on Private Land

- (1) A person must not, except with a **permit**, launch or land a **drone** on or from any private property.

GRAFFITI

48. Prohibition on Graffiti

- (1) A person must not:
 - (a) write on; or
 - (b) paint; or
 - (c) draw any inscription, figure or mark on; the exterior of any **property** without the prior consent of the:
 - (i) **owner** of the property; or
 - (ii) an agent of the **owner**;

for the purpose of affecting the visual amenity of the **property** or the area in which it is located.

49. Aerosol Spray Paint Containers

- (1) A person must not, on any land, possess an aerosol spray paint container unless:
 - (a) he or she has the consent of the **owner** or occupier of the **land**; or
 - (b) he or she has a lawful excuse for the possession of the aerosol spray paint container.

- (2) sub-clause (1) does not apply if the person is in possession of an aerosol spray paint container in the course of engaging in, or carrying out any functions in relation to his or her employment, occupation, business, trade or profession.
- (3) A person who:
- (a) offers for sale any aerosol spray paint container; or
 - (b) owns, operates or manages a **commercial activity** from premises on which an aerosol spray paint container is offered for sale must not:
 - (i) **store** or display; or
 - (ii) cause to be **stored** or displayed; or
 - (iii) allow to be **stored** or displayed;

any aerosol spray paint container in an area which is accessible to the public.

- (4) A person must not:
- (a) sell; or
 - (b) deliver; or
 - (c) give; or
 - (d) cause to be sold, delivered or given to a person who is under the age of 18 years; any aerosol spray paint container unless:
 - (e) the first mentioned person is:
 - (i) a parent and the second mentioned person is his or her child; or
 - (ii) a guardian and the second mentioned person is his or her ward; or
 - (iii) an employer and the second mentioned person is his or her employee; or
 - (iv) the agent of an employer and the second mentioned person is the employee of that employer; or
 - (v) a teacher and the second mentioned person is his or her pupil; or
 - (vi) the first mentioned person sells the aerosol spray paint container to the second mentioned person and the sale is permitted under section 10 (2) of the *Graffiti Prevention Act 2007*.

BUNJIL PLACE

50. Bunjil Place and this Local Law

- (1) For ease of reading, the provisions described in this clause will apply in **Bunjil Place**.
- (2) This clause does not limit the application or effect of this Local Law in **Bunjil Place** or elsewhere.

51. No Smoking in Bunjil Place

- (1) A person must not smoke in **Bunjil Place**.

PART 4 PROCEDURES

52. Permits

- (1) An applicant for a **permit** must:
 - (a) make an application to **Council** in writing and include all information necessary for the consideration of the **permit** applied for; and
 - (b) provide such information as **Council** or the **Authorised Officer** requires; and
 - (c) pay to **Council** a non-refundable application fee determined by **Council** either generally or under special conditions or specified circumstances.
- (2) **Council** or an **Authorised Officer** may require the applicant to give notice to any person who may be materially affected by the granting of a **permit** and invite such a person to make a written submission to **Council** within 14 days (or such other period as **Council** or the **Authorised Officer** determines) of a specified date.
- (3) **Council** or an **Authorised Officer** may give notice to any person who may be materially affected by the granting of a **permit** and invite such a person to make a written submission to **Council** within 14 days (or such other period as **Council** or the **Authorised Officer** determines) of a specified date.
- (4) **Council** or an **Authorised Officer** may, after taking into account any written submission received from a person described in sub- clause (2) and (3):
 - (a) grant a **permit**, or
 - (b) refuse to grant a **permit**.
- (5) A **permit** will have a specified end date as determined by **Council**.
- (6) Any person to whom a **permit** is issued must comply with any conditions specified in that **permit**.
- (7) A **permit** may be revoked for non- compliance with any **permit** condition or if the **permit** was issued based on false representation.

53. False Representation

- (1) A person must not obtain or attempt to obtain a **permit** by wilfully making or causing to be made any false representation.
- (2) A person must not wilfully make or cause to be made a false report to an **Authorised Officer**.

54. Review of Decisions

- (1) Any person who is aggrieved by a decision made in the administration or enforcement of this Local Law may apply for a review of that decision. All persons who may be so affected shall be advised of this right.
- (2) Requests for review must, in the first instance, be made in writing. Submissions in support of the request may be made in writing or orally.
- (3) The right given by this clause does not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under the Local Law.

- (4) In reviewing any decisions, regard must be given to any policy, standards, guidelines or Codes of Practice adopted by Council.

55. Correction of Permits

- (1) Council may correct any **permit** issued under this Local Law if the **permit** contains:
 - (a) a clerical error or an error arising from an accidental slip or omission; or
 - (b) an evident and material miscalculation of figures or a material mistake in the description of a person, thing or property referred to in the permit.
- (2) Council must give written notice of the correction to the **permit**-holder.

