

## **PART 9 PUBLIC PLACES, PARKS & FORESHORE AND COUNCIL BUILDINGS**

### **PUBLIC PLACES**

#### **69. BEHAVIOUR IN MUNICIPAL PLACES - PROHIBITIONS**

*Council's Municipal Places refers to all those areas controlled and managed by the Council, whether Reserves, Buildings or other places. These places are public assets and exist for the provision of services to the public, to enhance the environment, as places of work for employees and contractors of the Council, and for the general enjoyment, comfort and amenity of the community.*

A Person must not, while in a Municipal Place, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Place by any other Person.

Penalty: 10 Penalty Units

*Guidelines for determining whether behaviour in a Municipal Place is in breach of this Local Law, as determined by the Council from time to time, are incorporated in Schedule 1.*

#### **70. DAMAGING/DEFACING A MUNICIPAL PLACE**

A Person must not, unless employed, authorised or contracted by the Council for the purpose, do the following in or on a Municipal Place:

- (1) destroy, damage or interfere with a Municipal Place;
- (2) destroy, damage, remove or interfere with any Trees or plants on or within a Municipal Place;
- (3) remove anything belonging to the Council from any Municipal Place unless allowed by the Council, whether under this Local Law or otherwise; or
- (4) destroy, damage or interfere with any property or assets owned or managed by the Council.

Penalty: 20 Penalty Units

#### **71. INTERFERENCE WITH A WATER COURSE ETC**

A Person must not, without a Permit or unless employed or contracted by the Council for the purpose, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert, or any directly adjoining fence, vested in or under the control of the Council.

Penalty: 20 Penalty Units

*Guidelines for granting a Permit under this clause are the same Guidelines as for determining whether to grant either an Asset Protection Permit under Clause 64. Building Works on Private Property or a Drainage Tapping Permit under Clause 60. Drainage Tappings.*

## **72. OBSTRUCTIONS ON COUNCIL LAND**

Where, in the reasonable opinion of an Authorised or Delegated Officer, a rubbish container, clothing recycling bin, movable structure, device, material or other object on Council Land is:

- (1) causing an obstruction;
- (2) a danger to Persons; or
- (3) in the way of or likely to obstruct traffic,

the rubbish container, clothing recycling bin, movable structure, device, material or other object will be dealt with in accordance with Schedule 11 to the Act , and the owner, occupier and/or Person responsible for the placement and location of the object is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

*Schedule 11.5 of the Local Government Act 1989 as amended from time to time is incorporated in Schedule 2 to this Local Law.*

*See also the following clauses in this Local Law (and Guidelines in Schedule 1):*

- *Part 6 Vehicles and Roads: 43. Placing Bulk Rubbish Containers;*
- *Part 7 Business and Builders: 59. Trade Waste and Waste Hoppers.*

## **PARKS & FORESHORE**

*(Note: Local laws controlling Municipal Places (ccl.69 -72) also apply to Municipal Reserves.)*

### **73. BEHAVIOUR WITHIN A MUNICIPAL RESERVE - PROHIBITIONS**

*Council Reserves, including open space, flora, fauna and the built and natural environment, are for the enjoyment of the community, the enhancement of a public asset and the protection of the environmental.*

A Person must not, while in a Municipal Reserve, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Reserve by any other Person.

Penalty: 10 Penalty Units

*Guidelines relating to whether behaviour in a Municipal Reserve constitutes an offence, as determined by the Council from time to time, are incorporated in this Local Law in Schedule 1.*

### **74. USE OF MUNICIPAL RESERVES - PERMITS**

*Municipal Reserves, including open space, flora, fauna and the built and natural environment, are for the enjoyment of the community, the enhancement of a public asset and the protection of environmental values.*

*Any activity which goes beyond the quiet enjoyment of a Municipal Reserve by individuals and small groups, requires a permit to ensure the fair sharing of limited public open space and the maximum enjoyment of the community.*

A Person who is required by this Local Law to obtain a Permit in order to use a Municipal Reserve in a specified way must not use the Municipal Reserve in this way without a Permit.

