

HOBART CITY COUNCIL

**HEALTH AND ENVIRONMENTAL SERVICES BY-LAW**

BY-LAW 1 of 2008

BY-LAW MADE UNDER SECTION 145

OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF

REGULATING AND CONTROLLING MATTERS OF HEALTH AND

ENVIRONMENTAL SERVICES

**PART 1- PRELIMINARY**

**Repeal**

The Health and Environment Services by-law made on 9 December 1997 and notified in the Tasmanian Government Gazette on Wednesday 27 May, 1998 on page 561, is repealed.

**Short Title**

1. This by-law may be cited as the Health and Environmental Services By-law.

**Interpretation**

2. In this by-law: -

**“accommodation house”** is:-

- a) any house or part of a house or any building or part of a building that provides accommodation for persons for gain as its primary purpose; and
- b) in which tenants may have access to shared sanitary, ablution, lounge, dining and cooking facilities; and
- c) not a facility used for tourist accommodation; and
- d) backpacker accommodation.

An accommodation house for the purposes of Part 5 of this By-Law does not include any accommodation house that is managed, funded licensed, registered, inspected or monitored by any Tasmanian Government agency.

**“the Act”** means the *Local Government Act 1993*;

**“animal”** means an animal referred to in section 3 of the *Animal Welfare Act 1993*.

“**assistance animal**” means an animal referred to in section 9 of the *Disability Discrimination Act 1992*;

“**approved**” means given the appropriate approvals by the Council;

"**authorised officer**" means an employee of the Council authorised by the General Manager for the purposes of this by-law;

“**backpacker accommodation**” means a building (or part of a building not shared with any permanent resident other than on-site management and staff), providing low-cost accommodation for travellers which is not used as their principal place of residence, and which has communal self catering food preparation areas and may include dormitory-style sleeping rooms.

“**clinical and related wastes**” means that waste which has the potential to cause sharps injury, infection or offence, and includes sharps, human tissue waste, laboratory waste, animal waste resulting from medical, dental or veterinary research, or treatment that has the potential to cause disease. Related wastes means wastes within the waste stream, which constitute, or are contaminated with cytotoxic drugs, chemicals, pharmaceuticals;

“**commercial waste**” means component of the waste stream generated from wholesale, retail or service establishments;

“**controlled waste**” has the same meaning as section 3(1) of the *Environmental Management and Pollution Control Act 1994*;

"**Council**" means the Hobart City Council;

“**Council waste collection service**” means the service provided by Council for the collection of domestic and commercial waste upon such terms and conditions determined by Council;

“**domestic waste**” means component of the waste stream arising from households;

"**food**" has the same meaning as section 5 of the *Food Act 2003*;

"**food business**" has the same meaning as section 6 of the *Food Act 2003*;

“**footpath**” means that part of the highway so constructed as to facilitate the movement of pedestrians;

“**General Manager**” means the General Manager of the Council appointed pursuant to section 61 of the Act;

“**hazardous waste**” means component of the waste stream which by its characteristics poses a threat or risk to public health, safety or to the environment;

“**highway**” includes a highway reservation, footpath or mall;

"**keeper**" means a person licensed by the Council to keep an accommodation house;

“**livestock**” has the same meaning as section 1 to Schedule 5 of the *Traffic (Road Rules) Regulations 1999*;

“**nature strip**” means all that part of a highway not constructed for the movement of vehicles or pedestrians;

“**occupier**” for the purposes of Part 3 of this by-law includes a resident or owner of premises;

"**occupy**" for the purposes of Part 6 of this by-law includes reside or live in or use any caravan for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use;

"**owner**" includes the occupier or other person having the control and management of any land or premises;

“**person**” means an individual, corporation, business or any other legal entity;

"**poultry**" includes ducks, fowl, geese, guinea fowl, peacocks, pheasants pigeons and domestic birds including caged birds;

"**Manager Environmental Health**" means the Manager Environmental Health of the Council appointed pursuant to section 64 of the *Local Government Act 1993*;

“**recyclable**” means able to be recovered, processed and used as a raw material for the manufacture of a useful new product through a commercial process;

“**recyclables wheelie bin**” means a container approved by Council for the collection of domestic waste for recycling.

