

# NORTHERN TERRITORY OF AUSTRALIA

## TIMBER CREEK COMMUNITY GOVERNMENT COUNCIL BY-LAWS 2000

As in force at 1 May 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 May 2016

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## TIMBER CREEK COMMUNITY GOVERNMENT COUNCIL BY-LAWS 2000

### By-laws under the *Local Government Act 2008*

#### Part 1 Preliminary

##### Division 1 General

###### 1 Citation

These By-laws may be cited as the *Timber Creek Community Government Council By-laws 2000*.

###### 2 Definitions

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.

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

**community government area** means the Timber Creek community government area.

**council** means the Timber Creek Community Government 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.

**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 that is not capable of travelling at a speed greater than 10 km/h or a powered bicycle or tricycle.

**owner**, in relation to:

- (a) an animal (other than a dog) or a 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 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 1949* 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 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 that 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.

**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 wheelchair that is not capable of travelling at a speed greater than 10 km/h.

### **3        Crown to be bound**

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

### **4        Application of By-laws**

These By-laws apply to and are in force within the whole of the community government area.

### **5        Determinations, including determinations of charges, etc.**

- (1) Where the council makes a determination under this by-law, it is to publish a notice of its making, as soon as practicable after the determination is made:
  - (a) in a newspaper circulating in the community government area;  
or
  - (b) where, in the opinion of the council, notice published in a newspaper would not give sufficient notice, in any other publication circulating in the area that the council considers would give sufficient notice.
- (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 community government area:
- (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 owned by it 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 these 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            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 a 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.

## **9            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) be 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.
- (5) Despite clause (4), if the council carries out work at the request of a person on whom a notice was served, the cost to the council of carrying out the work is a debt due and payable by the person.

**10 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 community government area**

**11 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**

#### **12 Definition**

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

#### **13 Applications for licences, etc.**

- (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.

#### **14 Grant of licence, etc.**

- (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.

**15            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**

**16            Compliance with notices, etc.**

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

**17            Obstruction of officers, etc.**

- (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.

**18            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.

## **19            General penalty**

- (1) Subject to clause (2), a person who contravenes or fails to comply with these By-laws commits an offence and is liable on a finding of guilt to a penalty not exceeding \$3,000 and, in addition, to a penalty not exceeding \$100 for each day during which the offence continues.
- (2) In respect of by-laws 61 and 69, the penalty is not to exceed the amount specified at the foot of the by-law.

## **20            Fixed penalties**

- (1) Notwithstanding by-law 19, 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 19.
- (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 \$50 or, in respect of a by-law specified in column 1 of Schedule 3, the sum specified opposite the by-law in column 2 of that Schedule;
  - (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 service of the notice of infringement on the person.

# **Part 2            Health and safety**

## **Division 1        Garbage services**

### **21            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.

## **22            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:
  - (a) in a newspaper circulating in the community government area; or
  - (b) where, in the opinion of the council, notice published in a newspaper would not give sufficient notice, in any other publication circulating in the area that the council considers would give sufficient notice.
- (2) The occupier of premises to which the notice applies is to comply with the notice.

## **23            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.

## **24            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 place in the receptacle excess quantities of heavy material such as earth, concrete or brick, or waste liquids, chemicals, paint or hazardous substances; and
  - (n) keep the receptacle on the premises or an allocated area related to the premises.

## **25 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.

## **26 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.

## **27 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:
  - (a) in a newspaper circulating in the community government area; or
  - (b) where, in the opinion of the council, notice published in such a newspaper would not give sufficient notice, in any other publication circulating in the area that the council considers would give sufficient notice.
- (4) 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.
- (5) 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.

## **28       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 27(4);
  - (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, etc., on land**

### **29            Depositing, etc., 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 harbour vermin unless the material is kept in a receptacle that is vermin-proof.

### **30            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 9 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, etc.**

### **31            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.

**32            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.

**33            Igniting fireworks, etc.**

- (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.

