

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
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SCHEDULE 1 – INFRINGEMENT NOTICE PENALTIES

COMMUNITY LOCAL LAW 2017

TABLE OF MAXIMUM PENALTIES AND INFRINGEMENT NOTICE PENALTIES IN RESPECT TO OFFENCES AGAINST THE LOCAL LAW

Why are Infringement Penalties different from Maximum Penalties?

Infringement Notice penalties are used to simplify the process of enforcing less serious breaches of the Local Law. Infringement Notices avoid the complex process of Court prosecution. When Infringement Notices are paid on time, no conviction is recorded by a Court. The amount of an Infringement penalty is normally significantly less than the potential maximum penalty which a Court might impose for the same offence.

Maximum penalties may be imposed by a Court when:

- Council chooses to prosecute an offence, rather than issue an Infringement Notice,
- or • A person receiving an Infringement Notice chooses to have the matter heard in Court.

A 'Penalty Unit' means a Penalty Unit under the Sentencing Act 1991. For Local Laws, a Penalty Unit is currently fixed by the State Government at the value of \$100 per Penalty Unit (but this may vary from time to time).

If any offence under the Local Law is not set out in the table below, the infringement penalty for that offence will be 20% of the maximum penalty for that offence.

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
10.1	Land kept in unsightly manner	15	3
10.2	Land kept in unsightly manner by accumulating materials	15	3
11.1	Land kept in dangerous manner – storage dangerous substance	20	5
11.2	Land kept in dangerous manner – occupied by dangerous thing	20	5
11.3	Land kept in dangerous manner – unsecured excavation	20	5
12.1	Unauthorised Occupation of Council Land or a Road	10	2
12.2	Failure to Remove Unauthorised Occupation	20	5
13.1	Dilapidated Building – permitting	20	5
13.2	Dilapidated Building – failure to secure	20	5

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Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
13.3	Dilapidated Building – failure to maintain appearance	20	5
13.4	Dilapidated Building – failure to remove Graffiti	20	5
13.5	Dilapidated Building – failure to undertake works within a 14 day period	20	5
14.1	Land containing a fire hazard	20	5
14.2	Failure to mow vacant Allotment April-October to 150 mm	15	3
14.3	Failure to remove or rectify fire hazard within 1 week	20	5
15.1.1	Burning Offensive materials	15	3
15.1.2	Burning materials that may cause Offensive emissions entering neighbouring land	15	3
15.2	Burning in open or in an incinerator without Permit	15	3
15.3	Failure to extinguish a fire when directed	20	5
16	Causing Offensive Emissions to enter neighbouring property – 1st Offence	5	1
16	Causing Offensive Emissions to enter neighbouring property – 2nd and subsequent Offences	15	3
17	Fireworks lit without a Permit	20	5
18	Camping without Permit on Land other than Council Land or a Road contrary to requirements	15	3
19	Keeping a Shipping Containers on Council Land or a Road, without a permit	15	3
19.2	Allowing a Shipping Container to adversely impact visual amenity on Land Other than Council Land or a Road,	15	3
20	Failing to number an address adequately	10	2
21	Allowing vegetation or other things to obstruct, interfere, endanger or overhang, or obscure	15	3
22	Keeping Animals contrary to Local Law	10	2
23.1 & 23.2	Failure to provide adequate Animal Accommodation	10	2

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24	Allowing noise smell or discharge from animals to interfere with adjacent or nearby occupiers of land	10	2
25.1	Animal excrement remaining on Council land or a Road	10	2
25.2	Failure to carry a suitable animal litter device	10	2
26.1	Inadequate Fencing for Animal kept - 1 st Offence	10	2
26.1	Inadequate Fencing for Animal kept - 2 nd + Offence	15	3
26.2	Inadequate Fencing Livestock on Public Road	20	5
27.1 & 27.2	Failing to comply with Council Waste Collection requirements	10	2
27.1.3	Placing Hazardous Material in recyclable collection bin after written warning. - 1 st Offence	5	1
27.1.3	Placing Hazardous Material in recyclable collection bin after written warning. - 2 nd Offence	10	2
27.1.3	Placing Hazardous Material in recyclable collection bin after written warning. – 3 rd and Subsequent Offences	20	5
28	Failure to comply with Hard Waste Collection as specified	10	2
29	Interference with Waste materials left for collection	10	2
31.1	Use of Motor Bike Or Motorised Recreational Vehicle on Council Land excluding a Road without a Permit	15	3
31.2.1	Use of Motor Bike Or Motorised Recreational Vehicle on Land Other than Council Land or a Road in Built Up Area without a Permit	15	3
31.2.2 & 31.2.3	Use or as owner occupier allow the use of Motor Bike Or Motorised Recreational Vehicle on Land Other than Council Land or a Road outside Built Up Area within 500 metres of a Dwelling without a Permit	15	3
32	Repairing or Displaying for sale a Vehicle on a Road	15	3
33	Abandoning a Vehicle on a Road or Council Land	15	3
34	Storing Heavy Vehicle contrary to Local Law	10	2
35.1 & 35.2	Placing waste bins or Waste on a Road or Council Land contrary to Law	15	3

