

HEALTH ACT 1911

**SHIRE OF
SERPENTINE-JARRAHDALE**

HEALTH LOCAL LAWS 1999

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SHIRE OF SERPENTINE-JARRAHDAL

HEALTH LOCAL LAWS 1999

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HEALTH ACT 1911

SHIRE OF SERPENTINE-JARRAHDAL

HEALTH LOCAL LAWS 1999

Made by the Council of the Shire of Serpentine-Jarrahdale.

PART 1 - PRELIMINARY

Citation

1. These Local Laws may be cited as "*The Shire of Serpentine-Jarrahdale Health Local Laws 1999*".

Repeal

2. (i) The Health Local Laws adopted by the Shire of Serpentine-Jarrahdale and published in the *Government Gazette* on the 29 August 1949, and amended from time to time, are repealed;
(ii) The Health Local Laws adopted by the Shire of Serpentine-Jarrahdale on 15 September 1958 and published in the *Government Gazette* on the 24 November 1958, and amended from time to time, are repealed; and
(iii) The Health Local Laws adopted by the Shire of Serpentine-Jarrahdale on 21 April 1969 and published in the *Government Gazette* on the 11 July 1969, and amended from time to time, are repealed.

Interpretation

3. (1) In these Local Laws, unless the context otherwise requires -
"Act" means the *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911*;
"adequate supply of water" means a flow of water of not less than 0.076 litres per second;
"approved" means approved by the Principal Environmental Health Officer;
"AS" means Australian Standard published by the Standards Association of Australia;
"Building Code" means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;
"Chief Executive Officer" means the Chief Executive Officer of the Shire of Serpentine-Jarrahdale and includes the acting Chief Executive Officer;
"Council" means the Council of the Shire of Serpentine-Jarrahdale;
"drinking water" means water that is intended for direct human consumption or for use in food preparation and which meets the quality standards of the Guidelines for Drinking Water Quality in Australia-1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time;
"dwelling house" means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;
"Environmental Health Officer" means an Environmental Health Officer appointed by the Council under the Act and includes an Acting or Assistant Environmental Health Officer;
"habitable room" means a room used for normal domestic activities, and
 - (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
 - (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;"hot water" means water at a temperature of at least 75 degrees Celsius;
"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;
"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the Council to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;
"public place" includes every place to which the public ordinarily have access, whether by payment of a fee or not;
"responsible regulatory authority" means the authority or Government trading enterprise which is empowered by statute to exercise jurisdiction over the supply or installation of water, plumbing, sewerage, gas or electricity as the case may be;
"sanitary convenience" includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, faecal matter, or refuse, and all similar conveniences;
"sewage" means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;
"sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of Council;

Amended GG 102, 25 May 2001

"street" includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

"toilet" means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position; and

"zone" means a portion of the area of the district identified as being a particular zone under the Town Planning Scheme of the Council that is currently in force.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

Interpretation

4. In this Part, unless the context otherwise requires -

"festival" includes a fair, function or event;

"organiser" means a person -

(a) to whom approval has been granted by the Council to conduct the festival; or

(b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by -

(a) patrons in conjunction with a festival; or

(b) employees at construction sites or the like.

Dwelling House

5. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have adequate lighting.

Premises other than a Dwelling House

6. (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, such premises unless -

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by this section are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have hand wash basins -

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that -

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet provided for the use of females; and

(c) each hand wash basin is provided with -

(i) an adequate supply of soap or other hand cleaning substances; and

(ii) hand drying facilities, situated adjacent to and visible from the hand basin.

Outdoor Festivals

7. (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale -

(a) for the first 1,000 males -

(i) one water closet for each 333;

(ii) one urinal stall for each 100; and

(iii) one hand wash basin for each 500;

(b) for additional males -

(i) one water closet for each 500;

(ii) one urinal stall for each 100; and

(iii) one hand wash basin for each 500;

(c) for the first 1,000 females -

(i) one water closet for each 77; and

- (ii) one wash hand basin for each 500; and
- (d) for additional females -
 - (i) one water closet for each 100; and
 - (ii) one wash hand basin for each 500.
- (2) Where, under Sub-section (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

Toilets

8. Where more than one toilet is provided on premises other than a dwelling house, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended

Amended
GG 102,
25 May
2001

Temporary Works

9. A person who undertakes temporary work at any place shall -
- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary approved toilet for every 20 such persons; and
 - (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from the Principal Environmental Health Officer, and ensure the site is left clean.

