NORTHERN TERRITORY OF AUSTRALIA

KATHERINE TOWN COUNCIL BY-LAWS

As in force at 8 June 2011

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NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the By-laws as in force at8 June 2011. Any amendments that commence after that date are not included.

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KATHERINE TOWN COUNCIL BY-LAWS

Regulations under the *Local Government Act*

Part 1 Preliminary

Division 1 General

1 Citation

These By-laws may be cited as the *Katherine Town Council By-laws*.

2 Crown to be bound

These By-laws bind the Crown in right of the Territory.

3 Interpretation

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

appropriate fee means the fee determined from time to time by the council to be the fee for a permit, authority, licence, registration or other matter or for a class or classes of permit, authority, licence, registration or other matter.

approved means approved by the council by resolution.

bicycle or tricycle means a 2 or 3 wheeled vehicle designed to be propelled by human power, and includes a powered bicycle or tricycle.

boat means a boat or floating vessel or craft of any kind other than a motor boat.

bridge includes a ford, causeway, culvert or crossing affording passage.

council means the Katherine Town Council.

determined means determined by the council by resolution.

holder means the holder of an authority, licence, permit, or certificate of registration, as the case may be.

licence means a licence issued under these By-laws, and includes a renewal of a licence.

litter includes garbage, rubbish, refuse or waste matter, and includes a dead animal and discarded vehicle bodies, machinery, implements, and the like.

meeting means a meeting of the council.

motor boat means a boat or floating vessel or craft of any kind that has a motor to power its principal propulsion system, and includes a hovercraft.

motor vehicle means any vehicle designed to be self propelled and includes a trailer when attached to a motor vehicle, but does not include a motorised wheelchair which is not capable of travelling at a speed greater than 10 km/h or a powered bicycle or tricycle.

municipality means the municipality of Katherine.

owner, in relation to:

(a) an animal (other than a dog), a boat, motor boat or vehicle (other than a motor vehicle) means, in the absence of proof to the contrary, the person for the time being in control of the animal, boat, motor boat or vehicle;

(b) a dog, means the person whose name appears in the appropriate register as the owner of the dog or the person for the time being in control of the dog; and

(c) a motor vehicle means the person in whose name the vehicle is registered under the *Motor Vehicles Act* or under another law of the Territory or under a law of a State or other Territory of the Commonwealth that provides for the registration of vehicles.

permit means a permit issued under these By-laws, and includes a renewal of a permit.

pound means a pound established or maintained in accordance with these By-laws.

pound supervisor means a person appointed to be the supervisor of a pound.

premises includes land and/or buildings.

public place includes:

(a) every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of the place;

(b) every place to which the public are admitted on payment of money, the test of the admittance being the payment of the money only;

(c) every road, street, footway, court, alley, thoroughfare or cul-de-sac which the public are allowed to use, notwithstanding that the road, street, footway, court, alley, thoroughfare or cul-de-sac may be formed on private property; and

(d) land reserved under a law of the Territory for the use of the public or a member of the public.

register means a register established in pursuance of by-law 7.

registrar means the person appointed by the council to be a registrar.

reserve means land, including its waters, being a public place that is vested in, leased to, or under the care, control or management of, the council and capable of being used as a reserve, park, garden, recreation ground, oval or playing field, or for swimming, bathing, boating or other recreation associated with water.

vehicle means a conveyance or other device designed to be propelled or drawn by any means and includes a bicycle or tricycle, motor vehicle, or an animal being driven or ridden, but does not include a train or a wheelchair that is not capable of travelling at a speed greater than 10 km/h.

4 Application of By-laws

These By-laws apply to and are in force within the whole of the municipality.

5 Determinations, including determinations of charges, &c.

(1) Where the council makes a determination under this By-law, it is to publish a notice of its making in a newspaper circulating in the municipality as soon as practicable after the determination is made.

(2) The council may determine the charges, dues, fares, fees and rents in relation to a property, undertaking, service, matter or thing.

(3) Where the council, in the exercise of a power or the performance of a function, whether within or outside the municipality:

(a) supplies a service, product or commodity;

(b) grants a licence or permit;

(c) makes a registration;

(d) furnishes information;

(e) admits a person to a building or enclosure;

(f) receives an application for approval;

(g) permits inspection of a register;

(h) allows the use of real or personal property of or under its care; or

(j) takes any other action in relation to which a determination is made,

it may demand and recover the relevant amount determined under clause (2).

(4) The council may make determinations in relation to a matter or thing set out in column 1 of Schedule 1 and, for that purpose, may take into account a matter specified in column 2 of that Schedule.

6 Registrar

The council may appoint a person to be the registrar for the purposes of these By-laws or for a part of the By-laws.

7 Registers

(1) The registrar is to keep the number of registers as may be determined by the council.

(2) The registrar may keep a register in the medium or combination of mediums as the registrar thinks fit including, but not limited to, a computer, microfilm or paper.

8 Proof of ownership of motor vehicle

(1) In proceedings under these By-laws for an infringement involving a motor vehicle, the owner of the motor vehicle at the time of the infringement is deemed to have committed the infringement.

(2) Clause (1) does not affect the liability of the person who actually committed the infringement, unless the owner, but:

(a) the owner and the offender are not both to be liable to be convicted for the same infringement; and

(b) where a fine has been imposed on a person by a court in relation to an infringement, another person is not to be charged, and a further penalty is not to be imposed on or recovered from another person, in respect of the same infringement.

(3) Clause (1) does not apply to the owner if, within 14 days after the date of service of a notice or summons in relation to an infringement, the owner or, if the owner is a body corporate, the director, manager or secretary, delivers in accordance with the notice or summons a statutory declaration made by the owner or person setting out, where applicable:

(a) that at the time the alleged infringement occurred, another person was in control of the motor vehicle and giving the name and address of that person and any other relevant information;

(b) particulars of the sale or disposal of the motor vehicle before the date of the alleged infringement and giving the name and address of the purchaser and, if the sale was made through an agent, the name and address of the agent; or

(c) particulars concerning the theft or unlawful use of the motor vehicle that removed it from the control of the owner.

9 Matters of evidence

(1) An extract from or copy of an entry in a register purported to be signed by the registrar is, in all courts and on all occasions, prima facie evidence of the signature of the registrar and of the particulars contained in the entry without requiring the production of the register.

(2) A statement signed by the registrar concerning particulars of entries in a register including, in relation to an animal, matter or thing:

(a) whether the name of person was entered in a register in relation to an animal, matter or thing; or

(b) whether a licence, permit, authority or registration had been issued,

is, in all courts and on all occasions, prima facie evidence of the signature of the registrar and of those particulars without requiring the production of the register.

10 Requirements for execution of works

(1) Where the council requires work to be carried out by the owner or occupier of land, the council, an authorised person, or an officer or employee authorised in that behalf may, by written notice served on the owner or occupier, require the owner or occupier at his or her own expense to execute the work or to cause it to be executed, and to do anything incidental to the work:

(a) in or of the materials;

(b) within the period;

(c) in the manner; and

(d) in the area,

specified in the notice.

(2) The council may require that work done in pursuance of a notice served under clause (1) is executed by qualified or licensed persons only.

(3) The council may, when serving a notice under clause (1), indicate that the council will, if requested, carry out the works referred to in the notice at the expense of the person on whom the notice is served.

(4) Without limiting the generality of the powers conferred on the council or other person under clause (1), the power to direct the manner of execution of work includes the power to require the person carrying out the work to pay to the council, or enter into a bond for payment to the council of, the amount the council thinks fit to provide security against costs that it may incur as a result of the execution of the work.

11 Where requirements not complied with

(1) The council may carry out work required by or under the Act or these By-laws to be executed on default by the person required to execute the work.

(2) Where the council carries out work under clause (1), the cost to the council of carrying out the work is a debt due and payable by the person required to execute the work.

Division 2 Plan of numbering in Municipality

12 Plan of numbering

(1) The council may adopt a plan or system of numbering areas of land adjacent to a road and may, in accordance with the plan or system:

(a) affix a number on a building or a front gate or fence on land adjoining a road; or

(b) by notice in writing, require the owner or occupier of land adjoining a road included in the plan or system to affix, in accordance with the terms of the notice, a number on a building or a front gate or fence on the land.

(2) The council may, from time to time, alter the plan or system of numbering referred to in clause (1) and may:

(a) replace the number affixed under that clause with a new number; or

(b) by notice in writing, require the owner or occupier of land adjoining a road to affix, in accordance with the terms of the notice, a new number on a building, or a front gate or fence on the land.

(3) A person who has affixed a number to a building, front gate or fence on land under clause (1) and who is required to replace or affix a number in accordance with clause (2) may obtain the number free of charge from the council.

(4) An owner or occupier of land must, within 7 days after the date specified in a notice referred to in clause (1)(b) or (2)(b), affix the number specified in the notice.

(5) Where an owner or occupier of land fails within the time specified in a notice under clause (1)(b) or (2)(b) to affix a number, the council may enter the land referred to in the notice and affix the required number, and the expense of so doing may be recovered from the person on whom the notice was served as a debt due and payable to the council.

Division 3 Licences, permits, authorities and registrations

13 Definition

In this Division, ***licence*** includes permit, authority and registration.

14 Applications for licences, &c.

(1) A person may apply to the clerk for the issue of a licence required under these By-laws.

(2) An application is to be:

(a) in accordance with the approved form;

(b) accompanied by the appropriate fee; and

(c) accompanied by any documents, specifications or particulars that the council may require.

15 Grant of licence, &c.

(1) The council may grant, or refuse to grant, a licence.

(2) A licence remains in force for:

(a) the period of 12 months after the date of the grant of the licence;

(b) a period of more or less than 12 months as endorsed on the licence; or

(c) an indefinite period terminating on the occurrence of a future event specified on the licence, in these By-laws or in a determination made under by-law 5.

(3) Registration of a dog expires on 30 June each year or, if the council determines, on the anniversary of the first registration of the dog.

(4) A licence may be subject to the conditions the council thinks fit and endorses on the licence, including conditions that may lead to immediate revocation of the licence if they are breached or not complied with.

(5) A licence is not transferable.

16 Activity for which licence required prohibited without licence; compliance with conditions

(1) A person must not, without a licence, carry out an activity for which a licence is required.

(2) A person must comply with and not contravene the conditions of a licence.

Division 4 Regulatory

17 Compliance with notices, &c.

A person must comply with and not contravene a requirement of a notice served under these By-laws on the person by the council.

18 Obstruction of officers, &c.

(1) It is an offence for a person to obstruct, hinder, disturb or interrupt an authorised person or officer or employee of the council, or a contractor or sub-contractor to the council or employee of the contractor or sub-contractor, in the proper execution of his or her work or duty.

(2) An offence against clause (1) is a regulatory offence.

19 Power of arrest or removal

An officer or employee, authorised person or person appointed by the council for the purpose or, without derogating from their general power, members of the Police Force, may arrest or remove persons offending against these By-laws.

20 General penalty

A person who contravenes or fails to comply with these By-laws is guilty of an offence and is liable on conviction to a penalty not exceeding $3,000 and, in addition, to a penalty not exceeding $100 for each day during which the offence continues.

21 Fixed penalties

(1) Notwithstanding by-law 20, a person who is alleged to have contravened or failed to comply with these By-laws and on whom a notice of infringement is served, may pay to the council, as an alternative to prosecution, the sum specified by this by-law instead of the penalty that may otherwise be imposed under by-law 20.

(2) For the purposes of this by-law:

(a) a notice of infringement is to be in the form set out in Schedule 2;

(b) a notice of infringement may be issued by an authorised person;

(c) the sum specified by this by-law is $100 or, in respect of a by-law specified in column 1 of Schedule 3, the sum specified opposite the by-law in column 3 of that Schedule:

(i) which relates to the number of offences committed by the person alleged to have contravened or failed to comply with these By-laws; and

(ii) where specific conduct is specified in column 2 of that Schedule, which relates to that conduct.

(d) the sum specified by this by-law may be paid to the clerk or to the person from time to time performing or carrying out the duties of the cashier of the council; and

(e) in order to avoid prosecution, the sum specified by this by-law must be paid not later than 14 days after the date of the service of the notice of infringement on the person.

Part 2 Health and safety

Division 1 Garbage services

22 Definitions

In this Division:

dump means a dump on land owned by or vested in the council or operated or controlled by the council.

exempt person means:

(a) an officer, employee or agent of the council acting within the scope of his or her duties ; or

(b) a contractor in the due performance of a contract for garbage collection between the contractor and the council, or an officer, employee or agent of the contractor.

regular garbage collection service includes providing an approved receptacle, a regular collection of garbage and the disposal of garbage.

23 Collection of garbage by council

(1) The council's regular garbage collection service is to be as described, and conducted as specified, in a notice published from time to time in a newspaper generally circulating in the municipality.

(2) The occupier of premises to which the notice applies is to comply with the notice.

24 Alternate regular garbage collection service

If the council does not provide or cause to be provided a regular garbage collection service for particular premises, the occupier of the premises must provide or cause to be provided an approved alternative regular garbage collection service for the premises.

