



Horsham Rural City
Council urban rural balance

Community Local Law 3 - 2011

20th December 2011

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Horsham Rural City Council

Draft of the Local Law- 2011

Horsham Rural City Council resolves:

PART 1 - PRELIMINARY

Local Law

- 1.1 This is the Community Local Law No 3 of 2011 of the Horsham Rural City Council.
- 1.2 This Local Law is made under Section 111(1) of the *Local Government Act 1989* and the *Domestic Animals Act 1994*.

Objectives

- 1.3 The objectives of this Local Law are to provide for the –
- (a) peace, order and good government of the **municipality**;
 - (b) safety and health of the **municipality** so that the community can enjoy a quality of life that meets its expectations;
 - (c) safe and fair use and enjoyment of **municipal places**;
 - (d) protection and enhancement of the amenity and environment of the **municipality**;
 - (e) fair and reasonable use and enjoyment of **private land**; and
 - (f) uniform and fair administration of this Local Law.

Commencement

- 1.4 This Local Law commences on 20th December 2011

Revocation of Local Law

- 1.5 On the commencement of this Local Law, the following Local Laws are revoked:
- (a) Local Law Number Two - General Local Law 1999;
 - (b) Local Law Number Two - General Local Law (Amendment 1) 2002.

Application of Local Law

- 1.6 This Local Law applies throughout the **municipality**.
- 1.7 This Local Law does not apply where any act or thing is regulated by any Act, Rule, Regulation or Planning Scheme.

Definitions

- 1.8 In this Local Law –

“Act” means the Local Government Act 1989 (as amended);

“Advertising sign” includes any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or services or notifying people of the presence of an adjacent property where goods or services may be obtained;

“Aerodrome movement area” means that portion of the Horsham Aerodrome defined in Schedule 3, or as periodically resolved by Council;

“Agent of the owner or builder” means a person authorised in writing by the owner or builder to make an application, appeal, referral or representation on the owner's or builder's behalf in connection with building work;

“Alcohol” means a beverage intended for human consumption with alcohol content greater than 0.5% by volume at a temperature of 200° Celsius;

“Authorised Officer” means a person appointed by Council under Section 224 of the Local Government Act 1989;

“Bin” means a receptacle for the storage of household refuse and rubbish as approved by the Council;

“Built-up area” means a road along which there is urban development or provision for lighting by means of street lighting;

“Bulk rubbish container” means a container larger than 1 cubic metre in capacity;

“Car park” means land used to park motor vehicles, whether or not classified as a municipal place;

“Clean Up Order” in regard to clauses 3.1, 3.2 and 3.3 means a document:

- (i) in writing;
- (ii) dated and signed by the Authorised Officer;

- (iii) containing a description of the state of the land;
- (iv) specifying the period of time in which the rectification works must be completed;
- (v) containing a statement that is an offence under the local law to fail to comply with the notice;
- (vi) setting out the penalty for failing to comply; and
- (vii) advising the owner/occupier that he/she is entitled to make representations to the Chief Executive Officer or nominee.

"Council" means the Horsham Rural City Council;

"Council sewer or drain" means any sewer or drain vested in the Council pursuant to section 198 of the Act;

"Domestic bird" means a duck, goose, peacock, pheasant, guinea fowl, cockatoo or turkey;

"Emergency service" includes ambulance, fire brigade, police or state emergency service;

"Executive Managers" means the level of Council management immediately below that of the Chief Executive Officer;

"Festival" means an organised recreational, cultural, commercial or social gathering of people that is held on a road;

"Flat" means a home unit or one of a number of home units located on the one lot;

"Footpath" means any path that is provided for the use of pedestrians only or that is regularly used by pedestrians and not vehicles, or that is a segregated footway or a shared footway, and includes a "footpath" as defined in the Road Safety Road Rules 2009;

"Land" includes anything permanently fixed to the land;

"Livestock" has the same meaning as defined in the Impounding of Livestock Act 1994, which includes cattle, horses, sheep, pigs, goats and other animals used for the purposes of primary production;

"Municipal place" means land owned by, vested in, leased by or otherwise occupied by the Council or under its management or control, and includes any building, structure or fence thereon and every sewer and drain vested in the Council by section 198 of the Act;

"Municipal district" means the municipal district of the Council;

"Municipality" means the municipal district of the Horsham Rural City Council;

"Owner" in regard to animals shall have the same meaning as "owner" under the provisions of the Domestic Animals Act 1994;

"Penalty unit" means the amount prescribed by or under section 110 of the Sentencing Act 1991;

"Permit" means a written permit issued pursuant to this Local Law and signed by an Authorised Officer;

"Poultry" means fowl other than domestic bird as defined;

"Prescribed building work" means the construction of a building, the demolition of a building, the removal of a building and the re erection of a building; which is not exempted from the requirement to obtain a building permit under the Building Regulations 2006, and that is not a class 10 building as defined by the National Construction Code.

"Private land" means any land which is not public land or a road or a municipal place;

"Procession" means an organised group of people proceeding along a road or a gathering for a ceremony or function, and includes a fun run and bicycle event;

"Public car park" means a car park vested in or under the management or control of the Council;

"Public Place" has the same meaning as the Summary Offences Act 1966 which includes roads, parks and reserves, halls markets and any place open to the public whether a fee is paid for entry or not.