56. Exemptions from Permits

- (1) An **Authorised Officer** may, with the agreement of the **Chief Executive Officer**, grant an exemption from any requirement to obtain a **permit**.

57. Notices to Comply/Directions

- (1) An **Authorised Officer** may serve a Notice to Comply on any person who breaches this Local Law instructing them to remedy a situation.
- (2) In the event that a Notice to Comply is not complied with, an **Authorised Officer** may undertake any works required to be carried out to ensure compliance and recover any costs incurred.
- (3) A person must remedy any breach of this Local Law in accordance with all requirements of a Notice to Comply.
- (4) A person must comply with any reasonable direction, instruction or signal of an **Authorised Officer**, member of Victoria Police or member or Officer of an **emergency services agency** lawfully given in connection with this Local Law.

58. Penalty

Except where otherwise indicated the penalty for breach of any provision of this Local Law is 20 penalty units.

59. Infringement Notices

- (1) As an alternative to prosecution an **Authorised Officer** may serve an infringement notice.
- (2) The fixed penalty for infringement notice purposes is the amount set out in Schedule 1.
- (3) Payments for infringement notices are to be paid to **Council** in the manner prescribed on a notice.
- (4) To avoid prosecution, the penalty indicated must be paid in accordance with the *Infringements Act 2006*.

60. Impounding

- (1) An **Authorised Officer** may seize and impound any **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item, where there has been a contravention of this Local Law.
- (2) As soon as possible after impounding any **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item, the **Authorised Officer** must, if the name and address of its owner is known, serve a **Notice of Impounding** to the owner.
- (3) Any impounded **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item may be claimed by its owner after the payment of the prescribed fees.
- (4) If the identity or whereabouts of the **owner** of any **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item, impounded under this Local Law are unknown, **Council** must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising its powers under clause 60 (5) of this Local Law.
- (5) If any impounded **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item, has been impounded and either:
 - (a) the owner of the **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item, has not paid the prescribed fee and claimed the **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item within the time specified on the **Notice of Impounding** (or within 14 days of the impounding, if no other period is specified); or
 - (b) despite taking the steps required under clause 60 (4) of this Local Law, **Council** has not been able to ascertain the owner's identity and/or whereabouts, then **Council** may deal with the impounded **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item by:
 - (c) selling, destroying, disposing of, recycling, or otherwise dealing with the impounded **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item; or
 - (d) using or applying the impounded **animal, small bird, large bird, poultry, livestock, vehicle, recreational vehicle, sign** or item as **Council** thinks fit.

61. Savings Clause

- (1) The **Chief Executive Officer** may exempt any person from the operation of this Local Law (or any provision contained in this Local Law) whether in whole or in part.

This resolution for making this Local Law was agreed to by Casey City Council on _____.

This Local Law was published in the *Victoria Government Gazette* on _____.

SCHEDULE 1 - PENALTIES FIXED FOR INFRINGEMENT NOTICES

Note: Section 110 of *the Sentencing Act 1991* describes **one penalty unit** as \$100

Provision	Offence	Penalty Units
ANIMALS		
10(1)	Failing to have in possession a bag to remove dog or animal excrement from a public place	2
10(2)	Permitting animal excrement to remain in a public place	5
10(3)	Failing to comply with direction to remove animal excrement	5
11(1)	Keeping animal in excess of permitted numbers	3
11(2)	Keep livestock on land less than 4,000 square metres	3
12(1)	Keep or feed animal or livestock in or on a public place or Council land	3
13(1)	Failing to keep animal in accordance with Code of Practice	5
13(2)	Failing to secure animal	3
13(3)	Failing to house animal in a structure or an area specified	3
13(4)	Failing to maintain adequate housing for animal	3
14(1)	Allowing an animal to make unreasonable noise or smell	3
15(1)	Provide person with a cat that is not desexed	2
BUILDING		
16(1)	Failing to provide required facilities at a building site or fail to comply with Building Code of Practice	3
16(2)	Failing to manage refuse	3
16(3)	Failing to remove required facilities at the completion of building	3
PROPERTY AMENITY		
17(1)	Allowing land to be kept in an unsightly, dangerous or detrimental manner	3
17(2)	Allowing grass or undergrowth to exceed the prescribed height	3
17(3)	Allow fire break area to exceed prescribed height	3
17(4)	Allow shipping container to be kept on land in residential area	3
18(1)	Allow noxious weed to be present on land	3
19(1)	Use a temporary structure or dwelling for residential purposes	3
20(1)	Camp, erect, place or occupy a temporary structure or dwelling in or on a public place, reserve or road	3
NOISE		
21(1)	Allow noise or nuisance on any land	3
22(1)	Allow noise from audible alarm	3
OBSTRUCTIONS		
23(1)	Construct or place anything on a road pertaining to a nature strip	2