25 Provision and maintenance of garbage receptacles

(1) An approved garbage receptacle is to be:

(a) of an approved type and capacity;

(b) fitted with handles and a close fitting lid or close fitting lids;

(c) made of material impervious to moisture and to vermin; and

(d) if required by the council, marked with the name of the occupier and the lot number or address of the premises where the receptacle is kept.

(2) An occupier of premises must, in relation to an approved garbage receptacle used in connection with the premises:

(a) maintain the receptacle in good condition;

(b) not permit the receptacle to attract or to harbour or breed flies, insects or vermin, to become unsightly or to cause an offensive odour;

(c) not permit the receptacle to become or to cause a danger to public health or to interfere with or to affect the comfort of persons occupying or passing through or along neighbouring premises;

(d) ensure that the receptacle's lid is kept closed except when it is removed for the purpose of putting garbage in or removing it from the receptacle or for cleaning;

(e) ensure that household garbage produced on the premises is put into the receptacle until it is collected or otherwise lawfully disposed of;

(f) cause wet garbage to be effectively wrapped before being placed in the receptacle;

(g) cause the receptacle and other approved receptacles on the premises containing garbage to be placed for collection on the day, at the time and in the manner notified and at a collection point specified by the council to enable the person collecting the garbage to have access to the contents of the receptacles;

(h) cause the receptacle to be returned inside the premises or to its allocated area as soon as practicable, but not later than 24 hours, after the contents have been collected by the garbage collector;

(j) cause the receptacle to be cleansed thoroughly as required but not less than once in every 4 weeks;

(k) not remove the receptacle from the premises except to place it ready for emptying by the garbage collector;

(m) not use the receptacle otherwise than to contain household garbage generated through normal domestic activity;

(n) notwithstanding paragraph (m), not place in the receptacle excess quantities of heavy material such as earth, concrete or brick, or waste liquids, chemicals, paint or hazardous substances; and

(p) keep the receptacle on the premises or an allocated area related to the premises.

26 Interference with garbage receptacles

(1) A person other than:

(a) the occupier of the premises for which a garbage receptacle is provided; or

(b) an exempt person,

must not, without reasonable cause, touch, use, remove, mark or otherwise interfere with a garbage receptacle.

(2) A person who damages or causes a garbage receptacle to be damaged commits an offence and is liable to the council for the costs of the repair to or replacement of the receptacle.

(3) An offence against clause (2) is a regulatory offence.

27 Garbage receptacles to be returned to location

A person engaged in the collection of garbage on behalf of the council is, after collecting the contents of a garbage receptacle, to return the receptacle and its lid to the collection point in relation to the receptacle.

28 Council may establish dumps

(1) The council may establish dumps for the deposit of garbage on land owned by, vested in or under the control of the council.

(2) The council may make arrangements and enter into contracts with the owner or occupier of private land to establish a dump for the deposit of garbage on that land.

(3) Where a dump has been established under clause (1) or (2), the council must cause a notice to be published in a newspaper generally circulating in the municipality and the notice is, in addition to the fact of the establishment of the dump, to specify:

(a) its location;

(b) the hours during which and the days on which the dump is open for the deposit of garbage;

(c) the conditions on which various classes of garbage may be deposited on the dump; and

(d) any other conditions the council thinks fit.

(4) The council may:

(a) require a person to apply for and obtain a licence for the use of a dump; and

(b) charge a fee for dumping garbage on a dump.

29 Offences at dumps

(1) A person must not:

(a) deposit garbage at a dump other than during the hours and on the days specified by the council;

(b) deposit garbage on a dump unless it is of a class or classes of garbage specified by the council under by-law 28(3);

(c) other than as an exempt person, enter or remain on a dump except for the purpose of depositing garbage;

(d) loiter on or at a dump;

(e) cause, allow or permit a child, who has not attained 12 years of age and is not under his or her care, custody or control, to enter or remain on a dump;

(f) remove garbage from a dump without the council's written consent; or

(g) fail to comply with any directions given at the dump relating to the place or manner garbage is to be deposited.

(2) A person who contravenes or fails to comply with a provision of clause (1) commits an offence.

(3) An offence against this by-law is a regulatory offence.

Division 2 Litter, &c., on land

30 Depositing, &c., litter

(1) A person must not deposit litter on land or allow litter to remain on land.

(2) The owner or occupier of land must not deposit, or keep or allow to remain on the land, litter that is likely to attract vermin to the land or to form a harbourage for vermin unless the material is kept in a receptacle that is vermin-proof.

31 Land to be cleared

(1) Where, in the opinion of the council, there is on land:

(a) plants, grass or weeds:

(i) that are, or are likely to become, injurious, flammable or noxious; or

(ii) that have become unkempt; or

(b) litter (including unsightly car bodies, machinery or other chattels),

the council may cause a notice under by-law 10 to be served on:

(c) the occupier of the land; or

(d) where the council is unable to ascertain the identity of the occupier, the owner of the land,

requiring the land to be cleared or tidied, litter to be placed in a vermin-proof receptacle of a kind specified or any other action set out in the notice to be taken.

(2) The period within which the work must be carried out under clause (1) is to be specified in the notice, being a period of not less than 2 days and not more than 21 days after the date of service of the notice.

Division 3 Fires, &c.

32 Burning offensive materials

A person must not burn or heat any material, thing or substance that gives off an odour that is offensive to a person on adjacent land or a public place.

33 Lighting fires

(1) A person who lights or causes to be lit or keeps burning a fire in the open air, other than in an approved incinerator or fireplace, or in a barbecue, commits an offence.

(2) A person who, without a permit, lights or maintains a fire in a public place other than in a designated fire place commits an offence.

(3) An offence against this by-law is a regulatory offence.

34 Igniting fireworks, &c.

(1) A person must not, without a permit issued by the Chief Inspector within the meaning of the Dangerous Goods Regulations, light or assist to make a bonfire in a public place, or ignite or throw a firework or similar article in a public place.

(2) A person who contravenes or fails to comply with clause (1) commits an offence.

(3) An offence against this by-law is a regulatory offence.

(4) Nothing in this by-law applies to the ignition of fireworks on the day on which self-government of the Territory is celebrated.

35 Breaking or leaving glass, &c.

(1) A person who breaks or causes to break, in a public place used for recreational purposes, any glass or other material the pieces of which are likely to cause injury commits an offence.

(2) It is a defence to a prosecution for an offence under clause (1) if the defendant proves on the balance of probabilities that the breakage was accidental and that the broken pieces were collected and disposed of safely.

(3) A person who leaves or deposits on a public place used for recreational purposes, other than in a container for collection by the council, any glass or other material likely to cause injury commits an offence.

(4) An offence against clause (1) or (4) is a regulatory offence.

36 Deposit of offensive matter, &c.

(1) A person must not place or cause to be placed household, commercial or industrial waste or refuse or garbage in a litter bin provided by the council in a public place.

(2) A person must not:

(a) deposit, or permit the deposit of, waste food, peelings, fruit or other vegetable matter;

(b) throw, deposit or discharge an offensive or unwholesome matter or fluid; or

(c) deposit, or permit the deposit of, garbage or other refuse,

on a public place or other land under the control of the council, except if it is placed in a container for collection by the council.

(3) A person must not, without a permit, use, deposit or discharge, or cause to be used, deposited or discharged, water or other matter, whether liquid or solid, in a place where it is likely to flow or discharge or encroach on or into a public place or a side entry pit to a drain in a public place.

(4) A person must not spit in a public place.

(5) A person who contravenes or fails to comply with this by-law commits an offence.

(6) An offence against this by-law is a regulatory offence.

37 Throwing stones, &c.

(1) A person who, into, from or in a public place:

(a) throws or discharges a stone or other object; or

(b) uses a catapult,

thereby causing damage to a building or property, or where there is a possibility of hitting or frightening a person, commits an offence.

(2) An offence against clause (1) is a regulatory offence.

Part 3 Animal management

Division 1 Animals generally

38 Purpose of Part

The purpose of this Part is to provide for the keeping of animals within the municipality in a manner compatible with the enjoyment by residents of a congenial living environment.

39 Diseased and injured animals and animals at large

The council may, by notice in writing, require the owner of:

(a) a diseased, injured, savage or destructive animal whether it is on private land or in a public place; or

(b) an animal at large in a public place that, if left at large, is likely to be a danger to the safety of the public,

immediately to remove or otherwise dispose of the animal, and where it is reasonable to do so, require the destruction of the animal.

40 Removal, &c., of dead or diseased, &c., animals

(1) The council may, without notice to the owner, cause the carcass of a dead animal that is found in a public place to be removed or destroyed and disposed of.

(2) The council may, without notice to the owner of a diseased or injured animal, or of an animal at large in a public place that is likely to be a danger to the safety of the public, cause the animal to be removed or destroyed and disposed of.

(3) Where the council incurs expense in removing, destroying or disposing of an animal or a dead animal, the council may recover the expense from the owner of the animal as a debt due and payable to the council.

41 Occupier is deemed owner

For the purposes of this Division, and in the absence of evidence to the contrary, the occupier of land where an animal or a dead animal is found is deemed to be the owner of the animal.

Division 2 Control of dogs

Subdivision 1 Preliminary

42 Interpretation

(1) In this Division, unless the contrary intention appears:

abandon, in relation to a dog, includes deliberately leaving the dog at premises.

animal means all animals kept on private premises in the municipality, and includes dogs, cats, birds and reptiles.

attack, in relation to the actions of a dog, means an action of a dog that involves the dog rushing at, biting, chasing, menacing or worrying a person or another animal and, in so doing, the dog actually touches the person or other animal, or the clothing or other property in the immediate possession or under the immediate control of the person, whether or not any injury or damage occurs to the person, animal or property.

dog means an animal of the genus *Canis*.

dog exercise area means a dog exercise area declared under by-law 51.

dog restriction area means a dog restriction area declared under by-law 51.

dog-tag means a dog-tag issued under by-law 46.

guide dog means a dog trained by a guide dog training institution recognised by the council and used as a guide by a person who is wholly or partially blind or deaf.

identification device means a device or mark used for identifying an animal registered under this Part and includes a dog-tag, permanent electronic subcutaneous implant, tattoo or other approved device or mark.

menace, in relation to the actions of a dog, means an action that creates a reasonable apprehension in a person that the dog is likely to attack the person, another person or an animal owned or in the control of the person, and includes a reasonable apprehension that the dog may escape, or be released from restraint, to attack a person or the animal.

permanent electronic subcutaneous implant means an electronic device that can be implanted into the tissue of a dog for the purposes of identification.

registered owner, in relation to a dog, means the person appearing in the register as the owner of the dog.

repealed by-laws means the *Katherine (Control of Dogs) By-laws* as repealed by these By-laws.

veterinarian means a registered veterinarian within the meaning of the Veterinarians Act.

(2) Unless the contrary intention appears, a reference in this Division to the owner of a dog (other than to the registered owner) includes:

(a) the person for the time being under whose control the dog is;

(b) the occupier of premises or a part of premises where the dog is usually kept; and

(c) where the owner has not attained the age of 17 years, a parent or guardian of the owner,

but does not include a person controlling or keeping a dog under Subdivision 6 or 7.

(3) A reference in this Division to a dog at large is a reference to a dog, other than a dog in the custody of an authorised person or in a pound, in a place other than premises owned or occupied by the owner of the dog.

(4) For the purposes of this Division, a dog is under effective control if the dog is:

(a) restrained by a leash, cord, chain or similar device held by a person who is competent to restrain the dog;

(b) enclosed in a vehicle in such a manner that no part of the dog is projecting from the vehicle; or

(c) in a dog exercise area in accordance with the conditions, if any, to which use of the area is subject and the dog is not a female dog in oestrus.

43 Exemptions for guide dogs

By-laws 52, 53 and 54 do not apply to or in relation to a guide dog.

44 Register

(1) Particulars in the register kept for the purposes of this Division are to include a reference to the by-law under this Division or the repealed by-laws:

(a) in respect of which a registered owner has been convicted of an offence; or

(b) in respect of which a registered owner has paid a sum specified by these By-laws or the repealed by-laws in pursuance of a notice of infringement issued under these By-laws or the repealed by-laws.

(2) The registrar is to keep, as part of the register, the registers required to be kept under the repealed by-laws.

Subdivision 2 Registration of dogs

45 Special considerations in determination of application for registration

(1) The council must, not later than 14 days after receiving an application for the registration of a dog:

(a) register or renew the registration of the dog, either conditionally or unconditionally; or

(b) refuse to register or renew the registration of the dog and refund to the applicant the fee accompanying the application.

(2) The council may refuse to register or renew the registration of a dog if:

(a) within the period of 12 months before the date of the application, the owner of the dog has been convicted of more than 2 offences against this Division or the repealed by-laws;

(b) within the period of 12 months before the date of the application, the dog has been impounded under this Division or the repealed by-laws on more than 2 occasions;

(c) the council is satisfied that the dog is destructive, dangerous, vicious or consistently the cause of nuisance to members of the public;

(d) the premises on which the dog is usually kept are not fenced in the manner determined by the council; or

(e) within the period of 12 months before the date of the application, 2 or more complaints have been received relating to:

(i) the state of (including odour emanating from) the premises where the dog is usually kept, caused by or as a result of, keeping the dog; or

(ii) the unauthorised presence of the dog on land or premises other than the land or premises where the dog is usually kept.

