



CLARENCE CITY COUNCIL PUBLIC PLACES BY-LAW (No. 1 of 2018)

A By-law of the Clarence City Council made under Section 145 of the *Local Government Act 1993* for the purpose of providing for the management and control of public places and the process for permits and licences to be issued by the Clarence City Council in relation to the use of public places in the municipal area.

PART 1- PRELIMINARY

1. Short Title

This By-law may be cited as the Public Places By-law 2018.

2. Commencement

This By-law commences on the date it is published in the Tasmanian Government Gazette. The Clarence City Council Public Places and Permits By-law (No. 1 of 2007) as made on 4 December 2007 and notified in the Tasmanian Government Gazette on 12 December 2007, as amended by erratum notice published 19 December 2007 and by *Local Government (Amendment of By-laws) Order 2008*, is repealed.

3. Application

1. This By-law applies to the municipal area of the Clarence City Council.
2. This By-law does not apply to an alderman, employee, or an agent or contractor of Council whilst undertaking activities in a public place within the municipal area of the Clarence City Council for and on behalf of Council.
3. A permit or licence issued under the City of Clarence Public Places and Permits By-law (No. 1 of 2007) before the commencement of this By-law is a valid permit or licence.

4. Interpretation

In this By-law:

'advertising device' means any sign, device or material attached in any way to a vehicle or trailer for the purpose of advertising;

'aircraft' means any machine that can derive support from the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface and, for the avoidance of doubt, includes drones;

'authorised person' means the General Manager and a person or an employee of the Council appointed by the General Manager as an authorised person for the purposes of this By-law;

'building' includes a building or proposed building or part thereof; or a structure, temporary structure or proposed structure or part thereof and any contents;

'camp' includes to erect a shelter or a building suitable for sleeping in overnight, whether or not that portable shelter is on or attached to a vehicle; or being in any such portable shelter at any time during a night; or 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;

'caravan' means a trailer, van, caravan, campervan or other structure or conveyance that is used, whether regularly or not, for human habitation or occupation;

'children's playground' means any area in which children's play equipment is installed for public use;

'Council' means the Clarence City Council;

'event' means any performance involving a gathering of people including but not limited to a concert or other entertainment, a meeting, parade, sporting event, exhibition, filming or festival, fair, carnival or circus, gathering of people for the sale and purchase of goods, and any markets where private, commercial or charitable groups may gather together using a site on a temporary basis;

'food' has the same meaning as the *Food Act 2003*;

'food business' has the same meaning as under the *Food Act 2003*;

'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;

'goods' means any thing, article, substance or matter and any food in a person's possession for the purpose of sale;

'highway' means any local highway maintainable by the Council pursuant to the *Local Government (Highways) Act 1982* and any street, road, way, mall, road reservation and cul-de-sac under the responsibility or the control of the Council;

'land' means any land in the municipal area and includes, but is not limited to, playgrounds, sporting facilities, buildings and structures permanently fixed to land, land covered by water, and water covering land;

'lease' means a lease agreement entered into by the Council with a person for the use of a public place;

'licence' means a licence issued to a person pursuant to this By-law;

'liquor' has the same meaning as under the *Liquor Licensing Act 1990*;

'municipal area' means the Clarence City Council as defined under section 16 of the *Local Government Act 1993*;

'nature strip' has the same meaning as the *Road Rules 2009 (Tas)*;

'notice' means a notice authorised to be displayed, erected, published or forwarded to another person, by the Council, the General Manager, an authorised person, a police officer, or any other person authorised or approved by the General Manager, and which has been, or is:

- a) displayed or set up in a public place or adjacent to a public place with the approval of the Council, the General Manager, an authorised person; or
- b) published in a daily newspaper circulating, or displayed on a website and placed there with the approval of the Council, the General Manager, an authorised person, or a person on behalf of the Council; or
- c) forwarded by the Council, General Manager or authorised person to a person to whom this By-law applies;
- d) provided as a permit or licence issued to a person in accordance with this By-law; or
- e) printed as part of the written conditions of entry and use of a public place, or a sporting facility and which is set out in a document, that has been provided to a person by the Council, the General Manager, an authorised person or by a person on behalf of or with the agreement of the Council.