"Residential area" means any part of the municipality which is in a residential 1 zone, a low density residential zone, a rural living zone, a township zone or a parcel of land abutting one of these zones under the Horsham Planning Scheme;

"Recreational vehicle" means any motorised bike, trail bike, motor bike, motor scooter, "gopher", go-cart and other vehicle which is propelled by a motor and which is normally used for recreation but not limited to such function;

"Road" has the same meaning as defined in the Local Government Act 1989 namely –

- (a) a street;
- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958;

- (d) a public road under the Road Management Act 2004; and
- (e) a passage;
- (f) a cul-de-sac;
- (g) a by-pass;
- (h) a bridge or ford;
- (i) a footpath, bicycle path or nature strip;
- (j) any culvert or kerbing or other land or works forming part of the road;

“Rodent” includes a ferret, guinea pig and rabbit;

“Sell” includes offer for sale;

“Shopping trolley” means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods;

“Street party” means an organised social gathering of people from one or several adjacent roads that is held on a road;

“Toy vehicle” means a vehicle other than a bicycle, ordinarily used by a child at play and designed to be propelled by human power, including a skateboard, child tricycle, scooter, in-line skates, roller skates and similar toys;

“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 bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock;

1.9 In this Local Law where a provision prohibits a person from doing something, it includes a prohibition on the person from authorising or causing another person to do the prohibited thing.

PART 2 - ROADS AND MUNICIPAL PLACES

Obstructions and activities over a road or Municipal Place

- 2.1** An **owner** or occupier of **land** must not allow anything on that **land** to protrude from the **land** over a **road** or **municipal place** in such a manner or to such an extent that it causes or may cause an obstruction or a hazard to users of the **road** or the **municipal place**.
- 2.2** Without a **permit** a person must not on a **road** or **municipal place**:
- (a) occupy or fence off part of any area;
 - (b) erect scaffolding, hoarding or overhead protective awning;
 - (c) use a mobile crane or travel tower for any work;
 - (d) remove or prune any street tree;
 - (e) plant any tree or shrub or landscape any area; or
 - (f) place a **bulk rubbish container**.
- 2.3** In granting a **permit** **Council** may require the applicant to pay a bond to secure the cost of repair of any damage likely to occur as a result of the work or activity. The amount of the bond must be proportionate to the likely cost of repairing any damage or replacing any **Council** asset and may be refunded on completion of any inspection required under the **permit** or may be retained by the **Council** to offset the cost of making good any damage.

Vehicle Crossings

- 2.4** An **owner** or occupier of **land** must ensure that each point of vehicular access from and within the **road** to the **land** has a properly constructed and maintained vehicle crossing as approved by **Council**.
- 2.5** Without a **permit** a person must not construct or remove any kind of vehicle crossing.

Vehicles Likely to Damage the Road

- 2.6** Without a **permit** a person must not use a class of **vehicle** on a **road** which has been prohibited from use of that **road** by **Council**.

Repair of Vehicles on a Road or Municipal Place

- 2.7** Without a **permit** a person must not do any work to a **vehicle** on a **road** or **municipal place**, except to enable the **vehicle** to be removed from the **road** or **municipal place**.

Removal of Wood

- 2.8** Without a **permit** a person must not collect wood from a **Council** managed **road** or a **municipal place**.

Behaviour in a Municipal Place

- 2.9** A person must not behave in a **municipal place** in such a manner as to –
- (a) interfere with another person's reasonable use and enjoyment of that **municipal place**;
 - (b) damage or endanger health, life or property; or
 - (c) act contrary to any signs or conditions of use which apply.
- 2.10** Any person damaging **Council** property or assets or participating in an activity that could reasonably be foreseen as leading to such damage must immediately cease the activity upon being directed to do so by an **Authorised Officer** or member of the Victoria Police.
- 2.11** Without a **permit** a person must not organise any rally, **procession** or demonstration on a **road** or in a **municipal place**.

Alcohol

- 2.12** Unless otherwise authorised by **Council** and at premises licensed under the Liquor Control Reform Act 1998 a person must not consume any **alcohol** or have in his or her possession any **alcohol** in an unsealed container:
- (a) at any time in an area declared by **Council** to be an **alcohol** free zone;
 - (b) at any time on a **road**;
 - (c) at any time in a **car park**;
 - (d) in a motor **vehicle** parked on a **road** or in a **public car park**; or
 - (e) between the hours of 11.00 pm and 6.00 am in any **municipal place** whether or not in a motor **vehicle**.

Signs

- 2.13 A person must comply with any sign or temporary traffic devices erected by **Council** on a **road** or in a **municipal place**.

Dog Control

- 2.14 A person in charge of a dog that defecates in a **public place** must immediately remove the faeces and deposit them as litter in a lawful manner.
- 2.15 A person in charge of a dog in a **public place** must have in his or her possession the means to collect and dispose of the dog's faeces.
- 2.16 A person in charge of a dog on any **road** or in any **municipal place** must ensure that the dog is secured by a chain, cord or leash in any built-up area unless it is an off leash area declared and signposted for that purpose.
- 2.17 A person may unleash a dog in an area designated by **Council** and signposted for the purpose except that:
- (a) a person who unleashes a dog must keep the dog under effective control; and
 - (b) the provision of this clause does not apply to greyhounds, dangerous dogs or restricted breed dogs in accordance with the Domestic Animals Act 1994.

Dogs in Livestock Exchange

- 2.18 An **owner** or person in charge of a dog must ensure that the dog is muzzled when it is present in or immediately adjacent to the municipal **livestock** exchange (saleyards).

