

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William Street, Adelaide, South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

By-law No 1 – Permits and Penalties

A by-law to regulate permits and penalties issued by the Council

and do certify that in my opinion the Corporation of the City of Unley has power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1934, sections 667(1).3.LIV, 667(1).9.XVI and 791;

Local Government Act 1999, sections 246(1)(a), 246(3)(c), 246(3)(f) and 246(3)(g),

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 23rd day of July 2015


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Carolyn Jane Hillman Vigar, Legal Practitioner

CORPORATION OF THE CITY OF UNLEY

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 1 – Permits and Penalties

A by-law to regulate permits and penalties issued by the Council.

PART 1 – PRELIMINARY

1. Title

This by-law may be cited as the *Permits and Penalties By-law 2015*.

2. Objectives

The objectives of this by-law are to provide for the good rule and government of the Council area by providing for:

- 2.1 the issuing of permits under Council by-laws; and
- 2.2 providing for the imposition of penalties for breach of Council by-laws.

3. Commencement

This by-law comes into operation on 1 January 2016.

4. Application

This by-law applies throughout the Council area.

5. Interpretation

In this by-law, unless the contrary intention appears:

5.1 **Act** means the *Local Government Act 1999*;

5.2 **Council** means the Corporation of the City of Unley; and

5.3 **person** includes a natural person, a body corporate, an incorporated association and an unincorporated association.

PART 2 – PERMITS AND PENALTIES

6. Permits

6.1 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.

6.2 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) fixed by the Council.

6.3 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.

6.4 A person granted permission must comply with every condition applying to that permission.

6.5 The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

7. Offences and penalties

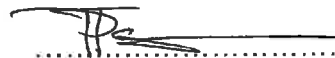
7.1 A person who commits a breach of any by-law of the Council is guilty of an offence.

7.2 The maximum penalty specified by section 246(3)(g) of the Act for the breach of a by-law applies to any breach of a by-law of the Council.

7.3 Where a breach of any by-law of the Council continues, the maximum penalty specified by section 246(3)(g) of the Act for a continuing offence applies to any breach of a by-law of the Council which continues.

7.4 The expiation fee fixed for a breach of a by-law is a fee equivalent to 25 per cent of the maximum fine applicable to a breach of the by-law.

This by-law was duly made and passed at a meeting of the Corporation of the City of Unley held on 27 July 2015 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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Peter Tsokas
Chief Executive Officer