

HUON VALLEY COUNCIL

HUON VALLEY MUNICIPAL AREA BY-LAW BY-LAW NO. 1 of 2026

A BY-LAW of the Huon Valley Council made under the provisions of section 145 of the *Local Government Act 1993* and numbered 1 of 2026 for the control and management of Council's owned and controlled council properties, council infrastructure, regulation of specified council services and to address particular environmental issues in the municipal area.

PART 1 PRELIMINARY

1. Short Title

This By-Law may be cited as the *Huon Valley Municipal Area By-law 2026*.

2. Commencement

This By-law commences on the day it is published in the Gazette.

3. Repeal

The *Council Land and Recreational Facilities By-law No.1 of 2017* made the 27th day of April, 2017 and notified in the Tasmanian Government Gazette on the 3rd day of May 2017 at page 372 is repealed.

4. Application

- (1) This By-law applies to the **municipal area** of the **council**.
- (2) This By-law applies to the relevant roles and functions of the council as specified within the By-law.

5. Non-application

- (1) This By-law does not apply to:
 - (a) a councillor or an employee of the **council** or a contractor or agent of the **council** for activities in or on any public space in the course of their duties for and on behalf of the **council**.
 - (b) any **council property** which is the subject of a lease from **council** to a **person** under Division 1 Part 12 of the *Local Government Act 1993* or a residence contract under the *Retirement Villages Act 2004*

6. Interpretation

In this By-law -

“**article**” means any thing removed by an **authorised officer** under this By-law and includes but is not limited to a **vehicle, vessel**, or any other item;

“**aircraft**” means any machine that can fly through the air and includes, but is not limited to, a plane, helicopter and drone;

“**authorised contractor**” means a contractor appointed by the **Council** for the purposes of conducting a **kerbside collection service** on behalf of the **Council**;

“**authorised officer**” means the **general manager** and an employee of the **Council** appointed by the **general manager** as an **authorised officer** for the purposes of this By-law;

“**camp**” includes:

- (a) to erect portable shelter suitable for extended resting or sleeping in, whether or not that portable shelter is on or attached to a **vehicle**; or
- (b) being in any such portable shelter at any time during a night; or
- (c) to sleep at any time during a night in the open or in any **vehicle** or shelter or a building; or at any time during a night, to place, park or leave a **vehicle** that appears designed or equipped internally or externally to accommodate overnight sleeping, including a caravan.

“**children’s playground**” means any area in which children’s play equipment is installed and, if not a fenced in area, extends for a distance of 10 metres in all directions from the play equipment;

“**clean fill**” means “**clean fill**” as defined under the *Environmental Management and Pollution Control Act 1994*;

“**commercial activity**” means to sell any item by wholesale or retail or to provide any service and includes but is not limited to:

- (a) setting up a **stall**, sell, let or offer for sale any goods, chattels or property.
- (b) parking a **vehicle** for the purpose of offering the **vehicle** for sale.
- (c) parking a **vehicle** on a **road** for the purposes of advertising a business.
- (d) allowing, placing, erecting or constructing or causing to be placed, erected or constructed any **street furniture**

“**Commercial waste**” means waste products arising from or incidental to the carrying on of any profession, trade, business or manufacture but does not include **hazardous waste**;

“**controlled waste**” means **controlled waste** under the *Environmental Management and Pollution Control Act 1994*;

“**council**” means the Huon Valley Council established under the *Local Government Act 1993*;

“**council property**” means any **land** or part of land owned or under the control of the **council** and includes, and is not limited to, any structure, building, swimming centre, sports centre, hall, recreation area and recreation ground, **marine facility**, **road** and **waste management facility** on that land;

“**crossing**” means that part of a **road** constructed in or over a footpath, kerb, guttering, drain, culvert or nature strip between the **pavement** and the boundary of **land** that abuts a **road** that is designed for or used as a means of access by **vehicles**, bicycles or other conveyance from a **road** to **land**;

“**declared weed**” means a plant that is a pest or an invasive pest as defined under the *Biosecurity Act 2019* and any regulations made thereunder;

“**dump point**” means a **council** owned facility to receive the discharge from any holding tank or device installed in any caravan or portable toilet;

“**electoral sign**” means a sign erected for the purpose of standing as a candidate in an Australian Government, State Government or Local Government election;

“**event**” means any assembly of people and includes a parade, performance, spectacle, entertainment, exhibition, rally, march, demonstration or other **event** which causes or is likely to

cause people to assemble on or in a **council property** or for any other purpose which excludes members of the public's normal use of that **council property**;

"excluded waste" means any **waste** that is excluded from disposal in a **waste management facility**, by any act or statute, any approval issued in respect of the **waste management facility** under the *Land Use Planning and Approvals Act 1993* and by any environmental protection notice issued in respect of the **waste management facility** under the *Environment Management Pollution and Control Act 1994*;

"general manager" means the **general manager** appointed by the **Council** pursuant to section 61 of the *Local Government Act 1993* and includes a **person** acting in that capacity;

"general waste" means all garbage, rubbish, debris, discarded food items, litter, garden waste and other similar matter generated at a domestic residence and from staff rooms of any place of business or industry but does not include **inert waste**, **hazardous waste**, **commercial waste** and **hard waste**;

"hard waste" means large or bulky items not able to be contained in a **mobile garbage bin**;

"hazardous waste" means **controlled waste**, batteries and any waste, thing or **substance** that:

- (b) is hot, or is likely to, become hot;
- (b) may, or is likely to, explode;
- (c) may interact with other things in the **mobile garbage bin** and generate toxic or poisonous gases or fumes;
- (d) is corrosive;
- (e) contains sharps, objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes hypodermic needles, intravenous sets, pasteur pipettes, lancets, and scalpel blades used in medical, dental, veterinary and nursing applications or potentially infectious waste; or
- (f) is in any other way dangerous.

"hirer" means a **person** who hires or uses any **council property** by a **user agreement**;

"inert waste" means solid, non-hazardous waste that does not decompose or react significantly when disposed of;

"infrastructure" means any physical asset, system, network or facility that is owned, controlled, operated or managed by the **Council** and includes, and is not limited to, a **children's playground**, a **dump point**, a public stormwater system as defined under the *Urban Drainage Act 2013* and a **public rubbish bin**;

"interfere" includes to act in a manner that materially disrupts, obstructs, disturbs, impedes, harasses and harms and in the context of **infrastructure** includes to disturb, disrupt, damage, remove, add to, alter, connect to, disconnect from, mark, write on, paint or in any way deface;

"kerbside collection service" means a service provided by the **Council** for the collection of specific types of **waste**;

"land" means land within the **municipal area**;

“**marine facility**” includes any facility, structure or equipment under the management and control of the **council** used in relation to the launching and mooring of a **vessel** and any associated landing stage, slipway, boat launching ramp, jetty, wharf or breakwater and any curtilage to that facility, structure or equipment;

“**mobile garbage bin**” means a bin of a mobile design and construction approved by the **general manager** for the temporary deposit of specific types of **waste**;

“**material**” includes stones, gravel, rock, clay, earth, soil, turf, metal, cement, concrete, bitumen, asphalt;

“**municipal area**” means the Huon Valley Council **municipal area** as defined by section 16 of the *Local Government Act 1993*;

“**pavement**” means the formed or paved area or carriageway of a **road** for the primary use of **vehicles** excluding the kerb, gutter, drains and shoulder;

“**penalty unit**” means **penalty unit** under the *Penalty units and Other Penalties Act 1987*;

“**permit**” means a **permit** granted under Part 2 of this By-law and includes a **user agreement**;

“**permit holder**” means a **person** to whom a **permit** is granted under Part 2 of this By-law and includes a **hirer**;

“**person**” includes but is not limited to a body corporate, a club, association and organisation;

“**permission**” means a **permit**, as allowed by rules and regulations set under clause 7, as allowed under a policy adopted by the **Council**, as otherwise provided for by a sign or as allowed under any other law administered by the **Council**.