"object" means a material thing or article that has either been brought in to a public place or has been lost, left, placed, installed or abandoned in or on a public place and is capable of physical removal and includes abandoned vehicles left in a public place which is not a road or road-related area as defined under the *Road Rules 2009*;

'outdoor dining' means the consumption of food and/or beverages by persons seated in a public place adjacent or near to premises where food and/or beverages are for sale, or have been sold to a person;

'penalty unit' means a sum prescribed under the provisions of the *Penalty and Other Penalties Act 1987*;

'permit' means a permit issued by the General Manager or an authorised person to a person to authorise an activity in a public place pursuant to this By-law;

'permit holder' means a person granted a permit or licence by Council, the General Manager or an authorised person pursuant to this By-law;

'person' includes but is not limited to a natural person, a body corporate, club, association and company;

'plant' includes any tree, shrub, vegetable, flower or grass; or any seed, fruit, timber or product of a plant;

'playground' means an area designated as a playground by the Council;

'police officer' means an officer of Tasmania Police;

'public event' means any public performance involving a gathering of people for a concert or other entertainment, a meeting, parade, sporting event, exhibition, filming or festival, any fair, market or other gathering of people for the sale and purchase of goods, and any markets where private, commercial or charitable groups may gather together using a site on a temporary basis recognised, sponsored or organised by the Council;

'public place' means any land or part of land (including highway) owned by or under the control of the Council, and any publicly accessible land, any sporting facility, any paths, multi-user paths, tracks or trails and any building or structure in or upon that land that is part of any property or facility owned, controlled, managed or maintained by the Council, or which is land or a building that is leased or licensed by the Council to another person or entity, or which is otherwise the responsibility of the Council;

'sale' means to sell, agree to sell, offer or expose for sale, barter or exchange;

'specified offence' means an offence against the clause specified in column 1 of Schedule 1;

'sporting facility' means a public place or part of a public place set apart for the playing or practice of any game or the carrying on of any contest, competition, or exhibition;

'stall' means any structure, article or thing in, upon or under which goods are kept for the purposes of sale;

'vehicle' has the same meaning as in the *Vehicle and Traffic Act 1999*;

'vessel' includes a boat, ship, craft, hovercraft, aircraft or platform, any other form of water craft; any trailer used to transport any of them; and a vehicle that is capable of use in or on water whether floating, partly submersible or submersible and whether or not self-propelled

'wheeled recreational device' has the same definition as the *Road Rules 2009*;

'wildlife' means any living creature other than -

- a) a dog or cat;
- a) domestic stock;
- b) vermin as defined under the *Vermin Control Act 2000*
- c) fish, within the meaning of the *Living Marine Resources Act 1995*; and
- d) an animal that:
 - 1. is being farmed under and in accordance with the *Animal Farming (Registration) Act 1994*; or

- u. has been so farmed and is legally in the possession of any person.

5. Currency of documentation

In this By-law a reference to an Act, regulation, standard, code, publication is to be read as a reference to any subsequent amended, updated, superseded, or altered Act, regulation, standard, code, publication that is current at a point in time.

6. Delegations and appointment of authorised persons

1. Where under this By-law a power or function may be exercised by the General Manager, the General Manager may, in accordance with the *Local Government Act 1993*, delegate to an employee of Council, performance of those powers and functions.
2. The General Manager may appoint a person or an employee of the Council as an authorised person for the purposes of this By-law.

PART 2 - MANAGEMENT AND CONTROL OF PUBLIC PLACES

7. Notices for the control of public places

1. The General Manager may by notice make rules for and regulate the management, control and use of any public place, or a part of a public place in accordance with this By-law.
2. A notice under sub-clause 1 may be placed on the public place or published, displayed or forwarded as the General Manager deems appropriate.
3. A person in a public place must obey the terms and conditions of any notice issued under sub-clause 1.

Penalty: Fine not exceeding 10 penalty units.