Maintenance of Sanitary Conveniences and Fittings

10. (1) The occupier of premises shall -
- (a) keep clean, in good condition and repair; and
 - (b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall -
- (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to, all sanitary conveniences including sanitary fittings in or on the premises.

Ventilation of Toilet

11. A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

Public Sanitary Conveniences

12. (1) A person shall not -
- (a) foul;
 - (b) damage or vandalise; or
 - (c) write on or otherwise deface,
- a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person using a public sanitary convenience shall where the convenience has been provided by the Council and a charge for its use has been levied, forthwith pay that charge.
- (3) A person shall not live or sleep in a public sanitary convenience or use it for a purpose other than that for which it was intended.

Lighting

13. The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

Installation

14. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and shall have an adequate supply of water.
- (2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Division 2 - Bathroom, Laundries and Kitchens

Bathrooms

15. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that -
- (a) is adequately lined with an impervious material and has an adequate ceiling;
 - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
 - (c) is equipped with -
 - (i) a wash hand basin; and
 - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

Laundries

16. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that -
- (a) is properly enclosed and roofed;
 - (b) is adequately lined with an impervious material;
- (2) The laundry referred to in subsection (1) must conform to the provisions of the Building Code
- (3) (*deleted GG102, 25 May 2001*)
- (4) (*deleted GG102, 25 May 2001*)
- (5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
- (6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall -
- (a) not be more than 1220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.
- (7) Food shall not be prepared, served or consumed in a laundry.

Washing or Keeping of Clothes in Kitchens

17. A person shall not in any kitchen or other place where food is kept -
- (a) wash or permit to be washed any clothing or bedding; or
 - (b) keep or permit to be kept any soiled clothing or bedding.

Kitchens

18. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with cooking facilities and a sink supplied with hot and cold water, which are adequate in the opinion of an Environmental Health Officer
- (2) The occupier of a dwelling house shall ensure that the cooking facilities and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall -
- (a) be installed in accordance with the requirements of the Office of Energy; and
 - (b) not be installed or used in any room other than a kitchen.
- (4) (a) A kitchen shall be provided with mechanical ventilation directly above the cooking facility and the exhaust air shall be -
- (i) carried to the outside air as directly as practicable;
 - (ii) boxed throughout; or
- (b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.
- (5) In this Section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

Amended GG 102, 25 May 2001

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Houses

Dwelling House Maintenance

19. The owner or occupier of a dwelling house shall maintain the dwelling house and any appurtenant buildings, in sound condition and fit for use and, in particular, shall -
- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
 - (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
 - (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
 - (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
 - (e) maintain any brick, stone, mortar or cement work in a sound condition;
 - (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
 - (g) maintain all ventilators in good order and repair;
 - (h) maintain all floors even in surface and free from cracks;
 - (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete with unbroken surfaces and free of dampness;
 - (j) maintain all doors and windows in good working order and weatherproof condition;
 - (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
 - (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
 - (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy and shall provide a current certificate of compliance when so directed by the Principal Environmental Health Officer.

Disposal of Rainwater

20. The owner or occupier of a house shall not use or occupy or permit to be used or occupied, a house unless all rainwater is effectively disposed of to the satisfaction of the Council and in a manner that will not be a nuisance or injurious or dangerous to health.

Maintenance of Guttering and Downpipes

21. The owner or occupier of a house shall maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction.

Division 2 - Ventilation of Houses

Exemption for Short Term Hostels and Recreational Camp Sites

22. This Division shall not apply to short term hostels and recreational camp sites referred to in Division 2 of Part 9.

Overcrowding

23. The owner or occupier of a house shall not permit -
- (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
 - (b) a habitable room in the house to be used for sleeping purposes unless -
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
 - (c) any garage or shed to be used for sleeping purposes.

Calculate Sufficient Space

24. For the purpose of Section 23, in calculating the space required for each person -
- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
 - (b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

Ventilation

25. (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of Sub-section (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of -
- (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2 - 1991.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is maintained in good working condition and in accordance with AS3666 - 1989.
- (4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the Council may by notice require the owner of the house to -
- (a) provide a different, or additional method of ventilation; or
 - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice under Sub-section (4).