“**premises**” means a separately occupied property;

“**polluting matter**” means faeces, urine, blood, vomit, detergents, food and beverages, faecal matter, offal, dead body or part of a dead body of a creature, filth or other noxious or other matter or thing that causes pollution;

“**public rubbish bin**” means a rubbish bin installed by the **council** on a **council property**;

“**public toilet**” means a toilet owned or controlled and managed by the **council** for use by the public;

“**recyclables**” means **waste** that the **general manager** has classed as being able to be recycled;

“**residential area**” means Inner Residential, Local Business, General Residential, Low Density Residential and Village zoned **land** and includes a lot under the size of 2000m² in a Rural Living Zoned **land** under the *Tasmanian Planning Scheme Incorporating the Huon Valley Local Provisions Schedule*;

“**road**” means:

- (a) any highway, local highway or country highway as defined under the *Local Government (Highways) Act 1982* and includes the buildings, structures, works or other things specified in section 30(2) of that Act and traffic signs erected by the Transport Commission.
- (b) any part of a State Highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* for which the **council** is responsible for maintaining and reconstruction of as a local authority pursuant to section 11 of that Act;
- (c) any other street, cul-de-sac, car park, road or way in the **municipal area** which is wholly or partly maintained or maintainable by **council** or under the control of the **council**, and includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, **pavement** and earth surface drain;

“**sewerage**” means human waste matter and wastewater containing human waste and any sullage, greywater, blackwater or wastewater generated from a **premises**;

“**signage**” means any board, sign, plaque, or banner which in any way makes an announcement or is an advertisement for any commercial activity, product, wares or any other thing;

“**stall**” means any table, wagon, **trailer**, wheelbarrow or transportable structure used by any **person** to sell and distribute goods, merchandise, wares, commodities, items or things and/or services to the public, solicit donations and/or sell raffle or lottery tickets;

“**street furniture**” includes chairs, tables, barriers, display stands, panels and umbrellas for the purpose of encouraging or allowing the consumption of food and or beverages by customers seated in an area on a council property external to a premises;

“**substance**” means any matter, whether in solid, liquid, gas or vapor form, including any mixture, combination or compound thereof and includes but not limited to chemicals, petroleum products, paintings and coatings, biological matter, pharmaceutical products and electronic waste fluids;

“**trailer**” means a trailer as defined by the *Vehicle and Traffic Act 1999*;

“**user agreement**” means a written agreement between the council and a person that grants temporary use, occupation, or hire of a council property for a specified purpose, period, and subject to terms and conditions and includes a property licence;

“**vehicle**” means a **vehicle** as defined by the *Vehicle and Traffic Act 1999* and includes a **trailer**;

“**vessel**” includes a boat, ship, craft, hovercraft or platform and a **vehicle** that is capable of use in or on water whether floating, partly submersible or submersible and whether or not self-propelled; and

“**waste**” includes, without limitation, **general waste**, **controlled waste**, **inert waste**, **commercial waste**, **hard waste** and any other garbage, rubbish, debris, litter or similar matter;

“**waste management facility**” means an area within the **municipal area** of the Huon Valley set aside by the **council** for the collection or disposal of **waste**, and includes a waste transfer station and a re-use shop.

“**wildlife**” means any living creature other than -

- (a) a domestic dog or cat;
- (b) domestic stock;

- (c) fish, within the meaning of the *Living Marine Resources Act 1995*;
- (d) an animal that:
 - (i) is being farmed under and in accordance with the *Biosecurity Act 2019*;
 - (ii) has been so farmed and is legally in the possession of any **person**.

“**works**” includes, but is not limited to: opening or breaking up the soil or **pavement** of a **road** for any purpose; making a drain leading to a **road**; putting or placing a pipe or making a drain leading into a sewer or drain or other services of the **council** in or under a **road**; making an excavation, vault or cellar in or under a **road**; installing under a **road**, pipelines, pipe systems or other **infrastructure** required for the transmission, distribution or supply of natural gas or other gaseous fuels; and, erect a hoarding or scaffolding for building or for any other purpose in or on a **road**.

PART 2 ADMINISTRATION AND PERMISSIONS

Division 1 – General Management

7. Rules and regulations

- (1) The **council** and the **general manager** may, by notice, make rules for and regulate the management, control and use of any **council property**.
- (2) A notice made under sub-clause (1) may be placed on a sign at the **council property** in respect of which the notice applies or published or displayed as the **general manager** considers appropriate.
- (3) A **person** on or in any **council property** must obey the terms and conditions of any notice given under sub-clause (1).

Penalty: A fine not exceeding 20 **penalty units**.

8. Closure of a council property

- (1) The **general manager** may by notice, close any **council property** to members of the public for such periods as the **general manager** may determine, including for the following:
 - (a) emergency reasons; or
 - (b) operational and/or safety reasons; or
 - (c) protection of the **council property**; or
 - (d) the undertaking of any work including the repair, maintenance or improvement of the **council property** or on **land** adjoining the **council property**; or
 - (e) the hire of the **council property** or the conduct of an **event**.
- (2) A notice made under sub-clause (1) may be placed on a sign at the **council property** in respect of which the notice applies or otherwise published or displayed as the **general manager** considers appropriate.

9. Hire of a council property

- (1) A **person** may, by **permit**, hire any **council property**.
- (2) The **general manager** may under this clause confer upon a **hirer**, the right to -
 - (a) make charges for admission to the **council property** or to any grandstands, pavilion, building or enclosure on the **council property**; and
 - (b) exclude any **person** from that **council property** who does not pay such charge.

10. Ban

- (1) The **general manager** may ban a **person** who has offended against this By-law from entering any specified **Council property** or such period of time as the **general manager** determines, not exceeding a period of 12 months.

- (2) The **general manager** is to serve a notice on the person in sub-clause (1) of the ban advising the **person** of the alleged offence against this By-law and the period of time that the ban applies.
- (3) A **person** who has been banned from entering any specified **council property** under sub-clause (1) may appeal the ban in accordance with the Customer Service Charter adopted by the Council pursuant to section 339F of the *Local Government Act 1993*.
- (4) The **general manager** may withdraw a ban made under this sub-clause (1).
- (5) Nothing in this clause restricts the **general manager** from banning a **person** from any **council property** in performing duties and responsibilities under the *Work Health and Safety Act 2012*.
- (6) A **person** who has been banned from entering any specified **council property** under sub-clause (1) must not enter upon that **council property** during the period for which the ban applies.
- Penalty:** A fine not exceeding 20 **penalty units**.

Division 2 – Delegation and Referral

11. Delegation to controlling authority

The **council** may authorise or delegate, on such conditions and restrictions as the **Council** may determine, the functions and powers contained in this By-law to a controlling authority established under section 29 of the *Local Government Act 1993* in respect of the **council property** controlled by that authority.

12. General manager delegation

Where under this By-law any matter may be determined by the **general manager**, the **general manager** may, in accordance with the Act, delegate to an employee of the **council** the performance of those functions.

13. Referral to council

No provision of this By-law is to be construed as preventing the **general manager** from referring any application for a **permit** to the **council**.

