

HOBART CITY COUNCIL

HIGHWAYS BY-LAW

BY-LAW 3 of 2008

BY-LAW MADE UNDER SECTION 145

OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF

REGULATING AND CONTROLLING CONDUCT ON THE HIGHWAYS

IN THE MUNICIPAL AREA

PART 1 - PRELIMINARY

Short Title

1. This by-law may be cited as the Highways By-law.

Interpretation

2. In this by-law:-

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

"**central business district**" means all that part of the City of Hobart which is bounded by Argyle, Brisbane, Harrington, and Davey Streets;

"**city**" means the Hobart City Council municipal area;

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

"**Food Standards Code**" means the Australia New Zealand Food Standards Code as defined in the Australia New Zealand *Food Authority Act 1991* of the Commonwealth, as adopted or incorporated by the regulations;

"**footpath**" means that part of the highway reservation 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;

"**hawker**" includes a pedlar or itinerant vendor, who, in the course of a business, profession, trade or calling, travels around the city by any means whatsoever (other than to commercial premises) to sell wares to the public;

"**highway**" includes a highway reservation, footpath or a mall;

"**intercity cycleway**" means the concrete cycleway that runs adjacent to the railway lines from the northern boundary of the city to the Queens Domain;

"**itinerant purchaser**" means any person who, in the course of a business, profession, trade or calling, travels around the city to purchase or offering to purchase rags, bags, bones,

bottles, scrap metal or wares;

“**licence**” means a licence obtained under this by-law;

"**mall**" means the portion of Elizabeth Street between Collins and Liverpool Streets as defined by Regulation 30(3)(b) of the *Traffic (General and Local) Regulations 1956*, and includes:-

(a) that area known as Wellington Court; and

(b) that area known as Salamanca Square;

"**Manager Environmental Health**" means the Manager Environmental Health of the Council appointed pursuant to section 64 of the *Local Government Act 1993*; "**material**" includes stones, clay, earth, metal, cement, concrete, glass, filth, dust, ashes, refuse, oil, liquid and animal droppings or other offensive or noxious substances; .

"**meeting**" 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;

"**musical instrument**" includes any instrument or thing, whether used on its own or with other instruments to create musical sounds;

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

"**occupy**" means to place on a highway any wares, goods, chattels, items, tables and chairs, cranes, concrete pumps or special vehicles used for building work, or build any structure for sale, to enable the service of food or beverages or for any other purpose or to fence off any part of the highway to exclude members of the public;

“**permit**” means a permit obtained under this by-law;

"**roadside vendor**" means any person who in the course of a business, profession, trade or calling, sets up a stall in or on any highway to sell wares to the public;

"**sale**" includes to sell, agree to sell, offer or expose for sale, or keep in possession for sale;

"**signboard**" 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 permanently attached to any building or other structure;

"**stall**" means any table, wagon, trailer, wheelbarrow or transportable structure used by any person to sell wares to the public;

"**terms**" includes conditions, whether imposed pursuant to this by-law, a licence issued under this by-law, or by virtue of a provision of the Act;

"**the Act**" means the *Local Government Act 1993* or the *Local Government (Highways) Act 1982* as the case may be;

"**vehicle**" means a motor vehicle as defined in section 3 (1) of the *Traffic Act 1925*.

“**vehicle access way**” includes any structure that is used to support vehicles.

"**wares**" includes subscriptions, goods, things, articles, substance or matter, and any food within the meaning of the *Food Act 2003*.

Application

3. (a) Subject to clause 3(b) this by-law applies to the Hobart municipal area.

(b) This by-law does not apply to the market known as Salamanca Market as constituted under section 189 of the Act.

PART 2 - USE OF HIGHWAYS

Division 1- Occupation

Occupation of Highways

4. A person must not occupy a highway without a licence or permit issued under this By-law.

Penalty: 1 penalty unit and 1 penalty unit for every day the breach continues.

Occupation Licences

5. A person may apply at any time under Part 10 of this By-law to the Council for permission to occupy a portion of the highway.