Abandoned Shopping Trolleys

- 2.19 A person must not abandon a **shopping trolley** on a **road** or in a **municipal place**.
- 2.20 An **Authorised Officer** may impound any **shopping trolley** left on a **road** or in a **municipal place**.
- 2.21 If a shopping trolley has been left on a road or in a municipal place, an **Authorised Officer** may direct the owner of the shopping trolley or the person in charge of the retail premises from which it apparently came to remove the shopping trolley by close of its next business day.

Urination in public

- 2.22** A person must not urinate or defecate on a **road** or in a **municipal place** other than in a toilet facility constructed for such a purpose.

Toy Vehicles

- 2.23** A person must not use a **toy vehicle** in the Horsham Central Business District as defined by the map shown in Schedule 1.
- 2.24** A person must not use a **toy vehicle** to inconvenience other users of a **road** or a **municipal place**.

Horses

- 2.25** Unless otherwise signposted by the **Council**, without a **permit** a person must not ride or lead a horse on a reservation in a **built up area**, or in a **municipal place**.

In this clause “**reservation**” means anything constructed or located on a **road** which divides the carriageway longitudinally but excludes a line or series of lines marked on a carriageway.

Trading Activities

- 2.26** Without a **permit** a person must not on a **road** or in a **municipal place** -
- (a) place or display any **vehicle** or goods for sale;
 - (b) display any goods;
 - (c) place any outdoor eating furniture or associated facilities;
 - (d) place any structure for the purpose of **selling** or offering for sale 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) **sell** or offer for sale any raffle ticket, solicit or collect any waste materials, second hand goods, gifts of money or subscriptions from a **road**, or from premises adjacent to a **road**;
 - (g) busk;
 - (h) conduct a **street party** or **festival**; or
 - (i) conduct a circus, carnival or other similar event.

Caravans & Trailers

- 2.27** Without a **permit**, a person must not leave a trailer or caravan on a **road** or **municipal place** for more than seven days.

Noise from vehicles and in Municipal places

- 2.28** A person in charge of a **vehicle** on a **road** or **municipal place** must not allow any noise from ancillary equipment in the **vehicle** such as a radio, compact disk player or tape deck to cause unreasonable noise or to unreasonably interfere with the comfort of any other person.

For the purposes of determining whether noise from ancillary equipment in a **vehicle** is unreasonable or is unreasonably interfering with the comfort of another person, regard will be had to:

- (a) the volume, intensity or duration; and
 - (b) the time, place and any other relevant circumstance in which the noise is emitted
 - (c) the distance from the nearest habitable dwelling.
- 2.29** Without a **permit** a person must not play amplified music or sound on a **road** or in a **municipal place** if it is unreasonable noise.

Recreational vehicles

- 2.30** A person must not operate a **recreational vehicle** on a shared **footpath** or bicycle path at a speed of more than 6 kilometres per hour.

PART 3- ENVIRONMENT

Clean-up Order - Amenities

- 3.1** An **Authorised Officer** may issue a clean-up order on the **owner** or occupier of any **land** that is either occupied or vacant, where:-
- (a) rubbish and refuse has accumulated on the **land**;
 - (b) second hand goods or other materials not usually associated with the maintenance of residential **land** are being stored on the **land**;
 - (c) derelict motor **vehicles**, machinery or parts thereof, or more than two unregistered **vehicles**, or in the case of land outside a built up area, more than seven unregistered vehicles, are being stored on the **land**;
 - (d) excavation material has accumulated on the **land**;
 - (e) noxious or environmental weeds are growing on the **land**;
 - (f) there is unkempt vegetation on the **land** that is detrimental to the amenity of the area;
 - (g) premises or buildings on the **land** are in a dilapidated state or in a state of disrepair or have been damaged or defaced so as to have a substantial adverse visual impact on the amenity of the **land** or area in which it is located; or
 - (h) there is graffiti on any building, structure or side fence on the **land**, and such matter or condition is visible from any **road**.
 - (i) there is obsolete **advertising signs** on the premises and such matter or condition is visible from any **road**.

Sub-clause (a) does not apply to materials stored in good faith on **land** for the purposes of construction or renovations of buildings on the **land**.

For the purposes of this clause derelict motor vehicles or unkempt vegetation is detrimental to the amenity of the area if it has a substantial adverse visual impact taking account of the appearance of the area.

Clean Up Order – Health and Risk Issues

- 3.2** An **Authorised Officer** may issue a clean-up order on the **owner** or occupier of any **land** if the **land** is kept in such a manner that it constitutes a danger or is likely to constitute a danger to health or property.

Emission of offensive material, odour and noise

- 3.3** A person must not cause or allow any domestic chimney, incinerator or open air fire to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to health or causes a nuisance to another person.
- 3.4** A person must not cause or allow the emission of any dust, grit, ashes, fumes or other material created by any chemical, mechanical or manual process from any **land** owned or occupied by him or her to an unreasonable extent that it is offensive to another person not within the boundaries of such **land**.
- 3.5** A person must not cause or allow the emission of any noise created by any mechanical or manual process from **land** owned or occupied by him or her to such an extent that it causes a nuisance to another person not within the boundaries of such **land**.
- 3.6** Any person who in the opinion of an **Authorised Officer** is causing a nuisance to any person by burning any material must immediately extinguish the fire upon being directed to do so by such officer.
- 3.7** A person must not burn or cause to burn any offensive materials in any part of the **municipal district** including any substance which contains:-
- (a) any manufactured chemical that causes dense or foul smoke or noxious fumes;
 - (b) any rubber or plastic;
 - (c) any petroleum or oil, other than in a properly constructed and operating heating appliance;
 - (d) any paint or receptacle which contains or which contained paint;
 - (e) food waste, fish or other offensive or noxious matter; or
 - (f) any other material which emits dense or foul smoke or noxious fumes.