8. Issuing of directions and removal of persons

1. An authorised person may issue directions to any person in relation to their use or treatment of or presence in a public place.
2. A direction by an authorised person may be given verbally or in writing.
3. An authorised person may ask a person whom the authorised person reasonably believes is offending or has offended against this By-law to leave a public place.
4. An authorised person may refuse to admit a person to any public place whom the authorised person reasonably believes is offending or has offended against this By-law.
5. An authorised person may remove any person from any public place whom the authorised person reasonably believes is offending against this By-law.
6. A person must obey the requests and directions of an authorised person concerning the use of a public place.

Penalty: Fine not exceeding 10 penalty units

7. If required to do so by the General Manager or an authorised person in relation to a matter arising under this By-law, a person must obey a request to provide his or her name and address when required to do so.

Penalty: Fine not exceeding 5 penalty units

9. Notices and directions generally

1. 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 person, where applicable, may determine.
2. 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.
3. 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 be done only by a person with the appropriate qualification, knowledge or expertise.

4. 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.
5. The Council may recover as a debt payable by that person, 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 this By-law.

10. Powers of police officers

1. An authorised person may obtain the assistance of a police officer in effecting the functions and powers of an authorised person under this By-law.
2. A police officer may remove any person from a public place whom they reasonably believe is committing an offence under this By-law.
3. A police officer may arrest any person who is on a public place whom the police officer reasonably believes is committing an offence under this By-law.

11. Liability of General Manager, authorised persons and police officers

Subject to the provisions of any Act, the General Manager, an authorised person or a police officer is not liable to any person against whom any action is taken pursuant to this By-law, for any honest act or omission done or made in the exercise or purported exercise of the power or in the performance or purported performance of any function, power or authorisation under this By-law.

12. Rectification of damage or breach

1. The General Manager or an authorised person may give notice to a person who has done anything in contravention of this By-law which is capable of being rectified, requiring that person to do work or a thing that the General Manager or authorised person considers is reasonably required to rectify the contravention.
2. A notice given under sub-clause 1:
 - a) is to identify the relevant contravention;
 - b) is to state the work or thing to be done that is required to rectify the contravention;
 - c) is to state the time by which the work or thing is to be completed; and
 - d) may require that the work or thing to be done is to be done only by a person with appropriate qualifications.
3. A person must not fail to comply with a notice given pursuant to sub-clause 1.
Penalty: Fine not exceeding 10 penalty units
4. The General Manager or an authorised person may perform or arrange to rectify the contravention as required under sub-clause 1 if the notice is not complied within the timeframe stipulated in the notice.

13. Recovery of Expenses

In addition to any penalty imposed in relation to any failure by a person to comply with any provisions of this By-law, any expenses incurred by Council as a consequence of that contravention are recoverable by the Council as a debt payable by that person.

14. Disruption of a sporting event

A person must not enter onto a sporting facility while a sporting event is in progress, or enter onto a sporting facility during any period prior to, or after the commencement or completion of a sporting event on that sporting facility without permission from the permit holder, an authorised person, or a police officer.

Penalty: Fine not exceeding 10 penalty units.

15. Banned entry to a public place

1. The General Manager may by notice ban a person who has offended against this By-law from entering a specific public place for such period of time as the General Manager determines.
2. The General Manager may withdraw a ban made under sub-clause 1.
3. A person who has been banned from entering a specific public place under subclause 1 must not enter upon that specific public place during the period for which the ban applies.
Penalty: Fine not exceeding 10 penalty units

16. Closure of public place

- I. The General Manager may close any public place or part thereof to members of the public for such periods as the General Manager may determine for:
 - a) safety reasons; or
 - b) protection of a public place; or
 - c) repair, maintenance or improvement of a public place; or
 - d) the conduct of an event or activity permitted under this By-law.
2. A person must not enter or remain in any part of a public place that is closed to the public unless authorised by permit or licence or with the written approval of the General Manager. **Penalty:** Fine not exceeding 10 penalty units

17. Admission Charges

A person must not charge for admission or take any collection for admission from any person in, or who is about to enter a public place except with the prior written approval of the General Manager, or except in accordance with the terms and conditions of any lease or licence of that public place.

