

DEVONPORT CITY COUNCIL

RESERVES, PARKS AND GARDENS BY-LAW

NO. 1 OF 2017

A By-Law of the Devonport City Council, made under Section 145 of the *Local Government Act 1993* to regulate, control, and protect Council's reserves, recreation grounds, parks and gardens owned by or under the control of the Devonport City Council.

PART 1 - PRELIMINARY

Short Title

1. This By-Law may be cited as the "Devonport City Council Reserves, Parks and Gardens By-Law".

Interpretation

2. In this By-Law,

"Authorised officer" means a Police Officer of the Tasmania Police Service, the General Manager of the Devonport City Council or any other person appointed by the General Manager as an authorised officer for the purposes of this By-Law;

"Council" means the Devonport City Council;

"parking area" means any area in or associated with a public reserve constructed or set aside by Council for parking of vehicles including 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 reserve" means any part of a reserve, beach, coastal or river foreshore, rockery, area of bushland, natural area, planted embankment, plantation, sports ground, recreation ground, swimming pool, park or garden owned, or under the control of the Council, including:

- (1) any road, path or car parking area within any of those areas;
- (2) any structure or building erected on those areas;
- (3) the exterior grounds of any building owned, leased or otherwise under the control of the Council that is not in those areas.

PART 2 - USE OF PUBLIC RESERVES

Closure of Public Reserve

3. (1) The General Manager may close all or any part of a public reserve to members of the public.
- (2) A person must not enter or remain in any part of a public reserve that is closed to the public without reasonable excuse or written authority of the General Manager to be there.

Penalty: a fine not exceeding 5 penalty units.

- (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.

Hire of Public Reserve

4. (1) The General Manager may enter into an agreement to hire or licence a public reserve.
- (2) The General Manager may impose terms and conditions in any agreement or licence to use a public reserve.

Sub-Licence or Sub-Hire of Public Reserve

5. (1) A person who has a licence or hired a public reserve must not sub-licence or sub-hire the public reserve without the written authority of the General Manager.

Penalty: a fine not exceeding 10 penalty units.

- (2) 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

6. (1) A person must not in a public reserve do any act or thing which unreasonably interferes, or is likely to interfere with the peaceable use by the public of any public reserve.

Penalty: a fine not exceeding 20 penalty units.

- (2) 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.

Creation of an Entrance to a Public Reserve

7. (1) A person who has land adjoining a public reserve may create an entrance to the public reserve only if the person has the General Manager's written authority to do so.

- (2) The General Manager may impose terms and conditions on creation and use of an entrance.
- (3) If the General Manager notifies the person in writing to close an entrance the person must close the entrance by the method notified.
- (4) A person who receives notice to close an entrance from their land to a public reserve must close the entrance within 14 days of receiving the notice.
- (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 fails to do so; or
 - (b) the entrance is not closed in the manner notified by the General Manager
- (6) If Council closes an entrance, the person from whose land it leads must pay Council for all of the costs that Council incurs in doing the work.
- (7) A person must not have an entrance from his or her land to a public reserve which is not approved by the General Manager.

Penalty: a fine not exceeding 10 penalty units.

- (8) 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

NOTE: Permissions granted under part 3 of this By-Law do not constitute Council planning approval under the *Land Use Planning and Approvals Act 1993* or the *Devonport City Council Interim Planning Scheme 2013* or building approval under the *Building Act 2016*.

Erection of a structure

8. (1) A person must not erect a building or other structure in a public reserve without the written authority from the General Manager.

Penalty: a fine not exceeding 5 penalty units.

- (2) 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.
- (3) The General Manager may authorise an employee of Council to remove any structure erected without written permission under Clause 8(1) and take any reasonable measures to return the public reserve to the condition it was in before the structure was erected.
- (4) A person who erects an unauthorised building or structure must pay Council for all of the costs that Council incurs in removing it.

Erection of a Sign

9. (1) A person must not erect or allow to be erected a sign, banner or billboard in a public reserve without written authority from the General Manager.

Penalty: a fine not exceeding 4 penalty units.