Division 3 – Permits

14. Application for permit

- (1) A **person** may apply to the **general manager** for a **permit**.
- (2) An application for a **permit** is to be made in writing and, where applicable, be accompanied by the following:
- (a) a statement in writing of the type of activity proposed to be undertaken by the applicant; and
 - (b) a scaled drawing showing the location and extent of the proposed occupation, work, use or activity; and
 - (c) such other information that the **general manager** may reasonably require; and
 - (d) payment of the fee or charge imposed by the **council** pursuant to section 205 of the *Local Government Act 1993* for an application under this Bylaw.
- (3) Notwithstanding sub-clause (2) an application for a **permit** may be made through an electronic booking or ticketing system that has been approved by the **general manager** for that purpose.

15. Determination of permit

- (1) The **general manager** may grant or refuse to grant a **permit** on an application made under clause 14.
- (2) Despite sub-clause (1), in place of granting a **permit**, the **general manager** may require a **person** to sign a **user agreement** prior to hiring any **council property** under clause 9, however, at all times the **person** must have paid the fee or charge imposed by the **council** pursuant to section 205 of the *Local Government Act 1993* for the hire of the **council property**.

(3) The **general manager** may grant a **permit** subject to such terms and conditions as the **general manager** may determine.

(4) A **permit** is to make provision for any appropriate insurance cover as directed by the **general manager**.

(5) A **permit holder** must comply with the terms and conditions of a **permit**.

Penalty: A fine not exceeding 20 **penalty units**.

16. Factors to be considered when granting a permit

In deciding whether or not to grant a **permit** pursuant to this Part, the **general manager** may have regard to the following:

- (a) Whether the proposed activity or use is unlawful ;
- (b) public amenity, safety and access in the area;
- (c) the maintenance of public order in the area;
- (d) where the council property is leased or licenced from the Crown, whether the applicant has obtained, or is able to obtain, approval under the relevant State legislation relating to that land;
- (e) the movement of traffic and the availability of suitable parking for **vehicles** in the area;
- (f) the manner of any proposed **signage** or advertising;
- (g) the nature, size, shape, extent and location of any proposed structure or highway furniture;
- (h) the effect on **premises** or **land** in the area;
- (i) the likelihood of environmental or public health impact;
- (j) representations made by a police officer;
- (k) the protection of the council property for the comfort, convenience and safety of the public;
- (l) any relevant policy of the **council**;
- (m) any other relevant matter.

17. Competing applications

(1) If there are competing applications for a **permit** for the use of any particular **council property**, the **general manager** may determine which application for a **permit** is to be granted, if any.

(2) The **general manager** may determine that a prior or later application for a **permit** to use the same **council property**, is to be granted in preference to any other application for that place.

18. Permits generally

(1) Every **permit** granted pursuant to the By-law is to -

- (a) be in writing and may be in the form of a letter;
- (b) bear the date on which it was issued;
- (c) remain in force for the period for which it was issued, unless it is cancelled or surrendered;
- (d) be carried by the **permit holder** at all times while undertaking the activity approved under the **permit**;
- (e) be surrendered to the **council** if it is cancelled or when it is due for renewal.

(2) Notwithstanding sub-clause (1) a **permit** may be granted and issued through an electronic booking or ticketing system that has been approved by the **general manager** for that purpose.

19. Security

(1) The **general manager** may, as a condition of a **permit**, require a **person** to deposit a cash security or provide a bank guarantee to the **council** on such terms as the general manager may determine to provide security against any reasonable costs which the **council** may incur as a result of the failure of a **permit holder** to comply with the obligations or requirements of a permit.

(2) The **general manager** may determine that, if a **permit holder** defaults on carrying out any obligations or requirements of a **permit**, all or part of the cash security or bank guarantee provided in accordance with sub-clause (1) may be retained by **council** to meet the costs incurred by the council to carry out those obligations or requirements.

(3) Monies deposited with the **council** in accordance with this clause or the balance of the monies is to be forwarded to the **permit holder** following the performance of that **permit holder's** obligations and requirements under the **permit** or final inspection and approval by the **general manager** of the work carried out.

(4) The **council** may recover in a court of competent jurisdiction from the **permit holder** any expenses incurred by it in carrying out of the obligations or requirements of a **permit**, less the amount of any cash deposit or bank guarantee paid by the **permit holder** for that purpose, if any, as a debt due to it.

20. Cancellation of permits

(1) The **general manager** may cancel a **permit** if a **permit holder** fails to comply with or offends against this By-law or any condition of a **permit**.

(2) The **general manager** may cancel a **permit** if the **permit holder** is -

- (a) convicted of any offence involving dishonesty; or
- (b) convicted of any offence involving a breach of public order.
- (c) commits an offence against this By-law or breaches a condition of a **permit**

(3) The **general manager** is to serve a notice in writing on a **permit holder** stating that the **permit** is cancelled and the reason for that cancellation.

(4) Cancellation of any **permit** is effective from the day the notice has been served on the **permit holder** or the date specified in the notice whichever is the later.

(5) Nothing in this clause is to be construed as preventing or prohibiting the **general manager** from cancelling a **permit** if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the **council**.

(6) Notwithstanding sub-clauses (3) and (4), the **general manager** may cancel or suspend a **permit** by any communication conveyed to the **permit holder** by any means including but not limited to personal delivery, phone or email contact and in the case of emergency situations by use of council's website and social media, by radio or television or as otherwise considered appropriate by the **general manager**.

21. Production of permit

(1) A **permit holder** must produce the **permit** immediately when requested to do so by a police officer or an **authorised officer**.

Penalty: Fine not exceeding 2 **penalty units**.

(2) A **person** must answer all questions from a police officer or an **authorised officer** which are reasonably necessary to establish that the **person** is a **permit holder**.

Penalty: A fine not exceeding 20 **penalty units**.

22. Assignment of permit

A **permit** is not assignable to any **person** except with the written consent of the **general manager**.

23. Transition

(1) A permission granted under the *Council Land and Recreational Facilities By-law No.1 of 2017* made the 27th day of April, 2017 and notified in the Tasmanian Government Gazette on the 3rd day of May 2017 at page 372 and in force at the commencement of this By-law is taken to be a **permit** granted under this Part.

(2) A permit granted under the former *Roads (Local Highways) By-law No.1 of 2014* made on the 29th day of January, 2015 and published in the Tasmanian Government Gazette on 11 February, 2015 that remains in force and the works are incomplete at the date of this By-law, is taken to be a **permit** granted under this Part.

**PART 3
COUNCIL PROPERTY**

Division 1 – Public Order

24. Peaceable use of a council property

A **person** in or on any **council property** must not do or perform any act or thing which unreasonably **interferes**, or is likely to **interfere**, with the lawful or peaceable use by the public of that **council property**.

Penalty: A fine not exceeding 20 **penalty units**.

25. Entry into a council property

A **person** must not, without **permission**:

- (a) enter or remain on or in any **council property** if it is closed to the public under clause 8 of this By-law; or
- (b) enter any **council property** if it is the subject of a **permit** or hired to any other **person** unless authorised to do so by the **permit holder, hirer** or by ticket; or
- (c) remain in or on any **council property** where an entry fee is payable unless they have paid the correct fee.

Penalty: A fine not exceeding 20 **penalty units**.

26. Functions and events

A **person** must not, in or on any **council property**, without **permission**:

- (a) conduct, arrange or participate in a function, party or reception at which more than 50 people are present; or
- (b) hold or conduct an **event**.

Penalty: A fine not exceeding 20 **penalty units**.