Sub Floor Ventilation

26. (*Deleted GG 25 May 2001*)

Amended GG 102 25 May 2001

Division 3 - Water Supply

Water Supply

27. (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the Council.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house unless otherwise approved by the Council.

Rain Water Tanks

28. The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall -
- (a) maintain in a clean condition -
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
 - (b) ensure that each rain water tank is fitted with a tight fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
 - (c) at least once in each year, thoroughly clean any tank the water from which is used for human consumption; and
 - (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

Wells

29. The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is -
- (a) at least 30 metres from any soak well or other possible source of pollution, unless otherwise approved by the Executive Director Public Health; and
 - (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of pumping apparatus.

Pollution

30. A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4 - Secondhand Furniture, Bedding and Clothing

Prohibition of Sale

31. A person shall not offer for sale or sell any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Prohibition of Possession

32. A dealer in secondhand furniture, bedding or clothing shall not have on any premises used for the operation of the business any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

PART 4 - WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

Interpretation

33. In this division, unless the context otherwise requires -
- “liquid refuse” includes swimming pool discharges, all washings from windows and vehicles and carpet cleaning, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes;
 - “liquid waste” means bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

Deposit of Liquid Refuse

34. A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste -
- (a) on a street;
 - (b) in a stormwater disposal system; or
 - (c) on any land or place other than a place or depot duly authorised for that purpose.

Disposal of Liquid Waste

35. (1) The owner or occupier of premises shall -
- (a) provide, by one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods -
- (a) discharging it into a sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director Public Health and the Council;
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

Septic Tank Pumpouts

36. A person shall not collect, remove or dispose of the contents of a septic tank, holding tank or an apparatus for the treatment of sewage unless that person complies with the provisions of the *Environmental Protection (Liquid Waste) Regulations 1996*.

Division 2 - Disposal of Refuse

Interpretation

37. In this Division, unless the context otherwise requires -
- “collection time”, means the time from time to time notified to the occupier of the premises by the Council or its contractor;
 - “kerb line” means the point where the road carriageway adjoins the road verge;
 - “receptacle” means a polyethylene cart fitted with wheels, a handle and with a lid and of a capacity of 140 litres or 240 litres supplied by the Council or its contractor or other type of receptacle specified or approved by the Council;

Prescribed Area - Section 112A

38. The whole of the district of the Shire of Serpentine-Jarrahdale is the prescribed area for the purposes of Section 112A of the Act.

Refuse Receptacles and Collection

39. The occupier of every premises in the district shall -

- (a) at all times keep the lid of the receptacle closed except when depositing refuse in or cleaning the receptacle;
- (b) except when placed for collection, keep the receptacle on the premises located within the property boundary so as not to be visible from a street or public place, or other location approved by an Environmental Health Officer;
- (c) by 7.00 a.m. on the collection day, place the receptacle -
 - (i) between the kerb line and the premises, 1 to 4 metres from the kerb line and such that it does not obstruct any footpath, cycleway or other carriageway;
 - (ii) in such other position specifically approved by the Principal Environmental Health Officer;
- (d) after the contents of the receptacle have been removed, any employee of Council or its contractor collecting refuse shall return receptacles to a location as close as possible to that where they were located immediately before being emptied but not so as to obstruct any footpath, cycleway, driveway, service road or other carriageway;
- (e) notify the Council within two (2) days after the event if the receptacle is lost, stolen, damaged or become defective, and if the loss or damage is caused by or due to negligence of the occupier, pay to the Council or its contractor such replacement fee as determined by the Council.

Use of Receptacles

40. The occupier of every premises in the district shall not deposit or permit to be deposited in a receptacle -

- (i) more than 70 kilograms of rubbish or refuse;
- (ii) hot or burning ash;
- (iii) oil, motor spirit or other flammable liquid;
- (iv) liquid, including liquid paint or other solvent;
- (v) bricks, concrete, building rubble, earth or other like substances;
- (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak proof container;
- (vii) hospital, medical, veterinary laboratory or pathological substances containing blood unless placed in a sealed impervious leak proof and impenetrable container;
- (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak proof and impenetrable container;
- (ix) cytotoxics, radio active substances and dangerous chemicals;
- (x) sewage, manure, nightsoil, faeces or urine;
- (xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
- (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

