



**GENERAL (AMENDMENT)**

**LOCAL LAW NO. 14**

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**MAROONDAH CITY COUNCIL**

**GENERAL (AMENDMENT) LOCAL LAW NO. 14**

**PART A - 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 1 January 2019.

**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**

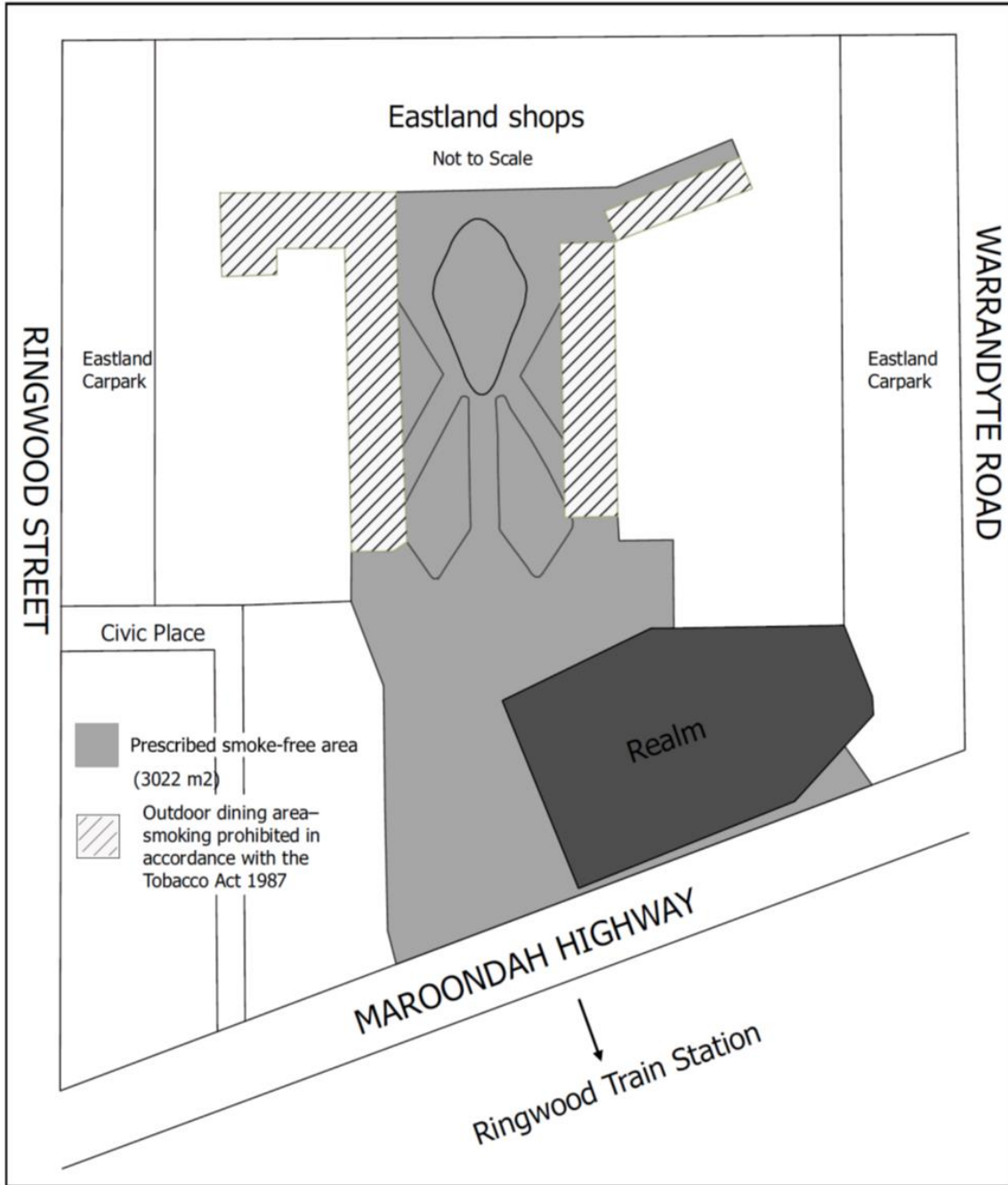
**PART A – SMOKE FREE AREAS**

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.

SCHEDULE 2 A.1 – Ringwood Town Square

Note: To any extent smoking is prohibited in the prescribed smoke free area pursuant to the Tobacco Act 1987, the provisions of the Local Law 11 in respect to smoking are inoperative.