Fires and burning

Note: permits cannot be issued under clause 3.9 during a Fire Danger Period declared under the Country Fire Authority Act 1958. Although a Local Law permit may not be required in some situations, the requirements of the Fire Danger Period and Total Fire Bans must be complied with.

- 3.8** Without a **permit** a person must not in a **built up area, residential area, or municipal place**:

- (a) burn any matter in the open air; or
- (b) light a fire except at such places that are approved and set aside for the purpose by **Council** and at such times as allowed by the Country Fire Authority Act 1958.

Incinerators

- 3.9** Without a **permit** a person must not light an incinerator in a **built up area** or within a **residential area**. A person who uses an incinerator must ensure that at all times of use the incinerator is properly constructed and fitted with a lid, flue and spark arrester

Camping

- 3.10** Without a **permit** a person must not camp on a **road** or **municipal place** in a tent, caravan, motor **vehicle** or any other temporary or makeshift structure

Solid Waste

- 3.11** An **owner** or occupier of **land** from which solid waste is generated must comply with **Council's** Solid Waste Code.

Drainage Tapping

- 3.12** Without a **permit** a person must not tap into or interfere with any **Council** drain, unless otherwise authorised by **Council**.

Bees/Wasps

- 3.13** Any person keeping bees must comply with the Beekeeping Code of Practice as prepared and amended from time-to-time by the Victorian Apiarists Association Inc.
- 3.14** An **owner** or occupier of **land** must destroy any English or European wasp nesting on the **land**.

PART 4 - ANIMALS

Keeping – Permit Required

- 4.1** Without a **permit** an **owner** or occupier of **land** must not keep or allow to be kept more than 4 different types of animals in any residential or **built up area**.
- 4.2** Without a **permit** an **owner** or occupier of **land** must not keep or allow to be kept any more in number for each type of animal as is set out in the following table:

Type	Less than or equal to 0.4Ha	Greater than 0.4 Ha but less than or equal to 2Ha	Greater than 2Ha
Dogs	2	2	4
Cats	3	3	4
Livestock	0	No permit required	No permit required
Rodents or reptiles kept where the land is not zoned farming	6	6	6
Rodents or reptiles kept where the land is zoned farming, provided that the reptiles are not venomous	No permit required	No permit required	No permit required

4.3 In this Part –

- (a) “**Dog**” means a dog that is over 3 months old; and
- (b) “**Cat**” means a cat that is over 3 months old.

Domestic Birds and Poultry

- 4.4** A person must not keep any **domestic birds** or **poultry** if the **land** on which the domestic bird or **poultry** is to be kept is a **flat**.
- 4.5** Without a **permit** an **owner** or occupier of **land** must not keep or allow to be kept any more in number for each type of bird as is set out in the following table:

Type	Less than or equal to 0.1Ha	Greater than 0.1 Ha but less than or equal to 0.4Ha	Greater than 0.4 but less than or equal to 2Ha
Domestic Bird	2	2	No permit required
Poultry (not including Roosters)	6	20	No permit required
Roosters	0	0	0
Pigeon kept where land is in a residential area and a planning permit has not been obtained for land used for the purposes of animal boarding or breeding or where the occupier is not a current member of a pigeon-breeding or pigeon-racing organisation specifically approved by Council	10	10	10
Pigeon kept where land is in a residential area and a planning permit has been obtained for land used for the purposes of animal boarding or breeding or where the occupier is a current member of a pigeon-breeding or pigeon-racing organisation specifically approved by Council	No permit required	No permit required	No permit required
Pigeon kept where land is not in a residential area	No permit required	No permit required	No permit required

4.6 *Other than as provided under Clause 4.2, without a permit a person must not keep any other animal or domestic bird, poultry or livestock on land of less than 0.4 hectares in area.*

4.7 A person keeping domestic birds/, poultry or pigeons must comply with the Prevention of Cruelty to Animals Act 1986 and the Code of Practice for the Housing of Caged Birds.

Housing

4.8 Any animal, domestic bird or **poultry** kept on any **land** or premises must be housed -

- (a) in a clean, sanitary and inoffensive condition;

- (b) so as not to cause any nuisance, including nuisance associated with noise or smell;
- (c) in surroundings that are clear of any material that may harbour vermin;
- (d) to the satisfaction of **Council** or an **Authorised Officer**.

4.9 An owner or occupier of land on which any animal, domestic bird or poultry is housed must ensure that it is adequately fenced so as to prevent any animal, domestic bird or poultry escaping from the land.

PART 5- LIVESTOCK

Droving – Permit Required

- 5.1 Without a **permit** a person must not drive **livestock** from outside the **municipal district** either –
- (a) through the **municipal district** to a destination outside the **municipal district**; or
 - (b) into the **municipal district** to a destination within the **municipal district**.