Use of Other Containers

41. (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

- (2) The owner or occupier of premises who is authorised under this Section to deposit rubbish or refuse in a container, other than a polyethylene cart fitted with wheels and a handle, shall -
 - (a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in Section 40(a)(ii) - (xii);
 - (b) cause all refuse to be deposited in a container in a manner which is compatible with the type of container used;
 - (c) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
 - (d) at all times keep the container clean and whenever directed by an Environmental Health officer to do so, place and keep in a container a deodorant material approved by the Environmental Health Officer;
 - (e) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;
 - (f) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;
 - (g) ensure that the container does not cause a nuisance to an occupier of adjoining premises; and
 - (h) where the premises are used for the manufacture, preparation or sale of foods or any putrescible refuse emanates from the premises causes the container to be cleaned with a suitable detergent and treated with a disinfectant at least once per week.
- (3) An owner or occupier shall -
 - (a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
 - (b) ensure that each container on the premises -

- (i) has a close fitting lid;
 - (ii) is constructed of non-absorbent and non-corrosive material; and
 - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
 - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
 - (d) place any rubbish or refuse in, and only in, a container marked for that purpose;
 - (e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
 - (f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.
- (4) The Principal Environmental Health Officer may direct that refuse of the type referred to in paragraph (g) of sub section (2) or which emanates from premises referred to in that paragraph, be collected and removed more often than once per week.

Suitable Enclosure

42. (1) An owner or occupier of premises -
- (a) consisting of more than 3 dwellings; or
 - (b) used for commercial, or industrial purposes;
- that have been provided with receptacles, shall if required by the Principal Environmental Health Officer -
- (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
 - (ii) install in the enclosure a tap connected to an adequate supply of water.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this Section shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this section, a "suitable enclosure" means an enclosure -
- (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Principal Environmental Health Officer;
 - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
 - (d) containing a smooth and impervious floor -
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
 - (e) which is easily accessible to allow for the removal of the receptacles.

Removal from Refuse Disposal Site

43. (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the Council.
- (2) A person who obtains approval from the Council shall comply with any conditions imposed by the Council and set out in the approval.

Removal of Rubbish from Premises or Receptacle

44. (1) A person shall not remove any rubbish or refuse from premises unless that person is -
- (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the Council.
- (2) A person shall not, without the approval of the Council or the owner of a receptacle, remove any rubbish or refuse from a receptacle or other container provided for the use of the general public in a public place.

Burning Rubbish or Refuse

45. A person shall not burn any rubbish or refuse containing plastic, rubbish, food scraps, green garden cuttings or any other material offensive when burnt:
- (a) on the ground; or
 - (b) in any incinerator.

Division 3 - Transport of Butchers' Waste

Interpretation

46. In this Division, unless the context otherwise requires -
- "butchers' waste" includes animal skeletons, rib cages from a boning room and inedible products of an abattoir.

Restriction of Vehicles

47. A person shall not use, for the transport of butchers' waste -
- (a) a vehicle used for the transport of food or drugs; or
 - (b) anything intended to be used for the packing or handling of food or drugs.

Transport of Butchers' Waste

48. (1) A person shall not transport butchers' waste otherwise than in -
- (a) a compartment complying with the following specifications -
 - (i) the floor and 4 walls to be made of impervious material and the walls to be not less than 910 millimetres high;

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- (ii) all joints to be welded, soldered or brazed and made water-tight;
 - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
 - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a water-tight metal container fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are -
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to -
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

Division 4 – Building Sites – Rubbish

Building Sites – Rubbish

- 49 (a) During all periods of construction on any building site:
- (i) The builder shall provide and maintain on such site a rubbish disposal bin approved by the Council being either –
 - a) a bin of not less than 4 cubic metres in capacity; or
 - b) a bin of not less than 0.20 cubic metres in capacity in which case such bin shall have an effectively operating lid.
 - (ii) The builder shall keep such site free of rubbish and offensive matter, whether temporary or otherwise.
 - (iii) The builder shall maintain the street verge immediately adjacent to such site free of rubbish or offensive matter resulting from construction on the building site, whether temporary or otherwise.
- (b) The builder shall on completion of construction immediately clear the site and the street verge immediately adjacent thereto of all rubbish and offensive matter resulting from the construction and shall remove therefrom all or any rubbish disposal bins placed thereon by the builder.
- (c) In this section the word “rubbish” shall be deemed to include stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter whatsoever, whether of the same kind or type or otherwise.
- (d) In this section the word “builder” shall include the person or persons or firm or corporation who shall be the holder of any building licence issued in respect of such building works by the Shire of Serpentine-Jarrahdale and shall also include any person or persons or firm or corporation who shall be in effective control of such building site whether or not such person or persons or firm or corporation shall be the holder of any such licence.