"**sharps**" means objects or devices having sharp points or protuberances or cutting edges capable of cutting or piercing the skin or having potential to become sharps;

“**street litter bin**” means a bin owned by the Council that is placed on a highway for the disposal of waste;

"**tenant**" means a person who is received into an accommodation house for payments;

“**vehicle**” has the same meaning as section 3(1) of the *Traffic Act 1925*;

"**waste depot**" means the area set aside by the Council as a disposal area or tip;

“**waste**” has the same meaning as section 3(1) of the *Environmental Management and Pollution Control Act 1994*;

“**waste storage area**” means an area on either residential or commercial premises that is set aside for the storage of wheelie bins, recycling containers, or other waste containers or bins, but which is not a highway, or nature strip;

“**waste stream**” means the flow of materials from a point of generation to ultimate disposal;

“**wheelie bin**” means a mobile garbage bin as approved by Council.

### **Application**

3. This by-law applies to the Hobart municipal area.

## **PART 2 - DISPOSAL OF SHARPS FROM NON-COMMERCIAL SOURCES**

### **Definition of approved container**

4. For the purposes of this part “approved container” means any rigid walled receptacle in compliance with AS 4031-1992 designed for clinical and related wastes (or other wastes) to be deposited into it.

### **Directions for deposit of sharps from non-commercial sources**

#### **Any person depositing sharps from non-commercial sources**

5. at the waste depot must:-
- a) place any sharps in an approved container for burial; and
  - b) deposit sharps only after having informed the Council officer present; and
  - c) deposit sharps only on the days and at the times fixed by Council; and
  - d) obey any direction given by any Council officer in the waste depot; and
  - e) obey any direction on any sign in the waste depot.

Penalty: 10 penalty units

### **Directions for collection of sharps from non-commercial sources**

6. Any person depositing sharps from non-commercial sources for collection by the Council’s waste collection service must:-
- a) Place any sharps in an approved container; and
  - b) Obey any direction by the General Manager or an authorised officer as to the deposit of sharps from non-commercial sources for collection.

Penalty: 10 penalty units.

## **PART 3 - SOLID WASTE MANAGEMENT**

### ***Division 1 – Wheelie Bins***

#### **Approved wheelie bins**

7. A person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, must use an approved Council wheelie bin for the purposes of the Council waste collection service.

Penalty: 2 penalty units.

#### **General Provisions**

8. (1) A person who is the occupier of a domestic premises or the occupier of a commercial premises using the Council waste collection service is to:-
- a) a) place all commercial and/or household waste in a wheelie bin; and

- b) keep the wheelie bin in good repair and thoroughly clean and sanitary; and
  - c) keep the lid of the wheelie bin closed except when waste is being placed in it.
- (2) A person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service must:-
- a) clean and disinfect the wheelie bin if required to do so by the General Manager; and
  - b) ensure that the contents of the wheelie bin do not exceed 70 kilograms; and
  - c) use the wheelie bin only for a purpose approved by the Council; and
  - d) Leave the wheelie bin at the premises when vacating that premises.

Penalty: 1 penalty unit for breaches of sub-clauses a), b) and c) and 5 penalty units for a breach of sub-clause d).

### ***Division 2 – Recyclables Wheelie Bins***

#### **Approved Recyclables Wheelie Bins**

9. For the purpose of recycling waste that is recyclable through the Council waste collection service, a person who is the occupier of domestic premises, must:-
- a) use only an approved Council recyclables wheelie bin; and
  - b) ensure the total weight of the container and recyclables does not exceed 70 kilograms; and
  - c) leave the approved recyclables wheelie bin at that premises when vacating that premises.

Penalty: 2 penalty units for a breach of sub-clauses a) and b) and 5 penalty units for a breach of sub-clause c).

