

KATHERINE TOWN COUNCIL AMENDMENT BY-LAWS

Subordinate Legislation No. 5, 2011

NORTHERN TERRITORY OF AUSTRALIA

KATHERINE TOWN COUNCIL AMENDMENT BY-LAWS

As in force at 8 June 2011

TABLE OF PROVISIONS

Part 1	Preliminary	1
1	Citation.....	1
2	Commencement.....	1
3	Principal By-laws Amended	1
4	Application of By-Laws.....	1
Part 2	Amendments	1
5	Amendment of By-law 21(2)(c)	1
6	Amendment of By-law 47(2).....	1
7	Amendment of By-law 51	2
8	Amendment of By-law 52.....	2
9	Amendment of By-law 86.....	2
10	Amendment of Part 6	3
11	Amendment of Schedule 3.....	11

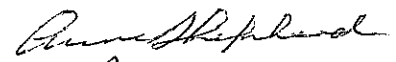
NORTHERN TERRITORY OF AUSTRALIA

By-laws No. of 2011

Katherine Town Council By-laws

The Katherine Town Council, pursuant to the powers conferred on it by the *Local Government Act*, makes the following laws.

Dated 28 January 2011



Anne

~~Ann~~ Shepherd

Mayor



Geoff Brooks

Chief Executive Officer

Part 1 Preliminary

1 Citation

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

2 Commencement

These By-laws come into operation on the day on which these By-laws are notified in the *Gazette*.

3 Principal By-laws Amended

These By-laws amend the *Katherine Town Council By-laws*.

4 Application of By-Laws

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

Part 2 Amendments

5 Amendment of By-law 21(2)(c)

In by-law 21(2)(c):

- (1) omit "50" and substitute "100";
- (2) omit "column 2" and substitute "column 3"; and
- (3) insert after "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.”

6 Amendment of By-law 47(2)

In by-law 47(2) insert a new subclause (2)(aa) immediately prior to subclause 2(a) in the following terms:

- “(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;”

7 Amendment of By-law 51

In by-law 51:

- (1) in subclause (2) insert after “and may prohibit” the words “, either absolutely or on the terms and conditions of a licence granted under by-law 47,”;
- (2) insert a new subclause (4) in the following terms:

“(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.”

8 Amendment of By-law 52

In by-law 52:

- (1) at the end of subclause (4)(c), delete “or”;
- (2) in subclause (4)(d), after “the age” insert “;or”;
- (3) insert a new subclause (4)(e) in the following terms:

“(e) an area or areas which the council may, by resolution, determine to be exempt from the requirements of subclause (1).”
- (4) insert a new subclause (5) in the following terms:

“(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.”

9 Amendment of By-law 86

In by-law 86, insert new subclauses (2A) and (2B), immediately following subclause (2), in the following terms:

- “(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.”

10 Amendment of Part 6

Omit Part 6 in its entirety and substitute:

“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 (Commonwealth).

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.

11 Amendment of Schedule 3

Omit Schedule 3 in its entirety and substitute:

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	200

	offences	
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