Penalty: Fine not exceeding 5 penalty units

18. Entrance to public place

A person must not use, enter, or attempt to enter, any public place or part of a public place without having paid any fee or charge where applicable, and except by access through gates or entrances commonly used by the public or except in accordance with the terms of any notice, or the requirements of an authorised person.

Penalty: Fine not exceeding 5 penalty units

PART 3 - RESTRICTIONS ON ACTIVITIES IN OR ON A PUBLIC PLACE

19. Nuisances

A person in a public place must not commit a nuisance or cause a nuisance to any other person and must not willfully obstruct, hinder or annoy any member of the public or interfere with the peaceable use of the public place by any other person.

Penalty: Fine not exceeding 5 penalty units

20. Noise

A person in a public place must not, unless authorised by a permit or licence use any broadcasting or amplifiers, loudspeakers, sound systems, loud hailers, radio receivers or devices, musical instruments or any other instruments that produce or relay noise or other sound within a public place so as to cause a nuisance to the public.

Penalty: Fine not exceeding 5 penalty units

21. Vandalism and rubbish

1. A person in a public place must not:
 - a) damage, remove, dispose of, disfigure, paint, or otherwise interfere with any thing in a public place;

- b) do any act or thing that causes, or is likely to cause, any damage to any part of a public place;
- c) mark or write on, deface, or paint graffiti on any thing in a public place;
- d) break any glass or leave any glass, refuse or other litter in a public place except in a designated disposal area such as a rubbish bin or recycling bin;
- e) dump or store any substance or material; or
- f) place, leave or drop any syringe or sharp.

Penalty: Fine not exceeding 10 penalty units for each offence

22. Protection of natural assets

1. A person in a public place must not:

- a) pluck or remove any plant, or break, cut or poison any part of, or in any way interfere with or damage any plant, tree, wood, flower, bush, shrub or garden bed or landscape any part of a public place;
- b) dig, cut, form, reform, excavate in or remove any earth, soil, turf, loam, sand, gravel, stone or other like material;
- c) construct or reconstruct any earth, soil, turf, loam, sand, gravel, stone or other like material;
- d) dam up, divert or pollute any water on or under the surface; or
- e) take or collect any water for sale;

Penalty: Fine not exceeding 20 penalty units for each offence

23. Protection of wildlife

1. A person in a public place must not:

- a) take or have in their possession any wildlife or products of wildlife;
- b) lay or set any trap or snare or deposit any poisonous or chemical substance;
- c) interfere with the nest, breeding place or habitation of any wildlife; or
- d) intentionally disturb any wildlife.

Penalty: Fine not exceeding 5 penalty units for each offence

24. Damage to relics

A person in a public place must not remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, aboriginal relic or any other object of architectural, archaeological, scientific, historical or cultural interest.

Penalty: Fine not exceeding 20 penalty units

25. Cairns and memorials

A person in a public place must not erect a cairn or memorial except with the prior written approval of the General Manager.

Penalty: Fine not exceeding 10 penalty units

26. Declared weeds

A person in a public place must not bring into or be in possession of any plants listed as declared weeds within the meaning of the *Weed Management Act 1999*.

Penalty: Fine not exceeding 5 penalty units

27. Fires

A person in a public place must not light or maintain any fire unless in a place designated for that purpose.

Penalty: Fine not exceeding 10 penalty units

28. Firearms, fireworks, missiles and harmful implements

1. A person in a public place must not:

- a) carry or be in possession of any firearm, weapon, missile or projectile or fireworks; or
- b) use, throw, fire or discharge any firearm, weapon, missile, projectile or fireworks.

Penalty: Fine not exceeding 20 penalty units for each offence.

29. Animals

A person in a public place must not take, permit or allow any animal to be taken into or remain in any part of a public place except for designated areas and in accordance with the provisions of any legislation or as authorised by a permit or licence.

Penalty: Fine not exceeding 5 penalty units for each offence.