Division 2 - Signboards

Signboards

6. (1) A person may place a signboard on a footpath in accordance with this Clause

(2) A person who places or causes or allows the placing of a signboard on a footpath under sub-clause (1) must ensure that:

- a) the signboard is of such dimensions and is of such construction as are authorised by the General Manager;
- b) the signboard is placed on the area of footpath directly outside the premises owned or occupied by the person seeking to place the signboard which is bordered by the boundaries and the road;
- c) only one sign board per premises is placed on the footpath unless an additional signboard is approved by the General Manager for corner sites;
- d) the signboard is located as close as practical to the face of the building to the reasonable satisfaction of the General Manager or such other location as the General Manager or his delegate may consider to be appropriate;
- e) there is compliance with any lawful directions of the General Manager or his delegate; and
- f) the signboard is secured to the reasonable satisfaction of the General Manager.

Penalty: 1 penalty unit and 1 penalty unit for every week the breach continues

Division 3 -Hawkers.

Licence required for hawking

7. 1) A person must not act as a hawker unless the person has first obtained a licence under this Division to do so.

Penalty: 2 penalty units

(2) A person may apply under Part 10 of this by-law for a licence to act as a hawker

3) Notwithstanding the provisions of this clause, a person must not act as a hawker in the central business district.

Penalty: 2 penalty units

Division 4 - Itinerant Purchasers

Licence required for itinerant purchasers

8. 1) A person must not act as an itinerant purchaser unless the person has first obtained a licence under this by-law to do so.

Penalty: 2 penalty units

2) Any person may apply under Part 10 of this by-law for a licence to act as an itinerant purchaser.

Division 5 - Roadside Vendors

Licence required for roadside vendors

9. 1) A person must not act as a roadside vendor unless the person has first obtained licence under this by-law to do so.

Penalty: 2 penalty units

2) Any person may apply under Part 10 of this by-law for a licence to act as a roadside vendor.

Prohibition of trading activities in certain areas

10. A person must not act as a roadside vendor on any highway, unless:

1) the land has been designated as land upon which a roadside vendor may carry on trading activities; and

2) the person has a licence to act as a roadside vendor; and

3) the person has a licence issued pursuant to this clause to carry on trading activities on that land.

Division 6 - Stalls

Licence required for stalls

11. 1) A person must not set up, place, keep, maintain or park any stall in or on any land under the control of the Council, or on a highway or other public place, to sell wares or to

pursue any business, trade or employment without first obtaining a licence under this by-law to do so.

Penalty: 2 penalty units

2) A person may apply under Part 10 of this by-law for a licence for a stall.

3) This clause does not apply to any person who has been granted a licence under any other Part or Division of this by-law.

Division 7 - Vehicles for Sale

Sale of vehicles on a highway

12. 1) The General Manager may signpost areas on highways where vehicles are not to be offered for sale.

2) A person must not park or leave a vehicle offered for sale in an area signposted by the General Manager, unless authorised to do so.

Penalty: a fine not exceeding 2 penalty units.

3) An authorised officer may issue an infringement notice for the offence listed in sub clause (2).

4) A person may avoid prosecution by paying a fine to the Council of:

(a) \$100.00 within 28 days after the date of issue of an infringement notice; or

(b) \$135.00 after the filing of a complaint but at least 48 hours before the court hearing date.

5) An authorised officer may remove a vehicle if it contravenes this clause.

PART 3 - DROPPING MATERIALS ON HIGHWAYS

Material on highways

13. A person must not deposit or drop any material or allow any material to flow, fall, be dropped or in any other way be deposited on any highway unless the person has first obtained the General Manager's permission in writing.

Penalty: 2 penalty units and 2 penalty units for every week the breach continues

Wheels of vehicles to be cleaned

14. A person must not drive any vehicle or permit any vehicle to be driven into, over or on any highway unless the wheels of that vehicle are first cleaned of any material adhering to those wheels prior to entering the highway reservation.

