

**MAROONDAH CITY COUNCIL**  
**GENERAL (AMENDMENT) LOCAL LAW NO. 14**

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**MAROONDAH CITY COUNCIL**  
**GENERAL (AMENDMENT) LOCAL LAW NO. 14**

**PART 1 - PRELIMINARY PROVISIONS**

**1. TITLE**

1.1 This Local Law is called the "General (Amendment) Local Law 14".

**2. OBJECTIVES OF LOCAL LAW**

2.1 The objectives of this Local Law are to:

- 2.1.1 manage public places to enhance their enjoyment by the general public;
- 2.1.2 prohibit smoking of tobacco products in certain public places; and
- 2.1.3 provide for the peace, order and good government of the Municipal District.

**3. WHAT AUTHORISES THIS LOCAL LAW?**

3.1 This Local Law is made under section 111 of the *Local Government Act 1989*.

**4. WHEN DOES THIS LOCAL LAW COMMENCE?**

4.1 This Local Law commences on the date of its publication in the *Victorian Government Gazette*.

**5. SUNSET PROVISION**

5.1 This Local Law ceases to operate when Local Law No. 11, General Local Law, ceases to operate.

**6. TO WHAT PART OF THE MUNICIPAL DISTRICT DOES THIS LOCAL LAW APPLY?**

6.1 This Local Law applies throughout the whole of the Municipal District.

**7. DEFINITIONS**

7.1 The words identified throughout this Local Law are intended to have the following meaning:

"*Principal Local Law*" means Local Law No. 11, General Local Law.

"*Municipal District*" means the municipal district of Maroondah City Council.

**PART B – AMENDMENTS TO PRINCIPAL LOCAL LAW**

**8. AMENDMENTS TO PRINCIPAL LOCAL LAW**

8.1 In clause 6.1 of the *Principal Local Law*:

8.1.1 immediately before the definition of ‘*Act*’, insert:

“‘*Acceptable No Smoking Sign*’ has the same meaning as “acceptable no smoking sign” in the *Tobacco Act 1987*,”.

8.1.2 delete the definition of ‘*Prescribed*’ and substitute:

“‘*Prescribe*’ and ‘*Prescribed*’ means determine or determined by *Council* and then specified in a notice published in a newspaper generally circulating within the *Municipal District* and in a map set out on *Council’s* website;”.

8.1.3 immediately after the definition of ‘*Site Identification*’ but before the definition of “*Stormwater System*”, insert:

“‘*Smoke*’ means to:

(a) smoke, hold or otherwise have control over an ignited *tobacco product*,  
or

(b) light a *Tobacco Product*;

‘*Smoke Free Area*’ means an area:

(a) identified in Part A of Schedule 2 to this Local Law; or

(b) *Prescribed* to be a *Smoke Free Area* in accordance with clause 39A.4;”.

8.1.4 immediately after the definition of ‘*Stormwater System*’ but before the definition of “*Trade Waste*”, insert:

“‘*Tobacco Product*’ has the same meaning as “tobacco product” in the *Tobacco Act 1987*,”.

8.2 Immediately after clause 39 of the *Principal Local Law*, insert:

**“39A SMOKE FREE AREAS**

39A.1 A person must not *Smoke* a *Tobacco Product* in a *Smoke Free Area*.

**PENALTY: MAXIMUM TWO (2) PENALTY UNITS**

39A.2 Where an *Authorised Officer* believes on reasonable grounds that a person is contravening or has contravened clause 39A.1 the *Authorised Officer* may direct the person to extinguish and then dispose of the *Tobacco Product*.

39A.3 A person to whom a direction is given under clause 39A.2 must comply with that direction.

**PENALTY: MAXIMUM TWO (2) PENALTY UNITS**

- 39A.4 In addition to the *Smoke Free Areas* identified in Part A of Schedule 2 to this Local Law, *Council may Prescribe* any other area within the *Municipal District* to be a *Smoke Free Area*.
- 39A.5 *Council* must follow the guidelines incorporated in Part B of Schedule 2 to this Local Law when deciding whether to *Prescribe* an area as a *Smoke Free Area* under clause 39A.4.
- 39A.6 *Council* or an *Authorised Officer* may erect, or cause to be erected, an *Acceptable No Smoking Sign* in a *Smoke Free Area*.

8.3 In the table in Schedule 1 to the Principal Local Law, immediately after the penalty fixed for “Wasp nests and bees” but before the penalty fixed for “Limits on number of animals kept”, insert:

39A.1	<i>Smoking in a Smoke Free Area</i>	Two (2) Penalty Units	-
39A.3	Not complying with direction	Two (2) Penalty Units	-

8.4 Immediately after Schedule 1 to the Principal Local Law, insert:

**“SCHEDULE 2**

**SMOKE FREE AREAS**

**PART A – SMOKE FREE AREAS**

The following areas are *Smoke Free Areas* for the purposes of clause 39A.1 of this Local Law:

1. Ringwood Town Square – being the area more particularly described as such in the appended map.
2. Croydon Town Square – being the area more particularly described as such in the appended map.

**PART B – GUIDELINES FOR PRESCRIBING SMOKE FREE AREAS**

When determining whether to *Prescribe* a *Smoke Free Area* for the purposes of clause 39A.4 of this Local Law, *Council* must have regard to the following factors:

1. the size of the proposed *Smoke Free Area*;
2. the opinions of any person who is the *Owner* or *Occupier* of any part of the proposed *Smoke Free Area*;
3. the proximity of the proposed *Smoke Free Area* to a *Public Place*, part or all of which is not in a *Smoke Free Area*;
4. the extent and outcome of any public consultation on the proposed *Smoke Free Area*;
5. any benefits to the community which would be achieved by *Council Prescribing* the proposed *Smoke Free Area*; and
6. any detriment to the community which would be caused by *Council Prescribing* the proposed *Smoke Free Area*.”