



**MORNINGTON
PENINSULA**
Shire



**COMMITTED TO A
SUSTAINABLE
PENINSULA**



**GENERAL PURPOSES
(AMENDMENT)
LOCAL LAW**

USE OF RECREATIONAL VEHICLES

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PART 1 - INTRODUCTION

TITLE

- 1 This Local Law is the General Purposes (Amendment) Local Law of the Mornington Peninsula Shire Council.

OBJECTIVES OF THIS LOCAL LAW

- 2 The objectives of this Local Law are to:
 - (a) amend Council's General Purposes Local Law;
 - (b) provide for the peace, order and good government of the Municipal District of the Mornington Peninsula Shire Council;
 - (c) promote a physical and social environment in which residents and visitors to the Municipal District can enjoy a quality of life that meets the general expectations of the community
 - (d) prevent and suppress nuisances which may adversely affect the enjoyment of life within the Municipal District or the health, safety, and welfare of persons within the Municipal District; and
 - e) prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to a person's health, amenity or the environment.

AUTHORISING PROVISION

- 3 This Local Law is made under Section 111 of the *Local Government Act 1989*.

OPERATION DATE

- 4 This Local Law comes into operation on the day following the day on which it is made by Council.

PART 1 – INTRODUCTION (CONT'D)

REVOCAION DATE

- 5 Unless sooner revoked, this Local Law ceases to operate on the same day on which Council's General Purposes Local Law ceases to operate.

APPLICATION OF THIS LOCAL LAW

- 6 This Local Law applies and has operation throughout the whole of the Municipal District.

DEFINITIONS

- 7 Unless the contrary intention appears in this Local Law, the following words are defined to mean:

WORDS	MEANING
The Council	means the Mornington Peninsula Shire Council
Municipal District	means the Municipal District of the Council
Principal Local Law	means Council's General Purposes Local Law
Public Place	has the same meaning as the Summary Offences Act 1996
Recreational Vehicle	means any mini bike, trail bike, motor bike, motor scooter, go cart, four wheel drive vehicle or other vehicle propelled by a motor which can be used for recreational purposes, but does not include a motorised wheelchair

PART 2 – AMENDMENT TO GENERAL PURPOSES LOCAL LAW

AMENDMENT TO CLAUSE 8

- 8 In Clause 8 of the Principal Local Law, immediately after the definition of “Trade Waste Bin” but before the definition of “Unsightly Building” insert:

“Unregistered recreational
vehicle”

means any wheeled conveyance, powered by a motor, that is not registered under the provisions of the *Road Safety Act* 1986.

AMENDMENT TO CLAUSE 37

- 9 Delete Clause 37 of the Principal Local Law and substitute:

“37. Use of Recreational Vehicles

- (1) An operator or responsible person must not, in a public place, ride or cause or allow to be ridden any **unregistered recreational vehicle** except where the use is authorised by signs placed on the land by Council, or is permitted to do so under an Act or regulation.

Note – Unregistered recreational vehicle is defined as any wheeled conveyance, powered by a motor that is not registered under the provisions of the *Road Safety Act* 1986;

- (2) An operator or responsible person must not on any land, that is not a public place use or permit to use a **recreational vehicle** except where the use is authorised by signs placed on the land by Council, or is permitted to do so under an Act or regulation.
- (3) The owner or occupier of any land must not without a permit allow a person to use a recreational vehicle on that land.
Penalty: Ten (10) Penalty Units
- (4) This clause does not apply if, in the opinion of an Authorised Officer, the use of the subject vehicle at the relevant time is for other than recreational purposes.”

PART 2 – AMENDMENT TO GENERAL PURPOSES LOCAL LAW (CONT'D)

AMENDMENT TO CLAUSE 69

10 Delete Clause 69 of the Principal Local Law, and substitute:

“69. Impounding

- (1) Where any goods, items, animals or equipment which have been placed or left in any Public Place, Road or Land in contravention of this Local Law or a permit issued under this Local Law, an Authorised Officer may impound those goods, items, animals or equipment and they must be dealt with in accordance with the requirements of this Local Law.
- (2) Where a recreational vehicle is being used in contravention of Clause 37 (1) of this Local Law an Authorised Officer may impound the recreational vehicles and they must be dealt with in accordance with the requirements of this Local Law.
- (3) Where any item has been impounded under this Local Law, the Council or an Authorised Officer must serve notice of the impounding personally or by registered mail on the person who appears to be the owner of the impounded item if it is practicable to do so.
- (4) An impounded item must be surrendered to –
 - a) its owner; or
 - b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of his or her authority from the owner –on:
 - c) evidence to the satisfaction of the Authorised Officer being provided of the owner’s right to the item; and
 - d) payment of any fee determined by the Council or an Authorised Officer from time to time.”