Droving – Permit Not Required

- 5.2 Without a **permit** a person may drive **livestock** if the **livestock** are driven –
- (a) from within the **municipal district** to a destination within or out of the **municipal district**; and
 - (b) along the most practicable direct route towards the destination on **roads** of low, medium or high conservation significance as described in the Roadside Vegetation Management Plan; and
 - (c) not less than 9 kilometres each day until the destination is reached; and
 - (d) not within a built-up area.
- 5.3 Without a **permit** an **owner** or occupier of **land** in the **municipal district** or an adjacent **municipal district**, or a person on their behalf, may drive **livestock** into the **municipal district** if –
- (a) the **livestock** are so driven for the purpose of milking or shearing; and
 - (b) along the most practicable direct route towards the destination on **roads** of low, medium or high conservation significance as described in the Roadside Vegetation Management Plan; and
 - (c) approved “give way to stock” signs, as described under section 402 of the Road Safety Road Rules 2009 are placed in a prominent position behind and ahead of the **livestock** during the droving and removed on completion of the droving, if the droving occurs outside of daylight hours; and
 - (d) not less than 9 kilometres each day until the destination is reached; and
 - (e) not within a built-up area.

5.4 Without a **permit** a person may move **livestock** from one property or part of a property to another within the **municipal district** if –

- (a) the trip is started and completed within daylight hours;
- (b) along the most practicable direct route towards the destination on **roads** of low, medium or high conservation significance as described in the Roadside Vegetation Management Plan; and
- (c) the **livestock** are moved in conditions where visibility is at least 300 metres;
- (d) the person driving the **livestock** is competent in the handling of **livestock** and takes all reasonable steps to minimise risk to other **road** users and damage to fences, **roads** and vegetation; and
- (e) “stock ahead” signs, as described under section 402 of the Road Safety Road Rules 2009 are placed in a prominent position behind and ahead of the **livestock** during the droving and removed on completion of the droving; and
- (f) not within a built-up area.

Grazing

5.5 Without a **permit** a person must not graze **livestock** on **road** reserves unless the **livestock** belong to an **owner** or occupier of **land** within the **municipal district** and;

- (a) the **livestock** are grazed not more than 3 kilometres from the livestock owner’s property and returned to the property on the same day; and
- (b) is on areas of low to medium conservation significance as described in the Roadside Vegetation Management Plan.
- (c) are driven along the most practicable direct route towards the grazing destination on **roads** of low to medium conservation significance as described in the Roadside Vegetation Management Plan.

Permits

5.6 An application for a **permit** under this Part must be submitted at least 48 hours prior to the day droving or grazing is required.

5.7 **Council** may require an applicant for a **permit** under this Part to make a statutory declaration to the effect that the **livestock** are fit, healthy and free from disease and parasites and able to travel the daily minimum distance specified in the application.

Adequate Fencing

- 5.8** An **owner** or occupier of **land** on which **livestock** are kept must ensure that the **land** is adequately fenced so as to prevent the **livestock's** escape from the **land**.

PART 6- BUILDING

Containment of Refuse on Building Sites

- 6.1** Where any building work (other than building work exempted from the need for a building **permit** under the Building Act 1993) is being carried out on any **land**, the **owner**, builder or **agent of the owner or builder** must:
- (a) provide a solid, lidded, enclosed facility (for example a skip **bin** or similar container) for the purpose of disposal of builders' refuse;
 - (b) provide a separate facility for building materials or aids that are capable of being strewn by weather elements or human intervention, but which can not be placed in the facility referred to in sub-clause (a);
 - (c) ensure that the provided facility properly contains all builders' refuse which is capable of being strewn by weather elements or human intervention to the satisfaction of the **Authorised Officer**;
 - (d) place the facility on the **land** and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (e) not place the facility on any **road**, part of the stormwater system or other **municipal place** without first obtaining a **permit**; and
 - (f) empty the facility whenever full and, if necessary, provide a replacement facility during the emptying process.
- 6.2** The requirement to provide a facility may be waived at the discretion of an **Authorised Officer** if it is considered by the **Authorised Officer** that the building work is unlikely to generate enough refuse to warrant the provision of a facility.
- 6.3** Where building work is being carried out on any **land** the builder or person in charge of the building work must:
- (a) prevent mud, dirt, soil, sand or other materials from being deposited on the adjoining **roads** or from entering the stormwater system;
 - (b) prevent building cleanup, wash down or other waste from being discharged offsite or allowed to enter the stormwater system; and
 - (c) prevent delivery **vehicles** from discharging excess materials onto a **municipal place, roads** or other **land**.
- 6.4** Where mud, dirt, soil, sand, building cleanup, wash down or other waste or materials are deposited on adjoining **roads** or the stormwater system the builder or person in charge of the building work must immediately inform an **Authorised Officer** who will arrange for removal at the cost of the builder or person in charge of the building work.

Provision of Toilet Facilities

- 6.5** The builder engaged to carry out the building work, or appointed agent, must not undertake or carry on any building, engineering or other work necessitating the employment or engagement of persons on a building site unless a toilet is provided and is serviced as required (but at least monthly) for the use of persons on that building site to the satisfaction of the **Authorised Officer**.

