



**GENERAL (AMENDMENT) LOCAL LAW  
2006**

**No. 11**

## **GENERAL (AMENDMENT) LOCAL LAW 2006 No. 11.**

Frankston City Council resolves:

### **1.1 Local Law**

This Local Law is a local law made under Part 5 of the Local Government Act 1989.

### **1.2 Objective**

The objective of this Local Law is to amend General Local Law 2003 No. 7 to provide for:

- (a) the protection and enhancement of the amenity and environment of the municipality;
- (b) the protection of Council, community and other assets;
- (c) controlling the sale, delivery, giving or possession of and access to aerosol spray paint containers;
- (d) a wider coverage of impounding items;
- (e) specified infringement penalties; and
- (f) the peace, order and good government of the municipality;

### **1.3 Commencement**

This Local Law commences on the day following the gazettal of the Local Law in the Victoria Government Gazette.

### **1.4 Amendment of Local Law**

On the commencement of this Local Law, General Local Law 2003 No. 7 is amended in accordance with the provisions of this Local Law.

### **1.5 Application of Local Law**

This Local Law applies throughout the municipality.

### **1.6 Definitions**

The following definitions shall be included in General Local Law No. 7 –

“accessible to the public” means accessible to any member of the public without assistance from a person described in clause 3.1B(2)(b) or an employee or agent of such person.

“public place” means public place as defined in the Summary Offences Act 1966.

## 1.7 Aerosol Spray Paint Containers

After Clause 3.1A the following new Clause 3.1B shall be inserted:

### 3.1B Aerosol Spray Paint Containers

(1) A person must not on land which is not a public place possess an aerosol spray paint container unless he or she has the consent of:

- (a) the owner; or
- (b) the occupier

of the land.

(2) A person who:

- (a) offers for sale any aerosol spray paint container; or
- (b) owns, operates or manages a business from premises on which an aerosol spray paint container is offered for sale

must not on these premises

- (a) store or display;
- (b) cause to be stored or displayed; or
- (c) allow to be stored or displayed

any aerosol spray paint container in an area which is accessible to the public.

(3) A person must not:

- (a) sell;
- (b) deliver;
- (c) give; or
- (d) cause to be sold, delivered or given

to a person who is under the age of 18 years any aerosol spray paint container unless the first mentioned person is:

- (a) a parent and the second mentioned person is his or her child;
- (b) a guardian and the second mentioned person is his or her ward;
- (c) an employer and the second mentioned person is his or her employee;
- (d) the agent of an employer and the second mentioned person is the employee of that employer; or
- (e) a teacher and the second mentioned person is his or her pupil.

## **1.8 Impounding**

- (1) Clause 5.4.1(a) shall be deleted from General Local Law 2003 No.7.
- (2) The following Clause 5.4.1(a) shall be inserted in General Local Law No. 7:
  - 5.4.1(a) impound any item that unlawfully encroaches on or obstructs the free use of a road or a municipal place or which has been or is being possessed in contravention of this Local Law.

## **1.9 Infringement Notice**

- (1) Clause 6.2.3 shall be deleted from General Local Law 2003 No. 7.
- (2) The following Clause 6.2.3 shall be inserted in General Local Law 2003 No. 7:
  - 6.2.3 The amount to be paid under an infringement notice is:
    - (a) Clause 3.1A Dilapidated Building, Clause 3.1B Aerosol Spray Paint Containers and Clause 3.6 Building and Works Code of Practice:
      - (i) First offence – 2 penalty units; and
      - (ii) Second offence – 5 penalty units.
    - (b) Any other infringement – 1 penalty unit.

Resolution for the making of this Local Law was agreed to by Council on 27 November 2006.

THE COMMON SEAL of )  
FRANKSTON CITY COUNCIL )  
was affixed in the presence of: )

\_\_\_\_\_ Councillor

\_\_\_\_\_ Chief Executive Officer

this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

Notice of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette, dated 28 September 2006 and 7 December 2006.

Public Notice of the proposal to make and confirmation of the making of this Local Law were inserted in The Independent Newspaper dated 2 October 2006 and 18 December 2006.