30. Use of vehicles

1. A person in a public place must not:

- a) drive or take any vehicle into or onto a public place except in accordance with any directions given by the General Manager, or except in accordance with the terms and conditions of any notice, or the requirements of an authorised person;
- b) park or leave any vehicle in a public place except in an area set aside by Council as a parking area unless authorised to do so by an authorised person;
- c) park or leave any vehicle in a public place in such a way as to obstruct the vision of another person driving a vehicle;
- d) park or leave a vehicle in a position where it obstructs the entry or exit of another vehicle to another parking place or parking area; or
- e) fail to comply with the directions of the General Manager, an authorised person or a police officer supervising vehicles as to the place to park or drive the vehicle; or as to the route or course over which the vehicle is to be driven.

Penalty: Fine not exceeding 10 penalty units for each offence.

31. Private accesses

1. A person must not, without the written approval of the General Manager, create an entrance to a public place that allows a means of access through to that public place except to ingress or egress a highway for vehicular access.

Penalty: Fine not exceeding 5 penalty units

2. The General Manager may by notice require a person to close any entrance that allows access to a public place.

3. A person must not fail to comply with the directions of a notice issued by the General Manager under sub-clause 2.

Penalty: Fine not exceeding 5 penalty units

32. Skateboards and bicycles

1. A person in a public place must not ride, drive or otherwise use any bicycle, quad bike, trail bike, tricycle, segway, wheeled recreational device, or other like vehicle or device in a public place except:

- a) on roads where permitted;
- b) on paths or tracks specifically provided for the type of vehicle or device and where signs or notices authorised by the General Manager indicate that such use is allowed; or
- c) such other public place areas where signs or notices authorised by the General Manager indicate that such use is allowed.

Penalty: Fine not exceeding 5 penalty units for each offence

33. Signage and advertising

1. A person in a public place must not:

- a) paint, affix, or in any manner place any advertisement, bill, poster, sandwich board, notice, or any other like sign in any part of a public place;
- b) erect, exhibit, or display a notice, sign, electoral sign, bill, poster or advertisement on any public place;
- c) give out, distribute, scatter or throw down any handbills, placards, tickets, notices, advertisements, books, cards, offers, pamphlets, papers or like things; or
- d) park or cause to be parked any vehicle or trailer on any public place for the purposes of using such vehicle or trailer as an advertising device otherwise than for or in connection with, bona fide purposes of travel and stopping incidentally to such travel. **Penalty:** Fine not exceeding 5 penalty units for each offence

34. Ball games

A person in a public place, including a playground, must not play or practice cricket, golf, football, hockey or other ball games of a like nature unless in an area designated for that purpose.

Penalty: Fine not exceeding 2 penalty units

35. Playgrounds

1. A person must not:

- a) use any playground equipment in a playground unless the person is of a suitable age for the use of that equipment; or
- b) use any playground equipment contrary to any sign applying to the playground equipment.

Penalty: Fine not exceeding 2 penalty units for each offence

PART 4-ACTIVITIES IN OR ON A PUBLIC PLACE REQUIRING A PERMIT OR LICENCE

36. Business, commercial activity and trade

1. A person in a public place must not, unless authorised by a permit or licence:

- a) carry on any business, commercial activity, profession, trade, or occupation whether for financial reward or consideration or not; or
- b) set up, place, park or moor any vehicle, vessel, caravan, or stall for the purpose of selling any goods, land, or property or for the purpose of offering for sale or hire or in any other way disposing of goods, land or property or in connection with any business, commercial activity, profession, trade, performance or occupation whether for financial reward or consideration or not.

Penalty: Fine not exceeding 10 penalty units for each offence

2. A person must not sell liquor to any person in or on a public place unless authorised by a permit or licence and being the holder of an appropriate authorisation under the *Liquor Licensing Act 1990*.

Penalty: Fine not exceeding 10 penalty units

37. Sporting activity and personal training

1. A person in a public place must not, unless authorised by a permit or licence:

- a) conduct any form of organised sporting activity, training, game, contest, exhibition or competition; or
- b) coach, train or instruct a person in a sporting, recreational or physical fitness activity.

Penalty: Fine not exceeding 5 penalty units for each offence

38. Public assembly, speaking and entertainment

1. A person in a public place must not, unless authorised by a permit or licence:

- a) conduct any amusement, busking, entertainment or performance for financial reward;

- b) organise or participate in an assembly, rally, public speaking or similar activity;
- c) take up a collection of money; or
- d) conduct raffles or prize contests.