Penalty: 2 penalty units

Vehicle carrying material

15. A person must not drive a vehicle or permit a vehicle to be driven on a highway if the vehicle is carrying any material unless the vehicle is constructed and equipped so that the material will not drop onto the highway or other public place.

Penalty: 2 penalty units

Permit required for Commercial Refuse Collection Vehicles

16. A vehicle must not be used to collect commercial refuse or recyclable liquid materials unless a permit has been obtained under this by-law to do so.

Penalty: 2 penalty units

Notices

17. (1) An authorised officer may, by notice in writing to: -

- (a) any person who is offending against Part 3 of this by-law; or
- (b) any person who drives any vehicle or who permits any vehicle to be driven from which any material has been dropped or deposited on any highway; or
- (c) any person who is that owner or occupier of any land in the municipal area from which the material has come-
 - a. direct that person to remove any material which has been dropped or deposited on the highway.

(2) The Council may undertake the work required to be carried out in the case of a person who fails to comply with a direction under this clause.

Penalty: 2 penalty units

Council expenses in carrying out work

Any expenses incurred by the Council in undertaking work under clause 17 are to be paid by the person to whom the direction under that clause was issued in addition to any penalty imposed by that clause and are recoverable by the Council as a debt due to it.

PART 4 - CROSSING OF FOOTPATHS, GUTTERS AND KERBS

Division 1 - Bridges over footpaths

Construction of bridges over footpaths and nature strips

18. A person must not construct or lay down any bridge or other type of crossing or vehicle access way over the gutter, footpath or nature strip in any highway without the consent of the Council.

Penalty: 3 penalty units

Application for permit to construct a bridge over a footpath or nature strip

19. 1) A person may apply to the General Manager under Part 10 of this by-law for

permission to construct a bridge or other type of crossing or vehicle access way over the gutter, footpath or nature strip.

2) If permission is granted by the General Manager the bridge or other type of crossing or vehicle access way is to be constructed and put in place in accordance with any directions of the General Manager.

Direction to construct a bridge over a footpath or nature strip

20. 1) The owner of any premises which abut any highway is to provide a bridge or other type of crossing or vehicle access way over the gutter, footpath or nature strip if required to do so by the General Manager.

2) The bridge or other type of crossing or vehicle access way is to be of such materials, dimensions and strength as the General Manager considers necessary to protect the gutter, footpath or nature strip from damage.

3) A person must comply with a direction under this clause.

Penalty: 2 penalty units

Maintenance of bridges

21. A person who constructs a bridge or other crossing or vehicle access way in accordance with this Part is to keep it in good repair and maintain it to the satisfaction of the General Manager.

Direction to remove or repair a bridge

22. The General Manager may order that the bridge or crossing or vehicle access way be removed or repaired.

Reinstatement of footpaths

23. 1) If the Council directs that the bridge or crossing or vehicle access way be removed, the gutter, footpath, nature strip and roadway must be reinstated and repaired in a proper and workman like manner at the cost of the person who enjoys the benefit of the bridge or crossing or vehicle access way.

2) A person must remove or repair a bridge or crossing within 21 days of service of the direction in writing.

Penalty: 2 penalty unit

Council to undertake work under direction

24. If a person fails to comply with a direction under clause 22 the Council may undertake the work required to be carried out under the direction.

Expenses incurred in undertaking work

25. Any expenses incurred by the Council in undertaking work under clause 24 are to be paid

by the person to whom the direction under clause 22 was issued in addition to any penalty imposed under clause 23 and are recoverable by the Council as a debt due to it.

Division 2 - Crossing of footpath, kerbs and gutters by vehicles

Driving vehicle over footpaths, nature strips, kerbs and gutters

26. 1) A person must not drive a vehicle or permit a vehicle to be driven over the footpath, nature strip, kerb or gutter of any highway to or from any site or premises where building or excavating works are, or are about to be, in progress unless the owner of the premises, or the builder or contractor who has conduct of the work is the holder of a permit for this purpose issued by the General Manager pursuant to clause 27.