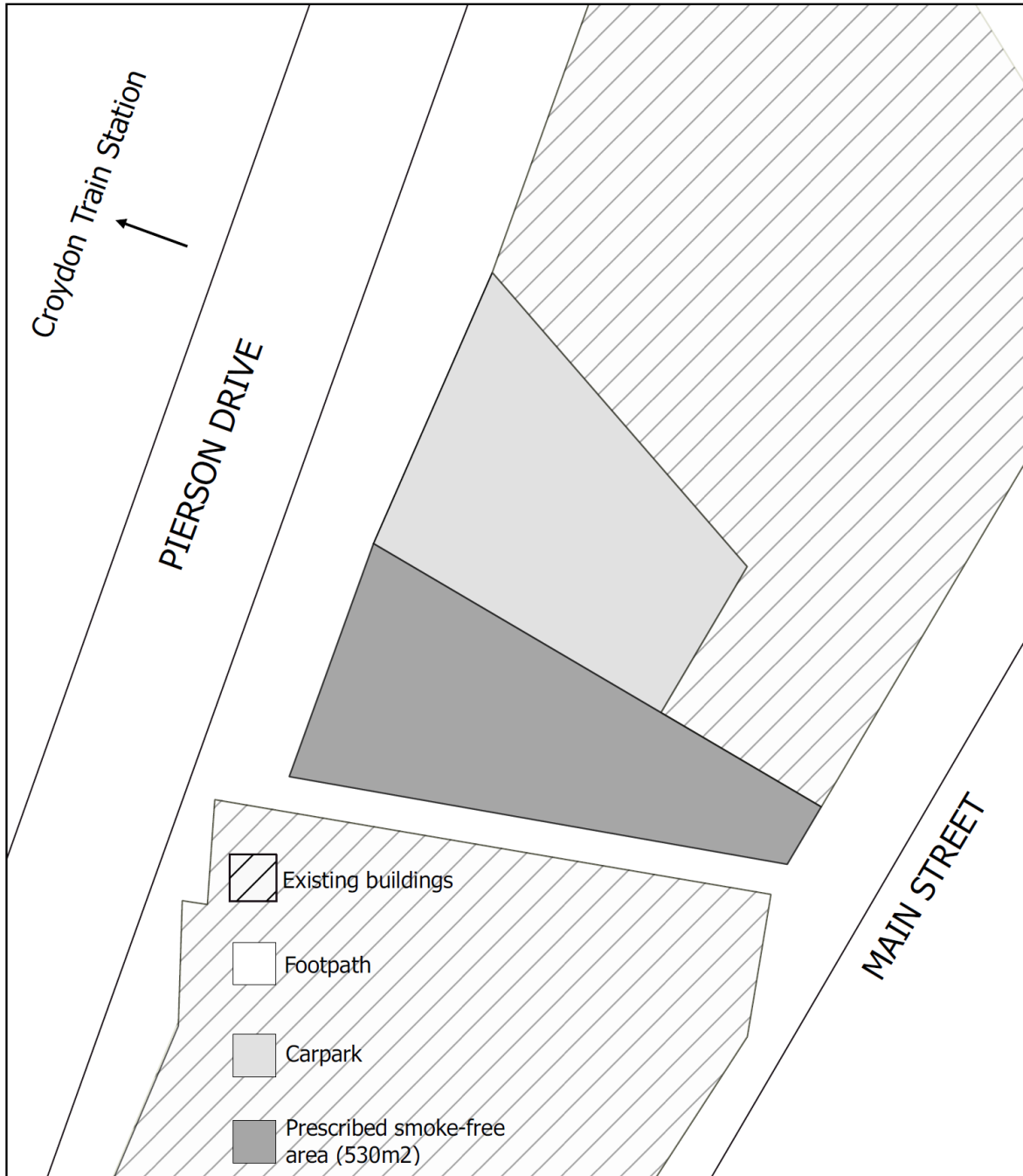
Maroondah City Council  
Smoke Free Areas  
Ringwood Town Square

Date 17-07-2018



SCHEDULE 2 A.2 – Croydon Town Square

Note: To any extent smoking is prohibited in the prescribed smoke free area pursuant to the Tobacco Act 1987, the provisions of the Local Law 11 in respect to smoking are inoperative.



Maroondah City Council  
Smoke Free Areas  
Croydon Town Square

Date	17-07-2018		
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## SCHEDULE 2 (CONT)

### 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*.”