Vehicle Crossings

- 6.6** An owner of land or their agent, where **prescribed building work** is being carried out must pay a bond fixed by Council to secure the cost of repair of any damage likely to occur to the road, footpath, kerb and channel, or any other council asset as a result of building work. The bond may be refunded on completion of the building work or may be retained by the Council to offset the cost of making good any damage.
- 6.7** Where existing damage is present to a road, footpath, kerb and channel or other council asset prior to the building work being commenced, the owner or their agent must advise council in writing of this damage when lodging their bond. If no such written advice is received, it will be assumed that no such damage exists, and any damage present on completion of the building work will be assumed to have occurred as a result of the building work.
- 6.8** The requirement to lodge such a bond may be varied or waived at the discretion of an Authorised Officer having considered the scope of the building work and/or the presence of council infrastructure at the land.

PART 7- COMMUNITY SAFETY AND AMENITY

Property Numbering

- 7.1** The **Council** may allot such numbers as are in its opinion necessary to identify each property in the **municipal district**.
- 7.2** If the **Council** has allocated a number to a property the **owner** or occupier of that property must mark the property with the number and must renew or replace the number as often as may be necessary. The **owner** or occupier of a property must ensure that the number is of a sufficient size and placed in such a position as to be clearly read from the **road** on which the property has its frontage.
- 7.3** The **Council** may from time to time by resolution determine a minimum size and the appropriate design of property numbers.

Fireworks

- 7.4** Without a permit a person must not conduct a fireworks display or otherwise ignite fireworks on a municipal place, public places and/or within one kilometre of any town boundaries.
- 7.5** A permit must be applied for at least fourteen (14) days before the proposed fireworks display.
- 7.6** Applications for permits must include:
- (a) A completed copy of the WorkSafe Notification of Intention to Discharge Fireworks Form;
 - (b) A copy of the site plan that has been sent to WorkSafe;
 - (c) A community notification plan detailing how the community will be adequately notified of the display including the potential impact on residents and on animals and livestock in proximity to the land on which the display will be conducted;
 - (d) A certificate of currency of public liability cover; and
 - (e) Evidence of the required approval from the Country Fire Authority.
- 7.7** Permits issued by Council are valid only upon the condition that the display is conducted in accordance with the Dangerous Goods (Explosives) Regulations 2011.

Horsham Aerodrome

7.8 A person must not enter or remain on the **aerodrome movement area** as defined by the Map shown in Schedule 3 at the Horsham Aerodrome other than:

- (a) a pilot or crew member of an aircraft;
- (b) an employee or agent of the **Council**, the Civil Aviation Authority or an **emergency service** in performance of their duties;
- (c) a person who is a passenger either in an aircraft or in the process of entering or leaving an aircraft;
- (d) a person lawfully involved in the refuelling or servicing of an aircraft; or
- (e) any other person authorised by the Aerodrome Manager and acting in accordance with that authority.

7.9 The Aerodrome Manager may issue any person with an authority to leave a **vehicle** standing on the **aerodrome movement area**. Any person who leaves a **vehicle** standing within the **aerodrome Movement area** without an authority may be guilty of an offence under this Local Law.

PART 8 - ADMINISTRATION

Permits

- 8.1 An application for a **permit** under this local law must be in a form approved by **Council** and accompanied by the appropriate fee as prescribed by **Council**.
- 8.2 **Council** may require an applicant to supply additional information or to give public notice of the application.
- 8.3 **Permits** remain in place for 1 year; until such time as the activity ceases; or for the time stated in the **permit**.

Exemptions

- 8.4 An **Authorised Officer** may exempt in writing any person or class of persons from the requirement to obtain a **permit**, waive a fee or a requirement in the local law applying to a use or activity under this local law.

Direction of Authorised Officer

- 8.5 An **Authorised Officer** may, by written or verbal 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 **municipal place**.

Power of Authorised Officer – Urgent Circumstances

- 8.6 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 provided for in this local law, provided that –
- (a) the circumstance arises out of a person's use of a **road** or a **municipal 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 would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

Impounding

8.7 An **Authorised Officer** may –

- (a) Impound:
 - (i) any items, goods or equipment that encroaches or obstructs the free use of a **road** or **municipal place**; or
 - (ii) is left standing on a **road** or **municipal place** for more than seven days; or
 - (iii) a **toy vehicle** after an **Authorised Officer** has issued a written or verbal direction to the user of the **toy vehicle** and that person has failed to comply with the direction; or
 - (iv) a **shopping trolley** left on a **road** or **municipal place**.
- (b) release the item to its **owner** on payment of a fee 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 8.7 or after taking the steps required under clause 8.8.

8.8 If an **Authorised Officer** impounds an item under this local law it may serve on the **owner** a notice in a form approved by **Council** as soon as possible after the impoundment.

8.9 If the identity or whereabouts of the **owner** of an item impounded under this local law are unknown, the **Authorised Officer** must take reasonable steps to ascertain the **owner's** identity and/or whereabouts prior to exercising its impounding powers.

8.10 **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 9 - ENFORCEMENT

Offences

9.1 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 a 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 clause 8.4 or clause 8.5; or
- (f) makes a false representation or declaration (whether oral or written) or intentionally omits relevant information in an application for a **permit** or an exemption.

Infringement Notice

9.2 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, as an alternative to a prosecution for the offence.

9.3 A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

9.4 A person issued with an infringement notice may pay the penalty amount to the Council at the address indicated in the notice.

9.5 The amount to be paid under an infringement notice is 1.5 **penalty units** unless otherwise provided for in Schedule 2.

Court Fines

9.6 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 offence(s) – 20 **penalty units**.