Penalty: 2 penalty units

2) A person must not cross any footpath, nature strip, gutter or kerb unless the footpath, nature strip, kerb or gutter has been protected in accordance with the conditions contained in the permit.

Penalty: 2 penalty units

Application for a permit

27. A person may apply at any time to the General Manager under Part 10 of this by-law for a permit to drive a vehicle over the footpath, nature strip, kerb or gutter of any highway to or from any site or premises where building or excavating work are, or are about to be in progress.

Council's expenses

28. The Council may recover the costs incurred in repairing any damage occasioned as a result of a breach of clause 26 from the person committing the breach as a debt due to it.

PART 5 - OPENING OF HIGHWAYS

Opening of highways

29. A person may apply to the Council under Part 10 of this By-Law for a permit to open or break up the soil or pavement of a local highway.

30. The Council may grant a permit to open up the soil or pavement of a local highway on such conditions and for such consideration as the corporation either generally or in a particular case may determine.

Process of application for permission to open a highway

31. Application may be made to Council in writing in accordance with the approved form in the Schedule.

PART 6 – PROHIBITIONS

Placing of objects or mixing of substances on the highway

32. 1) A person must not use any highway under the control of the Council for placing or mixing any concrete, lime concrete, asphaltic concrete, cement, cement mortar, lime mortar, tar, soil, sand, stone, firewood, or other material except in accordance with a written permit from the General Manager.

Penalty: 1 penalty unit

2) The General Manager may grant a permit for any of the purposes listed in sub clause 1, subject to any conditions which the General Manager may consider necessary for the protection of the highway and for the comfort, convenience, and safety of the public.

Vehicles on highways

33. A person must not drive or propel any mechanically propelled vehicle on any highway having a metalled, gravelled or prepared surface unless the vehicle has: -

- (a) rubber tyred or suitably shod wheels;
- (b) the spaces between the diagonal cross-bars on the wheels evenly packed with an approved material.

Removal of trees

34. A person must not willfully destroy, cut, pluck, destroy, remove or injure any tree, shrub, flower or other vegetation growing on a highway.

Penalty: 5 penalty units:

PART 7 – COUNCIL HIGHWAY MAINTENANCE

Power to move vehicles

35. Where the Council closes part or all of a highway for the purpose of carrying out highway maintenance works pursuant to the *Local Government (Highways) Act 1982*, an authorised officer may remove or order the removal by towing of a vehicle parked on the closed area of highway where:

- (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 highway; and
- (b) appropriate “no parking” or other traffic signs issued by the Transport Commission are placed on the highway for the purpose of closing part or all of the highway; and
- (c) the owner of the vehicle cannot be located; and
- (d) removal of the vehicle is necessary for Council to carry out the maintenance works.

PART 8 - MALLS

Use of a Mall

36. A person must not undertake any of the following activities in a Mall: -
- (a) set up or use any stall, vehicle or stand for the sale of goods or refreshments; or
 - (b) carry out any trade or business or offer anything for sale or purchase unless the person is the holder of a permit from the General Manager to do so.

Penalty: 2 penalty units

Itinerant vending in a Mall

37. A person must not undertake the itinerant vending of goods in a Mall unless the person is the holder of a permit from the General Manager to do so.

Penalty: 2 penalty units

Making noise in a Mall

38. A person must not operate, play, permit or cause any sound to be emitted from any musical instrument, gramophone, amplifier, wireless set, television set, loudspeaker, player piano, tape recorder, loud hailer, or other noisy instrument in a Mall unless the person is the holder of a permit from the General Manager to do so.

Penalty: 2 penalty units

Advertisements etc in a Mall

39. A person must not put up any advertisement, signboard, decoration or other sign in on or over a Mall unless the person is authorised by permit from the General Manager to do so.

Penalty: 2 penalty units

Meetings in a Mall

40. A person must not conduct, take part or attend a meeting in a Mall unless the Council has issued a permit authorising the meeting.