27. Conduct of certain activities

(1) A **person** must not, in or on any **council property**, without **permission**:

- (a) charge admission nor take any collection for admission from any **person** in, or who is about to enter any **council property**; or
- (b) conduct any amusement or entertainment for financial reward; or
- (c) organise or participate in preaching, public speaking or similar activity; or
- (d) take up a collection of money.

Penalty: A fine not exceeding 20 **penalty units**.

(2) Sub-clause (1)(d) does not apply to a **person** or a **person** acting on behalf of an organisation if that **person** or organisation is approved under the *Collections for Charities Act 2001*.

28. Sports

(1) A **person** must not, on or in a **council property**, without **permission**:

- (a) participate in an organised sport, contest, training or game; or
- (b) enter onto that **council property** while an organised sport, contest, training or game is in progress without consent from the organiser of the sport, contest, training or game, the **permit holder** or **hirer** for that **council property**; or
- (c) play or practice golf or allow any **person** to play or practice golf, except where the **council property** has been designated by the **council** for that purpose.

Penalty: A fine not exceeding 20 **penalty units**.

29. Signage and handbills

A **person** must not, on or in a **council property**, without **permission**:

- (a) allow, erect, exhibit, or display a notice, **signage**, **electoral sign**, bill, poster or advertisement on or in any **council property**; or
- (b) give out, distribute, scatter or throw down a handbill, notice, placard, advertisement, book, paper or pamphlet on or in any **council property**.

Penalty: A fine not exceeding 20 **penalty units**.

30. Use of firearms or fireworks

A **person** must not, in or on any **council property**, without **permission**, fire or discharge any firearm, or use, fire or discharge any fireworks.

Penalty: A fine not exceeding 20 **penalty units**.

31. Clothing

(1) A **person** must at all times be decently clothed outside the change rooms of a **council property**.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An authorised **person** may give a direction to a **person** who has contravened sub-clause(1) to put on additional clothing.

32. Loitering

A **person** must not loiter in a change room or **public toilet** in or on any **council property**.

Penalty: A fine not exceeding 20 **penalty units**.

Division 2 – Health

33. Disease and hygiene

(1) A **person** must not enter a **council property**, without **permission**,

- (a) who has or appears to an **authorised officer** to have an infection or contagious disease; or
- (b) who, in the opinion of an **authorised officer** is not in a reasonable level of cleanliness

Penalty: A fine not exceeding 20 **penalty units**.

34. Camping

A **person** must not, without **permission**, **camp** in or on any **council property** unless in an area designated for that purpose.

Penalty: A fine not exceeding 20 **penalty units**

35. Animals in a council property

(1) A **person** must not, in or on any **council property**, without **permission**:

- (a) allow any animal to be in, graze or stray onto or into any **council property**.
- (b) possess or be in charge of an animal in or on any **council property**

Penalty: **A fine not exceeding 20 penalty units.**

(2) Sub-clause (1) does not apply:

- (a) where the animals are livestock being led on a road and are accompanied by-
 - (i) at least 2 people, one at the front and one at the back of the livestock; or
 - (ii) at least one person, assisted by a working dog, used primarily for tending or droving live stock.
- (b) to a dog conforming with the provisions of the *Dog Control Act 2000* and the Regulations made under that Act;
- (c) to an assistance animal conforming with the *Disability Discrimination Act 1992* (Cth);
- (d) where the animal is under effective control.

- (3) For the purpose of sub-clause (2) an animal is under effective control if the animal is under control by a **person** by the following:
- (a) the animal is secured and restrained by means of a lead held by hand by a **person** able to control the animal; or
 - (b) the animal
 - (i) is in close proximity to the **person**; and
 - (ii) is in sight of the **person**; and
 - (iii) the **person** is able to demonstrate to the satisfaction of an authorised **person** that the animal is immediately responsive to the **person's** commands.

Division 3 – Commercial Activities

36. Commercial Activities

- (1) A **person** must not on or in any **council property**, without **permission** carry on any **commercial activity**.

Penalty: A fine not exceeding 20 **penalty units**.

- (2) Sub-clause (1) does not apply to a **person** who is the holder of a permit issued under section 56C of the *Vehicle and Traffic Act 1999*.

- (3) An **authorised officer** may remove any **street furniture** placed with **permission** if the **authorised officer** is of the opinion that it is necessary to remove the **street furniture** due to emergency circumstances or in the interest of public health or safety

37. Sale of liquor

A **person** must not, in or on any **council property**, without **permission**:

- (a) sell liquor to any **person** ; or
- (b) may only sell liquor to any **person** in or on any **council property** if that **person** is also authorised to do so under any licence granted under the *Liquor Licensing Act 1990* and in accordance with the terms of that licence.

Penalty: A fine not exceeding 20 **penalty units**.

Division 4 – Vehicles, Bicycles, Skateboards, Aircraft

38. Use of a conveyance in a council property

- (1) A **person** must not, in or on any **council property**, except on a **road**, path, track, skate park or area provided for this purpose or without **permission**:

- (a) drive any **vehicle**; or
- (b) ride, drive or use a bicycle, tricycle, scooter, electric scooter, quad bike, hoverboard, segway, skateboard or in-line skates or other similar conveyance;

Penalty: Fine not exceeding 20 **penalty units**.

- (2) A **person** must not from, onto or into any **council property**, without **permission**, land, moor or launch any **aircraft** unless in the case of an emergency.

Penalty: A fine not exceeding 20 **penalty units**.

PART 4 INFRASTRUCTURE

Division 1 – Protection of council property

39. General damage

(1) A **person** must not on or in any **council property**, without **permission**:

- (a) **interfere** with **infrastructure** or **council property**; or
- (b) place, leave, build or set up any building, structure or obstruction of any kind; or
- (c) use or install heavy machinery, install cranes, fuel dispensing equipment, water lines, gas lines, electric power outlets or any other service facility on or in a **council property**; or
- (d) drive a **vehicle** to cause, or allow to be caused, any damage to a footpath, kerb, gutter or nature strip; or
- (e) drive a **vehicle** or allow a **vehicle** to be driven over a footpath, kerb, gutter or nature strip to or from any **land** where building or excavating work is, or is about to be, in progress other than over the designated **crossing**; or
- (f) drive a **vehicle** or allow a **vehicle** to be driven into, over or on any **council property** unless the wheels of that **vehicle** are first cleaned of any matter adhering to those wheels which could be dislodged and transferred to or damage the **road** surface or the surface of the **council property**; or
- (g) drive or propel any mechanically propelled **vehicle** on or in any **council property** having a metalled, gravelled or prepared **pavement** unless the **vehicle** has:-
 - (i) rubber tyred or suitably shod wheels; or
 - (ii) the spaces between the diagonal cross-bars on the wheels evenly packed.
- (h) create an entrance to a **council property** from **land** adjoining any **council property**.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to undertake such work to repair any damage occasioned to **infrastructure** or **council property** or to reinstate the **infrastructure** or **council property** to its original condition to the reasonable satisfaction of the **authorised officer**.