### ***Division 3 – Waste Storage Areas***

#### **Storage of bins in waste storage area**

10. (1) A person who is the owner or occupier of domestic or commercial premises must:-
- a) equip the premises with a waste storage area in accordance with Council requirements provided that the area does not interfere with emergency service facilities; and
  - b) store wheelie bins or any other waste container or bin in a waste storage area except as otherwise provided by this by-law.

Penalty: 5 penalty units.

- (2) Sub-Clause (1) applies to commercial premises even if the Council waste collection service is not being used by the owner or occupier of that premises.

## ***Division 4 – Waste Collection***

### **Waste collection from wheelie bins**

11. (1) For the purposes of the Council waste collection service a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, is to:-
- a) place a wheelie bin out between 6pm on the evening preceding collection and before 6am on the designated day of collection; and
  - b) place a wheelie bin in a location as close as possible to the street entrance of that premises so as not to obstruct or hinder the movement of pedestrians or traffic, or at a location approved by the General Manager; and
  - c) be responsible for the clean up of any waste spilt prior to the Council waste collection service.
- (2) For the purposes of the Council waste collection service, a person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service must:-
- a) place out no more than one wheelie bin per premises per week, unless otherwise approved by the General Manager; and
  - b) ensure all waste is properly secured within the wheelie bin and not capable of being scattered by the wind during the Council waste collection service; and
  - c) return the wheelie bin to the waste storage area within 24 hours of waste collection.

Penalty: 2 penalty units.

### **Commercial premises to return waste bins or containers to waste storage area**

12. A person who is the occupier of commercial premises not using the Council waste collection service, who places or permits to be placed a bin or container of waste on the highway or nature strip for the purposes of collection must:-
- a) return the bin or container to the waste storage area as soon as practicable after waste collection; and
  - b) not leave, or allow to be left, the bin or container on the highway or nature strip for more than 24 hours per week.

Penalty: 5 penalty units.

### **Recycling collection**

13. (1) For the purposes of Council waste collection service for recyclables a person who is the occupier of premises where the service operates is to:-
- a) place the recyclables wheelie bin out between 6pm on the evening preceding collection and before 6am on the designated date of collection; and
  - b) place the recyclables wheelie bin in a location as close as possible to the street entrance of that premises so as to not obstruct or hinder the movement of pedestrians or traffic, or in a location as approved by the General Manager; and
  - c) place only Council approved recyclables in the recyclables wheelie bin; and
  - d) be responsible for the clean up of waste spilt prior to collection; and

e) ensure recyclables do not prevent the lid of the recyclables wheelie bin from fully closing..

(2) A person who is the occupier of premises must return the recyclables wheelie bin to the waste storage area within 24 hours of the Council waste collection service for recyclables.

Penalty: 2 penalty units.

### **Hazardous substances**

14. A person must not place in any wheelie bin or recyclables wheelie bin any thing or substance that:-

- (a) is hot, or is likely to become hot; or
- (b) may, or is likely to explode; or
- (c) may interact with other substances in the wheelie bin or recyclables wheelie bin and generate toxic or poisonous gases or fumes; or
- (d) is noxious or corrosive; or
- (e) is prejudicial to health; or
- (f) is a nuisance; or
- (g) is in any other way hazardous.

Penalty: 5 penalty units

### **Powers to not collect waste**

15. Council will refuse to collect, transport or accept for disposal any waste which:-

- a) is illegal to possess or would cause the Council to be performing an illegal act; or
- b) may legally be classified as hazardous waste, unless a permit has been obtained for the disposal of such waste; or
- c) is dangerous unless an authorised officer is notified of the danger and all reasonable steps have been taken to reduce that danger.

