

**HUON VALLEY COUNCIL**

**ROADS (LOCAL HIGHWAYS) BY-LAW**

**BY-LAW NO. 1 OF 2014**

By-law made under Section 145 of the *Local Government Act 1993* for the purpose of regulating and controlling conduct on and use of the roads in the Huon Valley municipal area and prescribing the standard requirements for the construction of local highways and crossings.

**PART 1 – PRELIMINARY**

**Short Title**

1. This By-law may be cited as the *Roads (Local Highways) By-law 2014*.

**Repeal**

2. The *Roads (Local Highways) By-law* No.16 of 2004 made the 9<sup>th</sup> day of December 2004 and notified in the Tasmanian Government Gazette on the 6<sup>th</sup> day of April 2005 at page 638 is repealed.

**Application**

3. This By-law applies to the municipal area of the Huon Valley Council.

**Interpretation**

4. In this By-law:

“Act” means the *Local Government (Highways) Act 1982*;

“article” means any vehicle, item or thing removed by an authorised officer or the Council pursuant to this By-law;

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

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

“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 trailers from a road to land;

“electoral sign” means a sign erected for the purpose of standing as a candidate in a Federal 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 a road or part of a road or for any other purpose which exclude members of the public’s normal use of that road;

“furniture” includes chairs, tables, barriers, display stands, panels and umbrellas;

“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;

“hazardous material” means glass, filth, dust, ashes, refuse, oil, liquid and animal droppings or other offensive or hazardous substances;

“land” means land in the municipal area;

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

“motor vehicle” means a motor vehicle as defined in the *Road Rules 2009*;

“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;

“permit” means a permit issued under Part 7 of this By-law;

“permit holder” means a person to whom a permit is issued under Part 7 of this By-law;

“premises” means any premises registered by the Council pursuant to the requirements of the *Food Act 2003*;

“proprietor” means the person who is the holder of the registration issued for the premises;

“road” means:

- (a) any highway, local highway or country highway as defined under the Act;
- (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;

“sign” means any board, sign, plaque, or banner which in any way makes an announcement or is an advertisement for any restaurant, shop, place of business, product, wares or any other thing which is not approved and permanently attached to any building or other structure;

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

“street dining” means the consumption of food and or beverages by customers seated in an area on a road external to premises;

“street rubbish bin” means a rubbish bin installed by the Council on a road;

“substance” means any concrete, lime concrete, asphaltic concrete, cement, cement mortar, lime mortar, tar, soil, sand, stone, paint, firewood, or other substance;

“trailer” means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

“vehicle” means a vehicle as defined by the *Traffic Act 1925*;

“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 – STANDARD REQUIREMENTS**

### **Standard Requirements**

5. For the purposes of the Act, 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.

## **PART 3 – CROSSING OF FOOTPATHS, GUTTERS AND KERBS**

### **Division 1 – Crossings**

#### **Construction of crossings**

6. A person must not construct or lay down a crossing without a permit.  
Penalty: A fine not exceeding 5 penalty units.

#### **Notice relating to crossings**

7. The general manager may give notice to the owner of any land which abuts a road 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 2 – Crossing of Footpath, Kerbs and Gutters by Vehicles**

### **Driving vehicle over footpaths, kerbs and gutters**

8. (1) A person must not cause or allow to be caused any damage to a footpath, kerb, gutter or nature strip of a road.

Penalty: A fine not exceeding 5 penalty units.

(2) A person must not drive a vehicle or allow a vehicle to be driven over a footpath, kerb, gutter or nature strip of a road to or from any land where building or excavating works are, or are about to be, in progress other than over the designated crossing unless the owner of the land, or the builder or contractor who has conduct of the work has a permit to do so.

Penalty: A fine not exceeding 10 penalty units.

(3) The general manager may give notice to a person who has contravened this clause requiring that person to repair any damage occasioned to a road as a result of the contravention.

## **Division 3 - Repairs and Expenses**

### **Council's expenses**

9. The Council may repair any damage occasioned to a road as a result of a contravention of this Part and recover the cost of the repairs as a debt payable to it from the person who has contravened this Part.