Penalty: 2 penalty units

No Political meetings in a mall

41. A person must not conduct, take part in or attend a meeting to discuss, protest or speak on any political matters or issues in a Mall.

Penalty: 2 penalty units

Application for permits

42. Any person may apply under Part 10 of this by-law for a permit to do any of the things referred to in this part.

PART 9 - INTERCITY CYCLEWAY

Restrictions on Use

43. A person must comply with any signage erected by the Hobart City Council on the intercity cycleway.

Penalty: 2 penalty units

Riding at Night

44. The rider of a bicycle must not ride at night, or in hazardous weather conditions causing reduced visibility, on the intercity cycleway, unless the bicycle, or the rider, displays:

- (a) a flashing or steady white light that is clearly visible for at least 200 metres from the front of the bicycle; and
- (b) a flashing or steady red light that is clearly visible for at least 200 metres from the rear of the bicycle; and
- (c) a red reflector that is clearly visible for at least 50 metres from the rear of the bicycle when light is projected onto it by a vehicle's headlight on low-beam.

Penalty: 2 penalty units

PART 10 PERMITS AND LICENCES

Applications

45. Any application for a licence or permit pursuant to this by-law is to be in accordance with the relevant form in the Schedule, and should 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; and
- (c) a statement in writing of any wares the person proposes to sell; and
- (d) a statement in writing of the places in the city where the person proposes to sell the wares; and
- (e) in the case of an application that involves the sale of food or articles of food, a certificate from the Manager Environmental Health in accordance with Form 16 in the Schedule to this by-law, certifying that the method and manner of selling proposed is to the satisfaction of the Manager Environmental Health ; and
- (f) such other information that the General Manager may reasonably require.

Forms for licences and permits

46. Licences or permits issued under this by-law are in the forms as appearing in the Schedule to this by-law.

Factors to be considered when granting a licence

47. In deciding whether or not to grant a licence pursuant to this Division the General Manager or his nominee may have regard to the following and any other relevant matters:

-

- (a) pedestrian amenity and safety; and
- (b) pedestrian access in the area; and
- (c) the maintenance of public order in the area; and
- (d) the movement of traffic in the area; and
- (e) the manner of any proposed advertising; and
- (f) the nature, size, shape, extent and location of any proposed highway furniture; and
- (g) the effect on premises in the area, including other stalls, or vendors which trade in similar or associated wares to those proposed for sale; and
- (h) the availability of suitable parking for motor vehicles in the area; and
- (i) any representations made by a commissioned police officer.

Factors to be considered by the Manager Environmental Health

48. In deciding whether or not the proposed method and manner of selling wares is satisfactory on the grounds of public health the Manager Environmental Health may have regard to the requirements of the *Food Act 2003* and the *Public Health Act 1997*, and any regulations made under those Acts, and the Food Standards Code.

Compliance with terms and conditions

49. The holder of a licence issued pursuant to this Division must comply with the terms and conditions thereof or the licence could be subject to cancellation in accordance with Clause 52.

Standard conditions

50. A licence may be issued pursuant to this by-law subject to the following conditions where appropriate: -

- (a) any stall to be used in, during, or for purposes connected with the sale of food will be maintained to the satisfaction of the Manager Environmental Health; and
- (b) hawking, itinerant sale of wares and the itinerant purchasing of wares is not permitted in the central business district; and
- (c) such other conditions as the General Manager may consider necessary; and
- (d) the applicant signing an indemnity in the form approved by the General Manager.

Referral to Council

51. No provision of this by-law is to be construed as preventing the General Manager or Committee of the Council from referring any application for a licence to the Council.

Licences generally

52. Every licence issued pursuant to any Division of this Part of the by-law is to: -

- (a) bear the date on which it was issued; and
- (b) remain in force for the period for which it was issued, unless it is cancelled or surrendered; and
- (c) be carried by the holder at all times; and
- (d) be surrendered to the Council if it is cancelled or when it is due for renewal.

