



DISTRICT COUNCIL OF FRANKLIN HARBOUR

PERMITS AND PENALTIES BY-LAW 2010

By-law No. 1 of 2010

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and for the construction of Council By-laws.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Permits and Penalties By-law 2010* and is By-law No. 1 of the District Council of Franklin Harbour.

2. Authorising law

This By-law is made under section 246 of the Act and sections 667(1) 3.LIV and 9.XVI of the *Local Government Act 1934*.

3. Purpose

The objectives 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 inhabitants by:

- 3.1. creating a permit system for Council By-laws;
- 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and
- 3.3. clarifying the construction of Council By-laws.

4. Expiry

- 4.1. This By-law will expire on 1 January 2018.¹

Note-

1. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law applies throughout the Council area.

6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **Council** means District Council of Franklin Harbour;
- 6.3. **person** includes a body corporate.

Note-

Section 14 of the *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws generally

- 7.1. Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2. 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.

PART 2 – PERMITS AND PENALTIES

8. Permits

- 8.1. 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.
- 8.2. 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.
- 8.3. A person granted permission must comply with every such condition.
- 8.4. The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. Offences and penalties

- 9.1. A person who commits a breach of any By-law of the Council is guilty of an offence and is liable to a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law.
- 9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

This By-law was duly made and passed at a meeting of the District Council of Franklin Harbour held on the 06/08/2010 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Terry Barnes
Chief Executive Officer