(3) The council must refuse to register or renew the registration of a dog if:

(a) in keeping the dog on the premises on which the dog is usually kept, the applicant would be in breach of by-law 53; or

(b) the dog, other than a dog referred to in by-law 54(4), is usually kept on premises within a dog restriction area.

(4) If the council refuses to register or renew the registration of a dog, or imposes conditions on the registration or renewal of the registration of a dog, the council must serve on the applicant a statement in writing of the reasons for its decision.

(5) For the purposes of clause (2)(a), a conviction for an offence includes the payment of a sum specified by this Division in pursuance of a notice of infringement issued under these By-laws or the repealed By-laws.

46 Identification device

Where the council registers or renews the registration of a dog under by-law 45, it must, unless the dog is fitted with a permanent electronic subcutaneous implant issued by the council, issue a dog-tag to the person who made the application for fitting to the dog.

47 Licensing premises

(1) The council must, not later than 28 days after receiving an application for the licensing of premises in relation to the keeping of dogs:

(a) licence or renew the licence of the premises, either conditionally or unconditionally; or

(b) refuse to licence or renew the licence of the premises and refund to the applicant the fee accompanying the application.

(2) The council may take into account, in considering an application under clause (1), a matter that is, in its opinion, relevant and in particular may take into account:

(aa) the area of the municipality in which the premises are located and any determination made by Council as to the suitability of the area and the premises within that area for keeping more than a specified number of dogs;

(a) the facilities for controlling dogs at the premises specified in the application;

(b) the number of dogs kept or to be kept at the premises; and

(c) the likely impact, if the licence is granted or renewed, on the residents in the locality where the premises are situated.

(3) Where the council determines the manner in which premises are to be fenced, the council is not to grant or renew a licence for premises if the premises are not fenced in accordance with the determination.

(4) Where an application is for the renewal of a licence and, to the council's knowledge:

(a) no matters have arisen that, if taken into account at the time the licence was granted would have caused the council to refuse to grant the licence or to grant the licence subject to conditions other than those specified in the licence; or

(b) the council has not, since the grant of the licence, made a determination under by-law 53 that affects the premises,

the council may renew the licence without considering the application in the manner specified in clauses (2) and (3).

(5) If the council refuses to grant or renew a licence, grants a licence subject to conditions or renews a licence subject to conditions not imposed on the original licence, the council is to serve on the applicant a statement in writing of the reasons for its decision.

Subdivision 3 Cancellation, variation, &c., of registration and licences

48 Cancellation, variation, &c., of registration or licence by request

The council may, on the written application of the registered owner of a dog or the holder of a licence, by notice in writing served on the registered owner or holder:

(a) cancel the registration of the dog or the licence;

(b) vary the conditions to which the registration of the dog or the licence is subject; or

(c) in the case of a licence, suspend the licence for the period, as requested.

49 Cancellation, variation, &c., of registration or licence otherwise than by request

(1) The council may, by notice served on the registered owner of a dog or the holder of a licence, require the registered owner or holder to show cause why the council should not:

(a) cancel the registration of the dog or the licence;

(b) vary, in the manner specified in the notice, the conditions to which the registration or the licence is subject; or

(c) suspend the licence for the period specified in the notice.

(2) The council may, not less than 14 days after the date of service of a notice under clause (1), by another notice in writing served on the registered owner or the holder of the licence on whom the first-mentioned notice was served:

(a) cancel the registration of the dog or cancel the licence;

(b) vary, in the manner specified in the notice, the conditions to which the registration of the dog or the licence is subject; or

(c) suspend the licence for the period specified in the notice, being a period not longer than the period specified in the first-mentioned notice.

50 Operation of notice of cancellation, &c.

A notice served by the council under by-law 48 or 49(2) takes effect at the expiration of 14 days after the service of the notice.

Subdivision 4 Dog exercise areas and dog restriction areas

51 Dog exercise areas and dog restriction areas

(1) The council may, by resolution, declare an area within the municipality to be a dog exercise area and may specify the times when a dog may be exercised in the area and the conditions, if any, to apply to the exercising of a dog in the area.

(2) The council may, by resolution, declare an area within the municipality to be a dog restriction area and may prohibit, either absolutely or on the terms and conditions of a licence granted under by-law 47, the keeping in the area of:

(a) all dogs;

(b) more than a specified number of dogs; or

(c) all, or more than a specified number of, dogs of a specified breed.

(3) The council must, not less that 21 days before declaring an area to be a dog exercise area or dog restriction area, publish a notice of the proposed dog exercise area or dog restriction area in a newspaper circulating in the municipality.

(4) The council may, by resolution, amend any declaration made under clauses (1) or (2), in which case the requirements of subclause (3) will apply.

Subdivision 5 Offences

52 Unregistered dogs

(1) A person commits an offence if, within the municipality, the person keeps a dog that is not registered.

(2) An offence against clause (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog had not been kept in the municipality for a period of 3 months or more immediately before the date of the alleged offence or for periods totalling 3 months during the 6 month period immediately before that date.

(4) Clause (1) does not apply to:

(a) a pound supervisor keeping a dog in a pound;

(b) the RSPCA (N.T.) Incorporated keeping a dog in a refuge maintained by it;

(c) a veterinarian keeping a dog for the purposes of treatment;

(d) a dog under the age ;or of 3 months, of which the burden of proof lies on the person averring the age.

(e) an area or areas which the council may, by resolution, determine to be exempt from the requirements of subclause (1).

(5) The council must, not less than 21 days before making a determination under subclause (4)(e), publish a notice of the proposed exempt area in a newspaper circulating in the municipality.

53 Requirement for licence

The occupier of premises must not keep more than the number of dogs or the number of dogs of a class or classes of dogs, as determined by the council, unless the premises is licensed.

54 Keeping dogs in dog restriction area

(1) A person who keeps a dog (other than a guide dog) in a dog restriction area if keeping the dog is prohibited commits an offence.

(2) Where a dog is present in a dog restriction area and the presence of the dog is prohibited, the owner of the dog commits an offence.

(3) An offence against clause (1) or clause (2) is a regulatory offence.

(4) It is a defence to a prosecution for an offence under this by-law if the person charged with the offence proves that the dog at the date of the making of the resolution declaring the dog restriction area:

(a) was owned by the person;

(b) was usually kept at premises in the dog restriction area; and

(c) if required by this Division to be registered, was registered.

55 Removal of identification device

(1) A person, other than the owner of a dog, must not, without reasonable cause, remove an identification device from a registered dog.

(2) The owner of a registered dog must not permit the dog to be at large without an identification device.

(3) It is a defence to a prosecution for an offence against clause (2) if the owner of the dog proves that the identification device was removed:

(a) without the owner's permission and the owner had not had sufficient opportunity to replace the identification device; or

(b) for a reasonable cause and the cause was still existent at the date of the alleged offence.

56 Dogs at large

(1) The owner of a dog commits an offence if the dog, when at large, is not under effective control.

(2) An offence against clause (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves:

(a) that the dog, when at large, was properly in a dog exercise area; and

(b) that the person was not in breach of a condition applying to the exercising of the dog in the dog exercise area.

57 Enticement

A person must not entice or induce a dog to act in a manner that would render the owner of the dog liable to prosecution for an offence against this Division.

58 Dogs attacking or menacing persons or animals

(1) The owner of a dog that:

(a) attacks a person or animal; or

(b) menaces a person or animal,

is guilty of an offence.

(2) It is a defence to a prosecution for an offence against clause (1) if the owner of the dog proves that:

(a) a person had, without the owner's permission, enticed the dog to attack or menace the person or animal;

(b) the animal attacked or menaced was attacked or menaced on premises owned or occupied by the owner; or

(c) the person attacked or menaced was attacked or menaced on premises owned or occupied by the owner and the person:

(i) was on the premises for an illegal purpose; or

(ii) was attacked or menaced other than when proceeding by the shortest practical route from a boundary of the premises to the door of the premises closest to the boundary or from the door to the boundary.

59 Dogs chasing vehicles

The owner of a dog that chases a vehicle is guilty of an offence.

60 Dogs causing nuisance

(1) The owner of a dog that, either by itself or in concert with other dogs, is a nuisance is guilty of an offence.

(2) For the purposes of this by-law, a dog is a nuisance if it is injurious or dangerous to the health of the community or an individual, or behaves repeatedly in a manner contrary to the general interest of the community or an individual.

(3) Without limiting the generality of clause (2), a dog is a nuisance if it:

(a) creates a noise, by barking or otherwise, that persistently occurs or continues to a degree or extent that has a disturbing effect on the state of reasonable mental, physical or social well-being of a person;

(b) repeatedly barks when people or vehicles use a public place in the vicinity of the premises where the dog is kept; or

(c) repeatedly defecates in such a place so as to cause annoyance to a particular person.

(4) The owner of a dog is not guilty of an offence against this by-law by reason of the actions of the dog referred to in clause (3)(c), if the owner immediately removes the faeces and disposes of it in a public garbage receptacle or on his or her own property.

61 Abandoning dogs

A person must not abandon a dog in the municipality.

62 Obstruction of pound supervisor, &c.

(1) A person must not obstruct or hinder a pound supervisor in the execution of his or her duties.

(2) A person must not:

(a) remove or attempt to remove a dog from the custody of an authorised person; or

(b) except in pursuance of this Division, remove or attempt to remove a dog from a pound.

63 Sterilisation marks and certificates

(1) The council may approve:

(a) a certificate of sterilisation to be issued to the owner of a sterilised dog; and

(b) a mark to be used to identify a dog that has been sterilised.

(2) Where the council has approved a certificate of sterilisation under clause (1), a veterinarian must, on sterilising a dog, issue to the owner of the dog such a certificate.

(3) Where the council has approved a mark under clause (1), a person must not mark a dog that has not been sterilised with the approved mark.

(4) A person, on the sale or disposal of a dog to another person, must not:

(a) fail, where the dog has been sterilised, to supply to the other person the proof that the dog has been sterilised; and

(b) where the dog has not been sterilised, state or hold out that the dog is sterilised.

Subdivision 6 Enforcement

64 Seizure, &c., of animals

(1) An authorised person may:

(a) seize:

(i) an apparently diseased, injured, savage, destructive, stray or unregistered animal; or

(ii) an animal that is at large; and

(b) where, in the opinion of an authorised person it is necessary to do so, destroy a diseased, injured, savage, destructive, unclaimed, unregistered or unwanted animal or apply to the Local Court under the rules of that court for an order relating to the destruction of the animal.

(2) An authorised person who seizes a dog must as soon as practicable:

(a) deliver the dog to a pound; or

(b) return the dog to its owner:

(i) at the time of issuing a notice of infringement to the owner; or

(ii) in the case of a dog referred to in by-law 57, without issuing a notice of infringement.

Subdivision 7 Pounds

65 Establishment, &c., of pounds

(1) The council may:

(a) establish a pound; or

(b) make such arrangements as it thinks fit for the use of premises for impounding dogs under this Division.

(2) The council may appoint such persons as it thinks fit to be pound supervisors of a pound.

66 Notice of impounding

(1) Where a registered dog with an identification device is delivered to a pound, a pound supervisor must notify the registrar who must serve on the registered owner a notice, in the approved form, of the impounding of the dog.

(2) Where a dog with a collar on which the address of its owner is displayed is delivered to a pound, a pound supervisor is to notify the registrar who may serve at the address a notice, in the approved form, of the impounding of the dog.

(3) Except in accordance with clause (1) or (2), the registrar is not obliged to notify the owner of a dog of the impounding of the dog.

67 Release of dogs from pounds

(1) An impounded dog is not to be released from the pound:

(a) unless it is registered;

(b) other than to the owner of the dog or to a person authorised to act as the owner's agent; and

(c) unless there is paid to the council the appropriate maintenance and release fees.

(2) Clause (1)(a) does not apply to a dog that has not been usually kept in the municipality for a period of 3 months immediately preceding the date of its release from the pound or is under 3 months of age.

(3) The burden of proof as to whether:

(a) a person is the owner of a dog or a person authorised to act as the owner's agent; and

(b) under clause (2), a person has kept the dog in the municipality for the period specified or the dog is under 3 months of age,

lies on the person.

68 Diseased dogs

(1) Where a pound supervisor who takes custody of a dog that has been seized under this Division:

(a) receives advice from a veterinarian that the dog is, or is suspected of being, diseased; or

(b) notices or suspects that the dog is diseased,

the pound supervisor must:

(c) isolate the dog from other dogs in the pound; and

(d) notify the council of the dog's condition.

(2) The council must serve on the owner, if known, of a dog isolated under clause (1) written notice that the dog is or is suspected of being diseased and that the council:

(a) requires the dog to be destroyed; or

(b) requires the dog to undergo a course of treatment specified in the notice.

(3) In a notice served under clause (2), the council may require the owner of the dog to produce to the council, within the time specified in the notice, a report, prepared by a veterinarian or a person specified in the notice, relating to:

(a) the diseased dog, where the dog is not required to be destroyed; or

(b) all other dogs usually kept at the premises where the diseased dog was kept.