40. Specific infrastructure protection

(1) A **person** must not, in or on any **council property**:

- (a) misuse or damage any **children's playground** equipment in a **children's playground**; or
- (b) use any **children's playground** equipment in a **children's playground** unless that **person** is of a suitable age for the use of that equipment contrary to any sign on or near that equipment; or
- (c) use a **public rubbish bin** for the disposal of **commercial waste, clean fill, inert waste, hard waste** or **general waste**; or
- (d) place or deposit any **substance** in a **dump point** other than the discharge of **wastewater** from any holding tank or similar device such as installed in any caravan or portable toilet; or
- (e) use a **dump point** for the purposes of disposal of any **sewerage** arising from the use of any private **land**; or
- (f) place, deposit or allowed to be discharged any thing in a **public stormwater system** other than stormwater; or
- (g) light or maintain any fire unless in a place designated for that purpose; or
- (h) dump hot **waste** such as recently burnt contents of incinerators or woodheaters, including embers and coals; or
- (i) take or use water from any tap or water outlet for any use outside of that **council property**; or
- (j) leave any tap or outlet for water on after use.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to undertake such work to repair any damage occasioned to **infrastructure** or to reinstate the **infrastructure** to its original condition to the reasonable satisfaction of the **authorised officer**.

41. Pollution

(1) A **person** must not, in or on any **council property** or **infrastructure**, without **permission**:

- (a) put, place or deposit any **polluting matter**; or
- (b) urinate or defecate except in a place provided for that purpose.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to remove and clean up any matter that has caused the breach of that clause.

42. Material on council property

(1) A **person** must not, in or on any **council property**, without **permission**:

- (a) deposit or drop any **material** or allow any **material** to flow, fall, be dropped or in any other way be deposited; or
- (b) deposit or drop any **hazardous waste** or allow any **hazardous waste** to flow, fall, be dropped or in any other way be deposited; or
- (c) place or mix a **substance**.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to remove any **material, substance** or **hazardous waste** which has flowed or fallen onto or been dropped or deposited on the **council property** or to undertake such work to any **land** to limit or prevent any **substance** or **hazardous waste** from flowing or falling onto or being dropped or deposited on the **council property**.

43. Removal of council materials

A **person** must not remove or take **materials**, from on or in any **council property**, without **permission**.

Penalty: A fine not exceeding 20 **penalty units**.

Division 2 - Obstructions and Parking

44. Obstructions

(1) A **person** must not, in or any **council property**, without **permission**:

- (a) place, leave, build or set up any obstruction of any kind; or
- (b) place any object for the purposes of preventing or inhibiting parking; or
- (c) enclose a **council property**; or
- (d) without reasonable cause obstruct the passage of persons, **vehicle** or goods onto, into on or off a **council property**; or
- (e) moor or leave a **vessel** at a **marine facility** in a manner that obstructs another **vessel** coming alongside, using or leaving the **marine facility**; or
- (f) moor or leave a **vessel** at a **marine facility** for a period in excess of 2 consecutive nights.

Penalty: A fine not exceeding 20 **penalty units**.

(2) It is a defence for an offence against subclause (1)(f) of this By-law if the **person** demonstrates that the **vessel** was reasonably unable to be moved due to safety issues arising from extreme weather conditions.

(3) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to remove any thing causing an obstruction in contravention of that clause.

45. Parking

(1) A **person** must not, in or on **council property**, without **permission**:

- (a) park a **vehicle** wholly or partly on or over a footpath, kerb, gutter or nature strip; or
- (b) place a skip bin or **waste** collection bin on a **road**; or
- (c) park a **trailer** that is not attached to a motor **vehicle**; or
- (d) park or leave any **vehicle** in or on any **council property** except within an area set aside by the **Council** as a parking area; or
- (e) park or leave any **vehicle** in or on any **council property** within an area set aside by the **Council** as a parking area in a manner that the **vehicle** is; or
 - (i) wholly or partially outside a designated parking space; or
 - (ii) parked otherwise than as directed by a sign or an **authorised officer**; or
 - (iii) in a position where it obstructs the entry or exit of a **vehicle** to another parking space or parking area; or
- (f) park a **vehicle** in such a manner as to obstruct access to a **council property**.

Penalty: A fine not exceeding 20 **penalty units**.

(2) It is a defence to an offence in sub-clause (1)(c) to demonstrate that the **trailer** was parked on a **road** in the case of an emergency or circumstance where required for necessary repairs to a motor **vehicle** to have it removed providing such period for which it is parked does not exceed 48 hours.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to remove any **vehicle** parked in contravention of that clause.

Division 3 – Roads

46. Standard requirements

For the purposes of the *Local Government (Highways) Act 1982*, the standard requirements are those that have been approved by the **general manager** as standard requirements for the dimensions, configuration and the mode of construction of **roads**.

47. Undertaking works on roads

(1) For the purposes of Section 46 of the *Local Government (Highways) Act 1982* a **person** may undertake **works** on or under a **road** for any purpose in accordance with a **permit**.

(2) A **person** must not undertake **works** on or under a **road** for any purpose without **permission**.

Penalty: A fine not exceeding 20 **penalty units**.

48. Notice relating to crossings

The **general manager** may give notice to the owner of any **land** which abuts a **road** or any **council property** requiring that **person** to:

- (a) repair or carry out maintenance to a **crossing** over which access is gained to that **person's land**;
- (b) remove a **crossing** over which access is gained to that **person's land** and to reinstate the footpath, kerb, gutter, nature strip and **road** from which the **crossing** is to be removed;
- (c) construct a **crossing** to be constructed of such **materials**, dimensions and strength as specified in the notice.

Division 4 –Waste Management Facilities

49. Local waste only

(1) A **waste management facility** is intended for the use only of persons who reside in or have a place of business in the **municipal area** of Huon Valley for the disposal of **waste** originating from a **premises**, place, or place of business within the **municipal area** or for **waste**, other than from within the **municipal area**, where **Council** has a specific agreement for the receipt of such **waste**.

(2) An **authorised officer** may refuse to accept any **waste** which in the officer's opinion does not come from within the **municipal area** of Huon Valley.

50. Waste management facilities - general

(1) A **person**, without **permission**, must not deposit, place or drop or allow any **person** to deposit, place or drop any **waste** in or on any **waste management facility** unless it is during the days and hours of operation of that **waste management facility** as determined by **council** or the **general manager** from time to time and notified on a sign erected at the **waste management facility** and on payment of the relevant fee or charge imposed under section 205 of the Act.

Penalty: A fine not exceeding 20 **penalty units**

(2) Any **person** depositing **waste** at a **waste management facility** must:

- (a) comply with any direction on any sign at that **waste management facility**; and
- (b) comply with any direction by an **authorised officer**.

Penalty: A fine not exceeding 20 **penalty units**

51. Disposal of waste at waste management facility

(1) A **person** at a **waste management facility** must not, without **permission** –

- (a) deposit **excluded waste**; or
- (b) deposit a **declared weed**; or
- (c) deposit any animal manure, **hazardous waste**, **hard waste**, **inert waste**, **clean fill** or **commercial waste**; or
- (d) deposit any **waste** that is likely to pose a substantive and unacceptable hazard to employees of the **Council** or employees of its authorised **waste** contractor or the public; or
- (e) deposit any thing capable of becoming airborne, without first securing it from being scattered by the wind.

Penalty: A fine not exceeding 20 **penalty units**

(2) An **authorised officer** may refuse to accept any **waste** which in the officer's opinion is any waste described under sub-clause (1).

PART 5 ENVIRONMENTAL

Division 1 – Protection of Natural Areas

52. Protection

(1) A **person** must not, on, in or from any **council property**, without **permission**:

- (a) plant or wilfully destroy, cut, pluck, remove, deface or injure any tree, shrub, flower or other vegetation; or
- (b) remove any wood or timber; or
- (c) take any **wildlife** or products of **wildlife**; or
- (d) lay or set any trap or snare or deposit any poisonous or chemical **substance**; or
- (e) **interfere** with the nest, breeding place or habitation of any **wildlife**; or
- (f) Intentionally **interfere** with any **wildlife**; or
- (g) feed any **wildlife**; or

- (h) make or mark out a track or route; or
- (i) erect a cairn or memorial; or
- (j) bring into or be in possession of a **declared weed**; or
- (k) dispose of any **waste** unless in a rubbish bin allocated for that purpose or in a **waste management facility**.