**34            Breaking or leaving glass, etc.**

- (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 (3) is a regulatory offence.

**35            Deposit of offensive matter, etc.**

- (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.

**36            Throwing stones, etc.**

- (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**

**37            Purpose of Part**

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

**38                      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.

**39                      Removal, etc., of dead or diseased, etc., 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 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.

**40                      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**

**41                      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 community government area, 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-tag** means a dog-tag issued under by-law 45.

**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, 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 the person or the animal.

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

**veterinarian** means a registered veterinarian within the meaning of the *Veterinarians Act 1994*.

(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 5 or 6.

- (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, not longer than 2.5 m in length, held by a person who is competent to restrain the dog;
  - (b) enclosed in a vehicle in a manner that no part of the dog is projecting from the vehicle; or
  - (c) controlled by some other means.
- (5) The burden of proof as to whether a dog is under effective control is on the owner of the dog.

#### **42            Exemptions for guide dogs**

By-laws 50 and 51 do not apply to or in relation to a guide dog.

#### **43            Register**

Particulars in the register kept for the purposes of this Division are to include a reference to the by-law under this Division:

- (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 in pursuance of a notice of infringement issued under these By-laws.

### **Subdivision 2    Registration of dogs**

#### **44            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;
  - (b) within the period of 12 months before the date of the application, the dog has been impounded under this Division 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, in keeping the dog on the premises on which the dog is usually kept, the applicant would be in breach of by-law 51.
- (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.

#### **45            Identification device**

Where the council registers or renews the registration of a dog under by-law 44, it must issue a dog-tag to the person who made the application for fitting to the dog.



## **46            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:
  - (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 51 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, etc., of registration and licences**

#### **47            Cancellation, variation, etc., 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.

#### **48            Cancellation, variation, etc., 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.

#### **49            Operation of notice of cancellation, etc.**

A notice served by the council under by-law 47 or 48(2) takes effect at the expiration of 14 days after the service of the notice.

## **Subdivision 4   Offences**

### **50            Unregistered dogs**

- (1) A person commits an offence if, within the community government area, 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 community government area 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) a veterinarian keeping a dog for the purposes of treatment; or
  - (c) a dog under the age of 3 months, of which the burden of proof lies on the person averring the age.

### **51            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 are licensed.

### **52            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.

**53            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.

**54            Female dog in oestrus**

- (1) Subject to clause (2), the owner of a female dog in oestrus that is in a public place commits an offence.
- (2) This by-law does not apply to or in relation to a female dog that is:
  - (a) under effective control; and
  - (b) being taken to:
    - (i) a veterinarian for treatment;
    - (ii) a kennel for boarding;
    - (iii) a stud dog for breeding purposes;
    - (iv) a conformation show; or
    - (v) any other event or place approved by the registrar.

**55            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.

**56            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,commits 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.

**57            Dogs chasing vehicles**

- (1) The owner of a dog that chases a vehicle commits an offence.
- (2) An offence against clause (1) is a regulatory offence.

**58            Dogs causing nuisance**

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

**59            Abandoning dogs**

A person who abandons a dog in the community government area commits an offence.

**60            Obstruction of pound supervisor, etc.**

(1) A person who obstructs or hinders a pound supervisor in the execution of his or her duties commits an offence.

(2) A person who:

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

(b) except in pursuance of Subdivision 6, removes or attempts to remove a dog from a pound,

commits an offence.

**61            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.

(5) A person who contravenes or fails to comply with clause (2), (3) or (4) commits an offence.

Penalty:       \$200.

## **Subdivision 5   Enforcement**

### **62            Seizure, etc., 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 55, without issuing a notice of infringement.

## **Subdivision 6   Pounds**

### **63            Establishment, etc., 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.

**64            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.

**65            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 community government area 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 community government area for the period specified or the dog is under 3 months of age,lies on the person.

**66            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 65 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.