(4) A dog the subject of a notice under this by-law may be released from the pound in accordance with by-law 67 subject to such conditions as the council thinks fit.

(5) A pound supervisor may destroy a dog in a pound if the dog is so diseased or injured that it is humane to destroy it.

(6) The cost of treatment reasonably provided by a pound manager to a diseased animal, and to any other animal in the pound that was infected or was at risk of being infected by the diseased animal before the supervisor could reasonably isolate it, is a debt due and payable by the owner of the diseased animal to the council.

69 Sale or disposal of impounded dogs

(1) A pound supervisor may arrange for the destruction of a dog delivered to a pound at the expiration of the number of days or hours as are determined by the council.

(2) A dog in a pound is not to be destroyed other than:

(a) by a veterinarian or another person who is, in the opinion of a pound supervisor, qualified to destroy the dog; and

(b) in a manner that is approved by the Australian Veterinary Association.

(3) Subject to this Part, a pound supervisor may, instead of destroying a dog under clause (1), sell or dispose of the dog or pass the property in the dog to the RSPCA (N.T.) Incorporated and sell or dispose of the dog as agent for that Society.

Subdivision 8 Miscellaneous

70 Change of ownership of dog, &c.

(1) A person who acquires ownership of a registered dog must, not later than 14 days after acquiring ownership, notify the registrar of:

(a) the person's name and address;

(b) the name of the registered owner; and

(c) the registration number of the dog.

(2) The registered owner of a dog who changes his or her address must, not later than 14 days after the change, notify the registrar of the new address.

(3) The registrar is, on being notified of a change of ownership under clause (1) or of an address under clause (2), to amend the register accordingly.

71 Dog races, &c.

(1) The council may, by notice in writing, exempt a person or body from by-law 55 or 56, or both, for the purposes of a dog race, dog trial, dog show, or while taking part in the activities of a dog obedience club or using a dog to drive cattle or stock on a road, or for any other purpose or event as the council may determine.

(2) An exemption under clause (1) may relate to a particular event or to a class of events and may be subject to the conditions, if any, as the council thinks fit.

Part 4 Public places

Division 1 Roads, crossings, &c.

72 Definition

In this Division, unless the contrary intention appears, ***approved crossing*** means a crossing constructed:

(a) before the commencement of these By-laws, by or with the approval of the council; or

(b) after the commencement of these By-laws, in accordance with a permit.

73 Application or requirement to construct crossing

(1) The owner or occupier of land that abuts on a public place must, before constructing a crossing from the land to the place, apply for a permit.

(2) A person is not to carry out any work relating to the construction of a crossing until a permit for it has been granted.

(3) The council may serve on the owner or occupier of land that abuts on a public place a notice, under by-law 10, requiring a crossing to be constructed.

(4) Where, in the opinion of the council, a crossing, whether made before or after the commencement of these By-laws is:

(a) no longer adequate for the volume or nature of the traffic passing over it; or

(b) in a state of disrepair or is damaged,

the council may serve a notice under by-law 10 on the owner or occupier of the land to which the crossing leads from the public place.

74 Vehicles to use approved crossings only

(1) It is an offence for a person, without a permit, to drive or propel a motor vehicle over or across a footpath otherwise than at an approved crossing.

(2) Clause (1) does not include the riding of a bicycle or tricycle on, along or across a footpath designated by the council as a bicycle path.

(3) It is an offence for a person to:

(a) park a vehicle on; or

(b) place an obstruction on, or cause an obstruction to,

an approved crossing.

(4) It is not an offence under clause (3) if the person requiring to gain access to land ensures that the vehicle or obstruction remains on the approved crossing for the least time necessary to obtain access.

(5) An offence against clause (1) or (3) is a regulatory offence.

75 Bicycle restriction areas

It is an offence for a person to ride a bicycle or tricycle along or across a footpath designated by the council as a bicycle restriction area, and indicated as a bicycle restriction area by signs.

76 Heavy loads prohibited

(1) It is an offence for a person, without a permit, to drive or propel a vehicle or cause or permit a vehicle to be driven or propelled across, or to stand on or over, a crossing, culvert, road, kerb or bridge if the vehicle is:

(a) so heavy or of such nature that it is likely to cause damage to the paving of the crossing, culvert, road, kerb or bridge; or

(b) of a weight greater than that notified under clause (2).

(2) The council may determine the maximum weight of a load to be carried over a crossing, culvert, road, kerb or bridge and may notify the determination by a sign conspicuously posted at or near each approach to the crossing, culvert, road, kerb or bridge.

(3) An offence against clause (1)(b) is a regulatory offence.

77 Removal of kerbing

(1) It is an offence for a person, without a permit, to remove a road kerb.

(2) An offence against clause (1) is a regulatory offence.

(3) Where a person, in an application for building or other works, applies for a permit to cross a road kerb, the council may cause the kerb to be removed at the place indicated in the application or at another place approved by the council.

(4) At the conclusion of the building or other works for which the road kerb was removed, the council may cause the road kerb to be replaced.

78 Laying pipes, &c., on public place

(1) It is an offence for a person, without a permit, to:

(a) lay pipes, cables or conduits; or

(b) erect, place or maintain a post, pillar, bridge, footway, fixture or structure,

in, on, over, under or abutting a public place or:

(c) dig or remove, or cause to be dug or removed, turf, sand, clay, soil or other material from, or from beneath, a public place; or

(d) place a matter or thing, whether or not it causes an obstruction, on a public place.

(2) An offence against clause (1) is a regulatory offence.

79 Excavations

(1) It is an offence for a person, without a permit, to excavate a trench through or under a road or footpath or other public place.

(2) It is an offence for a person, without a permit, to carry out an excavation on land abutting a public place where:

(a) the excavation encroaches or may encroach on the public place; or

(b) if the excavation were to subside or the wall of the excavation were to collapse, the excavation or the excavated material would encroach on the public place.

(3) An offence against this by-law is a regulatory offence.

80 Damage to roads, &c.

(1) It is an offence for a person to propel, drag or trail in contact with the surface of a road any sledge, timber, metal, tool, implement, furniture or other heavy material or a conveyance or thing capable of damaging the road.

(2) It is an offence for a person to carry timber, metal, tools, implements, furniture or material along a road in a manner that endangers or causes disturbance to another person.

(3) It is an offence for a person to spill or cause to be spilt wet concrete, motor oil, hydraulic fluid or any similar substance on a road or within a public place.

(4) An offence against this by-law is a regulatory offence.

81 Council may require land to be enclosed

(1) Where land adjoining a road is not enclosed in a manner that prevents sand, soil or other material from being carried on to the road, the council may, by notice under by-law 10, require the owner or occupier of the land to cause the land to be enclosed.

(2) The owner or occupier of land must not, without a permit, cause to be erected or maintained on the boundary of the land or within 0.66m of a road or land under the control of the council a fence having a component of barbed wire, or material of a similar type, at a height lower than 2.33m from the ground on which the fence is erected.

82 Safety lights

(1) A person who causes:

(a) any material or structure to be deposited or laid on a road; or

(b) work to be carried out entailing the opening or breaking up of the surface of a road,

whether or not authorised by the council, must, at the person's expense, cause:

(c) lights of a type and colour and in a number that the council considers sufficient to be placed and retained near the material, structure or work;

(d) the lights referred to in paragraph (c) to be illuminated from sunset to sunrise; and

(e) the materials, structure or work to be fenced and enclosed to prevent damage or inconvenience to other persons,

until the material or structure is removed or the road is restored.

(2) A person who contravenes or fails to comply with clause (1) commits an offence.

(3) An offence against this by-law is a regulatory offence.

Division 2 Trees, &c.

83 Damage to trees, plants, &c.

(1) It is an offence for a person, without a permit, to:

(a) interfere with or damage a tree, plant, garden or grass strip or cause anything to be done so that it may become damaged or destroyed;

(b) cut, break, remove or disturb a tree, shrub, stem, branch or root of a living tree, shrub or plant; or

(c) plant a tree, shrub or plant,

in a public place.

(2) Clause (1) does not prevent the owner or occupier of land that abuts a footpath from pruning or otherwise maintaining a tree, shrub or plant or maintaining or mowing a lawn on the footpath unless the council directs otherwise.

(3) It is an offence for a person, without a permit, to pick, pluck or take a bud, flower or other part of a tree, shrub or plant in a public place.

(4) It is an offence for a person, in a public place:

(a) to drive, tow or propel a motor vehicle or other vehicle; or

(b) to ride, drive or lead an animal,

in a manner that causes or permits it to cause damage to a tree, shrub, plant, garden or grass strip in the public place, or to council property situated on or affixed to the public place.

(5) An offence against this by-law is a regulatory offence.

84 Permit to plant, &c., trees, &c.

In addition to the general requirements specified in by-law 14, an application for a permit to plant, cut, break, remove or disturb a tree, shrub or plant referred to in by-law 83(1) is to indicate the position where the applicant intends to:

(a) plant the tree, shrub or plant; or

(b) cut, break, remove or disturb the tree, shrub or plant or part of it.

85 Overhanging trees and shrubs

The council may, where it considers that a tree, shrub or plant growing on land is causing inconvenience or an obstruction to persons using a public street or footpath or is causing or likely to cause damage to an adjacent public place, serve a notice under by-law 10 on the owner or occupier of the land to trim or remove the tree, shrub, or plant.

Division 3 Signs, hoardings and advertising

86 Signs, hoardings and advertising

(1) In this by-law:

signs code means the document of that name approved by resolution of the council on 29 September 1997 (as since amended) that prohibits, regulates or exempts matters relating to or incidental to the placing, size, shape, content and colour of signs, hoardings and advertising:

(a) in or on a public place; or

(b) on premises adjoining or in view of a public place.

(2) The clerk must cause the signs code to be available to the public at the council offices during the business hours of the council.

(2A) The council may, by resolution, amend the signs code or replace it with another code that prohibits, regulates or exempts matters relating or incidental to the place, size, shape, content and colour of signs, hoardings and advertising in a public area or on premises adjoining or in view of a public area.

(2B) If the council amends or replaces the signs code, the council must publish in a newspaper circulating in the municipality a notice stating that the amendment or replacement has been made and including a description of the effect of the amendment.

(3) The occupier or, where there is no occupier, the owner of the premises adjoining or in view of a public place commits an offence if there is on those premises a sign, hoarding or advertisement which is not in compliance with the signs code or with a permit granted under the signs code.

(3A) If a sign, hoarding or advertisement that is not in compliance with the signs code or with a permit granted under the signs code is in or on a public place, the person responsible for authorising the erection or placement of the sign, hoarding or advertisement commits an offence.

(4) An offence against clause (3) or (3A) is a regulatory offence.

(5) A sign, hoarding or advertisement is to be constructed or installed and maintained in a condition of security, good repair and rigidity to the satisfaction of the council.

(6) Where an authorised person is of the opinion that a sign, hoarding or advertisement is not secure, in good repair or rigid, or is otherwise unsafe or not in compliance with the signs code, the authorised person may, whether or not a permit has been granted, give notice to:

(a) the owner or occupier of the land where the sign, hoarding or advertisement is erected or being used; or

(b) the person responsible for authorising the erection or placement of the sign, hoarding or advertisement,

requiring remedial action or the removal of the sign, hoarding or advertisement within the period specified in the notice, and the person to whom the notice is given must comply with the notice.

(6A) If a person to whom a notice under clause (6) is given fails to comply with the notice within the time specified in the notice, an authorised person may remove and impound the sign, hoarding or advertisement.

(7) Nothing in this by-law derogates from the requirements of any other law of the Territory relating to the construction or installation of buildings or structures.

Division 4 Handbills

87 Handbills

(1) A person commits an offence if the person, without a permit, in or on a public place:

(a) gives out or distributes a handbill; or

(b) affixes or causes to be affixed a handbill to a power pole, signpost or fixture in a street.

(2) It is a condition of a permit to affix a handbill that the holder is to:

(a) ensure that the handbill is preserved in a clean and tidy condition;

(b) remove the handbill if it becomes worn, torn or detached; and

(c) remove any waste or litter from the area.

(3) A person commits an offence if the person, without a permit and the consent of the owner or occupier of land adjoining a public place, affixes or causes to be affixed a handbill to or against a structure on the land.

(4) Where an authorised person is of the opinion that a handbill is dirty, untidy, worn, torn or detached, the authorised person may, whether or not a permit has been granted or the consent of the owner or occupier of the land obtained in relation to affixing the handbill, give notice in accordance with by-law 10 to:

(a) the owner or occupier of the building where the handbill is posted; or

(b) the person responsible for authorising the production of the handbill,

requiring remedial action or the removal of the handbill.

Division 5 General

88 Writing, defacing, &c.

(1) A person who, without a permit, writes on, defaces or marks a power pole, sign, post, fixture, wall or pavement in a public place with writing or pictorial representation commits an offence.

(2) An offence against this by-law is a regulatory offence.

89 Erecting structures &c., or encroaching on public place

(1) A person must not, without a permit, erect or place a structure, whether of a temporary or a permanent nature, on a public place, or permit a structure to encroach on a public place.