Penalty: A fine not exceeding 20 **penalty units**.

Division 2 – Environmental Health

53. Unapproved wastewater disposal

(1) A **person** must not, dispose of any **sewerage** on any **land** unless the method of disposal for the **sewerage** has been otherwise approved in accordance with legislation.

Penalty: A fine not exceeding 20 **Penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to cease the act causing the contravention until such time as the method of disposal has been otherwise approved in accordance with legislation and to undertake such work as specified to repair any damage occasioned to the **land** or to reinstate the **land** to its original condition to the reasonable satisfaction of the **authorised officer**.

54. Keeping of Animals in a residential area

(1) The occupier of any land in a **residential area** where an animal, including poultry is kept must:

- (a) ensure that the animal is kept on the property; and
- (b) maintain in a clean and sanitary state any structures, buildings, enclosures, or areas to which the animal has access to; and
- (c) not allow the animal to cause any nuisance, including through smell, noise, or the attraction of rodents or flies; and
- (d) take all necessary steps to abate any nuisance that may arise from keeping of the animal.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to undertake such work as specified to address the contravention to the reasonable satisfaction of the **authorised officer**.

(3) This clause does not apply to a dog within the meaning of the *Dog Control Act 2000* or a cat within the meaning of the *Cat Management Act 2009*.

55. Keeping of poultry in a residential area

(1) A **person** must not, without **permission**, on land within or partly within a **residential area**:

- (a) keep more than six (6) birds which fall within the definition of poultry; or
- (b) keep a rooster.

Penalty: A fine not exceeding 20 **penalty units**.

(2) An **authorised officer** may give a direction or notice to any **person** who has contravened sub-clause (1) requiring that **person** to remove any animal kept in contravention of subclause 1 or to undertake such work as specified to address the contravention to the reasonable satisfaction of the **authorised officer**.

(3) Subclause (1)(c) of this By-law does not apply to any rooster kept on a property prior to commencement of this By-law.

Division 3 – Kerbside collection service

56. Kerbside collection service

- (1) This Division applies to any **kerbside collection service**.
- (2) Every **premises** within an area provided with a **kerbside collection service** will, upon request, be provided with a **mobile garbage bin** for the storage and collection of the specific type of **waste**.
- (3) A **mobile garbage bin** provided in accordance with sub-clause (2) remains the property of the **Council** or its **authorised contractor** unless otherwise advised by notice in writing by the **general manager**.
- (4) The **council** or its **authorised contractor** will only collect **waste** that is contained wholly within a **mobile garbage bin** with the lid closed.
- (5) The **council** or its authorised **waste** contractor may refuse to empty any **mobile garbage bin** which, in the opinion of an **authorised officer** or its **authorised contractor**, does not meet any requirements of this By-law.
- (6) No **person** other than the **council** or its **authorised contractor** is to collect **waste** placed in a **mobile garbage bin** for collection by the **kerbside collection service**.
- Penalty: A fine not exceeding 20 **penalty units**

57. Conditions of Kerbside collection service

- (1) The **council** or the **general manager** may determine by notice the management and control of the storage, collection, transport and disposal of **waste** with a **kerbside collection service** within the **municipal area**.
- (2) For the purposes of this Part, “notice” means a notice:
- (a) published on the **Council’s** website; or
 - (c) advertised in a newspaper circulated in the **municipal area**; or
 - (d) forwarded by the **general manager** or an **authorised officer** to a **person** to whom this By-law applies.
- (3) The **general manager** may require by notice that owners and occupiers of **premises** sort **waste** to enable the separate collection of **recyclables**, and any other **waste** as specified in that notice.
- (4) A **person** must comply with any with the terms and conditions of any notice issued pursuant to sub-clause (2) or sub-clause (3).
- Penalty: A fine not exceeding 20 **penalty units**

58. General Offences

A **person** within an area provided with a **kerbside collection service** who is entitled to receive the **kerbside collection service** must:

- (a) store the **mobile garbage bin** wholly within their **premises** except with **permission** or when placed on the kerbside for collection in accordance with a direction contained in a notice relating to the **kerbside collection service**; or
- (b) keep the **mobile garbage bin** in good repair and in a sanitary condition; or
- (c) clean and disinfect the **mobile garbage bin** if required to do so by an **authorised officer**; or
- (d) place the **mobile garbage bin** for the collection of its contents in a place and in a manner and between the hours as notified by the **council**, the **general manager** or an **authorised officer** unless otherwise approved by an **authorised officer**; or
- (e) ensure that the contents of the **mobile garbage bin** do not exceed 50 kilograms; or
- (f) not place in any **mobile garbage bin** provided for specific types of **waste** any matter except the specific types of **waste**; or
- (g) not place in any **mobile garbage bin** provided for specific types of **recyclables** any matter except the specific type of **recyclables**; or
- (h) not place any matter specified in clause 52(1) of this By-law in any **mobile garbage bin**; or

- (i) not place the **mobile garbage bin** on any footpath in a position which blocks the footpath or unreasonably impedes pedestrian traffic on the footpath; or
- (j) not load a **mobile garbage bin** so that the **waste** protrudes over the top rim of the bin and **prevent** complete closing of the lid; or
- (k) remove the **mobile garbage bin** from the kerbside as soon as practicable after collection of their contents.

Penalty: A fine not exceeding 20 **penalty units**

PART 6 ENFORCEMENT

Division 1 – Authorised officers and Police

59. Authorised officer

- (1) The **general manager** may appoint an **authorised officer** for the purposes of this By-law.
- (2) An appointment made under sub-clause (1) may be for the purposes of the entire By-law or limited to the extent of enforcement to specific Parts, Divisions or Clauses.

60. Powers of an authorised officer

- (1) An **authorised officer** may remove any **person** from any **council property** whom the **authorised officer** reasonably believes is offending against this By-law.
- (2) An **authorised officer** may remove any thing which is in or on a **council property** without **permission** or other approval of the **Council**.
- (3) An **authorised officer** may refuse to admit a **person** to any **council property** whom the **authorised officer** reasonably believes is offending or has offended against this By-law.
- (4) An **authorised officer** may ask a **person** to leave any **council property** whom the **authorised officer** reasonably believes is offending against this By-law.
- (5) An **authorised officer** may exercise powers and functions or issue or give directions or notices as provided in this By-law.
- (6) A **person** must obey a request to leave a **council property** given by an **authorised officer** under sub-clause (4).

Penalty: A fine not exceeding 20 **penalty units**

61. Supply of name and address

- (1) An **authorised officer** may require a **person** to give his or her name and address if the authorised **person** reasonably believes that the **person** is offending, or has offended against, this By-law,
- (2) A **person** must supply their full name and address if requested to do so by an **authorised officer** under sub-clause (1).

Penalty: A fine not exceeding 20 **penalty units**

62. Powers of a police officer

- (1) A police officer is authorised to:
 - (a) to carry out any action to be able to be carried out by an **authorised officer** under Clause 60 (1) and (3); and
 - (b) to arrest any **person** who is on or in **council property** whom the police officer reasonably believes is offending against this By-law.