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PART 5 - NUISANCES AND GENERAL ***Division 1 – Nuisances***

Interpretation

50. In this Division, unless the context otherwise requires -
- “fertiliser” includes manure;
 - “public vehicle” includes bus, train, taxi or other public transport.

Footpaths etc, to be kept clean

51. An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clear of any rubbish, matter or things coming from or belonging to the premises

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Escape of Smoke etc.

52. (1) Subject to Sub-Section (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.
- (2) Sub-Section (1) does not apply to smoke from the chimney of a private dwelling house.

Public Vehicles to be kept clean

53. The owner or person in control of a public vehicle shall -
- (a) maintain the vehicle at all times -
 - (i) in a clean condition; and
 - (ii) free from vectors of disease; and
 - (b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

Prohibition against Spitting

54. A person shall not spit -
- (a) on a footpath, street or public place; or

- (b) in a train, bus or other public transport.

Use or Storage of Fertiliser

55. (1) An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any -
- (a) human faeces; or
 - (b) urine.
- (2) The owner or occupier of a premises where fertiliser or compost is stored or used shall -
- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
 - (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
 - (c) store only such amounts of fertiliser or compost -
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by the Principal Environmental Health Officer.

Storage and Dispatch of Artificial Fertiliser

56. An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall -
- (a) keep all artificial fertiliser in a building -
 - (i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non absorbent materials; and
 - (ii) free from damp and properly ventilated;
 - (b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
 - (c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

PART 6 - KEEPING OF ANIMALS

Division 1 - General Provisions

Cleanliness

57. An owner or occupier of premises in or on which any animal or bird is kept shall -
- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
 - (b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and
 - (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

Animal Enclosures

58. (1) A person shall not keep or cause or permit to be kept any animals or birds in an enclosure which is not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.
- (3) Subject to the provisions of Section 65, and the *Shire of Serpentine-Jarrahdale Local Law relating to Dogs*, no structures, shelters or enclosures where animals or birds are kept shall be constructed closer than 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises whatsoever wherein food is manufactured, packed or prepared for human consumption.
- (4) An owner or occupier of premises may make application to the Council for an exemption from the requirements of Sub-section (3) in accordance with Section 62.

Slaughter of Animals

59. (1) Subject to Sub-section (2), a person shall not slaughter any animal within the district;
- (2) Sub-section (1) does not apply to:
- (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) pet meat and game meat operators;
 - (c) abattoirs approved by the Council; and
 - (d) farming property occupiers preparing meat for their own consumption.

Disposal of Dead Animals

60. (1) An owner or occupier of premises on which there is a dead animal or bird shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or a person having the care, of any animal or bird that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Removal of Non-Conforming Structure or Enclosure

61. (1) If a structure, shelter or enclosure is used for the keeping of animals or birds contrary to the provisions of section 58, the Principal Environmental Health Officer may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this section.

Exemptions

62. (1) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sections 58(3), 64(3), 65, 69(1), 71(1) and 72(1).
- (2) The Council may grant an exemption from the requirements of Sections 58(3), 64(3), 65, 69(1), 71(1) and 72(1).
- (3) The Council shall not grant an exemption under this Section unless it is satisfied that the number of animals or birds to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this Section shall specify -
- (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies;
 - (c) the maximum number of animals or birds which may be kept on the premises; and
 - (d) any terms and conditions under which the animals or birds shall be kept.
- (5) An exemption granted under this Section may be cancelled by the Council where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

Division 2 - Keeping of Large Animals

Interpretation

63. In this Division, unless the context otherwise requires -

“cow” includes an ox, calf or bull;

“horse” includes an ass, mule, donkey or pony;

“large animal” includes a cow, horse, pig, sheep, goat, deer, camel, lama, emu, ostrich or the like;

“prescribed area” means those areas in the district zoned other than Rural, Special Rural, Rural Living A/B and Farmlot;

“stable” means a building for the keeping, care and feeding of a horse; and

“stall” means a single compartment for one horse in a stable.