(2) In addition to the general requirements specified in by-law 14, an application for a permit to erect or place a structure referred to clause (1) is to:

(a) specify the purpose for which the structure will be used; and

(b) be accompanied by plans and specifications of the structure.

90 Goods in public place

(1) A person who, without a permit, stacks or stores goods or displays or exposes them, or permits their stacking, storing or exposing, whether or not for sale, in, on or over a public place, or outside any premises adjoining a public place, commits an offence.

(2) An offence against clause (1) is a regulatory offence.

91 Vehicles, &c., for sale in public place

(1) A person who, without a permit, displays or exposes for sale any vehicle, boat or motor boat in, on or over a public place, or outside any premises adjoining a public place, commits an offence.

(2) An offence against clause (1) is a regulatory offence.

92 Musical instruments, &c.

A person must not, without a permit, on a public place or other land under the control of the council:

(a) use a musical instrument; or

(b) for the purpose of announcing an auction, public performance, sale, meeting or similar gathering, ring a bell or use a musical instrument or any means of amplification or public address.

93 Camping or sleeping in public place

(1) A person who:

(a) camps;

(b) parks a motor vehicle, erects a tent or other shelter or places gear or equipment for the purpose of camping or sleeping; or

(c) being an adult, sleeps at anytime between sunset and sunrise,

in a public place other than:

(d) in a caravan park or camping area where the person is permitted to park or camp on the payment of money; or

(e) in accordance with a permit,

commits an offence.

(2) An offence against clause (1) is a regulatory offence.

(3) An authorised person may direct a person who is or has contravened clause (1) to do one or both of the following:

(a) leave the public place; or

(b) remove any motor vehicle, tent, shelter, gear or equipment under the person's control to a place specified by the authorised person,

and the person must comply with the direction forthwith.

(4) A person who fails to comply with the directions of an authorised person under clause (3) commits an offence.

(5) A person who, whether alone or together with others, obstructs or, by his, her or their presence, intimidates another member of the public from using a public shelter, ablution facility, water supply, barbecue or fireplace commits an offence.

94 Shopping trolleys

(1) A person who leaves a shopping trolley in a public place commits an offence.

(2) An offence against clause (1) is a regulatory offence.

(3) An authorised person may remove and impound a shopping trolley left unattended in a public place and is, within 7 days after the removal and impoundment, to:

(a) serve on the owner a notice in writing of the impoundment and place of impoundment; or

(b) if the owner cannot be found or the owner's name cannot be ascertained, certify to the clerk the reason for failure to serve a notice referred to in paragraph (a) (which is prima facie evidence of the matters contained in it).

(4) After the expiration of 28 days after the impoundment, the clerk is to cause notice of the impoundment to be published in a newspaper circulating in the municipality and, if the owner of the trolley does not respond within 7 days after publication, is to publish the notice a second time.

(5) If the owner of the trolley has not, within 28 days after service of a notice under clause (3)(a) or the later of the publications under clause (4), paid to the council all expenses relating to the removal, custody and reasonable maintenance of the trolley, the council may advertise for sale and sell the trolley or, if it is not convenient to sell the trolley, dispose of it.

(6) Any proceeds of the sale of a shopping trolley are to be applied in payment of:

(a) costs incurred by the council in the sale; and

(b) costs of removal, custody and reasonable maintenance before the sale or disposal of the shopping trolley,

and the balance, if any, is to be paid to the owner at the time of the removal and impoundment.

(7) If any money remains unclaimed by the owner, or by a person acting on behalf of the owner, of a shopping trolley sold under clause (5) after the expiration of a period of 6 months commencing on the date of the sale, the money is to be paid into the council's general fund.

95 Washing or repairing vehicles, &c., in public place

(1) Subject to clause (2), a person must not:

(a) wash a motor vehicle, vehicle, boat or motor boat; or

(b) carry out repairs or maintenance work on any of them,

on, along, in or across a public place.

(2) Clause (1)(b) does not apply:

(a) where the public place has been set aside by the council for the purpose of carrying out repairs or maintenance work and a notice to that effect has been conspicuously posted nearby; or

(b) to carrying out a repair for the purpose of immediately removing the motor vehicle, vehicle, boat or motor boat from a public place.

96 Removal of persons from reserve or mall

(1) An authorised person may remove, or cause to be removed, a person who contravenes these By-laws in a reserve or mall from the reserve or mall.

(2) Where an authorised person has removed a person under clause (1), the council may, by notice in writing served on the person, refuse him or her entry to the reserve or mall for the period not exceeding 6 months, specified in the notice.

(3) A person on whom a notice under clause (2) has been served who enters the specified reserve or mall during the specified period commits an offence.

97 General offences

(1) A person must not, without a permit, drive, propel, sail or tow a boat or motor boat at a speed of more than 5 knots in waters within a public place.

(2) A person must not, without a permit, wilfully injure or kill an animal or bird, or act in a manner intended or reasonably likely to result in injury or death to an animal or bird, in a public place.

(3) A person must not, without a permit, graze or allow an animal that the person owns or is responsible for to graze on a public place.

(4) A person must not, without a permit, swim or bathe in waters within a public place except within signs erected or posted in a conspicuous place by the council advising that the waters are a designated swimming area.

(5) A person who urinates or defecates in a public place, except in toilets provided for the purpose, commits an offence.

(6) An offence against clause (5) is a regulatory offence.

Division 6 Malls and other public places

98 Bicycles, skates, &c., may be prohibited in malls and other public places

(1) The council may determine that the riding or driving of bicycles or tricycles, pedal powered vehicles, small motorised vehicles, roller skates or blades, skateboards, or any of them, is prohibited or restricted in a mall or other public place in accordance with an inscription on signs erected in and associated with the mall or public place.

(2) A person must not contravene the determination of a council under clause (1) as inscribed on signs erected under that clause.

99 Control of certain activities in malls and other public places

(1) A person must not, without a permit, in a public place, perform or offer entertainment, make a painting or drawing or take a photograph or film of a person or thing for commercial purposes or address persons assembled there.

(2) A person must not, without a permit, erect or install in a public place a post, rail, fence, pole, tent, booth, stand, display, exhibition, decoration or structure or any furniture, whether permanent or temporary.

(3) A person must not, without a permit, discharge, or dispose of into or in a mall or other public place moisture from an air conditioner, or fumes, smoke, vapour, dust or other waste products, in such a way as to cause damage or annoyance to another person.

(4) A person must not, without a permit, remove or displace from or in a public place a barrier, railing, post, seat or any structure or erection.

(5) A person must not, in a mall:

(a) remove or disturb a part of the soil of a flowerbed or around about or under a tree or plant;

(b) walk, stand, sit or lie upon a part of a flowerbed; or

(c) remove, cut or damage a flower, plant or tree.

(6) A person conducting a business to which access is from a mall must not, for the disposal of trade or commercial waste or packaging or rubbish, use public refuse bins placed by the council in the mall.

(7) A person must not, without a permit, enter, remain on or walk on any roof, covering or canopy erected over a mall.

(8) A person must not, without a permit, bring an animal into a mall.

(9) This by-law does not apply to an agent or officer or employee of the council acting in accordance with their duties.

100 Control of vehicular traffic, &c., in malls

(1) A person must not drive a vehicle or cause a vehicle to stand in a mall unless:

(a) it is an emergency vehicle; or

(b) it is:

(i) a service vehicle; or

(ii) a vehicle in the mall in accordance with a permit.

(2) A person must not drive a vehicle, other than an emergency vehicle, in a mall at a speed in excess of 5 km/h.

(3) A person acting in contravention of clause (1) or clause (2) commits an offence.

(4) An offence against clause (1) or (2) is a regulatory offence.

(5) Where, contrary to a by-law, there is in a mall a vehicle or thing the driving, use, presence or standing of which is prohibited or regulated, a member of the Police Force, an authorised person or officer or employee of the council may remove the vehicle or thing to a place either within or outside the mall.

(6) A person acting under clause (5) is not liable for any damage caused to a vehicle or thing removed under that clause.

(7) This by-law does not apply to the bona fide use of a wheel chair or perambulator.

(8) In this by-law:

emergency vehicle means a vehicle under the control of:

(a) a member of the Police Force;

(b) an employee of a fire brigade;

(c) an officer of an ambulance service; or

(d) a person authorised by an officer of the Northern Territory Emergency Service and is used during the course of that person's duties.

service vehicle means a vehicle that is under the control of an officer or employee of the Power and Water Corporation, a corporation providing telecommunication services, the Department of Planning and Infrastructure or the council and is being used in relation to a function of those bodies.

Division 7 Public swimming pools, &c.

101 Application

Unless the contrary intention appears, this Division applies to all:

(a) public swimming pools; and

(b) other public places in the municipality where there are waters where members of the public frequent to swim or bathe (***bathing places***).

102 Dress and conduct at public swimming pools, &c.

(1) An authorised person, who is of the opinion that the dress of a person in or near a public swimming pool or bathing place is not appropriate or is inadequate, may direct the person to:

(a) remedy the defect as reasonably required; or

(b) leave the public swimming pool or bathing place.

(2) A male person over the age of 5 years must not enter a dressing room, toilet or shower set aside for females, and a female over the age of 5 years must not enter a dressing room, toilet or shower set aside for males.

(3) A person under the influence of intoxicating liquor or drugs must not be permitted entrance to a public swimming pool.

(4) An authorised person, who is of the opinion that a person who is in a public swimming pool or bathing place is under the influence of intoxicating liquor or drugs, may direct the person to leave the public swimming pool or bathing place.

(5) A person who is suffering, or appears to an authorised person to be suffering, from an infectious, contagious or offensive skin disease or skin complaint must not enter or use a public swimming pool or waters in a bathing place.

(6) A person must not commit a nuisance of any kind within a public swimming pool or bathing place.

(7) A person must not wilfully:

(a) foul or pollute the water of; or

(b) foul or pollute a dressing room, toilet or shower in,

a public place, reserve or public swimming pool.

(8) A person must not play a game or do any act that is dangerous, is likely to interfere with the safety or comfort of the general public or is likely to injure the property of or injure, endanger, obstruct, inconvenience or annoy a person in a public swimming pool or bathing place.

(9) A person who, in a public swimming pool or bathing place:

(a) without lawful authority, tampers with or alters any setting or makes any adjustment to any structure, equipment or facility; or

(b) contravenes or fails to comply with a direction of an authorised person,

commits an offence.

(10) An offence against clause (9) is a regulatory offence.

103 Removal of persons from swimming pools, &c.

An authorised person may exclude from a public swimming pool or bathing place a child who is not accompanied by and in the control of an older person who is apparently capable of caring for the child.

104 General offences at public places

(1) A person must not, without a permit:

(a) drive or propel a motor boat in or on a bathing place; or

(b) cause a motor boat to travel at a speed greater than 5 knots in or on a bathing place.

(2) A person must not obstruct or restrict public access to or the use of a facility on a public place, reserve, or public swimming pool.

(3) A person must not interfere with, damage, deface or destroy a building, structure, fixture, piece of equipment, plant or facility situated in or on a public place, reserve or public swimming pool.

Division 8 Stallholders

105 Definitions

In this Division, unless the contrary intention appears:

goods includes food, beverages, wares, merchandise, raffle tickets, tokens, badges and motor vehicles.

market means an area in which 2 or more stalls are located or intended to be located.

market licence is a licence granted by the council to a stallholders association to establish or manage a market.

packages includes boxes, baskets and packaging.

sell, in relation to goods, means offering or exposing goods for sale or hire, or displaying or publishing an advertisement describing or promoting the sale of goods, from a stall.

stall means a structure in or from which goods are offered for sale and includes a tent, motor vehicle, caravan, trailer or table.

stallholder means a person who sells or offers for sale goods from a stall.

stallholders association means an association incorporated under the *Associations Act* and formed for the purpose of establishing and managing a market.

stallholders permit means a permit granted by the council or by a stallholders association to conduct business from a stall.

106 Stallholders association may issue stallholders permits

In addition to the general conditions of a licence, it is a condition of a market licence that the holder of the licence may issue stallholders permits for stallholders to conduct business within the market.

107 Obligations of stallholders associations

(1) A stallholders association must:

(a) comply with the conditions of the market licence;

(b) comply with the reasonable directions of the council or an authorised person concerning the location of stalls in the market; and

(c) keep the site of the market clean and free from garbage, waste or litter resulting from the conduct and operation of the market.

(2) A stallholders association, in the conduct and operation of a market, must not:

(a) permit or allow goods to be sold unless on the day or days determined by the council;

(b) obstruct the passage of pedestrians or vehicles; or

(c) allow the market or stalls within the market to be conducted in a manner that is or may be offensive to persons in or in the vicinity of the market.

(3) A stallholders association must not, without a market licence, establish or manage a market.

108 Special requirements for application for stallholders permit

(1) In addition to the requirements of by-law 107, a stallholders permit is to include particulars of:

(a) the type of goods that the applicant intends to sell;

(b) the proposed location of the stall from which the applicant proposes to sell the goods;

(c) the period for which the permit is required; and

(d) such other particulars as the council or the stallholders association, whichever is to issue the licence, may require.

(2) A person must not, without a stallholders permit, sell goods or otherwise conduct business from a stall.

