



CARAVAN BY-LAW NO. 1 of 2012

A By-Law of the Break O'Day Council made under the provisions of section 145 of the *Local Government Act 1993*, for the purposes of regulating caravans within the Municipal area.

PART 1 - PRELIMINARY

1. Short title

This by-law may be cited as the Break O'Day Caravan By-Law.

2. Application

This by-law applies to caravans in the Municipality of Break O'Day in entirety but does not apply to those-

- (a) Caravans occupied on Council land appointed as a caravan park; or
- (b) Caravans occupied on private land permitted by Council as a caravan park; or
- (c) Caravans used by travelling showmen in the ordinary course of their business; or
- (d) Caravans used by council work gangs or contractors involved in construction work for the Council;
- (e) Caravans used only as amenities or site offices.

3. Interpretation

In this by-law -

"Authorised Officer" means a Police Officer of the Tasmania Police Service, the General Manager of the Break O'Day Council or any person appointed by the General Manager as an authorised officer for the purpose of this By-law.

"Caravan" means a vehicle which people may occupy for the purposes of accommodation, whether temporarily or permanently, whether with or without wheels and whether or not it is or is not capable of travelling on a highway.

"Highway" means a local highway, a state highway or a subsidiary road each within the meaning of the Local Government (Highways) Act 1982

"Public reserve" means any area of public land as defined at section 177A of the Local Government Act 1993

"rent" includes any sum of money, payment in kind or works done in exchange for the right to occupy a caravan

4. Licence necessary to occupy a caravan

1. A person must not cause or permit a caravan to be on land which that person owns or occupies unless:
 - (a) A person has a license for that purpose issued pursuant to this bylaw; or
 - (b) The caravan is at the person's principle place of residence for storage purposes only.
2. A person must not occupy a caravan contrary to any condition contained in a license granted pursuant to this bylaw.
3. A person may occupy or permit occupation of a caravan at that persons principal place of residence for a maximum of sixty days, whether continuous or not, in any calendar year without having to apply for a license pursuant to this by-law.

Penalty: 16 penalty units and for a continuing offence a daily fine not exceeding 2 penalty units.

5. License Application

1. A person may apply in writing to the General Manager for a license to occupy a caravan pursuant to this bylaw.
2. The general manager may grant or refuse to grant a license pursuant to an application.

6. Disallowance of occupation in public places

A person must not occupy or park a caravan on;

- (a) a highway; or
- (b) a public reserve,

except where that is permitted by the erection of signs on a highway or in a public reserve.

Penalty: a fine not exceeding 10 penalty units.

7. Disallowance of occupation in exchange for rent

An owner or occupier of land must not approve or permit any person to occupy a caravan situated on that land in exchange for the payment of rent whether the rent is paid to the owner or occupier of that land or to some other person.

Penalty: 10 penalty units and for a continuing offence a daily fine not exceeding 1 penalty units.

8. Offences and Penalties

A person who contravenes or fails to comply with a provision of this By-Law is guilty of an offence.

9. Infringement Notices

1. An authorised officer may:
 - (a) issue an infringement notice to a person that 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;
 - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
2. Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 1 to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
3. In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action the person issued with an infringement notice must either:
 - (a) pay the total amount of the monetary penalty stated on the infringement notice to; or
 - (b) lodge a notice of election to have the offence heard by a Court with the general manager within 28 days of the date of service of the notice.
4. 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.
5. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
6. All monies payable to the Council or General Manager under this By-law are a debt due to the Council and recoverable at law.

SCHEDULE 1

Infringement Notice Offences

CLAUSE	SPECIFIED OFFENCE	PENALTY (Penalty Units)
4	licensing caravans	4
6	occupation in public places	2
7	occupation in exchange for rent	1

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



S MCELWAIN
Legal Practitioner

Dated this 26 day of February 2013

Certified that the By-Law is made in accordance with the *Local Government Act 1993* and The Common Seal of the BREAK O'DAY COUNCIL was hereunto affixed in the presence of



D JENNINGS
General Manager



Dated this 26 day of February 2013
At ST HELENS