Provision	Offence	Penalty Units
23(2)	Place receptacle on a road pertaining to a nature strip outside permitted time	2
23(3)	Place anything on Council land , in a public place or on a road which encroaches or obstructs or endangers	2
24(1)	Allow vegetation to obstruct the clear view or passage	2
24(2)	Allow vegetation to overhang a road	2
BULK RUBBISH CONTAINERS, CLOTHING BINS, HARD RUBBISH INTERFERENCE		
25(1)	Placing a bulk rubbish container or clothing bin on a road or Council land	5
26(1)	Depositing waste or interfere with hard rubbish	2
SIGNS		
27(1)	Display a sign on any road, reserve or public place	2
28(1)	Fail to comply with a Council sign in any public place, reserve or road	3
29(1)	Failing to display property number on private property	1
FIRE/SMOKE/INCINERATORS/CHIMNEYS		
30(1)	Light a fire or allow a fire to remain alight on any land	5
30(2)	Light a fire and burn prohibited items	5
30(3)	Fail to extinguish a fire when directed to do so	5
30(4)	Erect, construct, install, use or allow to be used an incinerator	5
31(1)	Allow matter to discharge from chimney	2
VEHICLES		
32(1)	Park, drive or ride a vehicle or recreational vehicle in a public place, road, reserve or Council land contrary to the purpose offence	3
32(2)	Store a caravan, trailer, boat or vehicle that is not roadworthy on any road or Council land	2
32(3)	Conduct repair or vehicle maintenance on a vehicle in public place, road, reserve or Council land	2
32(4)	Parent or guardian of a person under the age of 17 years who uses a vehicle or recreational vehicle in breach of clause 32(1) or 32(3)	3
33(1)	Fail to use a Council approved vehicle crossing	5
33(2)	Fail to ensure that each point of vehicular access has an appropriately constructed vehicle crossing approved by Council	2
33(3)	Construct, install, remove or alter a vehicle crossing	5
34(1)	Keep more than two unregistered vehicles on private property	2
34(2)	Keep more than one unregistered vehicles on private property of 1000 square metres or less	3
34(4)	Keep long or heavy vehicle on private property	3

Provision	Offence	Penalty Units
35(1)	Use a recreational vehicle on private property	3
BEHAVIOUR IN A PUBLIC PLACE FOR FINANCIAL GAIN		
36(1)(a)	Sell, barter, exchange display or offer goods for sale in or on a public place, reserve or road	2
36(1)(b)	Occupy for the purpose of serving food and or drink to people in or on a public place, reserve or road	2
36(1)(c)	Place item or thing associated with a commercial activity in or on a public place, reserve or road	2
36(1)(d)	Construct or erect any structure or anything in or on a public place, reserve or road	2
36(1)(e)	Remove or interfere with any structure or thing in or on a public place, reserve or road	2
37(1)	Solicit to conduct street collection	2
38(1)	Busk in or on any road, public place or reserve	2
39(1)	Conduct commercial activity contrary to the Local Law	5
FESTIVALS		
40(1)	Organise, hold or participate in a public gathering on or in a road, public place or reserve	5
41(1)	Consume or possess liquor on any reserve or road	2
COUNCIL LAND AND RESERVES		
42(1)	Destroy, damage, interfere with or remove vegetation on any Council land, public place or road	5
43(1)	Engage in a prohibited activity in a reserve	2
44(1)	Smoke on Council Land	1
SHOPPING TROLLEYS		
45(1)	Leave a shopping trolley in a public place or on a road	2
45(2)	Fail to make available for use a shopping trolley with system to deter removal	2
AIRBORNE DEVICES		
46(1)	Discharge fireworks on private property	5
47(1)	Launch or land a drone on or from any private property	3
GRAFFITI		
48(1)	Write, paint or draw any inscription, figure or mark on the exterior of any property without prior consent	5
49(1)	Possess aerosol spray paint container on land without consent	5
49(3)	Fail to appropriately store or display aerosol spray paint container	3
49(4)	Sell aerosol spray paint container to person under the age of 18 years	5
BUNJIL PLACE		
51(1)	Smoking in Bunjil Place	1

Provision	Offence	Penalty Units
PERMITS		
52(6)	Fail to comply with the conditions of a <i>permit</i>	5
53(1)	Wilfully make false representation to obtain a <i>permit</i>	5
53(2)	Wilfully make or cause to be made a false report to an Authorised Office	5
57(3)	Fail to comply with a Notice to Comply	5
57(4)	Fail to comply with a direction of an Authorised Officer	5

SCHEDULE 2 – BUNJIL PLACE

