

BURNIE CITY COUNCIL

PUBLIC RESERVES BY-LAW

BY-LAW NO. 8 OF 1999

A By-law of the Burnie City Council, made under Section 145 of the Local Government Act 1993, to regulate, control, and protect public reserves and buildings owned by or under the control of the Burnie City Council.

PART 1 - PRELIMINARY

Repeal

1. By-law Number 130 Reserves and Council Buildings By-Law as published in the Tasmanian Government Gazette on 19 September 1990 on page 1103 is repealed.

Short Title

2. This By-Law may be cited as the Public Reserves By-law, Number 8 of 1999.

Interpretation

3. In this By-law, unless the context otherwise indicates:

“Animal Control Officer” means the person holding the position of Animal Control Officer;

“authorised officer” includes the General Manager, Manager Planning and Development Services, the Manager Burnie Works and any person authorised by the Manager and employed in the Council’s Parks and Recreation Section, the City Inspector, the Animal Control Officer, a caretaker of a Council property, an officer of Tasmania Police and any other person appointed by the General Manager as an officer for the purposes of this By-Law;

“children’s playground” means any area in which children’s play equipment is installed and extends for a distance of 5 metres in all directions from the play equipment;

“City Inspector” means the person holding the position of City Inspector;

“Council” means the Burnie City Council;

“General Manager” means the General Manager of the Burnie City Council;

“liquor” has the same meaning as under the *Police Offences Act 1935*;

“Manager” means the General Manager or the person holding the position of Manager Planning and Development Services of the Burnie City Council or a person appointed by Council to perform the functions required by this by-law of that person;

“Manager Burnie Works” means the person holding the position of Manager Burnie Works;

“parking area” includes any area in a public reserve designated by Council for parking of vehicles and all equipment, signs, access ways, fences, and structures used or connected in any way with the parking area;

“parking space” means a space within a parking area, indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

“penalty unit” means the amount of money set under the *Penalty Units and Other Penalties Act 1987*;

“public building” means a building owned or under the control of the Burnie City Council and includes both buildings and land on which they are situated; and

“public reserve” means:

- (i) any reserve, beach, coastal or river foreshore, rockery, area of bushland, natural area, planted embankment, nature strip, median strip, plantation, sports ground, recreation ground, swimming pool, park or garden; and
- (ii) any public building or area;

under the control or management of the Council and includes any structure or building erected on these areas.

PART 2 - USE OF RESERVES

Closure of Public Reserve

4. (1) The Manager may close a public reserve or any part of a public reserve to members of the public.
- (2) A person must not enter or remain in a public reserve if it is closed to the public or any section of a public reserve if it is closed to the public unless the Manager has given the person written permission to be there.

Penalty: a fine not exceeding 5 penalty units
- (3) An authorised officer may issue an infringement notice for this offence.

(3)

- (4) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Hire of Public Reserve

5. (1) The Manager may let or hire a public reserve or a part of a public reserve.
- (2) The Manager may impose terms and conditions in an agreement to lease or hire a public reserve.

Non-Compliance with Hire Conditions

6. (1) A person must not fail to comply with the terms and conditions imposed in an agreement to lease or hire a public reserve.
Penalty: a fine not exceeding 20 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 1.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Sub-Lease of Public Reserves

7. (1) A person who has leased or hired a public reserve or part of a public reserve must not sub-lease or re-let the public reserve or part of a public reserve without written permission of the Manager.
Penalty: a fine not exceeding 20 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 1.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Peaceable use of Public Reserves

8. (1) A person must not in a public reserve do any act or thing which unreasonably interferes, or is likely to interfere with the lawful or peaceable use by the public of any public reserve or any nearby land.
Penalty: a fine not exceeding 10 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.

(4)

- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Functions

- 9. (1) A person must not conduct, arrange or participate in a function, party or reception in a public reserve at which more than 20 people are present without written permission from the Manager.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Creation of an entrance to a Public Reserve

- 10. (1) A person who has land adjoining a public reserve may create an entrance to the public reserve if the person has the Manager's written approval to do so.
- (2) The Manager may impose items and conditions for the creation of an entrance.
- (3) The Manager may notify a person in writing to close an entrance and may specify a method of doing so.
- (4) A person who receives notice to close an entrance from their land to a public reserve must within 2 weeks of receiving the notice close the entrance and if a method is specified in the notice must do so by that method.