## **PART 4 – WORKS ON ROADS**

### **Undertaking Works On Roads**

10. (1) For the purposes of Section 46 of the Act 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 a permit.

Penalty: A fine not exceeding 20 penalty units and in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

(3) The general manager may give notice to a person who has contravened this clause requiring that person to repair any damage occasioned to a road as a result of the contravention or the Council may repair any damage occasioned to a road as a result of the contravention and recover the cost of the repairs as a debt payable to it from the person who has contravened this clause.

## **PART 5 – USE OF ROADS**

### **Division 1 – Occupation, Obstruction or Closure of a Road**

#### **Occupation of Roads**

- 11.** A person must not occupy, hold or conduct an event on, place any obstruction on or enclose a road or part of a road without a permit.

Penalty: A fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

### **Division 2 – Signs, Parking, Advertising and Obstructions on Roads**

#### **Signs on roads**

- 12.** (1) A person must not place, erect, construct or display or cause to be placed, erected, constructed or displayed a sign on a road without a permit.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(2) A person must not place, erect, construct or display or caused to be placed, erected, constructed or displayed an electoral sign on a road.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(3) For the purposes of this clause, in addition to the definition in clause 4, “road” also includes the buildings, structures, works or other things specified in section 30(2) of the Act and traffic signs erected by the Transport Commission.

### **Division 3 – Parking, Advertising and Obstructions on Roads**

#### **Sale of vehicles on a road**

- 13.** (1) A person must not, without a permit, park a vehicle or trailer on a road for the purpose of offering the vehicle or trailer for sale.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(2) This clause does not apply unless an authorised officer has previously placed a notice on the vehicle warning of this offence.

#### **Parking on footpaths or nature strips**

- 14.** (1) A person must not park a vehicle, including a trailer whether attached to a motor vehicle or not, wholly or partly on or over a footpath, kerb, gutter or nature strip without a permit.

Penalty: A fine not exceeding 2 penalty units.

(2) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the vehicle or trailer from the footpath, kerb, gutter or nature strip or the Council may remove the vehicle or trailer and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

### **Parking of skip bins and trailers on roads**

- 15.** (1) A person must not place a skip bin or waste collection bin on a road without a permit unless otherwise allowed by a By-law of the Council.  
Penalty: A fine not exceeding 5 penalty units.
- (2) A person must not park a trailer that is not attached to a motor vehicle on a road without a permit.  
Penalty: A fine not exceeding 2 penalty units.
- (3) It is a defence to an offence in sub-clause (2) 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.
- (4) A person must not park a vehicle or trailer, whether or not it is attached to a motor vehicle, on a road for the purposes of advertising a business without a permit.  
Penalty: A fine not exceeding 5 penalty units.
- (5) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove the skip bin or waste collection bin or the vehicle or trailer from the road, where applicable, or the Council may remove the skip bin or waste collection bin or the vehicle or trailer from the road and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

### **Parking on road closed for carrying out of works**

- 16.** (1) A person must not park a vehicle on a road that is closed for the purpose of carrying out works under the Act.  
Penalty: A fine not exceeding 5 penalty units.
- (2) A road is closed for the purposes of carrying out works under sub-clause (1) if:
- (a) notice has been given by the Council, either by publication in a local newspaper or by letter drop, of the proposed closure or part closure of the road; and
  - (b) appropriate “no parking” or other traffic signs are placed on the road for the purpose of closing part or all of the road.
- (3) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to remove vehicle from the road or where the person has refused to move the vehicle or the owner of the vehicle cannot be located and removal of the vehicle is necessary for Council to carry out the works, the Council may remove the vehicle from the road and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

## **Division 4 – Business Activities**

### **Placement of Stalls on a Road**

- 17.** (1) A person must not set up, place, keep, maintain or park any stall on a road without a permit.  
Penalty: A fine not exceeding 5 penalty units.
- (2) This clause does not apply to a person who is the holder of a permit issued under section 56C of the *Vehicle and Traffic Act 1999*.

### **Street Dining**

**18.** (1) A proprietor must not, without a permit, place, erect or construct or cause to be placed, erected or constructed any furniture on a road for the purpose of encouraging or allowing street dining.