Appeals

- 9.7 A person may appeal in writing to **Council** or a **Council** delegate for a review of an order, direction, refusal to grant **permit** or notice made in relation to her or him under this local law within 14 days of the order, direction, refusal or notice being given.
- 9.8 Where an appeal is to be heard the person appealing must do all that is necessary to co-operate in the prompt and speedy hearing of the appeal.

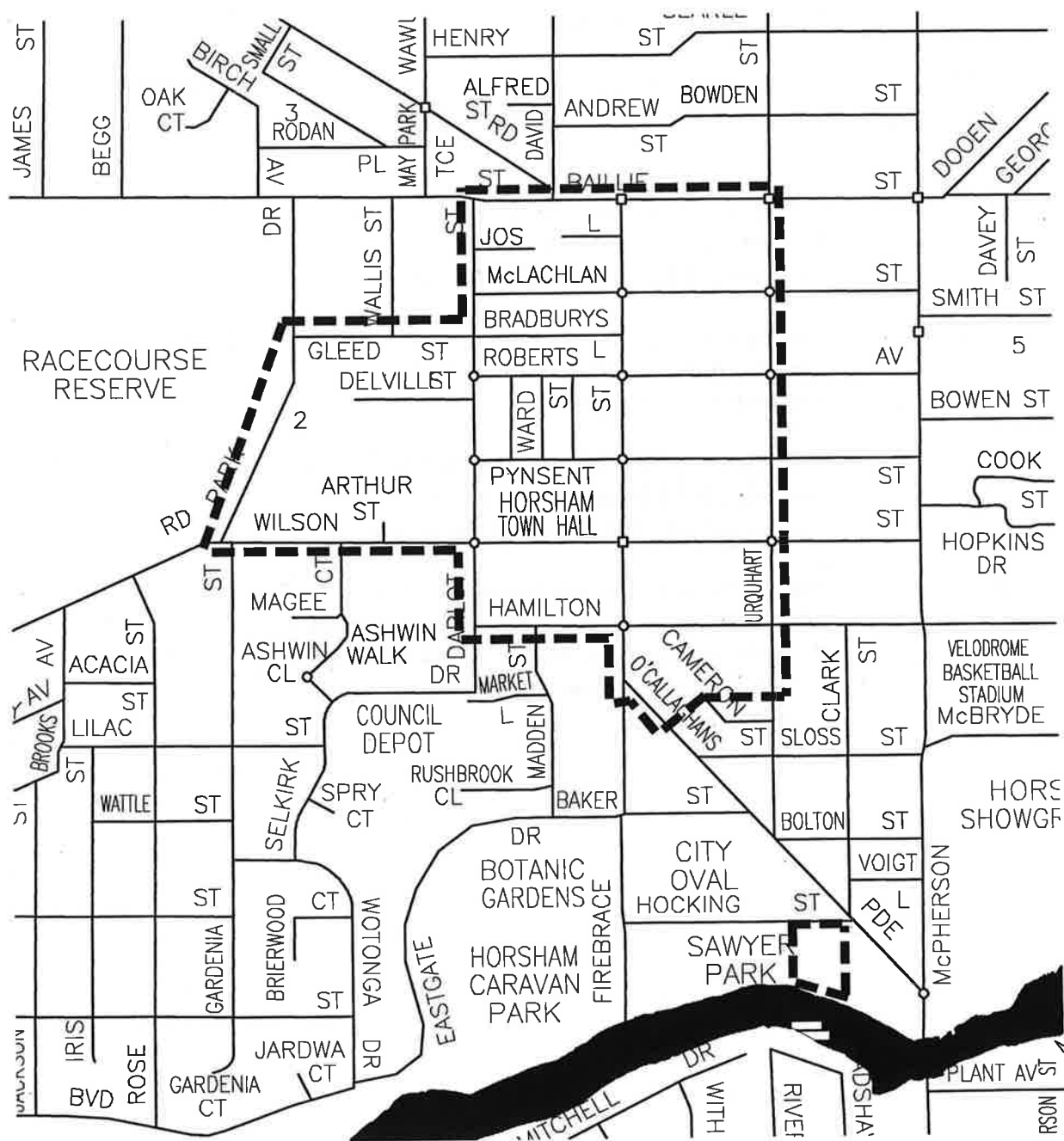
Delegations

- 9.9 **Council** delegates to –
- (a) The Chief Executive Officer and **Executive Managers** the powers and duties of the **Council** under this local law;
 - (b) its **Authorised Officers** the power to issue or refuse **permits** and apply conditions, exercise discretions and require additional information under this local law;

Schedule 1

Central Business District of the city of Horsham

The Horsham Central Business District is the areas on the map below contained within the broken lines:



