

22.9.86

Regulations 1986, No. 22*

By-laws under the *Local Government Act*

The Darwin City Council, in pursuance of the powers conferred upon it by the *Local Government Act* and in accordance with section 350(3) of the Act, at a meeting held on the 29th day of April, 1986, hereby makes the following By-laws.

AMENDMENTS OF THE BY-LAWS OF THE MUNICIPALITY OF DARWIN

1. PRINCIPAL BY-LAWS

Chapter 5 of the By-laws of the Municipality of Darwin is in these By-laws referred to as the Principal By-laws.

2. PARTS

By-law 1 of the Principal By-laws is amended by omitting "PART II - LITTER" and substituting "PART II - LITTER AND FLAMMABLE AND NOXIOUS WEEDS".

3. DEFINITIONS

By-law 2 of the Principal By-laws is amended -

- (a) by inserting after the definition of "material likely to cause a public nuisance" the following:

"'noxious', in relation to plants, grass and weeds, includes any plant, grass or weeds the growth of which is offensive or liable to cause a nuisance, by reason of its injurious, harmful or unwholesome nature;"; and

- (b) by omitting from the definition of "Corporation" the words "The Corporation of the City of Darwin" and substituting "Darwin City Council".

4. PART HEADING

The heading of Part II of the Principal By-laws is amended by adding after "LITTER" the words "AND FLAMMABLE AND NOXIOUS WEEDS".

* Notified in the *Northern Territory Government Gazette* on 16 July, 1986.

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5. MATERIAL LIKELY TO ATTRACT VERMIN

By-law 12 of the Principal By-laws is amended by adding at the end the following:

"(2) Where, in the opinion of the Council, plants, grass or weeds on land are, or are likely to become, flammable or noxious, the Council may serve or cause to be served a notice, requiring the work specified in the notice to be carried out, on -

- (a) the occupier of the land; or
- (b) where the Council is unable to ascertain the identity of the occupier, the owner of the land.

"(3) A notice under clause (2) shall specify -

- (a) the work to be carried out in relation to the plants, grass or weeds;
- (b) the area of land the subject of the notice; and
- (c) the period, being not less than 2 days and no more than 21 days after the date of service of the notice, within which the work shall be carried out.

"(4) Where a notice under clause (2) has been served on a person, the person shall comply with, and not contravene, the notice.

"(5) Notwithstanding that a notice under clause (2) has been served on the occupier of land, the owner shall ensure that the person who, with his consent, is the occupier of the land shall comply with, and not contravene, the notice.

"(6) Where a notice under clause (2) has been served, the work specified in the notice has not been carried out and the period specified in the notice for carrying out the work has expired, the Council may, in addition to any proceedings it may initiate in relation to the failure to comply with the notice, carry out the work, or cause the work to be carried out, as so specified in the notice.

"(7) Where the Council carries out work, or causes work to be carried out, under clause (6), the cost to the Council of carrying out that work is a debt due and payable to the Council by the person on whom the notice was served."

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The common seal of the Darwin City Council was affixed hereto on the 13th day of June, 1986, in pursuance of a resolution of the Council authorizing the seal to be so affixed, passed on the 29th day of April, 1986, in the presence of

C.H. GURD
Acting Mayor

R.C. WHITE
Acting Town clerk