### ***Division 5 – Waste Depot***

#### **Prohibitions in the waste depot**

16. (1) A person must not in the waste depot:-

- a) light any fire or feed or extend any fire which is already burning; or
- b) remove any article or thing deposited on the waste depot without the consent of the Council; or
- c) deposit any paper, or material capable of becoming airborne, without securing it from being scattered by the wind; or
- d) deposit waste in the green waste area, white goods area or at any other location in the waste depot not designated for waste disposal; or
- e) interfere with landfill gas, leachate management or other environmental control infrastructure; or
- f) dispose of Controlled wastes without the prior approval of the State Government and Council; or

- g) enter the waste depot other than during the operating hours without the approval of an authorised officer; or
- h) fail to comply with reasonable directions given by an authorised officer or Council site operations personnel; or
- i) deposit clinical and related waste.

Penalty: 2 penalty units

- (2) The General Manager may impose a ban on a person using or entering the waste depot where that person has contravened a provision of sub-clause 1) on more than one occasion.
- (3) A ban imposed under sub-clause 2 may be up to but not exceeding 12 months duration.

### **Request to leave waste depot**

- 17. 1) An authorised officer or police officer may ask a person whom they reasonably believe is offending or has offended against this by-law to leave the waste depot.
- 2) A person must comply with the directions of an authorised officer or police officer given under this clause.

Penalty: 2 penalty units.

- 3) An authorised officer or police officer may remove any person from the waste depot who is found offending against this clause.

### ***Division 6 - Miscellaneous***

#### **Public litter and recycling bins**

- 18. A person must not place, or permit to be placed, any domestic waste or commercial waste into any street litter bin or public recycling bin if that waste should reasonably be placed for collection by the Council waste collection service or other waste collection service.

Penalty: 10 penalty units.

#### **Illegal dumping of waste**

- 19. 1) A person must not deposit, dump or abandon any waste or other material or substance, including car bodies, white goods or asbestos, on:-
  - a) any roadside, highway or nature strip;
  - b) on any property owned or managed by the Council; or
  - c) on any property without prior permission of the land owner.

Penalty: 10 penalty units



- 2) Sub-clause 1 does not apply to waste deposited at the waste depot or otherwise in accordance with this by-law.
- 3) Where sub-clause 1 may be inconsistent with Regulation 10 of the *Environmental Management and Pollution Control (Waste Management) Regulations 2000*, the Regulations prevail to the extent of the inconsistency.

## **PART 4 - CONTROL OF ANIMALS**

### ***Division 1 – Keeping Animals***

#### **Keeping of horses, pigs or other livestock**

20. (1) A person must not keep any horse, pig or other livestock in a stable, sty lot, paddock or secure premises without first obtaining a permit.

Penalty: 2 penalty units

- (2) The General Manager may issue a permit to keep pigs, horses or other livestock upon such terms and conditions as the General Manager may determine.
- (3) An application for a permit under sub-clause 1 is to be accompanied by the appropriate fee as determined by the Council.
- (4) A person must comply with the terms and conditions of a permit issued to keep pigs, horses or other livestock.

Penalty: 3 penalty units

#### **Horse manure in public places**

21. A person who is in charge of a horse must immediately remove and dispose of any manure left by the horse where the manure is left by the horse in any public place.

Penalty: 5 penalty units

#### **Animals not to be in or have access to food businesses**

22. 1) A person must not keep any animal, except for assistance animals, in any food business or loose in any paddock, yard or open space so that it has access to any food business.

Penalty: 5 penalty units

- 2) Notwithstanding sub-clause 1, a person must not permit a dog or any other animal to be within one metre of any food business, including any outside eating area associated with a food business.

Penalty: 5 penalty units

### **Keeping of domestic poultry**

23. 1) Subject to sub-clause 2 a person must not keep any poultry within 6 metres of any dwelling-house, or within 1 metre of any fence line or boundary, or allow any poultry to have access to any area within 6 metres of a dwelling-house except if the sale of live poultry is part of the usual business of any shop and the poultry is in properly maintained cages.

Penalty: 2 penalty units

- 2) A person must not keep a rooster within 300 metres of a neighbouring dwelling without the written approval of the occupants of that neighbouring dwelling.