Cancellation of licences generally

53. 1) The General Manager may cancel any licence if a licence holder commits any breach of these by-laws or any condition of any licence or permit issued under these by-laws.

2) The General Manager may serve a notice in writing on a licence holder stating that the licence is cancelled and the reason for which the licence is cancelled if a licence is cancelled.

Cancellation of licences by Manager Environmental Health

54. 1) The Manager Environmental Health may direct the cancellation of a licence where the licence holder's premises fails to comply with legislative requirements of the *Food Act 2003*, the *Public Health Act 1997*, and any regulations made under those Acts, and/or the Food Standards Code.

2) The Manager Environmental Health may serve a notice stating that the cancellation of a licence under sub-clause 1 will continue until the premises complies with the standards stipulated under the *Food Act 2003*, the *Public Health Act 1997* and/or the Food Standards Code.

Service of cancellation notices

55. (1) For the purposes of clauses 53 and 54 a notice of cancellation may be served in any of the following ways: -

- (a) on the holder of the licence personally; or
- (b) by notice being given in the public notice section of a newspaper circulating in the city; or
- (c) by certified mail.

2) Cancellation of any licence is effective from the day of service of the notice.

3) Nothing in this clause is to be construed as preventing or prohibiting the Council from cancelling any licence if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Production of the licence

56. A licence holder is to produce the licence immediately when requested to do so by a police officer, officer of the Council or in the case of a hawker, a member of the public who is offered wares for sale and the holder of the licence must answer all questions which are reasonably necessary to establish that the person holds a licence in good faith.

Events leading to cancellation of licences

57. The Council may cancel any licence if the holder of the licence: -

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

PART 11 - INFRINGEMENT NOTICES

58. (1) In this clause –

“specified offence” means an offence against the clause specified in Column 1 of Schedule 4.

(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 4 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.

PART 12- SEIZURE AND ARREST

59. 1) Any authorised officer may:

- (a) remove any person from a highway whom the authorised officer reasonably believes has committed or who is committing an offence under this by-law; and
- (b) remove anything which is on a highway without the approval of the Council.

2) A police officer is authorised to:

- (a) assist an authorised officer to carry out any action under clause (1) above and
- (b) arrest any person who is on a highway whom the police officer reasonably believes has committed or who is committing an offence.

SCHEDULE

FORMS

1. APPLICATIONS

Form 1

APPLICATION FOR OCCUPATION LICENCE

Full name of the applicant.....

Full residential address of the applicant.....

.....

Description of the type of activity proposed.....

.....

.....

Proposed location.....
.....

(note a scaled drawing is required to accompany this application)

Dated this day of.....20....
signed
(Applicant)

Form 2
APPLICATION FOR LICENCE TO ACT AS HAWKER/ ITINERANT PURCHASER

Full name of applicant.....
Full residential address of applicant.....
Full business address of applicant.....
.....

Full names and address of three Hobart residents who are willing to support the application to be licensed.....
.....
.....

Particulars of wares the applicant proposes to sell/purchase.....
.....
.....
...

Particulars of places the applicant is proposing to sell/purchase the wares.....
.....
.....
.....

Dated this day of 20

.....
(Signature of Applicant)

The fee of \$ was paid on the day of 20

.....
(General Manager)

Form 3

APPLICATION FOR A LICENCE TO ACT AS A ROADSIDE VENDOR/STALL HOLDER

Full name of applicant
Full residential address of applicant
Full business address of applicant.....
Particular of wares the applicant proposes to sell.....
Particulars of places the applicant is proposing to sell the wares.....

Dated this day of 20

(Signature of Applicant)

The fee of \$ was paid on day of 20.
.....(General Manager)

Form 4
APPLICATION FOR BRIDGE OVER FOOTPATH PERMIT

Full name of Applicant
Full residential address of Applicant
Proposed location of the bridge
Reason for construction of the bridge.....

Dated this day of.....20.
signed
(Applicant)

Form 5
APPLICATION FOR PERMIT TO DRIVE A VEHICLE OVER A FOOTPATH

Full name of Applicant
Full residential address of Applicant.....

