

**NORTHERN TERRITORY OF AUSTRALIA**

**PALMERSTON (LITTER) BY-LAWS**

As in force at 21 June 1989

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 21 June 1989

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## PALMERSTON (LITTER) BY-LAWS

### By-laws under the *Local Government Act*

#### Part I Preliminary

##### 1 Citation

These By-laws may be cited as the *Palmerston (Litter) By-laws*.

##### 2 Definitions

In these By-laws, unless the contrary intention appears:

***approved*** means approved by the Council.

***authorized*** means authorized by the Council.

***Council*** means the Palmerston Town Council constituted under the *Local Government Act*.

***disease*** means a notifiable disease within the meaning of the *Notifiable Diseases Act*.

***handbill*** includes a poster, placard, notice, sign, book, ticket, pamphlet, advertisement and other printed matter.

***litter*** means litter, garbage, rubbish, refuse or waste matter, and includes a dead animal.

***Palmerston*** means the municipality of Palmerston as constituted under the *Local Government Act*.

***person*** means a person other than the Council.

***premises*** includes a dwelling-house, flat, flatlet, home unit, duplex, caravan, caravanette, camp, tent, hostel, boarding-house, office, shop, factory, depot, workshop, mill, slaughter house, warehouse, hotel, restaurant, eating-house and a building and establishment, within Palmerston, whether the same is used for business, trade or residential purposes and, where a building is let or occupied in

more than one separate unit, each separate unit, where it is let to or occupied by a separate person, shall be separate premises.

**public place** means any place open to or used by the public, whether with or without payment for admission, and includes a road.

## **Part II                    Litter**

### **3                    Litter on public place**

- (1) Subject to clause (2), a person shall not sweep, throw, place, spill, drop or otherwise deposit litter in or upon a public place.
- (2) Clause (1) does not prevent the lawful depositing of litter in:
  - (a) a litter receptacle provided by the Council for that purpose;
  - (b) a dustbin, box or other receptacle for household litter, referred to in clause 6, placed in or upon a public place in accordance with that clause; or
  - (c) a garbage dump owned, operated or controlled by the Council.

### **4                    Expecting, &c., in public places**

A person shall not expectorate or emit a nasal discharge in a public place.

### **5                    Urinating, &c., in public places**

A person shall not urinate or defecate in a public place except in a place provided for that purpose.

### **6                    Dustbin, &c., in public places**

A person shall not place or permit or suffer to be placed a dustbin, box or other receptacle for household litter in or upon a public place other than at the times and in the manner specified under the Act relating to the collection of litter by the Council.

### **7                    Material passing onto road**

An occupier or, where there is no occupier, the owner of land or premises shall not cause, permit or suffer a matter to pass or flow from the land or premises onto a footpath or road where the deposition of the matter would be an offence against these By-laws.

**8 Litter from vehicles**

A person driving a vehicle on a road shall not permit or suffer litter to fall or otherwise be deposited from the vehicle onto the road or land adjoining that road.

**9 Premises to be clean and free from litter**

- (1) The occupier or, where there is no occupier, the owner of premises shall keep the premises clean and free from litter.
- (2) An authorized officer who has reasonable cause to believe that premises are not clean and free from litter may, in accordance with the Act, enter the premises for the purpose of making an inspection to determine whether the premises are clean and free from litter.
- (3) Where an authorized officer has made an inspection referred to in clause (2) and is, after the inspection, of the opinion that the premises the subject of that inspection are not clean and free from litter, he may serve on the occupier or, where there is no occupier, the owner of the premises a notice in the approved form directing the occupier or owner, as the case may be, within the period specified in that notice, to cause the premises to be clean and free from litter, and the occupier or owner upon whom that notice is served shall, accordingly, comply with that notice within the period specified in that notice.
- (4) Where the occupier or owner of premises upon whom a notice under clause (3) has been served has not complied with the notice within the period specified in that notice, an authorized officer may, with such servants, agents or workmen as he thinks fit for the purpose, enter the premises to which that notice relates, and carry out, or cause to be carried out, the work necessary to render the premises clean and free from litter.