Penalty: 20 Penalty Units

*Guidelines for uses requiring a Permit, as determined by the Council from time to time, are incorporated in this Local Law in Schedule 1.*

### **75. ACCESS TO MUNICIPAL RESERVES**

- (1) Except as determined otherwise by the Council or an Authorised or Delegated Officer, all Municipal Reserves are open to the public from sunrise to sunset free of charge on any day.
- (2) The Council or an Authorised or Delegated Officer may, in the case of any Municipal Reserve, set aside days and times upon which charges or entrance fees may be made for the use of the Municipal Reserve.
- (3) The Council or an Authorised or Delegated Officer may restrict access to any part of a Municipal Reserve, whether for temporary works, for long or short-term lease use or any other purpose, and public access to such

restricted areas may be non-existent, limited by condition or subject to a fee or donation.

- (4) A Person must not enter any Municipal Reserve, whether open to the public or subject to restricted access, other than via designated access points (where applicable), during hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of Council staff or authorised contractor in the course of their employment.

Penalty: 10 Penalty Units

## **76. CAMPING PROHIBITED ON COUNCIL LAND**

A Person must not camp on Council Land in a tent, caravan, campervan or other temporary or makeshift structure unless such Person is within a licensed caravan park or an area determined to be available for camping purposes by the Council.

Penalty: 10 Penalty Units.

*(Camping on Private Property may be permitted, subject to a Permit: see Clause 33. Camping on Private Land.)*

## **77. LIGHTING FIRES**

- (1) A Person must not, without a Permit, light or cause to be lit any fire on or in any Municipal Place or Municipal Reserve.

Penalty: 20 Penalty Units

- (2) A Person must not, without a Permit, use or congregate around a fire which has been lit on or in any Municipal Place or Municipal Reserve.

Penalty: 20 Penalty Units

- (3) A Person who lit or caused to be lit any fire, or a Person who assisted in or has been party to the preparation for the lighting of a fire by another on or in a Municipal Place or Municipal Reserve, must not allow that fire to remain alight.

Penalty: 20 Penalty Units

- (4) A member of Council staff or a Person contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as part of normal scheduled parks maintenance on any Council Land.

*Guidelines for granting Permits for Lighting Fires on Municipal Reserves under this clause are the same Guidelines used for determining whether to issue a Permit for the Use of Municipal Reserve under Clause 73. Use of a Municipal Reserve.*

## **78. FILMING ON COUNCIL LAND**

- (1) A Person must not, without a Permit, undertake any Filming on any Council Land where the Filming is for any commercial purpose and/or television broadcasting purpose.

Penalty: 20 Penalty Units

- (2) In addition to the requirement to obtain a Permit for Filming on any Council Land, a Permit-holder must comply with any policy or protocol adopted by the Council and relevant to that activity.

#### **79. PARKING ON MUNICIPAL RESERVES**

- (1) A Person must not, without a Use of Municipal Reserves Permit, park any motor car, motor cycle or other motor vehicle on any part of any Municipal Reserve other than in any parking area set aside for that purpose by the Council or agreed to by the Council or an Authorised or Delegated Officer.

Penalty: 5 Penalty Units

- (2) Sub-clause (1) does not include any employee or contractor of the Council acting in the course of his or her duties.

*Guidelines for the Use of Municipal Reserves Permit (see Cl.73), as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

#### **80. RIDING ANIMALS ON COUNCIL LAND**

- (1) A Person must not, without a Permit or unless the Person is a member of the Victoria Police acting in the course of his or her duties, ride or lead a horse, camel or any other mountable Animal or cause or authorise another Person to ride or lead such an Animal upon any Council Land.

Penalty: 10 Penalty Units

- (2) An Authorised or Delegated Officer may issue a Permit for a horse or mountable Animal to be ridden or led upon Council Land where it is reasonably necessary for this to take place and there is no reasonable and safe alternative.
- (3) A Permit issued by the Authorised or Delegated Officer may contain any conditions that the Authorised or Delegated Officer considers necessary.