Location of the footpath, gutter and/or kerb sought to be crossed.....

.....

 Purpose for which the footpath is to be crossed.....

Dated thisday of 20.....
 signed.....
 (Applicant)

Form 6
 APPLICATION FOR A PERMIT TO USE THE HIGHWAY TO MIX SUBSTANCES

Full name of Applicant.....
 Full residential address of Applicant

 Location of highway to be used to mix the substance.....

 Substance to be mixed on highway.....
 Reason for need to use the highway to mix the substance.....

 Dated this day of 20...
 Signed.....
 (Applicant)

Form 7
 APPLICATION FOR PERMIT TO USE A MALL AREA

Full name of Applicant
 Full residential address of the Applicant...

 Particulars of activity to be undertaken in the mall area.....

 Details of the mall area to be used by the applicant.....

 Particulars of wares to be displayed or sold (if appropriate).....

 , ,.....
 Dated thisday of.....20...
 signed.....

(Applicant)

Form 8

APPLICATION TO OPEN UP AND TEMPORARILY OCCUPY A HIGHWAY

Full name of Applicant

Full residential address of Applicant

Location of highway to be opened.....

Purpose for which the highway is to be opened.....

Dates on which the highway is to be opened.....

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

signed

(Applicant)

2. PERMITS AND LICENCES

Form 9

OCCUPATION LICENCE (LICENCE 1)

Full name of licensee

Full residential address of licensee

This is to certify that the person named in this licence is authorised to occupy that portion of..... described in this licence for the purpose of

..... on the terms and conditions stated.

The area of land to be occupied is.....

TERMS AND CONDITIONS

- 1.
- 2.
- 3.
- 4.
- 5.

DATED THIS DAY OF 20

.....
GENERAL MANAGER

Form 10

LICENCE TO ACT AS HAWKER/ITINERANT PURCHASER/ROADSIDE VENDOR/STALL HOLDER (LICENCE 2)

Full name of licensee
Full residential address of licensee
.....
Full business address of licensee
.....

This is to certify that the person named in this licence is authorised to act as a hawker/itinerant purchaser/ roadside vendor/ stall holder from the day of 20 until the day of 20 within the City, subject to the following conditions:

and not in the following areas:

Dated this day of 20 .

.....
(General Manager)

Form 11

PERMIT FOR A BRIDGE OVER A FOOTPATH (PERMIT 1)

Full name of permit holder...
Full residential address of permit holder
.....

This is to certify that the person named in this permit is authorised to build a bridge over the footpath at

TERMS AND CONDITIONS

- 1.
- 2.
- 3.
- 4.
- 5.

DATED THIS DAY OF 20

.....
GENERAL MANAGER

Form 12

PERMIT TO CROSS FOOTPATH WITH VEHICLES (PERMIT 2)

Full name of permit holder

Full residential address of permit holder

This is to certify that the person named in this permit is authorised to cross the footpath, gutter and kerb with vehicles for the purpose of.....
at.....

TERMS AND CONDITIONS

1. That the full width of the path is cover for a length not less that 3 meters with H.W boarding at least 3 centimetres thick, bevelled 5 centimetres at the end, securely fastened together with wire, hoop iron, or other material, and that such covering is constructed and maintained to the satisfaction of the General Manager during the whole of the building operation.
2. That the kerb and gutter are protected by a crossing of timber, concrete or other material approved by the General Manager.
3. That the deposit of \$lodged with the Council as security will be applied in repairing the damage if any caused to footpaths, gutters, or kerbs by operations connected with such building, and if the cost of repairs is less than the deposit, the balance will be refunded. If such cost is more than the deposit, the excess will be payable by the holder of this permit,
4. That all timber and other materials used in the crossing (except an approved concrete gutter crossing) will be removed by, and at the cost of, the permit holder on or before the completion of building.