109 Obligations of stallholders

(1) A stallholder must:

(a) comply with the conditions of the permit;

(b) comply with the reasonable directions of the council or an authorised person concerning the location and siting of his or her stall;

(c) maintain his or her stall in good order and condition to the satisfaction of the council or an authorised person, including keeping the site of the stall clean and free from garbage, waste, or litter resulting from the conduct of business from the stall; and

(d) display his or her name legibly and conspicuously on the stall.

(2) It is an offence for a stallholder, in the conduct of business from a stall:

(a) to sell goods unless on the day or days determined by the council;

(b) to call his or her goods or make a noise, or cause to be made a noise or disturbance likely to be a nuisance or annoyance to a person in the vicinity of the stall;

(c) to deposit or store packages or goods except within his or her stall;

(d) to obstruct the passage of pedestrians or vehicles; or

(e) in the opinion of an authorised person, to act in an offensive manner.

(3) This by-law applies whether or not:

(a) the stall is located within a market; and

(b) a permit is granted by the council or by a stallholders association.

(4) An offence against clause (2)(a), (b), (c) or (d) is a regulatory offence.

Part 5 Off-street car parks

110 Council-controlled off-street parking areas

(1) The council may set aside an area to be a council-controlled off-street parking area.

(2) A person commits an offence if the person, in a council-controlled off-street parking area:

(a) stands or parks a vehicle other than in a manner indicated by an inscription on a sign erected or placed in the parking area; or

(b) stands or parks a vehicle in the parking area in contravention of a limitation relating to a day or period of a day, or a class of persons or vehicles indicated by an inscription on a sign erected or placed in and associated with the parking area;

(c) stands or parks a vehicle with a space of less than one metre between it and another vehicle;

(d) where parking bays are marked, stands or parks a vehicle otherwise than entirely within the parking bay; or

(e) stands or parks a vehicle unless the whole of the vehicle is within the parking area.

(3) An offence against clause (2) is a regulatory offence.

111 Application of *Traffic Regulations*

Division 3 of Part XI of the *Traffic Regulations* applies to and in relation to a contravention of by-law 110 as if the contravention were a parking infringement within the meaning of the *Traffic Regulations* and, for that purpose, the Division, as in force from time to time, is incorporated in these By-laws.

PART 6 – PUBLIC LIBRARIES

112 Definitions

In these By-Laws, unless the contrary intention appears –

library item includes a book, magazine, newspaper, pamphlet, music score, compact disc audio, compact disc computer, video recording, audio-tape recording, picture, print, photograph, map, chart, plan, film, slide, microfilm, manuscript, toy, poster or other article forming part of the library collection whether or not the property of the Council or the Northern Territory Government.

non resident borrower is any person who is not a permanent resident and registered as a borrower under by-law 115(2).

borrower's card means a current and valid borrower's card issued in accordance with these By-Laws.

permanent resident means any person who in the opinion of the librarian, permanently resides in the Northern Territory of Australia.

registered borrower means a person who is registered as a borrower to borrow library items from the library. Users do not have to be registered to use the services of the library but have to be registered to borrow.

resident borrower is a person who is a permanent resident and registered as a borrower under by-law 115(1).

library means the Katherine Public Library and includes any branches of that library and any services provided by that library.

librarian means the person appointed to be responsible to the Council for the management of the library.

officer means a person who is appointed or employed as an officer for the library, and also includes any other person authorised by the Council to be an officer for the purposes of these By-Laws.

113 Library Hours

(1) The Council shall cause the library to be open to the public on such days and at such hours as it may from time to time determine.

(2) The librarian shall cause a notice stating hours of opening to be affixed to the main entrance to the library or some other suitable place.

(3) No fee shall be charged for entrance to the library.

114 Registration

(1) Subject to these By-Laws the librarian may:

(a) on the application of a permanent resident;

(b) on the production of evidence of that person's place of residence and postal address; and

(c) on sighting personal identification for persons over the age of eighteen,

register that person as a resident borrower.

(2) Subject to these By-Laws, the librarian may:

(a) on the application of a person who is not a permanent resident;

(b) on the production of evidence of that person's place of residence and postal address; and

(c) on sighting personal identification for persons over the age of eighteen, register that person as a non-resident borrower.

(3) The Librarian may register a person under the age of eighteen years as a registered borrower:

(a) upon receipt of an application form which is signed by the parent or guardian of the person;

(b) on production of evidence of the place of residence, postal address and personal identification of the parent or guardian of the person; and

(c) provided that the parent or guardian guarantees, in such form as the Council may from time to time require, that the parent or guardian will be responsible for paying any fees and charges incurred under this Part by the applicant, and to pay, in accordance with this Part, for any library item lost or

damaged whilst on loan to the applicant before the applicant attains the age of eighteen years.

(4) An application under these By-Laws must be made either in writing or in person to the librarian or an officer.

(5) Registration shall be current for a period of 2 years and may be renewed.

(6) The librarian may cancel, or suspend for such period as the librarian thinks fit, a borrower's registration and borrower's card, where a borrower contravenes or fails to comply with these By-Laws.

115 Effect Of Registration

(1) Subject to these By-Laws, a resident borrower is entitled to borrow, free of charge, for use away from the library any library item which is designated by the librarian as a library item available for lending, on presentation to of his or her borrower's card.

(2) Subject to these By-Laws, a non resident borrower is entitled to borrow for use away from the library any library item, which is designated by the Librarian as a library item available for lending, on presentation to of his or her borrower's card and subject to payment of a refundable deposit, as prescribed by Council from time to time.

(3) Council may from time to time prescribe:

(a) that a borrowing fee or refundable deposit be paid as a condition of borrowing a library item; and

(b) the circumstances in which the refundable deposit will be refunded.

Examples

(a) A refundable deposit might be prescribed as a condition of borrowing by non resident borrowers.

(b) A borrowing fee or refundable deposit might be prescribed where the nature or value of a library item is such that the Council considers a borrowing fee or refundable deposit should be imposed as a condition of borrowing.

116 Borrower's Card

(1) Upon registering a person as a borrower under By-Law 115 the librarian or an officer can issue a borrower's card to that person authorising that person to borrow library items from the library.

(2) borrower's card may be used only by the registered borrower to whom it is issued in person and is not transferable.

(3) A registered borrower shall, when borrowing library items from the library, present the borrower's card to an officer together with the library items. If the registered borrower has forgotten or misplaced his or her borrower's card, then upon sighting personal identification of the registered borrower and being satisfied that the person is a registered borrower, the librarian or officer may authorise the borrowing of library items.

(4) Where a borrower loses or misplaces a borrower's card, the borrower must immediately report that fact to the librarian.

(5) Where a borrower loses or misplaces a borrower's card the librarian may issue a replacement borrower's card at the request of the borrower and on payment of the fee, if any, prescribed by the Council.

(6) A registered borrower in whose name the card is issued is liable under this Part for any loss of, or damage to, library items borrowed by using the card (whether or not the library items were borrowed by the registered borrower using the card or the card was lost) until such time as a librarian is notified under subclause (4) of this By-law 116.

(7) A registered borrower who:

(a) changes his or her name;

(b) changes his or her address; or

(c) does not intend to continue to borrow items from a library,

must notify the librarian accordingly and forward to the librarian the borrower's card for amendment or cancellation.

117 Conditions Of Borrowing

(1) The Council may determine the maximum period for which library items may be borrowed from the library.

(2) A registered borrower may be required to return any library items to the library by a date earlier than that on which the loan would otherwise expire by a notice:

(a) issued by or on behalf of the librarian; and

(b) sent to the borrower via the contact details provided by the registered borrower and recorded in the library's records.

(3) The librarian may determine the maximum number of library items which a registered borrower may borrow from the library.

(4) Library items shall be considered to have been returned to the library:

(a) when the registered borrower delivers or causes them to be delivered to the library or librarian; or

(b) if the library items are posted to the library in a prepaid postage packet addressed to the library or librarian, upon receipt of the library items at the library.

(5) If a library item is not required by another borrower the librarian or an officer may extend the period of the loan.

(6) An application by a registered borrower for the extension of a loan shall be made:

(a) by presenting the library item at the library for reissuing; or

(b) in any other manner determined by the librarian.

(7) If a library item is required by a registered borrower, but is not presently available for loan, then the registered borrower may apply to place a reserve on the library item.

(8) Where an application form has been completed in accordance with by-law 117(7), the librarian shall notify the intended borrower when the library item is available for loan.

(9) A registered borrower may apply to the librarian to borrow a book or material that does not form part of the library's collection.

(10) If an application is made under by-law 117(9), the librarian must take such steps as are practical to supply the book or material required and must notify the registered borrower of the outcome.

(11) Nothing in these By-Laws shall oblige the Council to purchase a book or material in respect of which an application is made under By-law 117(9).

(12) Library items provided in the library for reference use only shall not be borrowed unless the librarian considers that special circumstances exist, which warrant that they should be permitted to be taken from the library.

118 Retention of library items beyond period of loan

(1) A registered borrower who retains a library item beyond the period of the loan must, if required by a librarian, to pay the reasonable costs incurred by the Council in obtaining the return of the library item.

(2) The Council may prescribe a fee for overdue items may be levied as determined by the Council.

(3) A librarian may refuse to lend books or materials to a registered borrower who fails to pay an amount required to be paid under By-law 118(1).

119 Damage to and replacement of library items

(1) A registered borrower is responsible for the safe care and for the return on or before the due date, of all library items borrowed.

(2) Where a library item is damaged when on loan to a registered borrower the registered borrower shall, on returning that library item, report the damage to the librarian or an officer.

(3) Where a library item is not returned, after due notice requesting its return has been given, by the librarian, or is lost when on loan to a registered borrower, or on being returned is, on examination, found to have been damaged or to have sustained loss of value, the person with whose borrower's card the library item was borrowed:

(a) may be required by the librarian to pay the cost of replacing the library item; or

(b) may, with the approval of the librarian, provide the library with a replica of or replacement for the book or material.

(4) A registered borrower who complies with By-law 119(3) in respect of the loss of any library item does not by so doing acquire any property in the item, and, if the item is subsequently returned to the library, the librarian may direct the repayment to the registered borrower of the whole or part of any sum paid or the return of any replica or replacement provided by the registered borrower.

DIVISION 2 – Miscellaneous

120 Powers of librarians

(1) The librarian may give such directions and take such action as is considered necessary for securing the orderly conduct of the library and compliance with these By-Laws.

(2) A librarian may prohibit a child, under the age of twelve years, entering or remaining in a library if the child is not under the supervision of an adult or guardian.

(3) A librarian may prohibit any child under the age of seventeen years, during school hours, entering or remaining in a library if the child is not under the supervision of an adult or guardian.

(4) A person who contravenes or fails to comply with this Part of with a direction of a librarian under Subclause (1) and (2) may be removed or excluded from the library by the librarian, an authorised person, an officer or an employee of the Council.

121 Conduct of persons in library

(1) A person shall not:

(a) obstruct a librarian or an officer or an employee of the Council in the execution of his or her duties under this Part;

(b) at any time negligently or wilfully soil, tear, cut, crease, mark, deface, damage, or destroy any library item, which is in the library or is on issue from the library;

(c) behave in a disorderly or indecent manner in the library;

(d) eat or drink in the library other than in an area designated by the librarian for that purpose;

(e) strike a light or smoke in the library;

(f) enter or use the library if the person is unclean in dress or the person appears to the librarian or an officer to be under the influence of drugs and/or alcohol;

(g) unless authorized to do so by an officer or the person is such an officer, enter or remain in any part of the library after those hours during which the library is designated open for public use;

(h) make a copy of a borrower's card;

(i) take a tracing from a library item without the correct equipment and with the permission of the librarian;

(j) use obscene, offensive or abusive language in the library;

(k) unless authorized to do so by an officer or the person is such an officer, enter or remain in any part of the library not set aside for the use by the public;

(l) offer anything for sale in the library without having first obtained permission from the Council;

(m) put up a bill, placard, poster, flyer or notice in the library without having first obtained permission from the librarian or an officer;

(n) deface the walls, furniture or any other part of the library;

(o) sleep, lie on a chair or table or on the floor; or

(p) enter or remain after the hour fixed for the closing of the library.

(2) A person entering the library with a case, bag, parcel or similar item shall:

(a) if the librarian so requires, deposit it, at the person's own risk, in a place designated by the librarian or an officer for that purpose; and

(b) allow it to be inspected before the person leaves the library.

(3) A person shall not enter or remain in the library with a child who has not attained the age of twelve years unless the person keeps the child under direct supervision at all times while the child is in the library.

(4) A person who contravenes or fails to comply with any of the provisions of this By-Law may be removed or excluded from the library by the librarian or an officer.

122 Animals in the library

(1) A person shall not bring an animal into the Library.

(2) Subclause (1) does not apply to a person bringing into the library a guide dog, hearing dog or physical aid dog.

123 Vehicles in the library

A person shall not, except with the permission of Council, bring a vehicle or conveyance into a library.

124 Copyright

Library clients must comply with the *Copyright Act* (Cth).

125 Reviewable decisions

A decision of the librarian under By-laws 114(6) and By-law 120 are designated as a reviewable decisions for the purposes of section 227(1) of the Act.