### **Keeping of Bee Hives**

24. 1) A person may keep a maximum of 2 bee hives both of which must be located at least 50 metres from the nearest dwelling.
- 2) A person must not keep more than 2 bee hives without the written permission of the General Manager.

Penalty: 2 penalty units

### **Maintenance of premises used by animals**

25. The occupier of any premises where an animal, including livestock and poultry, is kept must:-
- a) keep any structures, buildings, enclosures or areas which the animal has access to clean and sanitary; and
  - b) dispose of bedding or floor covering, or waste food or store until disposed in a waterproof and tightly covered container; and
  - c) keep manure in a waterproof and/or tightly covered container when requested to do so by an authorized officer; and
  - d) not permit any build-up of manure such that there is any nuisance or run-off into rivers, drains or stormwater; and
  - e) empty any container used for keeping used bedding or floor covering, waste food, or manure regularly and keep the container hygienic; and
  - f) not allow the animal to cause any nuisance through smell, noise, rodents, flies or drainage; and
  - g) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal; and
  - h) maintain fencing or other structures, buildings or enclosures housing the animal to an adequate standard, as may be determined by an authorised officer, so as to prevent the escape of the animal onto a highway or another person's property.

Penalty: 2 penalty units

### **Refusal of application to keep animals**

26. The General Manager may refuse an application for a permit, licence or other authority to keep an animal where the General Manager is of the opinion that:-
- a) the premises to which the application relates are not fit for the purpose proposed in the application; or
  - b) it is in the public interest to refuse the application.

### ***Division 2 – Seizure, Detention and Impounding of Animals***

#### **Seizure, detention and impounding animals**

27. An authorised officer may:-
- 1) in accordance with Section 194 of the *Local Government Act 1993*, seize, detain and impound any animal found straying or at large; and
  - 2) seize, detain and impound an animal where the authorised officer believes an offence has been committed under Part 4 of this by-law.

#### **Notice of impounding**

28. 1) If an animal has not been claimed by its owner or a person on behalf of the owner within 48 hours of it being impounded, the General Manager is to give notice to the owner of the animal in accordance with Section 195 of the *Local Government Act 1993*.
- 2) If the owner of an impounded animal cannot be ascertained or found, the General Manager is to publish notice of the impounding of the animal in accordance with Section 195 of the *Local Government Act 1993*.

#### **Fees, costs and charges**

29. 1) The owner of an impounded animal must pay any fees, costs and charges in respect of the impounding, maintenance and treatment of the animal, as notified by the General Manager.

Penalty: 5 penalty units.

- 2) The General Manager may detain an impounded animal until any fees, costs and charges specified in a notice are paid.

#### **Sale or destruction of animals**

30. The General Manager may:-
- 1) sell, give away free of charge or destroy any impounded animal, in accordance with Section 197 of the *Local Government Act 1993*, if: -
    - a) no one has claimed the animal within 14 days of impounding; or
    - b) any fees, costs and charges specified by notice have not been paid within the time specified in that notice; and

- 2) arrange for an impounded animal to be destroyed, in accordance with Section 198 of the *Local Government Act 1993*, if, in the opinion of a qualified veterinary surgeon, the animal is: –
  - a) seriously diseased; or
  - b) so injured or disabled as to be apparently in continual pain.

### **Interference with animals in pounds**

31. 1) A person must not:-
  - a) remove or interfere with any animal seized under this Division; or
  - b) destroy or damage any structure, enclosure or pound in which animals seized under this Division are detained.

Penalty: 10 penalty units.

- 2) An authorised officer may:-
  - a) seize an animal that is illegally removed; and
  - b) detain the animal until the fees and costs arising from its detention and retrieval are paid.

### ***Division 3 – Powers of Entry***

#### ***Entering private premises***

32. 1) An authorised officer may enter and remain in or on any private premises to determine:
  - a) the number of animals on those premises; and
  - b) whether or not any animal on those premises is authorised under a permit, licence or other authority; and
  - c) any other matter relating to any permit, licence or authority, or any application for a permit, licence or written authority.
- 2) An authorised officer may require the occupier of the premises to produce for inspection by the authorised officer on the premises:-
  - a) all animals of which the occupier is the owner; and
  - b) any other animals kept on those premises; and
  - c) evidence of authorisation to keep those animals on those premises.