Penalty: a fine not exceeding 10 penalty units.
- (5) Council may execute any necessary work to close an entrance if:
 - (a) the person whose land it leads to is directed to close the entrance and they fail to do so; or
 - (b) the entrance is not closed in the manner notified by the Manager

- (6) If Council closes an entrance, the person with the closed entrance to their land must pay Council the amount of money it cost Council to do the work.
- (7) A person must not have an entrance to a public reserve which is not approved by the Manager.
Penalty: a fine not exceeding 10 penalty units.
- (8) An authorised officer may issue an infringement notice for this offence.
- (9) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

PART 3 - DISALLOWED ACTIVITIES

Erection of a structure

- 11. (1) A person must not erect a building, booth or other structure in a public reserve without written authority from the Manager.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) Council may remove an unauthorised structure and take any reasonable measure to return the public reserve to the condition it was in before the structure was erected.
- (5) A person who erects an unauthorised structure is to pay Council for all of the costs that Council incurs in removing it.
- (6) A police officer may arrest a person if the person commits an offence under this clause.

Erection of a Sign

- 12. (1) A person must not erect or allow to be erected a sign, banner or billboard in a public reserve without written permission from the Manager.
Penalty: a fine not exceeding 1 penalty unit.
- (2) An authorised officer may issue an infringement notice for this offence.

- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) An authorised officer may remove an unauthorised sign and store it in a safe place until a fine imposed under this clause has been paid.

Outside Dining

13. (1) In this clause 'outside dining' means the consumption in a public reserve of food and or beverages whether obtained from a shop, hotel, restaurant or other outlet in the vicinity of the public reserve or not.
- (2) A person must not place, or cause, permit or allow to be placed any furniture which may encourage or allow outside dining in a public reserve except under the conditions of a licence or lease issued by the Manager or the Council.
- Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.
- (3) An authorised officer may issue an infringement notice for this offence.
- (4) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.

Sale of Item

14. (1) A person must not sell or offer for sale, lease, hire or carry on a business which includes the provision of goods, merchandise, food or drink in a public reserve without prior written approval from the Manager.
- Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A Police officer may arrest a person if the person commits an offence under this clause.

Distribution of Advertisement

15. (1) A person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper or placard in a public reserve without written permission from the Manager.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine or 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Preaching, Concerts and Similar Activities

16. (1) A person must not organise or participate in an assembly, concert, preaching, or engage in public speaking, or any similar activity in a public reserve without written permission from the Manager.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Organised Sport

17. (1) A person must not conduct or participate in any organised sport, contest or game in a public reserve unless in an area approved in writing by the Manager for that purpose.
Penalty: a fine not exceeding 20 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Organised Activities

18. (1) A person must not in a public reserve conduct any amusement or entertainment for financial reward without written permission from the Manager.
Penalty: a fine not exceeding 20 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of two (2) penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Use of children's playground

19. (1) A person must not in any place set apart by signs or notice boards as a children's playground:
- (a) fail to comply with the directions of an authorised officer;
 - (b) play any ball games; or
 - (c) misuse or damage any children's playground equipment.
- Penalty: a fine not exceeding 2 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Playing Golf

20. (1) A person must not in a public reserve play or practice golf or permit any person to play or practice golf except where signs or notice boards indicate that it is allowed.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

- (4) A police officer may arrest a person if the person commits an offence under this clause.

Use of radios and loud speakers

- 21. (1) A person must not in a public reserve use or operate any television, radio, loudspeaker, tape recorder, compact disc player or any other method of amplifying or playing music recorded or otherwise in such a way as to annoy other users of the public reserve.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Use of Change Room and Public Toilet

- 22. (1) A person must not in a public reserve if that person is over the age of six years, enter a change room or public toilet reserved for the use of people of the opposite sex except to assist someone who is injured, threatened or in danger, elderly or disabled.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Collection of Money

- 23. (1) A person must not take up a collection of money in a public reserve without written permission from the Manager.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.

- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Camping

- 24. (1) A person must not in a public reserve camp or set up a caravan without written permission from an authorised officer.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Climbing of trees and other objects

- 25. (1) A person must not climb a tree, shrub, building, roof, seat or fence in a public reserve without prior written permission from the Manager.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Dogs and other animals

- 26. (1) A person must not in a public reserve:
 - (a) possess or have under their control a dog (other than a guide dog) or other animal; or
 - (b) permit any animal to graze or stray in a public reserve; except:
 - (i) on areas, roads, paths or tracks provided for this type of activity; and

- (ii) where signs or notice boards indicate that it is allowed;
or
- (iii) with prior written permission from the Manager.

Penalty: a fine not exceeding 5 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) The Manager may permit an area in a public reserve to be used for horse riding.

Use of skates and cycles

- 27. (1) A person must not in a public reserve ride, drive or use a bicycle, tricycle, scooter, skateboard or in-line skates or other similar conveyance except:
 - (a) on roads, paths or tracks provided for this type of traffic; and
 - (b) where signs or notice boards indicate that it is allowed; or
 - (c) with written permission from the Manager.

Penalty: a fine not exceeding 5 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A Police officer may arrest a person if the person commits an offence under this clause.

Projectiles

- 28. (1) A person must not in a public reserve fire a gun, throw a stone or other object, or use a slingshot, catapult, bow or arrow or a similar device, without prior written approval from the Manager.

Penalty: a fine not exceeding 5 penalty units

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

- (4) A police officer may arrest a person if the person commits an offence under this clause.

Deposit of refuse

29. (1) A person must not, without lawful authority, deposit any refuse in a public reserve.
Penalty: a fine not exceeding 20 penalty units.
- (2) A person is to be regarded as having deposited refuse in a public reserve with lawful authority;-
- (a) (i) in a receptacle provided by the Council for the depositing of refuse; and
- (ii) in accordance with any conditions specified by the Council by means of a notice displayed on or in the vicinity of the receptacle, in relation to the depositing of refuse in the receptacle; or
- (b) if the person has placed a receptacle containing the refuse in that place for the purpose of the refuse being removed in the course of a refuse removal service provided by the Council; or
- (c) if the person has deposited the refuse in that place:
- (i) pursuant to an invitation contained in a notice published by Council; and
- (ii) in accordance with any conditions specified in the notice in relation to the depositing of refuse in that place;
- (d) if the person has deposited refuse in that place with the consent of the Manager; or
- (e) if the person has deposited the refuse in that place pursuant to an authority conferred by or under any statute.
- (3) An authorised officer may issue an infringement notice for this offence.
- (4) A person may avoid a prosecution by paying a fine of 1.5 penalty units to Council within 21 days after the issue of an infringement notice.
- (5) A police officer may arrest a person if the person commits an offence under this clause.

Breaking of glass

30. (1) A person must not in a public reserve wilfully break any glass item.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Disorderly conduct

31. (1) A person must not in a public reserve:
- (a) be intoxicated; or
 - (b) use threatening or offensive language; or
 - (c) act in a disorderly or indecent manner.
- Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Abuse of an authorised officer

32. (1) A person must not threaten, intimidate, or use abusive language to an authorised officer acting in the course of their employment in relation to or in connection with any matter relating to a public reserve.
Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Liquor

33. (1) A person must not in a public reserve:
- (a) possess an open or unsealed container of liquor; or
 - (b) consume liquor; or
 - (c) sell liquor.
- Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement.
- (4) It is a defence for person charged with this offence to establish that the open container of liquor was in their possession for a reason other than for a person to drink it.
- (5) A police officer may arrest a person if the person commits an offence under this clause.
- (6) The Manager may give written approval for any public reserve or any part of a public reserve to be exempted from the provisions of this clause for a period of time.

PART 5 - DAMAGE TO PROPERTY

Damage to Council property

34. (1) A person must not in a public reserve remove or damage Council property.
- Penalty: a fine not exceeding 10 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Damage to Relics and Artefacts

35. (1) A person must not in a public reserve remove, damage, deface or disturb any object of an architectural, archaeological, historical or

scientific interest or aboriginal relic or artefact without written permission from the Manager.

Penalty: a fine not exceeding 20 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 2 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Interference with items

36. (1) A person must not in a public reserve move, remove, tamper with or damage:
- (a) a tree, shrub, plant, flower, or garden bed;
 - (b) any sod, turf, loam, sand, gravel, stone or any other material;
 - (c) a water-pipe, tap, sprinkler, or hose; or
 - (d) a pond or fountain or the water in it except to drink from a drinking fountain.