Large Animals

64. (1) A person shall not keep a large animal on any land within the prescribed area without the permission of the Principal Environmental Health Officer.
- (2) An owner or occupier of premises shall not permit a large animal to be stabled or yarded within 15 metres of a dwelling house.
- (3) An owner or occupier of premises may make application to the Council for an exemption from the requirements of this section in accordance with section 62.
- (4) The keeping of pigs is prohibited within:
- (a) the prescribed area of the district;
 - (b) any land zoned Rural Living A and B or Farmlot as defined in Appendix 4A, 4B and 4C of Town Planning Scheme No 2, without the written permission of Council. For the purpose of this paragraph, Council will permit the keeping of one (1) pig only, subject to conditions approved by Council; and
 - (c) any premises or less than 1 hectare.

Stables

65. (1) No stable shall be erected unless and until plans, specifications and the site of the proposed stable have been approved by the Council.
- (2) Stables shall -
- (a) not be situated within 15 metres of a house or other premises;
 - (b) have a proper separate stall for each horse in accordance with Sub-section (3);
 - (c) have each wall and roof constructed of an impervious material;
 - (d) have on all sides of the building between the wall and the roof a clear opening of a least 150 millimetres in height, unless otherwise approved by the Council; and
 - (e) have walls of not less than 3 metres, when measured both horizontally or vertically.
- (3) (a) Subject to Sub-section 3(b) a stable shall have a floor, the upper surface of which shall-
- (i) be raised at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete or other similar impervious materials;
 - (iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge to an approved treatment and disposal system;
 - (iv) have an area of not less than 11 square metres for each stall.
- (b) A stable constructed with a sand floor may be permitted by the Council, subject to the following-
- (i) the site must be well drained with the highest known water table no closer than 1.5 metres below the sand floor level which may be achieved artificially;
 - (ii) sand must be clean, coarse and free from dust;
 - (iii) footings to each stable shall be a minimum of 450mm below ground level;
 - (iv) the minimum floor area of each stall shall not be less than 15 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally and have a roof of not less than 50% of the floor area;
 - (v) in all other respects the requirements of subsection (2) shall apply to the stable building; and
 - (vi) in areas other than the prescribed area the Principal Environmental Health Officer may vary the requirements to provide a stable.
- (4) The provision of this section shall apply from and after the date of these Local Laws coming into operation.

66. Stables not Permitted

The erection of a stable will not be permitted on a property less than 4,000 square metres in area except in areas designated for equine purposes in the vicinity of the Byford Trotting Complex.

67. Manure and Feed Receptacles

- (1) An owner or occupier of premises on which a stable is located shall subject to subsection (2) -
 - (a) provide mobile or free standing fly-proof receptacles of a size, number and construction required by an Environmental Health Officer situated at not less than 15 metres from a dwelling house and into which shall be placed all wastes, inclusive of soiled bedding and manure produced on the premises;
 - (b) keep the lids of the receptacles closed except when manure is being deposited or removed;
 - (c) cause the receptacles to be emptied at least once a week and as often as may be necessary to prevent them becoming offensive or a breeding place for flies or other vectors of disease;
 - (d) keep the receptacles so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means; and
 - (e) cause all manure produced on the premises to be collected daily and placed in the receptacles; and
 - (f) the collection and storage of manure does not apply where horses are free ranging on land with an area greater than 2 hectares and no nuisance arising from the manure is created.
- (2) Every stable shall have approved impervious rat-proof receptacles for the storing of horse feed such as chaff, bran, pollard, grain or seed and the like.

Division 3 - Keeping of Poultry, Pigeons and Miscellaneous Birds

Interpretation

68. In this Division, unless the context otherwise requires -

- "Affiliated Person" means a person who is a member of a properly constituted Pigeon Club;
- "Code of Practice" means the Code of Practice - Pigeon Keeping and Pigeon Racing, published May, 1994 and amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated);
- "Miscellaneous Birds" includes all birds other than poultry and registered homing or racing pigeons;
- "Poultry" includes fowls, peafowls, turkeys, geese, ducks and the like;
- "Prescribed Area" means those areas in the district zoned other than Rural, Special Rural, Rural Living A/B and Farmlot; and
- "Young Birds" mean any birds under 24 days of age and are recognised as birds without feathers on the flesh under their wings.