#### **Entering land**

33. 1) An authorised officer who has reason to believe that the owner or person in charge of an animal has committed an offence under this by-law may:-
  - a) enter onto land owned or occupied by that person; or
  - b) search for and seize any animal on that land.

## **PART 5 - ACCOMMODATION HOUSES**

### **Keeping of accommodation houses**

34. A person must not keep an accommodation house unless the person is the holder of a licence to do so.

Penalty: 5 penalty units

### **Issue of licences**

35. 1) Any person may apply to the General Manager in writing for a licence to keep an accommodation house under this by-law.
- 2) The General Manager has the power to issue a licence.

### **Requirements for a licence**

36. Any application for a licence under this Part must satisfy the requirements of the *Building Act 2000*, the *Building Regulations 2004* and the *Fire Services Act 1979*.

### **Keeping of a register**

41. 1) The keeper is to keep an approved register in the form set out in the schedule to this by-law.

Penalty: 5 penalty units

- 2) The keeper is to enter the prescribed information into the register or ensure that the prescribed information is entered into the register as follows:-
- a) the name, address, date of arrival of, and number of bedrooms occupied by the tenant is to be entered on the day the tenant arrives or on the day the tenant begins to occupy the bedroom; and
  - b) the date the tenant departs or the date the tenant vacates a bedroom is to be entered on the day the tenant departs or the day the tenant vacates the bedroom.
- 3) The keeper is to ensure the register is not destroyed in any way including any leaf being torn out of it.

### **Production of the register**

42. 1) The keeper must produce the register if asked to do so by any authorised officer and allow the authorised officer to make any extracts from the register that the authorised officer may wish to make.

Penalty: 5 penalty units

### **Cleanliness of accommodation houses**

43. 1) An accommodation house is to be kept in a clean and sanitary condition in accordance with the relevant provisions of the *Public Health Act 1997*; and

- 2) The keeper is to comply with any instruction, notice or order issued by an authorised officer.

### **Building safety and maintenance**

44. The keeper is to comply with the relevant provisions of the *Building Act 2000* and *Building Regulations 2004* to ensure that building safety and maintenance issues are addressed.

## **PART 6 - CARAVANS**

### **Purpose of Part 6**

The purpose of this Part 6 is to provide for a permit scheme to allow temporary accommodation to be used by land owners during the construction of their principle dwelling or renovations to the same and to preclude any other ongoing occupation by persons other than landowners. Part 6 addresses issues such as wastewater disposal, provision of adequate facilities, healthy housing and protecting the amenity of an area.

### **Structures included as caravans**

45. 1) For the purposes of this part a “caravan” is any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation.
- 2) For the purposes of this part a caravan includes any structure, awning, verandah, lean-to, tent, car-port or any other enclosed or partly enclosed area used or capable of being used attached or with any caravan.
- 3) For the purposes of this part a caravan may or may not have the wheels or axles attached.
- 4) For the purposes of this part a caravan may be resting directly on the ground or placed on blocks or other supports.

### **Certificate of approval**

- 46 1) A person who is the owner of any land must not use, permit or allow the land to be used to set up a caravan which is to be used for human habitation or occupation without first obtaining a certificate of approval from the Council.
- 2) A Certificate of Approval will be valid for 2 years only unless an extension of time is granted by the General Manager.

Penalty: 5 penalty units

### **Application for certificate of approval**

47. Any owner of land intending to permit that land to be used to set up a caravan for human habitation may apply to the General Manager for a certificate of approval to set up a caravan in writing on the form set out in the schedule to this by-law.

### **Refusal of Certificates of approval**

48. A certificate of approval may be refused if in the opinion of the General Manager:-
- a) the use of the caravan will adversely affect or is likely to adversely affect the amenities of the neighbourhood in which the caravan is to be set up; or
  - b) the caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or
  - c) the occupation of the caravan is likely to cause a health hazard.