- (2) 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.
- (3) An authorised officer may remove an unauthorised sign and store it in a safe place until any fine imposed under this clause has been paid or a period of two (2) months have elapsed, whichever is the sooner.
- (4) If any unauthorised sign remains in storage for over two (2) months and the fine remains unpaid, then an authorised officer may dispose of the sign.

Sale of Items

10. (1) A person must not sell or offer for sale, lease or hire anything, including food or refreshments in a public reserve without prior written authority from the General Manager.

Penalty: a fine not exceeding 20 penalty units.

- (2) A person may avoid prosecution by paying a fine of 2 penalty units to the Council within 21 days after the issue of the infringement notice.

Distribution of an Advertisement

11. (1) A person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper, promotional article or placard in a public reserve without written authority from the General Manager.

Penalty: a fine not exceeding 5 penalty units.

- (2) 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.

Organised Sport

12. (1) A person must not conduct or participate in an organised sport, contest or game in a public reserve without written authority of the General Manager.

Penalty: a fine not exceeding 20 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Organised Activities

13. (1) A person must not in a public reserve conduct any amusement or entertainment for financial reward without written authority from the General Manager.

Penalty: a fine not exceeding 20 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Playing Golf

14. (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) 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.

Use of radios and loud speakers

15. (1) A person must not in a public reserve use or operate any television receiver, 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) 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 an infringement notice.

Use of Change Room and Public Toilet

16. (1) A person over the age of six years, must not in a public reserve, without prior written authority of the General Manager, 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) 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.

Use of children's playground

17. (1) A person must not within 5 metres of any children's play equipment installed in a public reserve:

- (a) fail to comply with the reasonable directions of an authorised officer; or
- (b) play any ball games.

Penalty: a fine not exceeding 20 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Collection of Money

18. (1) A person must not take up a collection of money in a public reserve without written authority from the General Manager.

Penalty: a fine not exceeding 5 penalty units.

- (2) 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.

Camping

19. (1) A person must not camp in a public reserve without the written permission from an authorised officer.

Penalty: a fine not exceeding 5 penalty units.

- (2) For the purposes of subclause 19(1) "camp" means to:

- (a) erect a tent, camper trailer or similar portable shelter; or
- (b) place, park or leave a caravan, campervan, motorhome or similar vehicle on the reserve between 10.00 p.m. and 6.00 a.m.; or
- (c) sleep in the open or in any form of shelter or vehicle between 10.00 p.m. and 6.00 a.m.

- (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.

Climbing of Trees, Natural Features and Other objects

20. (1) A person must not climb a tree, shrub, building, roof, seat, cliff, escarpment or fence in a public reserve without prior written authority of the General Manager.

Penalty: a fine not exceeding 5 penalty units.

- (2) 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.

Animals

21. (1) A person must not in a public reserve ride any animal or permit any animal referred to in subclause (3) that is owned by them, normally kept by them or under their control to walk, exercise, stray, forage or graze in a public reserve without the written authority of the General Manager, except:-

- (a) on roads, paths or tracks or in areas provided for one of these activities; and
- (b) where signs or notice boards indicate that it is allowed.

Penalty: a fine not exceeding 5 penalty units.

- (2) 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.
- (3) In subclause (1), "animal" means an animal as defined in the *Dog Control Act 2000* except a dog as defined in that Act and native birds and animals.

Use of skates and cycles

- 22. (1) A person must not in a public reserve ride, drive or use an unmotorised wheeled recreational vehicle, device or toy except;
 - (a) on roads, paths or tracks where signs or notice boards indicate that use of that vehicle, device or toy is allowed; or
 - (b) with written authority of the General Manager.

Penalty: a fine not exceeding 5 penalty units.
- (2) 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.

Abuse of an authorised officer and/or an employee of Council

- 23. (1) A person must not threaten, intimidate, or use abusive language to an authorised officer and/or an employee of Council 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) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Alcohol Free Areas

- 24. (1) The areas identified in Schedule 2 are alcohol free areas at all times unless written authority from the General Manager has been given.
- (2) The Council may by resolution declare any other area in a public reserve to be an alcohol free area:
 - (a) during any specified hours or periods or both; or
 - (b) at all times.
- (3) The Council may by resolution revoke or amend any resolution under subclause (2), whether or not any specified period has expired.
- (4) For the purposes of subclause (5) an area of a public reserve is an alcohol free area if it is identified in Schedule 2, or:
 - (a) has been declared an alcohol free area under subclause (2); and