Penalty: Fine not exceeding 5 penalty units for each offence

39. Private events and functions

A person in a public place must not, unless authorised by a permit or licence, conduct weddings, formal meetings, private functions, events or other private activities of a like nature.

Penalty: Fine not exceeding 5 penalty units

40. Signage for the promotion of public events

A person in a public place must not, unless authorised to do so within a designated area under a permit or licence, paint, affix, or in any manner place any advertisement, bill, poster, sandwich board, notice, or any other like sign for the purposes of advertising a public event.

Penalty: Fine not exceeding 5 penalty units

41. Structures and obstructions

A person in a public place must not, unless authorised by a permit or licence, leave, erect, place, build, set up or cause to be left, erected, placed, built or set up, upon, under, over or across a public place, any building, structure, sign or obstruction of any kind, whether temporary or not.

Penalty: Fine not exceeding 10 penalty units

42. Camping

A person must not camp in a public place unless authorised by a permit or licence or in an area designated for that purpose.

Penalty: Fine not exceeding 2 penalty units

43. Aircraft

A person in a public place must not, unless authorised by a permit or licence or in the case of an emergency, land or launch any aircraft.

Penalty: Fine not exceeding 5 penalty units

44. Outdoor Dining

A person must not cause or permit any thing including furniture and screening to be placed in any public place or part of a public place for the purpose of encouraging or permitting outdoor dining except in accordance with the terms and conditions of a licence, permit or notice, or in accordance with the approval of the General Manager or an authorised person.

Penalty: Fine not exceeding 10 penalty units

PART 5 -APPLICATION PROCESS FOR A PERMIT OR LICENCE

45. Application for permits and licences

1. A person may make application to the General Manager for a permit or licence to use any public place for those activities provided for under Part 4 of this By-law.
2. An application must be in a form approved by the General Manager and lodged with Council in accordance with the application timeframes set by the General Manager or at least 14 business days before the first day in respect to which the permit or licence is to apply.
3. An application is to be accompanied by the payment of the fee or charge imposed by the Council together with the required information as set out in the form of application.
4. The General Manager may:
 - a) grant a permit or licence on terms and conditions the General Manager considers appropriate; or
 - b) refuse to grant a permit or licence;

on an application made in accordance with this By-law.

5. A permit or licence granted pursuant to this 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; and
 - d) be carried by the permit holder at all times while undertaking the activity approved under the permit or licence.
6. A permit or licence issued pursuant to this By-law is not assignable or transferable except with the written approval of the General Manager.
7. A permit or licence issued pursuant to this By-law may make provision for any appropriate insurance cover as directed or required by the General Manager.
8. A person must comply with the terms and conditions of a permit or licence.

Penalty: Fine not exceeding 5 penalty units

46. Competing Applications

1. If there are competing applications for the use of a public place, the General Manager may determine which application for a permit or licence is to be granted.
2. The General Manager may determine that a prior or later application for a permit or licence to use the same public place is to be granted in preference to any other application for that public place.

47. Security Bond

The General Manager may require a permit holder or person to whom this By-law applies to deposit a sum of money with the Council, or enter into a bond with Council for payment to Council of such amounts as the General Manager may determine in order to provide security against any reasonable costs which the Council may incur as a result of the permit holder's failure to comply with a permit or licence or with the provisions of this By-law.

48. Recovery of costs from security deposits and bonds

1. If a permit holder fails to comply with any terms and conditions of a permit or licence or damages any thing in a public place in the course of their use of a public place, the Council may draw from the deposit or bond paid under clause 47 in order to:
 - a) carry out the permit holder's obligations under the permit or licence;
 - b) reinstate or repair any damage caused; and
 - c) deduct any costs incurred by Council in taking action under this clause.
2. The Council may also recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in carrying out the permit holder's obligations under this By-law less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

49. Suspension or Cancellation of a Permit or Licence

1. The General Manager may suspend or cancel a permit or licence if the permit holder fails to observe or comply with the terms and conditions of the permit, licence or the provisions of this By-law.
2. The General Manager may cancel a permit or licence at their sole discretion to prevent a nuisance being caused or to protect public safety.
3. If a permit or licence is to be suspended or cancelled, the General Manager is to serve a notice on the permit holder stating that the permit or licence is suspended or cancelled and giving the reasons for the suspension or cancellation.
4. The suspension or cancellation of a permit or licence issued pursuant to this By-law is to take effect from the time that the notice of the suspension or cancellation is served on the permit

holder.