### **Occupation of caravans**

49. A person must not occupy a caravan unless the owner of the land on which the caravan is set up is the holder of a valid certificate of approval.

Penalty: 2 penalty units

### **Fee for occupation of caravans**

50. A person must not accept any fee or reward from any person in return for the occupation of any caravan set up on private property unless the property is registered as a caravan park business.

Penalty: 2 penalty units

### **Certificate of approval not required for caravan parks**

51. A certificate of approval is not required for a caravan park business.

## **PART 7 - PERMITS AND LICENCES**

52. 1) Any application for a licence or permit pursuant to this by-law is to be in accordance with the relevant form in the Schedule.
- 2) Licences or permits issued under this by-law are in the forms as appearing in the Schedule to this by-law.
- 3) The holder of a licence issued pursuant to this Division must comply with the terms and conditions thereof.
- 4) The licence will be issued pursuant to this by-law subject to such conditions as the General Manager may consider necessary.

## **PART 8 - INFRINGEMENT NOTICES AND EXPENSES**

### **Infringement notices**

1. 53. (1) In this clause –
- “specified offence”** means an offence against the clause specified in Column 1 of Schedule 5.
- (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 5 is the penalty payable under the infringement notice for that offence.
- (3) An authorized officer may –

a) issue an infringement notice to a person who the authorized 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.

(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.

### **Recovery of Costs**

54. Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this by-law is recoverable by the Council as a debt due to it from the person failing to comply or contravening.



**SCHEDULE**

**1. APPLICATIONS**

**Form 1**

**APPLICATION FOR LICENCE TO KEEP AN ACCOMMODATION HOUSE**

Full name of Applicant.....

Full residential address of Applicant.....

Full name of keeper.....

Full residential address of Keeper.....

**Detail of Accommodation House**

Name (if any) and address of house or part of house intended to be used as an accommodation house.....

Number of rooms to be used as bedrooms.....

Number of floor levels.....

Number of people the Applicant intends to Accommodate.....

Males only/females only/ mixed (circle which is appropriate)

(Please note that you may be required to verify that the building complies with relevant State legislation, including *Building Act 2000*, the *Building Regulations 2004* and the *Fire Services Act 1979*, before the license can be issued).

Dated this ..... day of..... 20.....

.....  
(Applicant)

**Form 2**

**APPLICATION FOR PERMIT TO KEEP A HORSE, PIG, LIVESTOCK, BEES OR  
POULTRY**

Full name of Applicant .....

Full residential address of

Applicant.....

.....

Animal to be kept:.....

.....

Full details and address of where animal is to be kept ie sty, stable, open  
paddock.....

.....

.....

.....

Dated this ..... day of.....20.....

I have read the Council By-Law relevant to this application and agree to abide by the  
conditions therein.

.....

(Applicant)

**Form 3**

**APPLICATION FOR A CERTIFICATE OF APPROVAL TO SET UP A CARAVAN ON PRIVATE PROPERTY**

Full name of applicant.....

Full residential address of the

Applicant.....

.....

Telephone number of applicant.....

Period for which approval is sought.....

Type of water supply to caravan.....

.....

Method of disposal of sewerage wastes available to the caravan (including toilet, bath or shower, hand basin, sink, and laundry).....

.....

.....

Number of people who will be occupying the

Caravan.....

Details of any commercial or retail activities which the caravan is to be used for.....

.....

.....

.....

Dated this ..... day of..... 20.....

.....

(Applicant)

**2. LICENCES, PERMITS AND APPROVALS**

**Form 4**

LICENCE TO KEEP AN ACCOMMODATION HOUSE

Full name of keeper.....

Full residential address of

Keeper.....

This is to certify that the keeper is authorised to keep an accommodation house at

.....and

that the keeper is authorised to accommodate up to ..... people in the accommodation house.

This licence is valid until 31 December 20....

Dated this ..... day of..... 20....