Poultry

69. (1) An owner or occupier shall not keep more than 10 poultry on any premises within the prescribed area and not more than 20 poultry elsewhere.
- (2) Sub-section (1) shall not apply to premises approved by the Council for veterinary purposes, poultry processing, egg production or poultry rearing.
- (3) An owner or occupier of premises may make application to the Council for an exemption from the requirements of Sub-section (1) in accordance with section 62.
- (4) A person who keeps or permits poultry to be kept shall ensure that no poultry is able to approach within 10 metres of a dwelling house, public building or premises where food is stored, prepared, manufactured or sold and that the poultry is kept in an appropriately constructed and securely fastened structure or enclosure.

Roosters

70. (1) An owner or occupier shall not keep a rooster, peafowl, guinea fowl or geese on any premises within the prescribed area without the written approval of the Principal Environmental Health Officer.
- (2) The Principal Environmental Health Officer may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1) of this Section.
- (3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.
- (4) The Principal Environmental Health Officer may revoke an approval granted under this Section if of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

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Pigeons

71. (1) Subject to Sub-section (2) an owner or occupier shall not keep more than 20 pigeons on any premises within the district.
- (2) An owner or occupier of premises who is an Affiliated Person, may make application to the Council to keep a total of not more than 150 pigeons (exclusive of the young birds).
- (3) The Council may in respect of an application made by an Affiliated Person -
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (4) An Affiliated Person who keeps, or permits to be kept pigeons shall ensure that -
 - (a) the pigeons are kept in accordance with the Code of Practice - and where there is any inconsistency between these Local Laws and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

- (b) except where registered racing or homing pigeons are freed for exercise, the pigeons are kept in a properly constructed weatherproof pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres.
- (5) The Principal Environmental Health Officer may order an owner or occupier of a house or land or trees in or on which pigeons are, or are in the habit of nesting or perching, to take adequate steps to prevent them continuing to do so. Where the pigeons are considered to be feral, the Principal Environmental Health Officer may also direct that the owner or occupier eradicate the pigeons.

Miscellaneous Birds

72. (1) An owner or occupier shall not keep more than 20 miscellaneous birds on any premises within the district.
- (2) Sub-section (1) shall not apply to premises used for veterinary purposes or as a pet shop.
- (3) An owner or occupier of premises may make application to the Council for an exemption from the requirement of Sub-section (1) in accordance with section 62.

PART 7 - PEST CONTROL

Division 1 - Flies

Interpretation

73. In this Division, unless the context otherwise requires -
“flies” means any of the two-winged insects constituting the order Diptera, commonly known as flies.

Fly breeding matter not to be left on Premises unless Covered or Treated

74. An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

Measures to be taken by an Occupier

75. An owner or occupier of premises shall ensure that -
- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
 - (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
 - (c) lawn clippings used on gardens as mulch are raked out thinly;
 - (d) fertilisers are dug well into the soil;
 - (e) compost heaps are kept well covered;
 - (f) barbecues are kept clean and free from food scraps;
 - (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
 - (h) excrement from pets is collected and properly disposed of without delay.

Officer may give Notice directing measures to be taken

76. Where in the opinion of an Environmental Health Officer flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to -
- (a) control the prevalence;
 - (b) effect the eradication; or
 - (c) effectively prevent the breeding, of flies.

Council may Execute Work and Recover Costs

77. (1) Where -
- (a) a person is required under this Division or directed by a notice given under section 76, to execute any work; and
 - (b) that person fails or neglects to comply with the requirement, the Council may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.
- (2) The costs and expenses incurred by the Council in the execution of a power under Sub-section (1) may be recovered in a court of competent jurisdiction from the person referred to in Sub-section (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

77(3).
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2007

Division 2 - Mosquitoes

Interpretation

78. In this Division, unless the context otherwise requires -
“mosquitoes” means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

Premises to be kept free of Mosquito breeding matter

79. An owner or occupier of premises shall keep the premises free of -
- (a) refuse; and
 - (b) water located so as to be, liable to become the breeding place of mosquitoes.