Division 2 – Notices and directions

63. Notices and directions generally

- (1) A notice given under this By-law is to be given in writing and may be placed on a sign in or on any **council property** and may be in the form of a letter to a **person**.
- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter to a **person**.
- (3) A notice or direction given under this By-law may be subject to such conditions and requirements and subject to such time period as the **authorised officer** may determine.
- (4) A notice or direction given under this By-law requiring a **person** to carry out or undertake action or work may direct that the action or work to be done only by a **person** with the appropriate qualification.
- (5) Section 29AB of the *Acts Interpretation Act 1931* applies to a notice that is required to be served on or given to a **person** under this By-law.

Division 3 – Non-Compliance

64. Non-Compliance with notice or direction

- (1) A **person** to whom a notice or direction has been given under this By-law must comply with that notice or direction and any conditions of that notice or direction and within the time period specified in the notice or direction.
Penalty: A fine not exceeding 20 **penalty units**.
- (2) The **Council** may undertake the work required in a notice or direction given pursuant to this By-law if the **person** to whom a notice or direction is given fails to comply with the notice or the direction within the time specified in the notice or direction.

65. Council's expenses and right to recover costs

- (1) The **Council** may repair any damage occasioned to **infrastructure** or a **council property** as a result of a contravention of this By-law.
- (2) The **Council** may recover in a court of competent jurisdiction, its expenses in undertaking work under sub-clause (1) or under any notice issued or direction given pursuant to this By-law as a debt payable to it from the **person** who caused the damage or fails to comply with the notice or direction in addition to any penalty imposed under this By-law.
- (3) If a **permit holder** makes default in carrying out any obligations and requirements of a **permit** the **council** may carry out the obligations and requirements and may deduct the cost of the work from the bond paid under clause 22, or the **council** may recover in a court of competent jurisdiction from the **person** any expenses incurred by it in so doing less the amount of the bond paid by the **person** for that purpose, if any, as a debt due to it.

Division 4 – Removed Articles

66. Removed articles

- (1) If an **article** is not claimed by the owner or a **person** on behalf of the owner within 48 hours following its removal, the **general manager** is to give notice to the owner of the **article**.
- (2) A notice is to give the following details -
 - (a) the description of the **article** and any distinguishing features;
 - (b) the place from where it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the **article** may be claimed;
 - (e) the fees, costs and charges payable in respect of the removal, maintenance and storage of the **article**;

- (f) that if not claimed within 14 days that the **article** may be disposed of by the **council**.
- (3) A notice is to be given in writing and delivered to the owner by any means the **general manager** considers appropriate.
- (4) If the owner of the **article** cannot be ascertained or found after making reasonable enquiries, the **general manager** is to publish the notice issued under sub clause (2) on the **Council's** website and hold the **article** for a minimum period of 14 days for collection by the owner.
- (5) Where an **article** is not collected by the owner thereof within the period under sub-clause (2) or on return of the **article** from the council under sub-clause (2), and any fees, costs and charges remain unpaid the **article** may be disposed of in such manner as the **general manager** thinks fit.

67. Storage and disposal of unclaimed articles

- (1) Unless provided for under sub-clause (3), any **article**, other than **hazardous waste** and a spilt **substance**, will be stored in a safe location for collection of the owner thereof on payment of the fees, costs or charges specified in a notice under clause 68
- (2) A **vessel** moved under sub-clause (1) may be moved to a place of safe anchorage.
- (3) Where an **article**, other than **hazardous waste** and a spilt **substance**, is required by the **council** for the prosecution of an offence under this By-law, the **article** may only be released to the owner following the completion of the prosecution proceedings and return of the **article** from the Court and on payment of the fees, costs or charges specified in a notice under clause 65 or as otherwise directed by a court.

68. Fees, costs and charges

- (1) The owner of an **article** is liable to pay-
 - (a) any fees, costs and charges specified in a notice under clause 66; and
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the **article** once removed.
 - (c) any further fees, costs and charges incurred in the disposal of the **article**.
- (2) Any unpaid fees, costs and charges is a debt due to the **council** and may be recovered by the **council** in a court of competent jurisdiction.
- (3) The **general manager** may retain an **article** until any fees, costs and charges specified in a notice are paid.

PART 7 OFFENCES AND INFRINGEMENT NOTICES

69. Offences

A **person** who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of such offence.

70. Continuing offences

- (1) Where a **person**:
 - (a) commits an offence under this By-law; and
 - (b) is given notice of the offence; and
 - (c) continues to carry out the act or omission that constituted the offence after first being given notice of the offence; and
 - (d) is subsequently convicted of the offence,the **person** is liable to a further fine of 2 **penalty units** for each day during which the act or omission continues after the person was given notice of the offence.
- (2) The penalty in sub-clause (1) does not displace the penalty specifically as specific in this By-law for the offence and is to be imposed in addition to the penalty for the offence.

(3). In this clause, convicted includes a deemed conviction, such as a result of a **person** paying an infringement notice or failing to elect to have a matter referred to a court as provided in the *Monetary Penalties Enforcement Act 2005*.

71. Infringement notices

(1) In this clause –

“specified offence” means an offence against the clause specified in column 1 of Schedule 1.

(2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 or 4 (as applicable) of Schedule 1 is the monetary penalty payable under the infringement notice for that offence.

(3) An **authorised officer** may –

(a) issue an infringement notice to a **person** who the **authorised officer** has reason to believe is guilty of a specified offence; and

(b) issue one infringement notice in respect of more than one specified offence.

(4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.

72. Service of infringement notice

(1) Section 29AB of the *Acts Interpretation Act 1931* applies to an infringement notice.

(2) In addition to any other method of service, an infringement notice alleging that a **vehicle** has been used in relation to a specified offence may be duly served by affixing the infringement notice to that **vehicle**.

73. Monies payable to council as a recoverable debt

All monies payable to the **council** or **general manager** in respect of an infringement notice are a debt due to the **council** and recoverable at law.

SCHEDULE

INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty units)	Column 4 REDUCED PENALTY if paid within 14 days of the date of the infringement notice (Penalty units)
7(3)	Fail to comply with terms and conditions of notice	1	.75
10(6)	Enter a council property during the period of a ban	2	-
15(5)	Fail to comply with terms and conditions of a permit	1	.75
21(1)	Fail to produce permit if requested	.75	.5
21(2)	Fail to answer questions	1.5	-
24	Unreasonably interfere with lawful and peaceable use of a council property	1.5	1.25
25(a)	Enter into or remain in a council property that is closed	1.25	1
25(b)	Enter into a hired council property without authorisation	1.25	1
25(c)	Remain in a council property without paying the correct fee	1.25	1
26(a)	Conduct a function in a council property	1.5	1.25
26(b)	Conduct an event in a council property	1.5	1.25
27(1)(a)	Charge admission to a council property	2	1.75
27(1)(b)	Conduct amusement or entertainment for financial reward in a council property	2	1.75
27(1)(c)	Organise/Participate in preaching, public speaking or similar activity in a council property	1	.75
27(1)(d)	Take up collection of money in a council property	.75	.5
28(1)(a)	Participating in organised sport in a council property	1	.75
28(1)(b)	Enter onto a council property whilst sport is being played	2	1.75
28(1)(c)	Playing or practicing golf on a council property outside designated area	.75	.5
29(a)	Erect or display signage in a council property	1	.75
29(b)	Distribute notices and pamphlets in a council property	.5	.25
30	Use of firearms or fire works in a council property	2	1.75
31	Fail to be decently clothed in a council property	1	.75
32	Loitering in a change room or public toilet in a council property	2	-
33(1)	Enter a council property with infection or contagious disease	2	1.75
33(2)	Fail to be in a reasonable level of cleanliness in a council property	.75	.5
34	Camp in a council property	1.5	1.25
35(1)(a)	Permit animal to graze or stray into a council property	1.25	1
35(1)(b)	Possess or be in charge of an animal in a council property not under effective control	1.5	1.25
36(1)(a)	Carry on a commercial activity in a council property	2	1.75
37(a)	Sale of liquor in a council property	2	1.75
37(b)	Sale of liquor without/in contravention of a liquor licence	2	1.75
38(1)(a)	Drive a vehicle in a council property	2	1.75
38(1)(b)	Ride a conveyance in a council property	1	.75
38(2)	Operate an aircraft from or onto a council property	2	1.75
39(1)(a)	Interfere with infrastructure / a council property	2	-