Penalty: A fine not exceeding 5 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

(2) An authorised officer intending to remove any furniture pursuant to clause 38 must give a person who has placed furniture on a road in contravention of this clause at least two (2) days notice of the authorised officer's intention to remove the furniture unless the authorised officer is of the opinion that it is necessary to remove the furniture due to emergency circumstances or in the interest of public health or safety.

### **Street Rubbish Bins**

**19.** A proprietor must not use a street rubbish bin for the disposal of waste from a premises or from street dining.

Penalty: A fine not exceeding 5 penalty units.

## **PART 6 – DAMAGE TO ROADS**

### **Division 1 - Dropping Materials on Roads**

#### **Material on roads**

**20.** A person, other than a Council employee or a contractor authorised by the Council, must not deposit or drop any material or allow any material to flow, fall, be dropped or in any other way be deposited on a road.

Penalty: A fine not exceeding 10 penalty units.

#### **Hazardous Material on roads**

**21.** A person must not deposit or drop any hazardous material or allow any hazardous material to flow, fall, be dropped or in any other way be deposited on a road.

Penalty: A fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine not exceeding 1 penalty unit for each day during which the offence continues.

#### **Wheels of vehicles to be cleaned**

**22.** A person must not drive a vehicle or permit a vehicle to be driven into, over or on any road unless the wheels of that vehicle are first cleaned of any material adhering to those wheels which could be dislodged and transferred to or damage the road surface.

Penalty: A fine not exceeding 5 penalty units.

#### **Notices and Directions**

**23.** (1) An authorised officer may give a notice or direction to:-

- (a) any person who is contravening or has contravened this Division;
- (b) any person who drives a vehicle or who permits a vehicle to be driven from which any material or hazardous material has flowed or fallen from or been dropped or deposited on a road;

(c) any person who is the owner or occupier of any land from which the material or hazardous material has come, requiring or directing that person to remove any material or hazardous material which has flowed or fallen onto or been dropped or deposited on the road or to undertake such works to the land to limit or prevent any hazardous material from flowing or falling onto or being dropped or deposited on the road.

## **Division 2 - Prohibitions**

### **Placing of objects or mixing of substances on the road**

**24.** (1) A person must not use a road for placing or mixing of a substance without a permit.

Penalty: A fine not exceeding 5 penalty units.

(2) A person must not place any object on a road for the purposes of preventing or inhibiting parking without a permit.

Penalty: A fine not exceeding 10 penalty units.

(3) An authorised officer may give a notice or direction to a person who has contravened this clause requiring that person to clean up or remove any substance spilt on a road from the road or to remove the object from the road where applicable or the Council may clean up or remove any substance spilt on a road or remove the object, where applicable, and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

### **Vehicles on roads**

**25.** (1) A person must not, without a permit, drive or propel any mechanically propelled vehicle on any road having a metalled, gravelled or prepared pavement unless the vehicle has:-

(a) rubber tyred or suitably shod wheels; or

(b) the spaces between the diagonal cross-bars on the wheels evenly packed with an approved material.

Penalty: A fine not exceeding 5 penalty units.

(2) The general manager may give a notice to a person who has contravened this clause requiring that person to repair the road to the reasonable satisfaction of the general manager or the Council may repair the road and recover the cost of doing so as a debt payable to it from the person who has contravened this clause.

### **Removal of Materials**

**26.** A person must not, without a permit, remove or take materials from a road without a permit.

Penalty: A fine not exceeding 20 penalty units.

### **Removal of Vegetation**

**27.** A person must not, without a permit, wilfully destroy, cut, pluck, remove, deface or injure any tree, shrub, flower or other vegetation growing on a road.

Penalty: A fine not exceeding 5 penalty units.



## PART 7 – PERMITS

### Applications

28. An application for a permit is to be made to the general manager in writing in a form approved by the general manager 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;
  - (b) a scaled drawing showing the location and extent of the proposed occupation or works;
  - (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 By-law.