**10 Distribution of handbills**

A person shall not, without approval in writing, give out or distribute to another person, or throw, place, drop or otherwise deposit, a handbill in, upon or onto a public place.

**11 Drainage and cleaning of lanes and alleys**

The occupier or, where there is no occupier, the owner of land adjoining a private lane or alley shall provide adequate drainage for the lane or alley and shall keep that lane or alley clean and free from litter.

**12 Verandahs and balconies to be clean and watertight**

The occupier or, where there is no occupier, the owner of premises against or in front of which there is a verandah or balcony which is over a footpath shall keep that verandah or balcony watertight, clean and free from litter.

**12A Removal of animal excrement**

A person in charge of an animal in a public place shall remove from the public place any excrement deposited by the animal in that place.

**12B Deposit of offensive litter, &c., in council receptacles**

A person shall not deposit in a receptacle provided by the Council in a public place for the purpose of holding litter:

- (a) wet household garbage;
- (b) litter which has an offensive odour;
- (c) litter which may cause a health hazard; or
- (d) trade or commercial waste material.

**12C Stacking, &c., of goods &c., on public place**

- (1) Subject to clause (2), a person shall not stack, store or expose, or permit the stacking, storing or exposing of goods, merchandise or building or construction material in, on or over a public place.
- (2) Clause (1), does not apply to the stacking, storing, or exposing of goods, merchandise or building or construction material in accordance with the conditions of a permit granted under the *Palmerston (Work on Public Places) By-Laws*.

**12D Washing, &c., of vehicles in public place**

- (1) A person shall not:
  - (a) wash; or
  - (b) subject to clause (2), carry out repairs or maintenance work on,  
  
a motor vehicle on or in a public place.
- (2) Clause (1)(b) does not apply to the carrying out of repairs on a motor vehicle for the purpose of immediately removing that vehicle from a public place.

**12E Overgrown and unsightly land**

- (1) Where:
- (a) any land in Palmerston is overgrown with grass or other vegetation; or
  - (b) any thing stored on land in Palmerston on which premises are erected is:
    - (i) unsightly; and
    - (ii) able to be seen by a person on a public place in the vicinity of the land,

an authorized officer may serve on the occupier or, where there is no occupier, the owner of the land, a notice in the approved form directing the occupier or the owner, as the case may be, within the period specified in the notice, to:

- (c) destroy, burn, cut or remove the grass or vegetation on the land; or
- (d) remove the thing from the land, or store or screen it in such a way so that it cannot be seen by a person on a public place in the vicinity of the land,

as the case may be.

- (2) Where the occupier or owner of land on whom a notice under clause (1) has been served has not complied with the notice within the period specified in that notice, an authorized officer may, with such servants, agents or workmen as the officer thinks fit for the purpose, enter, in accordance with the Act, the land to which that notice relates, and carry out, or cause to be carried out, the work required to be carried by the notice.

**Part III Litter services****13 Occupier to provide litter receptacles**

- (1) An occupier of premises shall:
- (a) provide upon the premises one or more removable litter receptacles for the purpose of holding all litter produced upon the premises, each of which shall:
    - (i) have a capacity of not more than 0.08 cubic metres;

- (ii) be impervious to moisture and vermin;
  - (iii) have a close fitting lid; and
  - (iv) be fitted with handles for convenience in moving and emptying it;
- (b) maintain a litter receptacle in good order and condition and not cause or permit a litter receptacle to attract or harbour flying insects or vermin, to become unsightly or cause an offensive odour or otherwise to become or cause a danger to public health or to interfere with or affect the comfort of persons occupying, using or passing through or along neighbouring premises;
- (c) ensure that the lid of a litter receptacle is at all times kept closely fitted to the litter receptacle except where the litter receptacle is removed for the purpose of placing litter in it or removing litter from it;
- (d) subject to clause (2), ensure that litter produced on the premises is deposited in a litter receptacle;
- (e) cause all wet litter to be effectively wrapped before it is placed in a litter receptacle;
- (f) where required by an authorized officer or an order of the Council, indelibly mark or paint on the lid and body of a litter receptacle the number of the lot of land occupied by him, his name and such other information as may be required by the officer or order;
- (g) on the day or days and at the time notified by the Council, under the Act, cause a litter receptacle on the premises to be placed on the footpath outside the premises in such a position as to enable the garbage collector access to the contents of it, and shall replace, or cause it to be replaced, on the premises after the contents have been removed; and
- (h) cause a litter receptacle to be thoroughly cleansed with antiseptic not less than once in each 4 week period.
- (2) Clause (1)(d) does not prevent the lawful destruction by fire of litter capable of being so destroyed.