- (b) the area is identified as being an alcohol free area by a sign within it or in its close proximity; and
 - (c) the sign indicates that the possession or consumption of alcohol is prohibited within that area: and
 - (d) if the Council's resolution provides that the area is alcohol free only during specified hours or periods:
 - (i) the sign states those hours or period; and
 - (ii) the action occurs during those hours or period.
- (5) In an alcohol free area without the written authority of the General Manager:
- (a) a person must not consume liquor; or
 - (b) A person must not, without reasonable excuse (proof of which lies on the person), have in his or her possession an opened or unsealed container of liquor.

Penalty: a fine not exceeding 10 penalty units.

- (6) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.
- (7) In this clause "alcoholic beverage" means a beverage (other than a medicine) that:
 - (a) is intended for human consumption; and
 - (b) has an alcoholic content greater than 0.5% by volume when at a temperature of 20° Celsius.

PART 4 - DAMAGE TO PROPERTY

Planting or Tending Vegetation

25. (1) A person must not in a public reserve plant any vegetation without the written authority of the General Manager.

Penalty: a fine not exceeding 10 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.
- (3) The provisions of sub clause (1) do not apply to any employee, contractor or authorised volunteer of or engaged by the Council to plant vegetation in that public reserve who plants vegetation of the nature they are engaged by the Council to plant.

- (4) For the purposes of this clause, "plant" includes:
- (a) any method of placing vegetation in or on the ground in a way that is likely to allow or induce the vegetation to survive or grow; and
 - (b) propagating, husbanding, watering or otherwise tending to vegetation.

Interference with Items

26. (1) A person must not in a public reserve, without the written authority of the General Manager, move, remove, tamper with or damage:-
- (a) a tree, shrub, plant, flower, or garden bed; or
 - (b) any sod, turf, loam, sand, gravel, stone or any other similar material; or
 - (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; or
 - (e) any sign or public notice erected by or authorised by the Council.

Penalty: a fine not exceeding 10 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.
- (3) The provisions of sub clause (1) do not apply to any employee, contractor or authorised volunteer of or engaged by the Council who does anything reasonably required in the course of that engagement.

Protection of wildlife

27. (1) A person must not in a public reserve without written authority of the General Manager:-
- (a) take from the public reserve or have in his or her possession any wildlife or products of wildlife from that public reserve; 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 of any wildlife; or
 - (e) intentionally rouse or disturb any wildlife.

Penalty: a fine not exceeding 20 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Fire

28. (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 authority of the General Manager.

Penalty: a fine not exceeding 10 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Wood

29. (1) A person must not in a public reserve collect or remove any wood or timber without written authority of the General Manager.

Penalty: a fine not exceeding 10 penalty units.

- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

PART 5 - VEHICLES

Parking of a Vehicle

30. (1) 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; or
- (b) parked otherwise than as directed by an authorised officer or by signs and notice boards erected by the 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.

- (2) A person may avoid a prosecution by paying a fine to Council of:-

- (a) .5 penalty units within 14 days after the issue of the infringement notice; or
- (b) .27 penalty units - 14 days or more days after the issue of the infringement notice but before the filing of a complaint; or
- (c) .55 penalty units after the filing of a complaint but before 48 hours before the Court hearing date.

Driving of a Vehicle

31. (1) A person must not drive or use a motorised vehicle in a public reserve or bring a motorised vehicle into a public reserve except:-
- (a) on or in a road, path, track or parking area where signs or notice boards indicate that the type of vehicle is permitted; and
 - (b) in compliance with any direction indicated on the sign or notice board; and
 - (c) at less than twenty-five kilometres an hour and at a safe speed.
- Penalty: a fine not exceeding 5 penalty units.
- (2) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.
- (3) The provisions of subclause (1) do not apply to:
- (a) any employee, contractor or authorised volunteer of or engaged by Council to undertake any activity in the public reserve and who is using the vehicle for the purpose of that activity; or
 - (b) police, ambulance, fire or other emergency services using the vehicle in the performance of their duties; or
 - (c) with respect to any road that appears from its design and construction to be a road open to public vehicles during any period during which it is open to public vehicles and in compliance with any signs with respect to the use of that road.