Part 7 Council meetings and procedures

Division 1 Business

137 Procedures for meetings of council

(2) A motion to suspend the operation of the procedures set out in this Part may be moved without notice.

(3) A suspension under clause (2) is limited in its operation to the particular purpose for which the suspension has been sought.

138 Ordinary meetings

An ordinary meeting is to be held on the day and at the time in each month as the council determines.

139 Order of business

(1) The order of business at an ordinary meeting is as the council determines.

(2) Notwithstanding a determination under clause (1), the order of business at an ordinary meeting may be altered for a particular meeting where the members at the meeting pass a motion to that effect.

(3) A motion under clause (2) may be moved without notice.

140 Business paper

(1) The clerk is, as soon as practicable before each meeting, or within such time as the council determines, to prepare or have prepared a business paper.

(2) Copies of a business paper prepared under clause (1) are to be made available to the public at the council office, and any other place as the council determines, as soon as practicable before each meeting.

(3) A business paper prepared under clause (1) is to contain:

(a) business arising out of previous meetings;

(b) business which the Mayor wishes to have considered at the meeting without notice;

(c) matters of which notice, in accordance with by-law 141, has been given;

(d) matters referred to the council by a committee;

(e) officers' reports to the council referred to the meeting by the Mayor or the clerk; and

(f) any other business the council determines is to be contained in the business paper.

141 Notice of business to be given by member

(1) A matter is not to be considered at a meeting unless notice in accordance with this by-law is given to the members within the time before the meeting determined by the council.

(2) A notice under this by-law is to be in writing and signed by the member who wishes the matter to be considered.

(3) A notice under this by-law may be given to a member by serving it on the member personally (including by electronic means) or by posting it to the member at the member's address for service provided to the clerk under the Act.

(4) A matter for which notice under clause (1) has been given may be considered at an ordinary meeting during the part of the meeting set aside for general business.

(5) A member at a meeting is not to speak to a matter raised for consideration in general business under this by-law for longer than 5 minutes.

142 Mayoral minute

The Mayor may, by a signed minute, introduce a matter for consideration at an ordinary meeting and the matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

143 Petitions

(1) A petition may be presented to a meeting by a member who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition.

(2) A member, on presenting a petition to a meeting, must:

(a) state the nature and prayer of the petition; and

(b) read the petition.

(3) A petition is not to be presented unless it is worded in respectful language.

(4) Each page of a petition presented to the council is to restate the whole of the petition.

(5) Where a page of a petition does not comply with clause (4) the signatures on that page are not to be taken into account by the council when considering the petition.

(6) A person is not to append to a petition:

(a) a signature purporting to be that of another person; or

(b) the name of another person.

(7) Where a member presents a petition to a meeting no debate on or in relation to it is allowed and the only motion that may be moved is:

(a) that the petition be received and consideration stand as an order of the day for the meeting or for a future meeting; or

(b) that the petition be received and referred to a committee or officer for consideration and a report to the council.

144 Deputations

(1) A deputation means a group of persons consisting of more than 2 persons.

(2) A deputation wishing to attend and be heard at a meeting may, not less than 7 clear days before the meeting, apply in writing to the clerk.

(3) The clerk must, on receiving an application under clause (2), notify the Mayor of the application and the Mayor is to determine whether the deputation may be heard and is to notify the clerk accordingly.

(4) Where the clerk is notified under clause (3) the clerk must:

(a) inform the deputation of the determination of the Mayor; and

(b) where the Mayor has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting.

(5) Only 2 persons in a deputation may be heard at a meeting unless the members at the meeting at which the deputation is to be heard determine otherwise.

(6) A person in a deputation at a meeting must be temperate in speech

and manner and not use insulting or offensive language.

(7) Subject to clause (8), a deputation at a meeting in accordance with this by-law is to be given adequate opportunity and facility to explain the purpose of the deputation.

(8) The Mayor may terminate an address by a person in a deputation at any time where:

(a) the Mayor is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting; or

(b) the person uses insulting or offensive language.

Division 2 Motions

145 Motions

(1) A motion brought before a meeting in accordance with the Act or this Part is to be received and put to the meeting by the Mayor.

(2) The Mayor may require a motion, or an amendment to a motion, to be stated in full or be in writing before permitting it to be received.

146 Unopposed notices of motion

At a meeting the Mayor may call over the notices of motion in the order in which they appear on the business paper, and, where no objection is taken to a motion being taken as a formal motion, the Mayor may, without discussion, put the motion to the vote.

147 Motions not to be withdrawn

A motion on the business paper for a meeting is not to be removed from the paper if a member at the meeting objects to it being removed.

148 Absence of mover of motion

Where a member, who has given notice of a motion under by-law 141, is absent from the meeting at which the motion is to be considered, the motion may be:

(a) moved by another member at the meeting; or

(b) deferred to the next ordinary meeting.

149 Motion to be seconded

(1) A motion or an amendment to a motion is not to be debated at a

meeting unless or until the motion or the amendment is seconded.

(2) Notwithstanding clause (1), a member who moves a motion or an amendment to a motion may speak in support of the motion or amendment before it is seconded.

150 Amendment to motion

(1) Where an amendment to a motion is before a meeting, no other amendment to the motion is to be considered until after the first amendment has been put.

(2) Not more than one motion or one proposed amendment to a motion may be put before a meeting at any one time.

(3) An amendment to a motion is to be in terms that retain the identity of the original motion and do not negate the motion.

(4) A member who proposes or seconds a motion must not propose or second an amendment to the motion.

(5) Where a motion is amended by another motion, the original motion is not to be put as a subsequent motion to amend the other motion.

151 Motion of dissent

(1) A member at a meeting may, without notice, move a motion of dissent in relation to a ruling of the Mayor on a point of order.

(2) Where, under clause (1), a motion is moved, further consideration of the matter in relation to which the ruling of the Mayor was made is to be suspended until after the motion is put.

(3) Where a motion moved under clause (1) is carried, the matter in relation to which a ruling of the Mayor was made is to:

(a) proceed as though the ruling had not been made; or

(b) where as a result of the ruling the matter was discharged as out of order, be restored to the business paper and be dealt with in the normal course of business.

(4) Notwithstanding that the Mayor is chairing the meeting, the Mayor may, where a motion is moved under clause (1), speak to the motion and cast a deliberative vote in respect of it.

152 Rescinding or altering resolutions

(1) A resolution of the council may not be altered or rescinded:

(a) unless a notice of a motion to alter or rescind the resolution is

given at the meeting at which the resolution is passed; or

(b) within 3 months after the date of the passing of the resolution, unless notice of motion is given in accordance with this Part to alter or rescind the resolution.

(2) Where, in accordance with clause (1)(a), a notice of a motion to rescind a resolution is given, the resolution is not to be carried into effect, except as provided in clause (3), unless the motion is put and lost.

(3) A resolution of the council referred to in clause (2) may be carried into effect where the members present at the meeting, by resolution, defer consideration of the motion to rescind the resolution.

(4) A resolution under clause (3) is not to defer consideration of the motion for longer than 3 months.

(5) Where a motion, of which notice in accordance with clause (1) is given, is lost, a motion to the same or similar effect may not be moved until after the expiration of 3 months after the date on which the first-mentioned motion was lost.

(6) This by-law does not apply to a motion referred to in by-law 153.

(7) Where a resolution of the council relates to a matter the subject of a previous resolution passed by the council more than 3 months before the later resolution, the previous resolution is, to the extent that it is inconsistent with the later resolution, altered or rescinded.

153 Procedural motions

(1) A member at a meeting may, during the debate of a matter, move, as a procedural motion, that:

(a) the question be put;

(b) the debate be adjourned;

(c) the meeting proceed to the next item of business;

(d) the meeting stand adjourned;

(e) the question lie on the table; or

(f) the council be resolved into committee of the whole.

(2) A procedural motion that the question be put may be moved if not less than 2 members have spoken for and not less than 2 members

have spoken against the motion before the meeting, or an amendment to the motion, and the procedural motion is moved by a member who has not spoken in the debate of the motion or an amendment to the motion.

(3) Where a motion put under clause (2) is:

(a) carried, the Mayor must immediately put the question to the motion or the amendment to the motion; or

(b) lost, debate on the motion or the amendment to the motion is to continue.

(4) A procedural motion that the debate be adjourned may specify a time or date, within the limits specified in clause (6), to which the debate will be adjourned or, where the motion specifies no date a further motion may be moved, as a procedural motion, to specify the a time or date to which the debate will be adjourned.

(5) Where, under clause (4), no date or time is specified to which a debate will be adjourned, the matter to which the procedural motion relates is to be included in the business paper for the next ordinary meeting.

(6) A procedural motion under clause (4) is not to adjourn debate on the motion to a date that is more than 2 months after the date of the procedural motion.

(7) Where a procedural motion that the meeting proceed to the next item of business is carried, debate on the motion is to cease and the matter is to be removed from the business paper and may only be considered again by the council on the giving of notice in accordance with this Part.

(8) A procedural motion that the meeting stands adjourned may be moved by a member at the conclusion of debate on a matter on the business paper or at the conclusion of a member's time for speaking to a matter and is, on being seconded, to be put without debate.

(9) Where a procedural motion under clause (8) is lost the Mayor is not bound to accept a similar motion until the expiration of 30 minutes after the time the motion was lost.

(10) A procedural motion that the meeting stands adjourned is to specify a time for the resumption of the meeting unless a time has previously been resolved, and on resumption of the meeting the council is to continue with the business before the meeting at the point where it was discontinued on the adjournment of the meeting.

(11) A procedural motion that the question lie on the table is to only be moved where:

(a) the Mayor or a member requires additional information on the matter before the meeting; or

(b) the result of some other action of the council or person is required before the matter may be concluded at a meeting.

(12) Where a procedural motion under clause (11) is passed the council is to proceed with the next matter on the business paper.

(13) A motion that a question be taken from the table may be moved in respect of a matter the subject of a procedural motion under clause (11) at the meeting at which the procedural motion was carried or at a later meeting.

(14) Where a procedural motion that the council be resolved into committee of the whole is passed, the council is to immediately go into committee and consideration of the matter that was before the council at the time of the procedural motion is to continue in committee and is to not be considered further by the council except on the report of the committee of the whole.

(15) A procedural motion referred to in clause (1) may be moved at the conclusion of a speaker's time and the Mayor must, on the motion being moved and seconded, immediately put the motion without permitting debate on the motion.

(16) Where a procedural motion referred to in clause (1)(a), (b) or (c) is lost, the member who moved the motion may not, until after the expiration of 10 minutes after the motion was put, move a similar motion.

Division 3 Questions and discussions

154 Questions

(1) A member may at a meeting ask a question for reply by another member or an officer or employee.

(2) Such notice as the Mayor determines of a question under clause (1) is to be given to the member, officer or employee to whom it is directed to permit consideration of a reply and, if necessary, reference to other persons or documents.

(3) A question under clause (1) is to be asked categorically and without argument, and no discussion is to be permitted at the meeting in relation to a reply or a refusal to reply to the question.

(4) Notwithstanding clause (2), a member, officer or employee of whom a question is asked may, at the meeting at which the question is asked, request that the question be taken on notice for the next ordinary meeting.

(5) A member who asks a question at a meeting is deemed not to have spoken to the debate of the motion to which the question relates.

155 Mayor to take precedence

The Mayor may, at any time during the debate of a matter at a meeting, indicate an intention to speak and, on so doing, a member speaking or proposing to speak to the debate is to cease speaking and remain silent or refrain from speaking until the Mayor has been heard.

156 Mode of addressing members and officers or employees

A member is, at all times during a meeting, to address and refer to another member or an officer or employee by the member's, officer's or employees' official title or designation.

157 Limitation of number of speeches

(1) A member who moves a motion has a right to speak to the motion and to an amendment proposed to it and has a right of reply.

(2) A member at a meeting, not being a member who moves a motion, has a right to speak once to the motion and to an amendment proposed to it.

(3) Subject to clauses (4) and (5), a member at a meeting may not speak for more than 5 minutes on a question before the meeting.

(4) A member who moves a motion may not speak:

(a) to the motion for longer than 10 minutes; and

(b) in the member's right of reply for longer than 5 minutes.

(5) Notwithstanding clause (3), where:

(a) the members present at a meeting consent, a member's time to speak on a question before the meeting may be extended for a further period, not longer than 5 minutes, determined by the members; or

(b) a member considers that he or she has been misrepresented or misunderstood, the member may be permitted by the Mayor to answer, without further observation than is necessary, the

misrepresentation or misunderstanding.

(6) A ruling of the Mayor under clause (5) is final and conclusive and is not to be discussed or be the subject of a motion of dissent.

158 Priority of speaking

Where 2 or more members at a meeting rise to speak at the same time the Mayor is to decide which member will be heard first.

159 Members to stand when speaking

A member at a meeting is to stand when speaking to a matter being considered at the meeting unless:

(a) prevented from doing so by a physical disability; or

(b) the council has determined otherwise.

160 Imputation

A member speaking at a meeting is not to make a personal reflection on, or impute an improper motive to, another member.