## **67            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.) Inc and sell or dispose of the dog as agent for the association.

## **Subdivision 7    Miscellaneous**

### **68            Change of ownership of dog, etc.**

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

Penalty:       \$200.

### **69            Dog races, etc.**

- (1) The council may, by notice in writing, exempt a person or body from by-law 52 or 53, 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, etc.**

#### **70            Definition**

In this Division, unless the contrary intention appears, **approved crossing** means a crossing constructed in accordance with a permit.

#### **71            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 9, 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 9 on the owner or occupier of the land to which the crossing leads from the public place.

#### **72            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.

### **73            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.

### **74            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.

### **75            Laying pipes, etc., 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.

## **76            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.

## **77            Damage to roads, etc.**

- (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.

**78            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 9, 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.

**79            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, etc.**

### **80            Damage to trees, plants, etc.**

- (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.

### **81            Permit to plant, etc., trees, etc.**

In addition to the general requirements specified in by-law 13, an application for a permit to plant, cut, break, remove or disturb a tree, shrub or plant referred to in by-law 80(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.

**82            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 9 on the owner or occupier of the land to trim or remove the tree, shrub, or plant.

**Division 3            Handbills**

**83            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 9 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 4            General**

### **84            Writing, defacing, etc.**

- (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.

### **85            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.

**86            General offences**

- (1) 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.
- (2) 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.
- (3) A person who urinates or defecates in a public place, except in toilets provided for the purpose, commits an offence.
- (4) An offence against clause (3) is a regulatory offence.
- (5) 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.
- (6) 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 or reserve.

**87            By-laws not required to be numbered**

- (1) Section 57 of the *Interpretation Act 1978* does not apply to these By-laws.
- (2) Copies of these By-laws must be available for inspection by members of the public during office hours at the office of the council.

**Schedule 1**

By-law 5(4)

**DETERMINATIONS**

Column 1	Column 2
Determinations	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.
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 44	
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.

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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 51(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 community government area.

Maintenance and Release Fees

By-law 65

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 67

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.

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## Schedule 2

by-law 20(2)(a)

### ***Local Government Act 2008***

*Timber Creek Community Government Council By-laws 1992*

### **NOTICE OF INFRINGEMENT**

#### **TIMBER CREEK COMMUNITY GOVERNMENT 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 *Timber Creek Community Government Council By-laws 1992*:

By-law:

Offence:

(nature of offence)

Amount: \$

In pursuance of by-law 20 of the *Timber Creek Community Government Council By-Laws 1992* you may pay to the Timber Creek Community Government 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**

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(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 Timber Creek Community Government 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 Timber Creek Community Government 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 Clerk  
Timber Creek Community Government  
Government Council

By post:

The Clerk  
Timber Creek Community  
Government Council  
PMB 150  
via Katherine NT 0852

**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 Timber Creek Community Government Council as indicated below. A summons may then be issued requiring you to appear before the Local Court 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 Clerk  
Timber Creek Community Government  
Government Council

By post:  
The Clerk  
Timber Creek Community  
Government Council  
PMB 150  
via Katherine NT 0852

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IF YOU DO NOTHING IN RESPONSE TO THIS NOTICE, A SUMMONS MAY  
BE ISSUED REQUIRING YOU TO APPEAR BEFORE THE LOCAL COURT  
TO BE DEALT WITH IN RELATION TO THIS OFFENCE.



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**Schedule 3**

by-law 20(2)(c)

FIXED PENALTIES

Column 1 By-law	Column 2 Amount
	\$
56(1)(a)	100
56(1)(b)	75

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## 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

#### ***Timber Creek Community Government Council By-laws***

Notified

Commenced 4 May 2000

#### ***Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)***

Assent date 6 April 2016

Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and Gaz S34, 29 April 2016)

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: bl 1, 2, 41 and 87 and sch 2.

### 4 LIST OF AMENDMENTS

sch 2 amd Act No. 8, 2016, s 45