Parking when Reserve is Closed

32. (1) The General 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:-
- (a) not enter the public reserve with a vehicle; or
 - (b) remove his or her vehicle placed there by him or her.
- Penalty: a fine not exceeding 5 penalty units.
- (3) A person may avoid a prosecution by paying a fine of 1 penalty unit to the Council within 21 days after the issue of the infringement notice.

Entry and Exit of Parking Area

33. (1) A person driving a vehicle in a public reserve must enter or leave a parking area in a public reserve by a proper access point provided by Council.
- Penalty: a fine not exceeding 1.5 penalty units.
- (2) A person may avoid a prosecution by paying a fine to Council of:-

- (a) .5 penalty units to the Council within 14 days after the issue of the infringement notice; or
- (b) .27 penalty units - 14 days or more days after the issue of the infringement notice but before the filing of a complaint; or
- (c) .55 penalty units after the filing of a complaint but before 48 hours before the Court hearing date.

Reserved Space

34. (1) The General Manager may in a public reserve determine;
- (a) the location of reserved parking spaces or parking areas; and
 - (b) the conditions that apply to reserved parking spaces or parking areas.
- (2) A person must not park or leave a vehicle in a parking space or area which is designated "Reserved" unless authorised to do so.
- Penalty: a fine not exceeding 2.5 penalty units.
- (3) A person may avoid a prosecution by paying 0.5 penalty units to the Council within 21 days after the issue of the infringement notice.

Washing, Dismantling and Repair of Vehicle

35. (1) A person must not in a public reserve dismantle paint, wash, service or repair a vehicle without written authority of the General Manager unless it is necessary to enable the vehicle to be moved from the reserve.
- Penalty: a fine not exceeding 2 penalty units.
- (2) 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 6 - MISCELLANEOUS

Regulation of Activities

36. (1) An authorised officer may give reasonable directions to any person playing or engaging in a game, sport or activity in a public reserve:-
- (a) to regulate the playing or engaging in game, sport or activity; or
 - (b) to avoid inconvenience or risk of danger to any person in the public reserve.
- (2) A person must obey a reasonable direction from an authorised officer.
- Penalty: a fine not exceeding 2 penalty units.

- (3) 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

37. An authorised officer may require any person to leave a public reserve who that officer reasonably believes is offending against this By-Law.

Removal of Articles

38. (1) An authorised officer may remove anything which is on or in a public reserve which is on that land contrary to this By-law.
- (2) The authorised officer or Council may keep anything removed under clause 38(1) in a safe place until the reasonable expenses of its removal and storage have been paid.

Supply of name and address

39. (1) A person must supply their correct and full name and present permanent or temporary address if requested by an authorised officer if the officer reasonably believes that the person is offending or has offended against the By-Law.

Penalty: a fine not exceeding 5 penalty units.

- (2) A person may avoid a prosecution by paying a fine to the Council of 1 penalty unit within 14 days after the issue of an infringement notice.

Arrest of Offenders by the Police

40. (1) A police officer may arrest a person who is on a public reserve and whom the police officer reasonably believes is offending against this By-law if:
- (a) the person refuses to leave the public reserve as required by an authorised officer under clause 37; or
 - (b) the person does not supply the information requested by an authorised officer under clause 39.

- (2) Clause 40(1) does not apply to offences against clauses 5, 6 or 8.

Infringement notice

41. (1) An "Authorised officer" may issue an infringement for any offence in accordance with S.149 of the *Local Government Act, 1993* and the *Monetary Penalties Enforcement Act 2005* as set out in Schedule 3.

Rectification Notice

42. (1) An authorised officer may give notice to a person who has done anything in contravention of this By-Law which is capable of being rectified by any work or thing, requiring that person to do the work or thing that the authorised officer

considers is reasonably required to rectify the consequences of that contravention.

(2) A notice under sub clause (1):

- (a) is to be in writing, signed by the authorised officer; and
- (b) is to be given to the person who contravened this By-Law; and
- (c) is to identify the contravention of this By-Law; and
- (d) is to state the work or thing to be done that is required to rectify the contravention; and
- (e) is to state the time by which the work or thing is to be completed; and
- (f) may state the time by which the work or thing is to be commenced or any timetable for the commencement or completion of any part of the work or thing to be done; and
- (g) may require that the work or thing be done only by a person who has appropriate qualifications reasonably required to do that work or thing and may state the qualifications that are so required.