5. The General Manager may suspend or cancel a permit or licence by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in situations considered appropriate by the General Manager.
6. A permit holder must not use a public place if a permit or licence for the use of that public place has been suspended or cancelled.
Penalty: Fine not exceeding 10 penalty units
7. Nothing in this clause is to be construed as preventing or prohibiting the General Manager from suspending or cancelling a permit or licence if this is required due to the exercise of any of Council's functions, powers, rights or duties.

PART 6 - REMOVAL OF OBJECTS FROM A PUBLIC PLACE

50. Objects in or on a public place

1. If an object is being used in a public place in a manner that causes or is likely to cause a nuisance or harm, or if an object is placed or left in a public place without the approval of the General Manager or an authorised person, an authorised person or police officer may remove the object or cause it to be removed.
2. If the owner of the object and their address is known to Council, the General Manager or an authorised person is to give notice to the owner to collect the object from Council within 5 business days.
3. If the owner fails to collect the object within 5 business days, the General Manager may cause the object to be returned to the last known address of the owner and any costs incurred in doing so are to be borne by the owner.

51. Removed objects of little or insignificant monetary value

1. If the owner of the object is not known to Council and the General Manager determines that the object is of little or insignificant monetary value, the General Manager may, after 5 business days, dispose of the object without further enquiry.
2. In determining whether an object is of little or insignificant monetary value, the General Manager may have regard as to whether the object is of no value or the amount that might be received from its sale would not be sufficient to defray the cost of its removal from the public place; or, its storage; or, the disposal of the object; or the public advertising in accordance with this Part.

52. Removed objects of monetary value

1. If the General Manager determines that an object is of monetary value and the ownership of the object is not known and it is not claimed by the owner or a person on behalf of the owner within 2 business days following its removal from the public place, the General Manager is to notify by way of public advertisement the removal of the object.
2. A notice under sub-clause 1 is to give the following details:
 - a) the description of the object and any distinguishing features;
 - b) the place from where the object was removed;
 - c) the date on which the object was removed;
 - d) the place from which the object may be claimed;
 - e) the fees, costs and charges payable in respect of the removal, maintenance and storage of the object; and
 - t) that if the object is not claimed within 10 business days that the object may be disposed of by the General Manager.
3. No provision or procedure created under this By-law is to prevent the General Manager or an authorised person from removing an object from a public place, if the object is regarded as dangerous or hazardous to the safety of the public.

53. Fees, Costs and Charges

1. The owner of an object removed in accordance with this By-law is liable to pay to Council:
 - a) any fees, costs and charges specified in a notice under clause 52; and
 - b) any further fees, costs and charges incurred by the Council including but not limited to the removal, storage, further maintenance, advertising and administrative costs in dealing with the object.
2. Any unpaid fees, costs and charges are a debt due to the Council and are recoverable by the Council as a debt payable by the owner.
3. The General Manager may retain an object until any fees, costs and charges specified in a notice are paid.

54. Object required for prosecution

1. Where an object is required by Council for the prosecution of an offence under this By-law, the object is *to* be released to the owner following the completion of the prosecution proceedings and on payment of the fees, costs and charges unless otherwise directed by a court.
2. The General Manager may dispose of an object:
 - a) which is not released to the owner under the prosecution proceedings; or
 - b) in such cases where the fees, costs and charges have not been paid, within 20 business days of the completion of prosecution proceedings.

PART 7 - INFRINGEMENTS

55. Offences

Any person who contravenes or fails to comply with any of the relevant provisions of this By-law is guilty of an offence under this By-law and liable on conviction to the penalty set out in the relevant provision.

56. 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 of Schedule 1 is the penalty payable under the infringement notice for that offence.
3. An authorised person may:
 - a) issue an infringement notice to a person who the authorised person 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.
5. 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 served by affixing it to that vehicle.