Penalty: a fine not exceeding 10 penalty units.

- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

Protection of wildlife

37. (1) A person must not in a public reserve without written permission from the Manager:
- (a) take or have in his or her possession any wildlife or products of wildlife; or
 - (b) use or have in his or her possession any hunting equipment; or
 - (c) lay or set any trap or snare or deposit any poisonous or chemical substance; or

(d) interfere with the nest, breeding place or habitation or any wildlife; or

(e) intentionally rouse or disturb any wildlife.

Penalty: a fine not exceeding 20 penalty units.

(2) An authorised officer may issue an infringement notice for this offence.

(3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.

(4) A police officer may arrest a person if the person commits an offence under this clause.

Fire

38. (1) A person must not in a public reserve light a fire other than in a fireplace or designated place provided by Council for public use, without written permission from the Manager.

Penalty: a fine not exceeding 10 penalty units.

(2) An authorised officer may issue an infringement notice for this offence.

(3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.

(4) A police officer may arrest a person if the person commits an offence under this clause.

Graffiti

39. (1) A person must not in a public reserve mark, write on or in any other way deface Council property without written permission from the Manager.

Penalty: a fine not exceeding 10 penalty units.

(2) An authorised officer may issue an infringement notice for this offence.

(3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.

(4) A police officer may arrest a person if the person commits an offence under this clause.

Wood

40. (1) A person must not in a public reserve collect or remove any wood or timber without written approval from the Manager.
Penalty: a fine not exceeding 10 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the person commits an offence under this clause.

PART 6 - VEHICLES

Parking of a vehicle

41. (1) This clause does not apply to nature strips.
- (2) A person must not in a public reserve park a vehicle:
- (a) in a parking area where parking spaces are marked unless it is parked wholly within a parking space;
 - (b) otherwise than as directed by an authorised officer or by signs and notice boards erected by Council; or
 - (c) in a position where it obstructs the entry or exit of a vehicle to another parking space or parking area.
- Penalty: a fine not exceeding 1.5 penalty units.
- (3) An authorised officer may issue an infringement notice for this offence.
- (4) A person may avoid a prosecution by paying a fine to Council of:
- (a) \$8.00 within 14 days after the issue of the infringement notice;
 - (b) \$20.00 - 14 days or more days after the issue of the infringement notice but before the filing of a complaint; or
 - (c) \$50.00 after the filing of a complaint but before 48 hours before the Court hearing date.
- (5) An authorised officer may remove a vehicle if it contravenes this clause.

Driving of a vehicle

42. (1) A person in a public reserve must not drive a vehicle unless:
- (a) on a road, path, or track provided for it; and
 - (b) at less than twenty-five kilometres an hour and at a safe speed.
- Penalty: a fine not exceeding 5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of one penalty unit to the Council within 21 days after the issue of the infringement notice.

Parking when reserve is closed

43. (1) The Manager may close a public reserve or any part of a public reserve to vehicular traffic.
- (2) When a public reserve is closed to vehicular traffic a person must not:
- (a) enter the public reserve with a vehicle; and
 - (b) fail to remove their vehicle or any vehicle placed there by them.
- Penalty: a fine not exceeding 5 penalty units.
- (3) An authorised officer may issue an infringement notice for this offence.
- (4) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Entry and exit of parking area

44. (1) A person driving a vehicle in a public reserve must not enter or leave a parking area in a public reserve except by an appropriate access point provided by Council.
- Penalty: a fine not exceeding 1.5 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine to Council of;-
- (a) \$8.00 to the Council within 14 days after the issue of the infringement notice;
 - (b) \$20.00 - 14 days or more days after the issue of the infringement notice but before the filing of a complaint; or
 - (c) \$50.00 after the filing of a complaint but before 48 hours before the Court hearing date.

Reserved Space

45. (1) The Manager may in a public reserve determine;
- (a) the location of reserved parking areas and spaces; and
 - (b) the conditions that apply to reserved parking areas and spaces.

- (2) A person must not park or leave a vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.
Penalty: a fine not exceeding 2.5 penalty units.
- (3) An authorised officer may issue an infringement notice for this offence.
- (4) A person may avoid a prosecution by paying 0.8 penalty units to the Council within 21 days after the issue of the infringement notice.
- (5) An authorised officer may remove a vehicle breaching this clause to a safe place and keep it there until the fine, removal and storage charges have been paid.