(3) A person must not fail to comply with a notice given under sub clause (1).

Penalty: a fine not exceeding 10 penalty units.

(4) A person may avoid a prosecution by paying a fine to the Council of 1 penalty unit within 21 days after the issue of the infringement notice.

(5) The Council may do any work or thing required by a notice under sub clause (1) that is not done in accordance with that notice.

Recovery of Council's Expenses

43. (1) Any expense reasonably incurred by the Council in rectifying or remedying the consequences of any contravention of this By-Law is recoverable by the Council as a debt payable by the person whose act or default constituted that contravention.

(2) The expenses referred to in sub clause (1) include the Council's expenses incurred under clauses 42(5).

SCHEDULE 1

Infringement Notice Offences

Clause	Specified Offence	Penalty to be applied if paid within 21 days	Maximum Penalty (Penalty units)
3	Closure of public reserve	0.5	5
5	Sub-lease or Sub-Hire of Public Reserve	1.5	10
6	Peaceable use of public reserves	2	20
7	Creation of an entrance to a public reserve	0.5	10
8	Erection of a structure	0.5	5
9	Erection of a sign	0.5	4
10	Sale of an item	2	20
11	Distribution of an advertisement	0.5	5
12	Organised Sport	1	20
13	Organised Activities	1	20
14	Playing Golf	0.5	5
15	Use of radios and loud speakers	0.5	5
16	Use of change room and public toilet	0.5	5
17	Use of Children's Playground	1	20
18	Collection of money	0.5	5
19	Camping	0.5	5
20	Climbing of trees, natural features & other objects	0.5	5
21	Animals	0.5	5
22	Use of skates and cycles	0.5	5
23	Abuse of an authorised officer	1	5
24	Alcohol Free areas	1	10
25	Planting or tending vegetation	1	10
26	Interference with items	10	1
27	Protection of Wildlife	20	1
28	Fire	1	10
29	Wood	1	10
30	Parking of a vehicle	0.55	1.5
31	Driving of a vehicle	1	5
32	Parking when Reserve is closed	1	5
33	Entry and exit of parking area	0.55	1.5
34	Reserved space	0.5	2.5
35	Washing, dismantling and repair of vehicle	0.5	2
36	Regulation of activities	0.25	2
39	Supply of name and address		5

SCHEDULE 2

Alcohol Free Areas

- Devonport Oval playing surface
- Meercroft Park playing surface
- Byard Park playing surface
- Girdlestone Park playing surface
- Soccer Centre (Lovett Street) playing surface
- Don Recreation Ground playing surfaces
- Maidstone Park playing surfaces
- Devonport Aquatic Centre

SCHEDULE 3

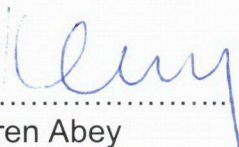
Infringement Notices

An infringement notice may be issued in accordance with Section 149 of the *Local Government Act 1993* and will reflect the requirements of the *Monetary Penalties Enforcement Act 2005* - Section 14 Form of infringement notices.

1. In this clause – “specified offence” means an offence against the clause specified in Column 1 of Schedule 1.
2. An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
3. An authorised officer may –
 - a. issue an infringement notice to a person whom the authorised officer has reason to believe is guilty of a specified offence
 - b. issue one infringement notice in respect of more than one specified offence.
4. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
5. In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
6. Payment of an infringement notice issued under this by-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, MPES.

The Schedule setting out the offences and infringement notice penalties can be found in Schedule 1.

Certified that the provisions of the By-Law are in accordance with the law by


.....
Karen Abey
Legal Practitioner

Dated this 2nd day of February 2017

Certified that the By-Law is made in accordance with the *Local Government Act 1993* and the Common Seal of the DEVONPORT CITY COUNCIL was hereunto affixed in the presence of:


.....
General Manager

Dated this 23rd day of January, 2017 at 17 Fenton Way, Devonport in Tasmania.