DATED THIS DAY OF 20

.....
GENERAL MANAGER

Form 13

PERMIT TO USE HIGHWAY TO MIX SUBSTANCE (PERMIT 3)

Full name of the permit holder.....

Full residential address of the permit holder.....

This is to certify that the holder of this permit is authorised to mix.....
on the highway at.....

TERMS AND CONDITIONS

- 1.
- 2.
- 3.
- 4.
- 5.

DATED THIS DAY OF 20

.....
GENERAL MANAGER

FORM 14

PERMIT TO USE MALL AREA (PERMIT 4)

Full name of the permit holder.....

Full residential address of the permit holder.....

.....

This is to certify that the permit holder is authorised to

.....

in the mall area at.....

Dated this day of 20

.....

(General Manager)

Form 15

PERMIT TO OPEN UP AND TEMPORARILY OCCUPY A HIGHWAY (PERMIT 5)

Full name of the permit holder.....

Full residential address of the permit holder.....

.....

This is to certify that the holder of this permit is authorised to open up and temporarily occupy the highway at

for the purpose of.....

on the following dates.....

TERMS AND CONDITIONS

- 1.
- 2.
- 3.
- 4.
- 5.

DATED THIS DAY OF 20

.....

GENERAL MANAGER

3. CERTIFICATES

Form 16

MANAGER ENVIRONMENTAL HEALTH CERTIFICATE

I hereby certify that the proposed method and manner of selling wares by.....
is/ is not satisfactory on the grounds of public health.

.....
 Manager Environmental Health

4. INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty units except specified in dollar amounts)	Column 4 Reduced penalty if paid within 28 days from the date of service of the Infringement Notice	Column 5 Reduced penalty if paid after filing of complaint but within 48 hours prior to court hearing date
4	Occupation of highway without permit	0.25		
6(2)	Failure to comply with conditions of signboard	0.25		
7(1)	Acting as hawker without licence	0.5		
7(3)	Acting as hawker in central business district	0.5		
8(1)	Acting as itinerant purchaser without licence	0.5		
9(1)	Acting as roadside vendor without licence	0.5		
11(1)	Keeping of stall on highway without licence	0.5		
12(2)	Parking vehicle for sale in area signposted by the General Manager	0.5	\$100	\$135
13	Depositing or dropping material on highways	0.5		
14	Failure to clean wheels of vehicles	0.5		
15	Driving vehicle carrying material not constructed to do so	0.5		

16	Collection of commercial refuse without permit	0.5		
17(2)	Failure to comply with notice	0.5		
18	Construction of bridge over footpath	0.75		
20(3)	Non compliance with direction	0.5		
23(2)	Failure to remove or repair a bridge or crossing	0.5		
26(1)	Driving vehicle over footpath, nature strip, kerb or gutter	0.5		
26(2)	Crossing footpath, nature strip, kerb or gutter without protection	0.5		
35(1)	Placing of objects or mixing of substances on highway	0.25		
37	Willfully destroying vegetation	1.25		
39	Using a stall, carrying out trade in a Mall without permit	0.5		
40	Undertaking itinerant vending in a Mall without permit	0.5		
41	Making noise in a Mall	0.5		
42	Advertisements in a Mall	0.5		
43	Meetings in a Mall	0.5		
44	Political Meetings in a Mall	0.5		
46	Non compliance with signage on intercity cycleway	0.5		
47	Riding at night or in hazardous weather without safety measures	0.5		

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



N.D. HEATH
City Solicitor

Dated this 13th day of August 2008
At Hobart

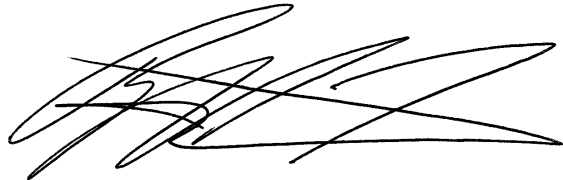
Certified that the By-law is made in accordance with the *Local Government Act 1993* by



V.B. ARMSTRONG
General Manager

Dated this 13th day of August 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