**14 Interference with litter receptacles**

A person shall not touch, use, remove, mark, damage or otherwise interfere with a litter receptacle upon premises or a footpath unless he is:

- (a) the occupier of the premises for which the litter receptacle is provided or his servant or agent;
- (b) a servant or agent of the Council acting within the scope of his duties; or
- (c) a contractor or servant or agent of a contractor of the Council acting in the due performance of the contract.

**15 Litter receptacles to be returned**

A person engaged in the removal or collection of litter on behalf of the Council shall, after emptying the contents of a litter receptacle, replace the lid tightly on it and return it to its former location.

**Part IV Garbage dumps****16 Council dumps**

Where the Council establishes a garbage dump, it shall cause a notice to be published in a newspaper generally circulating in Palmerston, which notice shall specify:

- (a) that a dump has been established;
- (b) the location of the dump;
- (c) the hours during which and the days on which the dump shall be open for the deposit of litter;
- (d) the class or classes of litter which may be deposited upon the dump;
- (e) whether the general public may deposit litter upon the dump; and
- (f) such further or other conditions as the Council thinks fit.

**16A Fees to use dump**

- (1) Where the Council establishes a garbage dump under by-law 16, it may by resolution from time to time determine the charges to be paid for depositing litter at that dump.

- (2) A person shall not deposit litter at a garbage dump established under by-law 16 unless that person has paid to the Council or an authorized officer the charges determined under clause (1).

### **17 Offences at dumps**

A person shall not, in respect of a dump referred to in by-law 16:

- (a) deposit litter upon the dump other than during the hours and on the days specified in the notice under that by-law relating to that dump;
- (b) deposit litter upon the dump unless the litter is of the class or classes specified in the notice under that by-law relating to that dump;
- (c) enter or remain upon the dump except for the purpose of depositing litter on it, unless he is a servant or agent of the Council acting within the scope of his duties, or a contractor or servant or agent of a contractor of the Council acting in the due performance of the contract;
- (d) remove litter from the dump without approval in writing; or
- (e) fail to comply with a direction of an authorized officer with respect to the place or manner in which he is to deposit litter on the dump.

## **Part V Removal and destruction of animals**

### **18 Diseased and injured animals at large**

- (1) Subject to clause (2), an authorized officer may, by notice in writing, require the owner of:
- (a) a diseased or injured animal, whether it is upon private land or premises or in a public place; or
  - (b) an animal which is at large in a public place and which, if left at large, is likely to be a danger to the safety of members of the public,
- immediately to destroy, remove or otherwise dispose of the animal.
- (2) A notice under clause (1) shall not require the destruction of an animal unless a registered veterinary surgeon within the meaning of the *Veterinary Surgeons Act* has first examined the animal and is of the opinion that it should be destroyed.