### Factors to be considered when granting a Permit

29. In deciding whether or not to grant a permit pursuant to this Part, the general manager may have regard to the following and any other relevant matters:-
- (a) pedestrian amenity and safety;
  - (b) pedestrian access in the area;
  - (c) the maintenance of public order in the area;
  - (d) the movement of traffic in the area;
  - (e) the manner of any proposed sign or advertising;
  - (f) the nature, size, shape, extent and location of any proposed highway furniture;
  - (g) the effect on premises or land in the area;
  - (h) the availability of suitable parking for vehicles in the area;
  - (i) representations made by a police officer;
  - (j) the protection of the road and for the comfort, convenience and safety of the public.

### Conditions of Permit

30. (1) The general manager may grant and issue a permit or refuse to grant and issue a permit on an application made under clause 29.
- (2) A permit is subject to such terms and conditions as the general manager may determine.
- (3) A permit holder must comply with the terms and conditions of a permit.
- Penalty: A fine not exceeding 5 penalty units.

### Bond and Deposit

31. (1) The general manager may, as a condition of a permit, require a person to deposit a cash security or a bank guarantee with the Council or enter into a bond with Council for the payment to Council of such costs as the general manager determines as a reasonable estimate of the cost of the works to be carried out pursuant to this By-law in order to provide security against any reasonable costs which the Council may incur as a result of the execution of that work in the event of a failure to carry out the works by that person.

(2) The general manager may determine that all or part of the deposit referred to is to be retained by the Council as a result of the Council incurring any expense in relation to any failure or refusal by any person to carry out the work as directed.

(3) Monies deposited with the Council in accordance with this clause or the balance of the monies is to be forwarded to the person following final inspection and approval by the general manager of the work carried out.

### **Permits generally**

**32.** A permit 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; and,
- (e) be surrendered to the Council if it is cancelled or when it is due for renewal.

### **Cancellation of Permits**

**33.** (1) The general manager may cancel a permit if a permit holder commits any breach of this By-law or any condition of a permit.

(2) The general manager may cancel a permit if the permit holder:

- (a) is convicted of any offence involving dishonesty; or
- (b) is convicted of any offence involving a breach of public order.

(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 by telephone, email, notice by radio or television in emergency situations or in a situation considered appropriate by the general manager

### **Production of the Permit**

**34.** A permit holder must produce the permit immediately when requested to do so by a police officer or an authorised officer and the holder of the permit will answer all questions which are reasonably necessary to establish that the person is a permit holder.

Penalty: A fine not exceeding 2 penalty units.

### **Assignment of permit**

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

## PART 8 – INFRINGEMENT NOTICES

### Offences

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

### Infringement notices

37. (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 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) Payment of an infringement notice issued under this By-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the notice being referred to the Director, Monetary Enforcement Service appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*.
- (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.

### Monies Payable to Council as a recoverable debt

38. 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.

## PART 9 – ENFORCEMENT

### Enforcement

39. (1) An authorised officer may ask a person whom the authorised officer reasonable believes is offending against this By-law to leave a road.
- (2) A person must obey a request to leave a road given by an authorised officer under sub-clause (1).  
Penalty: 5 penalty units
- (3) An authorised officer may remove any thing which is in or on a road without a permit or the approval of the Council.
- (4) An authorised officer may remove any person whom the authorised officer reasonably believes is offending against this By-law from a road.
- (5) A police officer is authorised to:
- (a) to carry out any action to be able to be carried out by an authorised officer under sub-clauses (3) and (4); and
  - (b) to arrest any person who is on a road whom the police officer reasonably believes is offending against this By-law; and
  - (c) to carry out any action able to be carried out by an authorised officer under clause 40.

### **Supply of Name and Address**

- 40.** (1) If an authorised officer reasonably believes that a person has offended or is offending against this By-law that officer may require that person to supply their full name and address.
- (2) A person must supply their full name and address if requested to do so by an authorised officer under sub-clause (1).
- Penalty: 5 penalty units

### **Removed Articles**

- 41.**(1) If an article is not claimed by the owner or a person on behalf of the owner within 48 hours following its removal, an authorised officer 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 authorised officer considers appropriate.
- (4) If the owner of the article cannot be ascertained or found after making reasonable enquiries, the general manager is to hold the article for a minimum period of 14 days for collection by the owner.

