

Cities/Councils

CENTRAL HIGHLANDS COUNCIL CARAVANS BY-LAW NO 1 OF 2014

A BY-LAW of the Central Highlands Council made under the provisions of Section 145 of the Local Government Act 1993 for the purpose of controlling and licensing the occupation of caravans in the municipal area.

Short Title

1. This By-Law may be cited as the Caravans By-law Number 1 of 2014.

Interpretation

2. In this By-law, unless the contrary intention appears –

“authorised officer” means an employee of the Council authorised by the General Manager for the purpose of this By-law;

“caravan”

(a) is any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation; and

(b) includes any structure, awning, verandah, lean-to, tent, carport or any other enclosed or partly enclosed area used or capable of being used in connection with, or attached to any caravan; and

(c) may or may not have the wheels or axles attached; and

(d) may be resting directly on the ground or placed on blocks or other supports.

“Council” means the ‘Central Highlands Council’;

“Environmental Health Officer” means the Environmental Health Officer appointed by Council;

“General Manager” means a person appointed by Council to that position;

“licence” means a licence to occupy a caravan in accordance with Form 2 of Schedule 1 of this By-law, issued by an authorised officer;

“municipal area” means the area of land under the control of the Central Highlands Council and defined in accordance with Section 16 of the *Local Government Act 1993*;

“occupy” includes reside or live in any caravan for the purposes of shelter,

entertainment, sleeping, resting, cooking, eating, or for any other similar use whether temporary or permanent;

“person” includes a corporate entity;

“proprietor” includes the owner, occupier or the person having the control or management of any land;

“road” has the same meaning as ‘public street’ under the *Traffic Act 1925* and includes any street, lane, thoroughfare, footpath, bridge, or place open to or used by the public, or to which the public have or are permitted to have access, whether on payment of a fee or otherwise.

“public reserve” means any reserve owned or under the control of the Council;

“public place” has the meaning as defined in the *Police Offences Act 1935*;

Application

3. This By-law does not apply to a caravan that is:

- (a) situated in a caravan park; or
- (b) used by a travelling show person in the ordinary course of their business; or
- (c) used by Council employees or contractors involved in performing duties for and on behalf of the Council; or
- (d) unoccupied and being stored by the proprietor on the proprietor's land; or
- (e) Situated on land designated by Council resolution for overnight parking of caravans.

Application for caravan licences

- 4. (1) A person may apply in writing for a licence to occupy a caravan by making an application to the General Manager in accordance with Form 1, together with the required fee.
- (2) On receipt of an application, an authorised officer may grant or refuse to grant a licence.
- (3) An authorised officer may grant a licence subject to terms and conditions.

- (4) A licence to occupy a caravan is not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of garbage, and on-site wastewater.
- (5) The General Manager may cancel the licence of a person who is in breach of this By-Law or who breaches a condition imposed under the licence.

Licence necessary to occupy a caravan

- 5. (1) A person must not occupy a caravan without a licence.

Penalty:

Fine not exceeding 5 penalty units.

- (2) The proprietor of any land within the municipal area must not authorise or permit any person to occupy a caravan upon that land without a licence.

Penalty:

Fine not exceeding 5 penalty units.

Expiry of licence

- 6. (a) A licence shall be for a period not exceeding twelve months
- (b) The authorised officer may extend the period of the licence to a person who is constructing a house as their primary residence on land owned by them and intends to occupy a caravan during construction.

Cessation of occupation

- 7. If the holder of a licence issued by an authorised officer ceases to occupy a caravan before the expiry date of the licence, the holder is to inform the Council within ten days of the cessation of occupation.

Disallowance of occupation in public places

- 8. A person must not occupy a caravan situated on any road, public reserve or other public place.

Penalty:

Fine not exceeding 5 penalty units.

Fee for occupation of a caravan

9. 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:

Fine not exceeding 2 penalty units.

Entry onto land

10. For the purposes of this By-Law, an authorised officer may enter and remain on land after giving the proprietor of the land notice of their intention to do so.

Infringement notices and Enforcement

11. Infringement notices

- (a) An authorized officer may:
 - (i) issue an infringement notice to a person that the authorized officer has reason to believe is guilty of a specified offence;
 - (ii) issue one infringement notice in respect of more than one specified offence;
 - (iii) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (b) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 2 to the 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.
- (c) Payment of an infringement notice must be made to the General Manager within 28 days of the issue of an infringement notice to avoid the infringement notice being referred to the Monetary Penalties Enforcement Service.

- (d) 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.
- (e) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this By-law.
- (f) 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
FORM 1

CENTRAL HIGHLANDS COUNCIL

Application for Licence to Occupy a Caravan

Applicant's Details:

Mr/Mrs/Ms/Miss

Surname

Given Names

Telephone (Home)

Telephone (Work)

Mobile Telephone No.

About the Caravan:

Registration No.

Size (Length)

No. of Berth:

Manufacturer:

Site Details:

Address where caravan will be
kept:

Type of water supply to caravan:

Proposed method of disposal of waste water (including toilet, bath, shower, hand-basin, sink and laundry):

Number of people to occupy caravan:

Period proposed to remain on site

Name of Applicant:

Signature of Applicant:

Date:

Please attach a site plan to your application showing the outline of the property,
the existing buildings
and the proposed location of the caravan

SCHEDULE 1

FORM 2

CENTRAL HIGHLANDS COUNCIL

Licence to Occupy a Caravan

The Central Highlands Council, pursuant to By-Law No 1 of 2014, hereby licenses:

to occupy a caravan - registration number:

to be situated at:

on land owned by:

for a period of :months,

subject to the following conditions:-

.....
.....
.....
.....

.....
(Authorised Officer)


Date:

SCHEDULE 2 - INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 OFFENCE	Column 3 PENALTY (Penalty Units)
5 (1) & (2)	Licence necessary to occupy a caravan	1
8	Disallowance of occupation in public places	1
9	Fee for occupation of a caravan	1

Certified as being in accordance with the law by:

Andrew Walker, Qualified Legal Practitioner.


Dated this 16 day of July

2014, at Hobart, Tasmania

Certified as being made in accordance with the Local Government Act 1993.

L.M. Eyles
General Manager



Dated this 16th day of July 2014, at Hamilton, Tasmania



In witness whereof the seal of the Central Highlands Council was hereunto affixed this
16th day of July 2014.