*Guidelines for the issue of this Permit are the same as for the Use of Municipal Reserves Permit (see Cl.73), as determined by the Council from time to time, are incorporated in Schedule 1 of this local law.*

#### **80A. FEEDING OF BIRDS ON PUBLIC LAND**

- (1) An Authorised Officer may direct a person on Council Land not to:
  - a. feed or continue to feed; or
  - b. allow or cause to be fed any bird on that Council land.
- (2) A person to whom a direction is given under sub-clause (1) must comply with that direction.

Penalty: 10 Penalty Units

**(81) USE OF WHEELED NON-MOTORISED RECREATIONAL DEVICES & WHEELED CHILD’S TOYS**

- (1) The Council may designate areas in which Wheeled Non-Motorised Recreational Devices and/or Wheeled Child’s Toys must not be used.
- (2) If the Council designates areas in which Wheeled Non-Motorised Recreational Devices and/or Wheeled Child’s Toys must not be used, it must cause signs to be erected in or on the areas designated by it, clearly indicating the location and extent of the area in which Wheeled Non-Motorised Recreational Devices or Wheeled Child’s Toys (as the case may be) must not be used.
- (3) A Person must not use a Wheeled Non-Motorised Recreational Device and/or Wheeled Child’s Toy in an area designated by the Council as an area in which the use of such is prohibited.

Penalty: 10 Penalty Units

- (4) Where the Council fails to erect and maintain signs as required under sub-clause (2), no Person may be prosecuted for an offence against sub-clause (3).

**(82) USE IN NON-DESIGNATED AREAS**

- (1) Where any Person continues to use a Wheeled Non-Motorised Recreational Device or Wheeled Child’s Toy in contravention of this clause 81 after an Authorised Officer has issued a warning to the user, the Wheeled Non-Motorised Recreational Device or Wheeled Child’s Toy (as the case may be) may be removed by an Authorised Officer and impounded.
- (2) When a Wheeled Non-Motorised Recreational Device or Wheeled Child’s Toy has been impounded, there must be compliance with the provisions of clause 15.

**(83) CONTROL OF BATHING BOXES**

- (1) A Person must not erect, place, establish, maintain or keep or cause to be placed, erected, established, maintained or kept in a Municipal Reserve any Bathing Box unless such Person is the holder of a licence from the Council.

Penalty: 20 Penalty Units

- (2) Any licence for a Bathing Box expires at 30 September next following its issue.
- (3) A licence may be refused to any Person who is not a bona fide owner or occupier of a Dwelling within the Municipal District.
- (4) The holder of any licence must pay the fee fixed by the Council in every year by the date determined by the Council.

*Guidelines for the issue or transfer of Bathing Box Licences, as determined by the Council from time to time, are incorporated in this Local Law in Schedule 1.*

## COUNCIL BUILDINGS

*(Note: Local laws controlling Municipal Places (ccl.69 -72) also apply to Municipal Buildings.)*

### **(84) BEHAVIOUR IN A MUNICIPAL BUILDING - PROHIBITIONS**

*Council's Municipal Buildings exist for the provision of a of services to the public, as places of work for employees and contractors of Council, as meeting places for elected Councillors and the community, and for the general enjoyment, comfort and amenity of the community.*

A Person must not, while in a Municipal Building, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Building by any other Person.

Penalty: 10 Penalty Units

*Guidelines for determining whether behaviour in a municipal building is an offence, as determined by the Council from time to time, are incorporated in this Local Law in Schedule 1.*

### **(85) AVAILABILITY AND HIRE**

- (1) A Person must not organise or undertake any event in a Municipal Building without the consent of the Council.

Penalty: 10 Penalty Units

- (2) During any period for which a Municipal Building or any part of it has been hired out, the Manager may refuse admission to it to any Person who is not connected with the hiring purpose.