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Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
36	Public waste bins used contrary to requirements	10	2
37.1	Leaving Shopping Trolley in non-designated area	10	2
37.2	Owner failing to collect Shopping trolley and return it to designated area	10	2
38.1.1	Holding a Street Procession or festival without Permit	15	3
38.1.2	Using public address system on Road without a Permit	15	3
39.1	Grazing or Droving Livestock without or contrary to Permit	20	5
40.1	Displaying goods for sale on a Road or Council Land without Permit	20	5
40.2	Failing to remove goods for sale or Advertising Sign from a Road or Council Land when directed	20	5
41.1	Itinerant trading without Permit	15	3
42.1	Spruiking without a Permit	10	2
42.2	Busking without a Permit	10	2
42.3	Drawing or Painting on a Road or Council Land without a Permit	10	2
43.1	Advertising Sign on Council Land or a Road without Permit	20	5
43.2	Failure to remove Advertising Sign when directed	20	5
44.1	Using Council Land or a Road for Commercial Outdoor Eating Facility without Permit	20	5
45	Sale or consumption of Liquor on Footpath adjoining licensed premises without Permit	20	5
46.1	Asset Protection – Building Works commencing without a Permit, or undertaking contrary to requirements or Permit.	20	5
46.7	Asset Protection – Building Works - Failure to make supplementary bond payment to rectify damage	20	5
46.9	Failure of other person to refrain from commencing work or deliveries before an Asset Protection Permit is issued.	10	2
47.2	Depositing Waste other than stormwater in Council drain	20	5

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48.1	Asset Protection – Occupying or Opening a Road or Council Land without a Permit	20	5
50.1.5	Failure to securely Fence a Building Work	15	3
50.1.6 – 50.1.10	Failure to comply with refuse requirements for Building Work and Building Sites	15	3
50.1.11 – 50.1.12	Failure to prevent deposits on Roads or excessive or emissions of Offensive dust from Building Sites	15	3
51.6	Failure to comply with vehicular crossing access requirements for a Building Work	20	5
51.7	Failure to comply with no storage of materials on a Road or Council Land for a Building Work	15	3
52.5	Failure to identify Building Site	10	2
53.1	Constructing or altering or removing a Vehicle Crossing without a Permit	20	5
53.2	Constructing or using a second Vehicle Crossing without a Permit	20	5
54	Failure to maintain a Vehicle Crossing in good condition	15	3
55.2	Failure to apply for Vehicle Crossing permit when directed	20	5
56	Consumption and possession of Liquor on Roads or Municipal Places	15	3
56.5	Failure to comply with direction of a member of Victoria Police or an Authorised Officer or Delegated Officer	15	3
57.3	Bringing into, providing or using a glass container in an area declared free of glass containers by Council	10	2
58.3	Smoking in Municipal Places contrary to signs	10	2
59.2 &	Contrary Behaviour in a Municipal Place	10	2
59.3	Use of Municipal Place without payment of appropriate fee	10	2
60	Endangering or interfering with others in a Municipal Place	15	3
61	Damaging/defacing/interfering with a Municipal Place	20	5
62	Unauthorised entry to Ballarat Aerodrome Movement Area	20	5

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63.1	Obstructions on Council Land or a Road	20	5
63.2	Failure to remove an obstruction on Council Land or a Road when directed	20	5
64.1 & 64.2	Contrary Behaviour in a Municipal Place	15	3
65.1	Use of Municipal Reserve endangering public safety Council assets or enjoyment of others without seeking a Permit - 1 st Offence	10	2
65.1	Use of Municipal Reserve endangering public safety Council assets or enjoyment of others without seeking a Permit - 2 nd Offence	15	3
66	Use of Municipal Reserve for permitted use without a Permit	15	3
67	Accessing a Municipal Reserve contrary to requirements	10	2
68.1	Holding an Event on Council Land, a Road without a Permit	20	5
68.2	Holding an Event on Land Other than Council Land or a Road where there is a material impact of community or public safety without a Permit	20	5
69	Camping on Council Land or a Road without a Permit and not in a designated camping area.	15	3
70	Parking on a Municipal Reserve without a Permit	5	1
71.1	Use of RPA or 'drone' without a Permit	10	2
72.2	Use of Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy in prohibited area	10	2
72.4	Use of Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy on a Road to obstruct or endanger	10	2
74.2	Use of Landfill Site, Waste Transfer Facility or Resource Recovery Centre contrary to requirements	15	3
74.3	Depositing at Landfill Site, Waste Transfer Facility or Resource Recovery Centre outside open hours	20	5
75.1 & 75.2	Behaving to endanger, interfere with or offend others in a Municipal Building	15	3

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75.3	Behaving damaging or otherwise contrary to requirements in a Municipal Building	15	3
76.1 to 76.3	Entering or remaining in a Municipal Building contrary to requirements or direction	10	2
76.4	Re-entering a Municipal Building after a direction to leave	15	3
76.5	Re-entering a Municipal Building after a direction to leave and receiving a temporary suspension letter	20	4
77	Use of a Municipal Building without consent	15	3
80	False or misleading information on a Permit application	20	5
81.2	Failure to comply with Notice to Comply in specified time	20	5
82.2	Failure to comply with lawful direction when contravening Local Law	10	2
94.4	Offence where no penalty is given – 1 st Offence	10	2
94.4	Offence where no penalty is given – 2 nd and Subsequent Offences	15	3
94.5	Failure to obtain Permit	20	5
94.6	Failure to comply with a condition of a Permit or exemption	20	5