Washing, dismantling and repair of vehicle

46. (1) A person must not in a public reserve dismantle, paint, wash or repair a vehicle without written permission from the Manager unless it is necessary to enable the vehicle to be moved from the reserve.
Penalty: a fine not exceeding 2 penalty units.
- (2) An authorised officer may issue an infringement notice for this offence.
- (3) A person may avoid a prosecution by paying a fine of 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.
- (4) A police officer may arrest a person if the officer or an authorised officer finds the person offending against this clause.

PART 7 - MISCELLANEOUS

Regulation of Activities

47. (1) An authorised officer may give reasonable directions to any person using, playing or engaging in a game, sport or activity in a public reserve:
 - (a) to regulate the playing or engaging in a game, sport or activity in any park or recreation area; or
 - (b) to avoid inconvenience or risk of danger to any person in the park or recreation area.
- (2) A person must not disobey a reasonable direction from an authorised officer.

Penalty: a fine not exceeding 2 penalty units.

- (3) An authorised officer may issue an infringement notice for this offence.
- (4) A person may avoid a prosecution by paying a fine of 0.25 penalty units to the Council within 21 days after the issue of the infringement notice.

Removal from area

48. (1) A police officer or authorised officer may remove any person from a public reserve if the person commits an offence against this By-law.
- (2) A police officer or authorised officer may remove anything which is on a public reserve without the approval of Council.

Supply of name and address

49. (1) A person must not fail to supply their correct and full name and permanent or present temporary address if requested by an authorised officer or by a police officer if the officer believes that the person has committed an offence against this By-law.
Penalty: a fine not exceeding 5 penalty units.
- (2) A police officer may arrest a person if the officer or an authorised officer reasonably believes or has cause to suspect that the name or address that a person provides on request is false.

Infringement notice

50. (1) An authorised officer of Council:
 - (a) may issue an infringement notice to a person in respect of offences specified in this By-law;
 - (b) may issue one infringement notice in respect of more than one offence; and
 - (c) may impose a fine for an offence in respect of which an infringement notice is issued in accordance with the fines specified in this By-law.
- (2) A fine is a penalty payable to the Council as an alternative to prosecution and any penalty that may be imposed as a result of the prosecution.
- (3) A fine specified in an infringement notice is:
 - (a) payable to the cashier, at the City Offices - 80 Wilson Street, Burnie; or

- (b) if payment is not made in person, payable by a cheque or money order made out to the Council and posted to the Burnie City Council at PO Box 973, Burnie 7320.
- (4) If at any time after an infringement notice is issued, the Manager decides that the infringement notice should be withdrawn, the Manager may withdraw an infringement notice.
- (5) The withdrawal of an infringement notice will not prevent Council from prosecuting the person to whom the notice was issued for breach of this By-law.
- (6) A payment made under this clause is to be in addition to a penalty imposed under this By-law.

Reimbursement for work done

- 51. (1) The Manager may require that work be executed or a thing be done by or on behalf of a person who has committed an offence under this By-law in the periods and in the manner directed by the Manager or by an authorised officer.
- (2) The Manager or an authorised officer may direct that the work be done only by a person with the appropriate qualifications.
- (3) Council may carry out the work at the person's cost if the person directed to do work under this clause defaults and the amount expended by Council in so doing is a debt due to the Council from that person.
- (4) A debt due to the Council under sub-clause (3), if not paid within 30 days after the date of the notice of demand for payment, may be recovered in any court of competent jurisdiction.
- (5) In any proceedings for recovery of a debt under this clause a certificate issued under the hand of the Manager as to the cost of work performed under sub-clause (3) shall be prima facie evidence of the facts stated therein.

This By-Law is certified as being in accordance with the Law.

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M J BESSELL
LEGAL PRACTITIONER

The Common Seal of
the Burnie City Council
was affixed this 22nd
day of April 1999 for
and on behalf of the
Burnie City Council.

GENERAL MANAGER

Confirm by me this day of 19..... at Hobart

J BACON
PREMIER
MINISTER RESPONSIBLE FOR
THE LOCAL GOVERNMENT ACT 1993