### **Fees, Costs and Charges**

- 42.** (1) The owner of an article is liable to pay-
- (a) any fees, costs and charges specified in a notice under clause 42; 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.

### **Storage and Disposal of Removed Vehicles or Items**

- 43.** (1) Unless provided for under sub-clause (2), any article, other than material, hazardous material 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 42.
- (2) Where an article, other than material, hazardous material 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 42 or as otherwise directed by a court.
- (3) Where an article is not collected by the owner thereof within the period under clause 41 or on return of the article from the court 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.

## **PART 10 – NOTICES AND DIRECTIONS**

### **Notices and directions generally**

- 44.** (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 road and may be in the form of a letter.  
(2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.  
(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 general manager or authorised officer, where applicable, may determine.  
(4) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.  
(5) 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.

### **Non Compliance with Notice**

- 45.** (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 5 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.  
(3) The Council may recover in a court of competent jurisdiction, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

## **PART 11 – MISCELLANEOUS**

### **Referral to Council**

- 46.** 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.

**SCHEDULE 1**

**INFRINGEMENT NOTICE OFFENCES**

<b>Column 1 CLAUSE</b>	<b>Column 2 OFFENCE</b>	<b>Column 3 PENALTY (Penalty Units)</b>
<b>GENERAL DESCRIPTION OF OFFENCE</b>		
<b>6</b>	Construct a crossing without a permit	1
<b>8(1)</b>	Cause damage to footpath/kerb/gutter/nature strip	1.5
<b>8(2)</b>	Drive over footpath/kerb/gutter/nature strip from construction site other than at a designated crossing	2
<b>10(2)</b>	Undertake works on a road without a permit	2
<b>11</b>	Occupy a road without a permit	2
<b>12(1)</b>	Place a sign on a road without a permit	1
<b>12(2)</b>	Place an electoral sign on a road	1
<b>13(1)</b>	Park vehicle on road for purposes of sale	1
<b>14(1)</b>	Park vehicle on footpath/kerb/gutter/nature strip without permit	.25
<b>15(1)</b>	Place skip bin/waste collection bin on road without approval	1
<b>15(2)</b>	Park trailer on road without a permit	.5
<b>15(4)</b>	Park trailer advertising a business on road without a permit	1
<b>16(1)</b>	Park on closed road	1
<b>17(1)</b>	Set up a stall on a road without a permit	1
<b>18(1)</b>	Place street dining furniture on road without a permit	1
<b>19</b>	Use street rubbish bin to dispose of street dining waste	1
<b>20</b>	Deposit material on a road	1
<b>21</b>	Deposit hazardous material on a road	2
<b>22</b>	Drive vehicle on a road with materials adhered to wheels	1
<b>24(1)</b>	Use road for mixing substances without a permit	1.5
<b>24(2)</b>	Place object on road to inhibit parking without a permit	2
<b>25(1)</b>	Drive vehicle on road without suitable tyres or protected tracks	1
<b>26</b>	Remove materials from a road without a permit	4
<b>27</b>	Destroy/damage/remove vegetation from a road without a permit	1
<b>30(3)</b>	Fail to comply with a permit	1
<b>34</b>	Fail to produce a permit on request by a police officer/an authorised officer	.5
<b>39(2)</b>	Fail to obey request to leave a road	1
<b>40(2)</b>	Fail to supply name and address	1
<b>45(1)</b>	Fail to comply with a direction/notice	1

Certified as being in accordance with the Law by:

Matthew Charles Grimsey, Legal Practitioner

Dated this 29<sup>th</sup> day of January, 2015 at Huonville

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

Simone Watson, General Manager

Dated this 29<sup>th</sup> day of January, 2015 at Huonville

The Common Seal of the Huon Valley Council has been hereunto affixed this 29<sup>th</sup> day of January, 2015 pursuant to a resolution of the Council passed the 28<sup>th</sup> day of January, 2015 in the presence of:

(seal)

Simone Watson, General Manager