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39(1)(b)	Erect a structure in a council property	1.25	1
39(1)(c)	Use or install machinery or equipment in a council property	1.5	1.25
39(1)(d)	Drive a vehicle causing damage to footpath/kerb/gutter/nature strip	2	1.25
39(1)(e)	Drive over footpath/kerb/gutter/nature strip from construction site other than at a designated crossing	1.5	1.25
39(1)(f)	Drive vehicle in a council property with matter adhered to the wheels	.75	.5
39(1)(g)	Drive vehicle in a council property without suitable tyres or protected tracks	.75	.5
39(1)(h)	Create an entrance to a council property	1	.75
40(1)(a)	Misuse or damage children's play equipment in children's playground	1.5	1.25
40(1)(b)	Use children's play equipment in children's playground by a person of an age contrary to a sign	.5	.25
40(1)(c)	Use a public rubbish bin to dispose commercial waste/clean fill/inert waste/hard waste/general waste	1.5	1.25
40(1)(d)	Place or deposit unapproved substance in a dump point	1.5	1.25
40(1)(e)	Use a dump point to dispose of sewerage from private land	1.5	1.25
40(1)(f)	Discharge substance other than stormwater into a public stormwater system	1.5	1.25
40(1)(g)	Light or maintain a fire in a council property	1.5	1.25
40(1)(h)	Dump hot waste in a council property	1.5	1.25
40(1)(i)	Take water for use outside of a council property	1.5	1.25
40(1)(j)	Fail to turn off water tap or outlet in a council property	.5	.25
41(1)(a)	Put or place a polluting matter in a council property	2	1.75
41(1)(b)	Urinate or defecate in a council property	1.5	1.25
42(1)(a)	Deposit or drop material in a council property	1	.75
42(1)(b)	Deposit or drop hazardous waste in a council property	2	1.75
42(1)(c)	Place or mix a substance in a council property	1	.75
43	Remove or take materials from a council property	2	-
44(1)(a)	Place an obstruction in a council property	1	.75
44(1)(b)	Place an object to prevent or inhibit parking in a council property	.75	.5
44(1)(c)	Enclose a council property	.75	.5
44(1)(d)	Obstruct passage of persons, vehicles or goods in a council property	.75	.5
44(1)(e)	Moor a vessel to obstruct another vessel using or leaving a marine facility	.75	.5
44(1)(f)	Moor a vessel in excess of 2 consecutive nights at a marine facility	.75	.5
45(1)(a)	Park on or over a footpath/kerb/gutter/nature strip in a council property	.5	.25
45(1)(b)	Place skip bin/ waste collection bin in a council property	.5	.25
45(1)(c)	Park a trailer in a council property	.5	.25
45(1)(d)	Park in area outside designated parking area in a council property	.5	.25
45(1)(e)	Park in a manner outside of designated parking space/otherwise than as directed/obstructing entry or exit of a vehicle in a council property	.75	.5
45(1)(f)	Park to obstruct access to a council property	.75	.5
47(2)	Undertake works on a road	2	-
50(1)	Deposit waste at a waste management facility outside of operating hours/without paying charge	2	-
50(2)	Fail to comply with a direction at a waste management	1	.75

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	facility		
51(1)(a)	Deposit excluded waste in a waste management facility	2	-
51(1)(b)	Deposit a declared weed in a waste management facility	2	-
51(1)(c)	Deposit animal manure/ hazardous waste/hard waste/inert waste/clean fill/commercial waste in a waste management facility	2	-
51(1)(d)	Deposit waste likely to pose a substantive and unacceptable hazard in a waste management facility	2	-
51(1)(e)	Deposit unsecured items capable of becoming airborne	1	.75
52(1)(a)	Plant or damage vegetation in a council property	1.5	1.25
52(1)(b)	Remove wood or timber from a council property	2	1.75
52(1)(c)	Take wildlife or wildlife products from a council property	2	1.75
52(1)(d)	Lay/set trap/deposit poison or chemical substance on a council property	2	1.75
52(1)(e)	Interfere with breeding/habitation of wildlife in a council property	2	1.75
52(1)(f)	Intentionally interfere with any wildlife in a council property	2	1.75
52(1)(g)	Feed any wildlife in a council property	.5	.25
52(1)(h)	Mark out track or route in a council property	.75	.5
52(1)(i)	Erect a cairn or memorial in a council property	.75	.5
52(1)(j)	Bring or be in possession of a declared weed in a council property	2	-
52(1)(k)	Dispose of waste in a council property	1	.75
53(1)	Dispose of sewerage in an unapproved manner on any land	2	-
54(1)	Fail to ensure an animal does not become a nuisance	1.5	1.25
55(1)(a)	Keep more than 6 birds of poultry in a residential area	1	.75
55(1)(b)	Keep a rooster in a residential area	2	-
56(6)	Collect waste placed for collection by Council's kerbside collection service	2	-
57(4)	Fail to comply with terms and conditions of a kerbside collection service	1	.75
58(a)	Fail to store mobile garbage bin within premises	1	.75
58(b)	Fail to keep mobile garbage bin in good repair/sanitary condition	1	.75
58(c)	Fail to clean and disinfect mobile garbage bin as required by an authorised officer	1	.75
58(d)	Fail to place mobile garbage bin for collection in notified place and manner	1	.75
58(e)	Fail to ensure contents of mobile garbage bin do not exceed 50kgs	1	.75
58(f)	Place matter in mobile garbage bin other than specified waste	2	1.75
58(g)	Place matter in mobile garbage bin other than specified recyclables	2	1.75
58(h)	Place unapproved matter in a mobile garbage bin	2	1.75
58(i)	Place mobile garbage bin in position to block/obstruct pedestrians	.75	.5
58(j)	Load mobile garbage bin preventing the complete closing of the lid	.75	.5
58(k)	Fail to remove mobile garbage bin after collection	.75	.5
60(6)	Fail to leave a council property when requested by an authorised officer	2	-
61(2)	Fail to supply name and address	1.5	-
64(1)	Fail to comply with notice/direction	1.5	1.25

PROPOSED BY-LAW

CERTIFICATION

Certified as being in accordance with the Law by:

XX
Legal Practitioner

Dated XX day of XXXX, 2026 at Huonville

Certified as being made in accordance with the *Local Government Act 1993*.

LACHLAN KRANZ, Chief
Executive Officer being the
General Manager appointed
under section 61 of the *Local
Government Act 1993*

Dated XX day of XXXX, 2026 at Huonville

The Common Seal of the Huon Valley Council has been hereunto affixed this XX day of XXXX, 2026 pursuant to a resolution of the Council passed the XX day of XXXX, 2026 in the presence of:

(seal)

LACHLAN KRANZ, Chief
Executive Officer being the
General Manager appointed
under section 61 of the *Local
Government Act 1993*