57. 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 Council and recoverable at law.

SCHEDULE 1- INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 OFFENCE GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty units)
7(3)	Fail to comply with terms and conditions of a notice	5
8(6)	Fail to comply with the requirements of an authorised person	5
8(7)	Fail to provide name and address	3
12(3)	Fail to comply with a notice	5
14	Enter a sporting facility while a sporting event is in progress without permission	3
15(3)	Fail to comply with ban from public place	5
16(2)	Enter or remain in a public place closed to the public	5
17	Charge admission to a public place without permission	2
18	Use or enter or attempt to enter any public place without having paid the applicable fee or charge	2
19	Commit a nuisance or obstruct, hinder or annoy	2.5
20	Produce or relay noise without permission	2.5
21(1)(a)	Damage or interfere with any thing	3
21(1)(b)	Damage public place	3
21(1)(c)	Graffiti any thing	3
21(1)(d)	Break glass or litter	3
21(1)(e)	Dump or store substance or material	3
21(1)(f)	Place syringe or sharp	3
22(1)(a)	Interfere with vegetation	3
22(1)(b)	Interfere with earth	3
22(1)(c)	Construct or reconstruct any earth	3
22(1)(d)	Interfere with water	3
22(1)(e)	Take or collect water for sale	3
23(1)(a)	Possession of wildlife	2
23(1)(b)	Lay or set trap or poison	2
23(1)(c)	Interfere with nest of wildlife	2
23(1)(d)	Intentionally disturb wildlife	2
24	Interference with relics	10
25	Erect a cairn or memorial without permission	3
26	Possession of weeds	2
27	Light fire without approval	5
28(1)(a)	Possession of firearm, weapon, missile or projectile or fireworks	2.5
28(1)(b)	Use firearm, weapon, missile, projectile or fireworks	2.5
29	Take animal into public place without approval	2
30(1)(a)	Drive or take vehicle into public place contrary to directions	5
30(1)(b)	Park or leave vehicle except in parking area without approval	5
30(1)(c)	Park or leave vehicle to obstruct vision	5
30(1)(d)	Obstruct entry or exit of another vehicle	5
30(1)(e)	Fail to comply with directions	5
31(1)	Create entrance to public place without approval	2.5
31(3)	Fail to comply with the directions of a notice	2.5
32(1)	Use vehicle or device outside permitted areas	2.5
33(1)(a)	Paint, fix, place advertisement	2.5
33(1)(b)	Erect, exhibit, display notice	2.5
33(1)(c)	Give out advertisements	2.5

33(1)(d)	Park advertising device	2.5
34	Play ball games without approval	1
35(1)(a)	Use playground equipment at unsuitable age	1
35(1)(b)	Use playground equipment contrary to sign	1
36(1)(a)	Carry on business without approval	5
36(1)(b)	Sell goods without approval	5
36(2)	Sell liquor without approval	5
37(1)(a)	Conduct organised sporting activity without approval	2.5
37(1)(b)	Coach, train or instruct without approval	2.5
38(1)(a)	Conduct amusement, entertainment without approval	2.5
38(1)(b)	Organise or participate in assembly, rally without approval	2.5
38(1)(c)	Take up a collection of money without approval	2.5
38(1)(d)	Conduct raffle or prize contest without approval	2.5
39	Conduct private functions without approval	2.5
40	Affix sign to advertise a public event without approval	5
41	Structure or obstruction without approval	5
42	Camp without approval	1
43	Use of aircraft without approval	2.5
44	Outdoor dining without approval	5
45(8)	Fail to comply with terms and conditions of a permit or licence	2.5
49(6)	Use of public place under suspension or cancellation	5

Certified as being in accordance with the law



Clare Amy Shea, Legal Practitioner/Government Lawyer

Dated this 20th day of April 2018 at Rosny Park

Certified as being in accordance with the Local Government Act 1993



Andrew Paul, General Manager

Dated this 20th day of April 2018 at Rosny Park

The Common Seal of the Clarence City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 16th day of April 2018 in the presence of:



Andrew Paul, General Manager

Dated this 20th day of April 2018 at Rosny Park