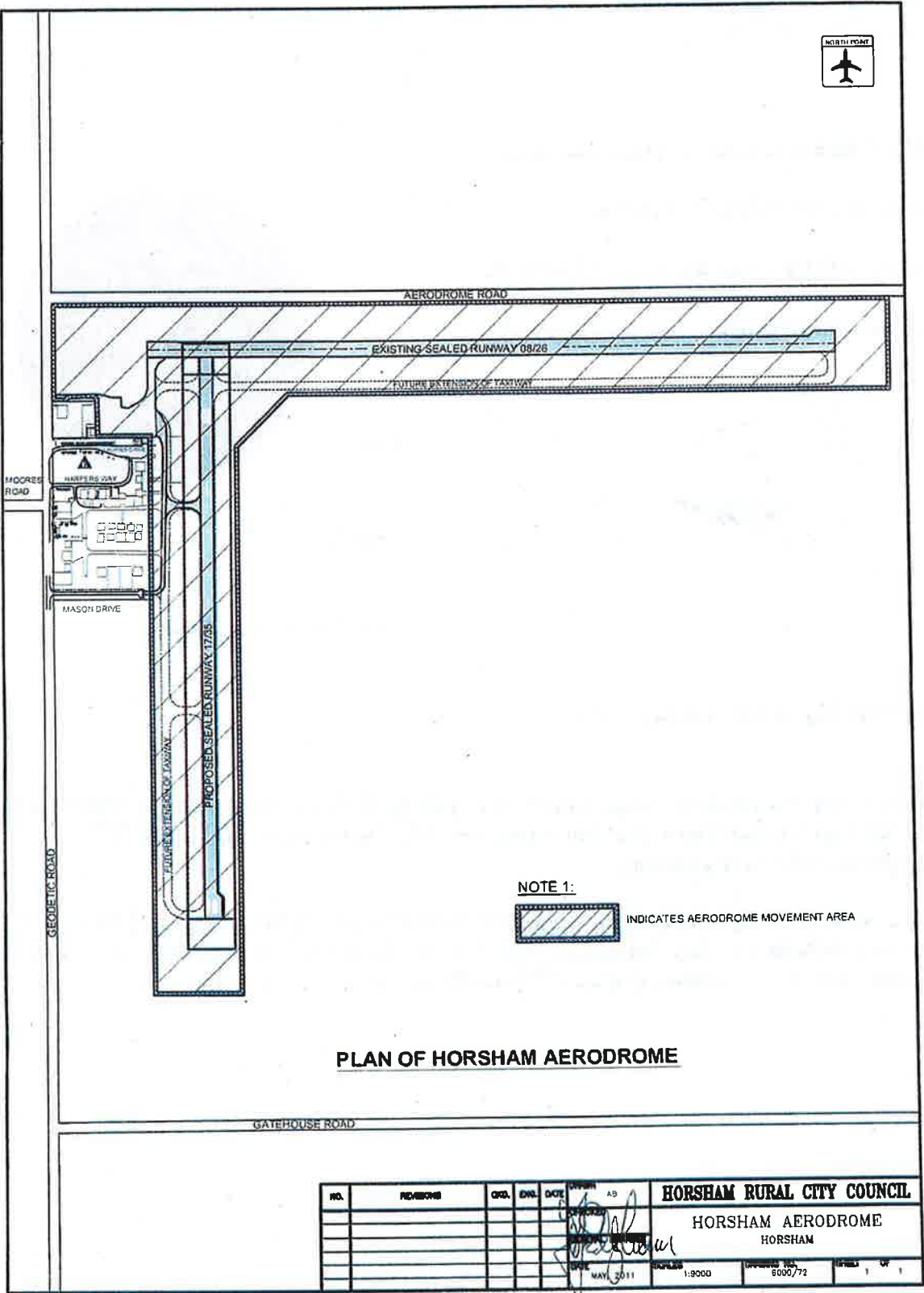
Schedule 2

Penalties

Clause	Offence	Penalty Unit
2.23	Using a toy vehicle in the Horsham Central Business District	0.75
2.24	Using a toy vehicle to inconvenience other users of a road or municipal place	0.75
2.15	Failing to carry a device suitable for the picking up and cleaning of any animal excrement that may be deposited	0.5
2.14	Failing to immediately remove and appropriately dispose of any animal excrement deposited	0.75
2.22	Urinating or defecating on a road or in a municipal place other than in a toilet facility constructed for such a purpose.	3.0
2.29	Playing amplified music or sound from land adjacent to a road or municipal place if the noise resulting from the use is capable of being heard on the road or in the municipal place .	3.0

Schedule 3

Plan of Aerodrome Movement area at the Horsham Aerodrome




Draft of the Local Law- 2011


Information about the making of this Local Law

Resolution for making of this Local Law was agreed to by the Horsham Rural City Council 19th December 2011.

THE COMMON SEAL of THE MAYOR,
COUNCILLORS AND CITIZENS OF
THE HORSHAM RURAL CITY COUNCIL
was hereunto affixed in the presence of:



.....  Mayor

.....  Councillor

.....  Chief Executive Officer

This 19th day of December, 2011.

Notice of the proposal to make and of the making of this Local Law was included in the Victorian Government Gazette dated the 29th September 2011 and 22nd December 2011 respectively.

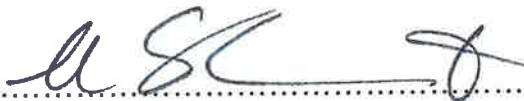
Public Notice of the proposal to make and confirmation of the making of this Local Law was included in the "Wimmera Mail-Times" dated 30th September 2011 and 7th October and 21st December and 23rd December 2011 respectively.

Draft of the Local Law- 2011


Certification of Local Law

This is to certify that the matter above writing contained on Pages 1 to 34 is a true copy of the Local Law of the Horsham Rural City Council and that we have informed ourselves of the legislative requirements necessary to give validity to such Local Law and as to their observance and belief that such requirements have been fulfilled. And we further certify that such Local Law will come into force on the 20th December 2011.

Sealed in our presence this 19th day of December 2011

.....  Mayor

.....  Cr

.....  Chief Executive
Peter Brown



Horsham Rural City Council