.....  
(General Manager)

**Form 5**

**PERMIT TO KEEP A PIG, HORSE, LIVESTOCK OR POULTRY**

Full name of permit holder.....

Full residential address of permit

Holder.....

.....

This is to certify that the permit holder is permitted to keep a

.....

At.....

.....

Dated this ..... day of..... 20.....

.....

(General Manager)

**3. CERTIFICATES**

**Form 6**

**CERTIFICATE OF APPROVAL TO SET UP A CARAVAN ON PRIVATE LAND**

Full name of certificate

Holder.....

Full residential address of the certificate

Holder.....

.....

Details of land on which the caravan is to be set

up.....

.....

Number of people authorised to occupy

Caravan.....

This is to certify that the certificate holder is authorised to set up a caravan on the above land

**CONDITIONS**

- 1.
- 2.
- 3.

Dated this .....day of ..... 20...

.....

(General Manager)

**4. MISCELLANEOUS FORMS****Form 7****REGISTER OF GUESTS IN AN ACCOMMODATION HOUSE**

Name	Address	Date of Arrival	Number of bedrooms occupied	Date of departure or vacation of bedroom
------	---------	--------------------	--------------------------------	------------------------------------------------

## 5. INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY <b>(Penalty units)</b>
5	Unauthorized depositing of non-commercial sharps	2.5
6	Failure to comply with directions for depositing sharps	2.5
7	Use of unapproved wheelie bin	0.5
8(2)(a),(b),(c)	Failure to comply with wheelie bin standards	0.25
8(2)(d)	Failure to leave wheelie bin at premises when vacating	1.25
9(a), (b)	Failure to comply with recyclables wheelie bin standards	0.5
9(c)	Failure to leave recyclables wheelie bin at premises when vacating	1.25
10(1)	Failure to equip and store wheelie bins in waste storage area	1.25
11(2)	Failure to comply with conditions of waste collection	0.5
12	Failure of commercial premises to return wheelie bins to waste storage area	1.25
13(2)	Failure to return recyclables wheelie bin	0.5
14	Placing of hazardous substances in wheelie bins	1.25
16(1)	Prohibited conduct in the waster depot	0.5
17(2)	Non compliance with directions of authorized officer	0.5
18	Placing domestic or commercial waste in public litter bin	2.5
19(1)	Illegal dumping of waste	2.5
20(1)	Keeping of certain animals without permit	0.5
20(4)	Non compliance with permit	0.75
21	Horse manure in public places	1.25
22(1)	Animal in food business	1.25
22(2)	Animal in outside eating area	1.25
23(1)	Keeping poultry	0.5
24(2)	Keeping of more than two bee hives without approval	0.5
25	Failure to properly maintain premises to keep animals	0.5
29(1)	Pay costs of impounding animals	1.25
31(1)	Interference with animals in pounds	2.5
34	Keeping accommodation house without licence	1.25
41(1)	Failure of keeper to keep register	1.25



42(1)	Failure to produce register	1.25
46(2)	Using caravan without Certificate of Approval	1.25
49	Occupation of caravan without Certificate of Approval	0.5
50	Charging fees when not registered as business	0.5

Certified that the provisions of the By-law are in accordance with the law by



N.D. HEATH  
City Solicitor

Dated this 17<sup>th</sup> day of October 2008  
At Hobart

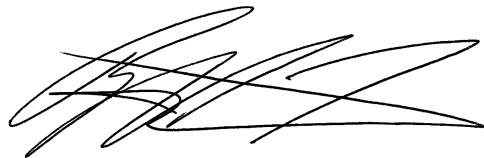
Certified that the By-law is made in accordance with the *Local Government Act 1993* by



V.B. ARMSTRONG  
General Manager

Dated this 17<sup>th</sup> day of October 2008  
At Hobart

The Common Seal of the HOBART  
CITY COUNCIL was hereunto affixed  
in the presence of :



R.H.F. VALENTINE  
Lord Mayor



V.B. ARMSTRONG  
General Manager