**19 Dead animals on premises**

- (1) Where the carcass of a dead animal is upon premises, the occupier or, where there is no occupier, the owner of the premises shall cause the carcass to be buried or destroyed.
- (2) An authorized officer who has reason to believe that the carcass of a dead animal is upon premises may, in accordance with the Act, enter the premises for the purpose of making an inspection of the premises to ascertain whether there is such a carcass on the premises.
- (3) Where an authorized officer who has made an inspection referred to in clause (2) of premises finds the carcass of a dead animal upon the premises, he shall, as soon as practicable after the inspection, serve on the occupier or, where there is no occupier, the owner of the premises a notice in the approved form directing the occupier or the owner, as the case may be, within the period specified in the notice, to bury or destroy, or cause to be buried or destroyed, that carcass, and the occupier or owner upon whom that notice is served shall, accordingly, comply with that notice within the period specified in that notice.
- (4) Where the occupier or owner of premises upon whom a notice under clause (3) has been served has not complied with the notice within the period specified in the notice, an authorized officer may, with such servants, agents or workmen as he thinks fit for the purpose, enter the premises, and bury or destroy, or cause to be buried or destroyed, the carcass of the dead animal to which that notice relates.

**Part VI Miscellaneous****20 Hindrance, &c., of authorized officer, &c.**

A person shall not obstruct, hinder or impede an authorized officer, or a person acting in good faith assisting the authorized officer, in the exercise of the powers or the performance of the functions conferred or imposed under these By-laws upon that authorized officer.

**21 Offences and penalties**

- (1) Where a matter or thing is by these By-laws directed or prohibited to be done, or where an authority is given by these By-laws to the Council or to a person or persons to direct a matter or thing to be done, and such matter or thing so directed to be done remains undone or such matter or thing forbidden to be done is done, a person offending against such direction or prohibition shall be guilty

of an offence.

- (2) A person guilty of an offence referred to in clause (1) shall, for each such offence, be liable to a penalty not exceeding \$500 and, in addition, to a penalty not exceeding \$50 for each day during which that offence continues.

## **22 Recovery of expenses**

In addition to a penalty imposed in respect of a breach of these By-laws, an expense incurred by the Council in consequence of the breach, or in the execution of work required by these By-laws to be executed by a person and not executed by him, shall be recovered from the person committing the breach or failing to execute the work as a debt due by that person to the Council.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

|                              |                                     |
|------------------------------|-------------------------------------|
| <b>amd = amended</b>         | <b>od = order</b>                   |
| <b>app = appendix</b>        | <b>om = omitted</b>                 |
| <b>bl = by-law</b>           | <b>pt = Part</b>                    |
| <b>ch = Chapter</b>          | <b>r = regulation/rule</b>          |
| <b>cl = clause</b>           | <b>rem = remainder</b>              |
| <b>div = Division</b>        | <b>renum = renumbered</b>           |
| <b>exp = expires/expired</b> | <b>rep = repealed</b>               |
| <b>f = forms</b>             | <b>s = section</b>                  |
| <b>Gaz = Gazette</b>         | <b>sch = Schedule</b>               |
| <b>hdg = heading</b>         | <b>sdiv = Subdivision</b>           |
| <b>ins = inserted</b>        | <b>SL = Subordinate Legislation</b> |
| <b>lt = long title</b>       | <b>sub = substituted</b>            |
| <b>nc = not commenced</b>    |                                     |

**2 LIST OF LEGISLATION*****Palmerston Litter By-laws (SL No. 21, 1984)***

|           |               |
|-----------|---------------|
| Notified  | 11 April 1984 |
| Commenced | 11 April 1984 |

***Palmerston Litter Amendment By-laws (SL No. 8, 1989)***

|           |              |
|-----------|--------------|
| Notified  | 21 June 1989 |
| Commenced | 21 June 1989 |

**3 LIST OF AMENDMENTS**

|              |                             |
|--------------|-----------------------------|
| bl 2         | amd No. 8, 1989, bl 2 and 7 |
| bl 3         | amd No. 8, 1989, bl 7       |
| bl 6         | amd No. 8, 1989, bl 7       |
| bl 9         | amd No. 8, 1989, bl 3       |
| bl 12A – 12E | ins No. 8, 1989, bl 4       |
| bl 13 – 16   | amd No. 8, 1989, bl 7       |
| bl 16A       | ins No. 8, 1989, bl 5       |
| bl 17        | amd No. 8, 1989, bl 7       |
| bl 19        | amd No. 8, 1989, bl 6       |
| bl 21 – 22   | amd No. 8, 1989, bl 7       |