Division 4 Order and disorder

161 Question of order

(1) A member is guilty of an act of disorder if, at a meeting, the member:

(a) is in breach of the Act or these By-laws;

(b) uses language that, according to common usage, would be considered disorderly;

(c) uses an expression inconsistent with good order or decorum; or

(d) says or does anything calculated to bring the council into contempt.

(2) At a meeting the Mayor may, with or without the intervention of another member, call a member to order where the Mayor considers the member is out of order.

(3) At a meeting a member may raise a question of order with the Mayor where the member considers another member is:

(a) guilty of an act of disorder; or

(b) out of order.

(4) Where, under clause (3), a question of order is raised, the Mayor is to rule on the question but may, before ruling, seek the opinions on the question of the other members at the meeting.

(5) A ruling of the Mayor made under clause (4) is to be obeyed except where a motion of dissent is subsequently passed in respect of the ruling.

(6) A member who, under clause (4), is ruled to be out of order more than once at a meeting is guilty of an offence.

(7) Where the Mayor, under clause (4), rules a member is guilty of an act of disorder, the Mayor may request the member to leave for the remainder of the meeting the place where the meeting is taking place and to apologise, without reservation, to the other members present.

(8) A member must not refuse to leave the place where a meeting is taking place on being requested to do so under clause (7).

162 Disorder

(1) The Mayor may, where disorder arises at a meeting, adjourn the meeting for 15 minutes and quit the chair.

(2) Where, under clause (1), a meeting is adjourned, the Mayor is, on resumption of the meeting, to move a motion to determine whether the meeting will proceed and that meeting is to be put without debate.

(3) Where a motion under clause (2) is lost, the Mayor is to declare the meeting closed.

163 Business of objectionable nature

If at a meeting the Mayor or a member considers that a matter before the meeting is objectionable, the Mayor may, on the Mayor's own motion or on that of another member, declare on a point of order that the matter not be considered further.

Division 5 Attendance and non-attendance

164 Quorum not present

(1) Where a meeting is postponed, that fact together with the names of the members present at the time is to be recorded in the minutes kept by the council.

(2) Where at a meeting a quorum of members is not present the Mayor is to suspend the meeting for a period of 30 minutes and, if at the expiration of that period a quorum is not present, the names of the members present at the time are to be recorded in the minutes kept by the council and the Mayor is to adjourn the meeting to a later time or to another date, as the Mayor thinks fit.

(3) A member is taken to be present at a meeting if the member is in the room in which the meeting is taking or is to take place and is seated at the place allocated to the member for the meeting.

Division 6 Media and public

165 Attendance of public and media at meetings

At a meeting:

(a) an area at the place where the meeting is held is to be made available for members of the public to attend the meeting, and as many of them as reasonably can be accommodated in the area are be permitted to attend the meeting; and

(b) journalists may be present for the purpose of reporting on the meeting.

166 Removal of persons from meetings

(1) A person, other than a member, who interrupts the orderly conduct of a meeting must, on being requested to do so by the Mayor, immediately leave the place where the meeting is being held.

(2) A person who fails to comply with a request of the Mayor under clause (1) may, on the order of the Mayor, be removed with such force as is necessary from the place where the meeting is taking place.

167 Public participation at meeting

Except when invited to do so by the members at a meeting or in accordance with by-law 144, a member of the public is not to take part, or attempt to take part, in the meeting.

Division 7 Committees of council

168 Procedures for meetings of committees

Subject to the Act, the procedures for the conduct of a meeting of a committee are, except as otherwise provided by this Part, to be as determined from time to time by the members of the committee.

169 Meetings of committees

A meeting of a committee is to be held at the dates and times from time to time determined by the council or the committee.

170 Disorder in committee

By-laws 162 and 163 apply to and in relation to a meeting of a committee as if the meeting was a meeting of the council and the chairman of the committee was the Mayor.

171 Reports by committees

(1) A report to the council by a committee is to be presented by the chairman of the committee or, in the chairman's absence, by another member of the committee as the Mayor determines.

(2) Where more than one recommendation is made by a committee in a report to the council, the decision of the council in relation to each recommendation may be taken separately.

Division 8 Miscellaneous

172 Mode of proceeding in cases not provided for

(1) Where, at a meeting of the council or a committee, a matter arises that is not provided for, in part or in whole, by this Part, the matter is to be dealt with in accordance with a resolution of the council or the committee carried by not less than two thirds of the members present at the meeting.

(2) Where, at a meeting of the council or a committee, a question arises relating to the interpretation of this Part, the question is to be determined by reference to the eighth edition of Joske's Law and Procedures at Meetings in Australia by P.E. Joske.

173 Penalty

The penalty for an offence against this Part is $50.

Part 8 Repeal and savings

174 Repeal

The By-laws set out in Schedule 4 are repealed.

175 Savings

(1) Without limiting the generality of section 12 of the *Interpretation Act*, all services, appointments, authorisations, permissions, permits, licences, rights, privileges, obligations and liabilities established, made, given, granted, acquired, accrued or incurred under the By-laws repealed by by-law 174 that were operating or having effect immediately before the commencement of these by-laws, and all matters in process under those repealed By-laws immediately before that commencement, are to continue, and may be dealt with, as if established, made, given, granted, acquired, accrued, incurred or in process under the relevant corresponding provisions of these By-laws, and those provisions are, with the necessary changes, to be construed accordingly.

(2) All registers kept and maintained under the by-laws repealed by by-law 174 are, on the commencement of these By-laws, to become part of the registers that are kept and maintained under these By-laws.

Schedule 1 Determinations

by-law 5(4)

Column 1 Determinations	Column 2 Matters to be taken into account
Registration under Division 2 of Part 3	
(1) By-law 5(3)(c)	
Application fee for	Fee may vary in respect of matters including:
(a) registration	(a) the date of the application; (b) whether or not the owner presents a sterilisation certificate in relation to the dog; (c) whether or not the applicant is a pensioner.
(b) renewal of registration	Fee may vary in respect of matters including: (a) whether or not the owner presents or has, on application for the initial registration, presented a sterilisation certificate in relation to the dog; (b) whether or not the applicant is a pensioner.
(2) By-law 45	
Determination of application for registration. Manner in which premises on which the dog is usually kept are to be fenced.	Manner may vary by reference to the size or breed, or both of the dog to be registered.

Licences under Division 2 of Part 3

(1) By-law 5(3)(b)

Application fee for:	Fee may vary in respect of matters including:
(a) a licence	(a) the date of the application; or (b) whether or not the applicant is a pensioner.
(b) a renewal of a licence.	Fee may vary in respect of matters including: (a) the date of the application; or (b) whether or not the applicant is a pensioner.

(2) By-law 53(1)

Number of:

(a) dogs; or

(b) dogs of a class or classes that may be kept on premises without the licensing of the premises.

Determinations may be made under both paragraphs (a) and (b) and different determinations may be made in respect of different areas within the municipality.

Maintenance and Release Fees

By-law 67

Daily fee to be paid in relation to the maintenance of a dog in a pound. Fee to be paid on the release of a dog from a pound.

Destruction of Impounded Dogs	
By-law 69	
Number of days or hours after the expiration of which the pound manager may arrange for the destruction of a dog.	
Other Determinations	
The purposes for which and the conditions on which the council will grant permits, licences, authorities and registrations not otherwise specifically dealt with in these By-laws.	

Schedule 2

by-law 21(2)(a)

Local Government Act

Katherine Town Council By-laws

NOTICE OF INFRINGEMENT

KATHERINE TOWN COUNCIL

To:

(name of alleged offender)

of:

(address of alleged offender)

It is alleged that at (*place*) at (*time*) am/pm on *(date*) 20 ,

you committed an offence as indicated below against the *Katherine Town Council By-laws*:

By-law:

Offence:

(nature of offence)

Amount: $

In pursuance of by-law 21 of the *Katherine Town Council By-laws* you may pay to the Council, instead of the penalty by which the offence is otherwise punishable, the amount shown above to the person at the address shown on the reverse of this notice of infringement, not later than 14 days after the date of service of this notice of infringement, in order to avoid prosecution.

Dated 20 .

Authorised person

THIS NOTICE MUST ACCOMPANY PAYMENT

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION ABOUT THIS NOTICE

(Reverse side of form)

If you wish to pay the amount shown on the front of this notice, complete the following and return it to the Katherine Town Council as indicated below. On payment of the amount you will not be liable for a further penalty or costs in relation to this offence.

I, of

tender the amount shown on the front of this notice of infringement, being assured that on payment of that amount no further action will be taken by the Katherine Town Council for this offence.

Signed: Date: 20 .

Payment of the amount in full must be made not later than 14 days after the date of service of this notice of infringement and must be accompanied by this notice. Payment may be made between 8.00 am and 4.15 pm Monday to Friday (except public holidays) to:

In person:
The Cashier
Katherine Town Council
Civic Centre
Stuart Highway
Katherine

By post:
The Clerk
Katherine Town Council
PO Box 1071
Katherine NT 0851

If you wish to be dealt with by a court in relation to this offence, do not pay the amount shown on the front of this notice but complete the following and return it to the Katherine Town Council as indicated below. A summons may then be issued requiring you to appear before the Court of Summary Jurisdiction to be dealt with in relation to this offence.

I, of

wish to be dealt with by a court in relation to this offence and, for that reason, have not paid the amount shown on the front of this notice.

Signed: Date: 20 .

Return to:

In person:
The Customer Services Officer
Katherine Town Council
Civic Centre
Stuart Highway
Katherine

By post:
The Clerk
Katherine Town Council
PO Box 1071
Katherine NT 0851

If you do nothing in response to this notice, a summons may be issued requiring you to appear before the Court of Summary Jurisdiction to be dealt with in relation to this offence.

Schedule 3 Fixed penalties

by-law 21(2)(c)

Column 1 By-law	Column 2	Column 3 Amount (AUD$)
54	First offence	100
	Second and subsequent offences	200
56	First offence	100
	Second and subsequent offences	200
57		150
58(1)(a)	Attack of a person	600
	Attack of an animal	200
58(1)(b)	Menacing a person	300
	Menacing an animal	100
59		150
60		150
61		150
62		150

Schedule 4 Repealed By-laws

by-law 174

	YEAR	NO.
By-laws of the Katherine Town Council	1982 1987	85 21
Katherine (Control of Dogs)	1992	14
Katherine (Council Meetings and Procedures)	1990	47
Katherine (Parking)	1987 1989	21 15
Katherine Swimming Pool Complex	1982	23

The common seal of the Katherine Town Council is affixed in pursuance of a resolution of the council authorising the seal to be affixed passed on 15 December 1997.

J.B. FORSCUTT
Mayor

G.D. PATTLE
Clerk

ENDNOTES

1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION

***Katherine Town Council By-laws* (SL No. 1, 1998)**
Notified 4 February 1998
Commenced 4 February 1998

***Amendment of Katherine Town Council By-laws* (SL No. 8, 2000)**
Notified 10 February 2000
Commenced 10 February 2000

***Statute Law Revision Act 2001* (Act No. 3, 2001)**
Assent date 22 March 2001
Commenced 22 March 2001

***Amendments of Katherine Town Council By-laws* (SL No. 41, 2002)**
Notified 30 October 2002
Commenced 30 October 2002

***Statute Law Revision Act 2004* (Act No. 18, 2004)**
Assent date 15 March 2004
Commenced 5 May 2004 (s 2(1), s 2 *Associations Act 2003* (Act No. 56, 2003) and *Gaz* G18, 5 May 2004, p 2)

***Statute Law Revision Act 2005* (Act No. 44, 2005)**
Assent date 14 December 2005
Commenced 14 December 2005

***Local Government (Consequential Amendments) Act 2008* (Act No. 28, 2008)**
Assent date 14 November 2008
Commenced 1 July 2008 (s 2)

***Katherine Town Council Amendment By-laws* (SL No. 5, 2011)**
Notified 8 June 2011
Commenced 8 June 2011

3 LIST OF AMENDMENTS

bl 21	amd No. 5, 2011, bl 5	
bl 47	amd No. 5, 2011, bl 6	
bl 51	amd No. 5, 2011, bl 7	
bl 52	amd No. 5, 2011, bl 8	
bl 86	amd No. 41, 2002; No. 5, 2011, bl 9bl 100	amd Act No. 44, 2005, s 35
bl 105	amd Act No. 18, 2004, s 3	
bl 107	amd Act No. 3, 2001, s 9	
pt 6 hdg	sub No. 5, 2011, bl 10	
pt 6 div 1 hdg	rep No. 5, 2011, bl 10	
bl 112 – 119	sub No. 5, 2011, bl 10	
pt 6 div 2 hdg	ins No. 5, 2011, bl 10	
bl 120 – 125	sub No. 5, 2011, bl 10	
bl 126 – 131	rep No. 5, 2011, bl 10	
pt 6 div 2 hdg	rep No. 5, 2011, bl 10	
bl 132 – 136	rep No. 5, 2011, bl 10	
bl 137	amd Act No. 28, 2008, s 4	
bl 164	amd Act No. 28, 2008, s 4	
bl 168	amd Act No. 28, 2008, s 4	
sch 2	sub No. 8, 2000	
sch 3	sub No. 5, 2011, bl 11	