



TATIARA DISTRICT COUNCIL
PERMITS AND PENALTIES BY-LAW

By-law No. 1 of 2016

A by-law to provide for and regulate permits and penalties issued by the Council.

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Permits and Penalties By-law 2016*.

2. Objectives

The objects of this by-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its community by:

- 2.1 the issuing of permits under Council by-laws; and
- 2.2 the imposition of penalties for breaches of Council by-laws.

3. Commencement

This by-law comes into operation four months after the day on which it is published in the *South Australian Government Gazette*.

4. Application

This by-law applies throughout the Council area.

5. Interpretation

- 5.1 In this by-law, unless the contrary intention appears:
 - 5.1.1 **Act** means the *Local Government Act 1999*;
 - 5.1.2 **Council** means the Tatiara District Council; and
 - 5.1.3 **person** includes a body corporate.
- 5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

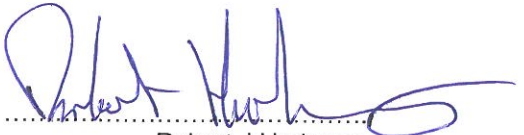
PART 2 – PERMITS AND PENALTIES**6. Permits**

- 6.1 In any by-law of the Council, unless the contrary intention appears permission means permission of the Council granted in writing prior to the act, event or activity to which it relates.
- 6.2 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 6.3 The Council may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 6.4 A person granted permission must comply with every condition applying to the permission.
- 6.5 The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

7. OFFENCES AND PENALTIES

- 7.1 A person who acts in contravention of any by-law of the Council is guilty of an offence.
- 7.2 The maximum penalty specified by section 246(3)(g) of the Act for the breach of a by-law applies to any breach of a by-law of the Council.
- 7.3 Subject to any resolution of the council to the contrary, the expiation fee for a breach of a by-law is a fee equivalent to 25 per cent of the maximum fine applicable to a breach of the by-law.
- 7.4 Where a breach of a by-law of the Council continues, the maximum penalty specified by section 246(3)(g) of the Act for a continuing offence applies

This by-law was duly made and passed at a meeting of the Council held on 13 September 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Robert J Harkness
Chief Executive Officer