Measures to be taken by an Owner or Occupier

80. An owner or occupier of premises -
- (a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water -
 - (i) stocked with mosquito destroying fish; or
 - (ii) treated with a larvicide or other control measures approved by an Environmental Health Officer.
 - (b) where there is a water tank, well, cistern, vat or barrel, shall -
 - (i) keep it protected with a mosquito-proof cover; and
 - (ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

Measures to be taken by Occupier

81. An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall -
- (a) frequently change the water; and
 - (b) keep the water clean and free from vegetable matter and slime.

Removal of Undergrowth or Vegetation

82. (1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.
- (2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this Section.

Filling in Excavations etc.

83. Unless written permission to the contrary is obtained from the Council, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

Drains, Channels and Septic Tanks

84. An owner or occupier of land shall -
- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
 - (b) where a septic tank is installed on the land -
 - (i) apply an approved larvicide according to the directions on the container, into the septic tank system when so directed by an Environmental Health Officer; and
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any educt vent to the tank.

Drainage of Land

85. (1) An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Council, effectively drain the land and, for that purpose, shall -
- (a) make or provide drains on the land;
 - (b) remove all irregularities in the surface of the land;
 - (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that -
 - (i) the water on the land may flow into the drains without obstruction; and
 - (ii) no water shall remain on any portion of the land other than the drains; and
 - (d) keep all drains in good order and free from obstruction.
- (2) The developer of broad-acre subdivisional land shall ensure that drainage sumps and compensating basins are designed and constructed so as to-
- (a) not hold water for a period greater than 7 days; or alternatively
 - (b) permanently hold water to a minimum depth approved by the Council and in accordance with section 80(a)(ii).

Division 3 - Rodents

Interpretation

86. In this Division, unless the context otherwise requires -
- “rodents” means those animals belonging to the order Rodentia and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

Measures to be taken to eradicate Rodents

87. (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

- (2) Without limiting the generality of Sub-section (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall -
- (a) take effective measures to keep the premises free from rodents including -
 - (i) protecting food stuffs;
 - (ii) using a rodenticide bait or a properly baited trap; and
 - (iii) preventing rodents having access to water on the premises;
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall -
 - (i) if it is not already dead, kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
 - (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

Waste food etc. to be kept in rodent proof Receptacles

88. A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

Restrictions on materials affording harbourage for Rodents

89. (1) An owner or occupier of premises shall cause -
- (a) any part of the premises; or
 - (b) any material, sewer, pipe or other thing in or on the premises,
- that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.
- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

etc. to be cleaned after Use

90. An owner or occupier of a vehicle, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

Restrictions on the Sale or Keeping of Rats

91. (1) Subject to Sub-section (2) an owner or occupier of premises shall not, on or from those premises -
- (a) keep or permit to be kept a rat; or
 - (b) sell or offer for sale or permit to be sold or offered for sale a rat.
- (2) Sub-section (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by -
- (a) a university or school;
 - (b) a person approved by the Council; or
 - (c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.
- (3) A person or body specified in Sub-section (2) which keeps rats for the purpose of scientific or medical research shall -
- (a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and
 - (b) if a rat escapes, forthwith comply with the requirements of Section 87 and ensure that all reasonable steps are taken to destroy the rat.

Division 4 - Cockroaches

Interpretation

92. In this Division, unless the context otherwise requires -
"cockroach" means any of the various orthopterous insects commonly known as cockroaches -

Measures to be taken to eradicate Cockroaches

93. (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) Without limiting the generality of Sub-section (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including -
- (a) washing and storing, immediately after use, cooking and eating utensils;
 - (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;
 - (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
 - (d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5 – Argentine Ants (Deleted GG 102 25 May 2001)
Division 6 - European Wasps

88.
Amended
Health
Local Laws
2007 GG
183, 7
September
2007

90.
Amended
Health
(Food)
Local Laws
2009 GG
189, 23
October
2009

Interpretation

96. In this Division, unless the context otherwise requires -
“European Wasp” means a wasp *Vespula germanica*.

Measures to be taken to keep premises free from European Wasp Nests

97. An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall -

- immediately notify the Council of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;
- follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- assist an Environmental Health Officer, or their representative, to trace any nest that may be present in, on or about the premises.

Division 7 – Bee Keeping (Deleted GG 102 25 May 2001)

Division 8 - Arthropod Vectors of Disease

Interpretation

102. In this Division, unless the context otherwise requires -
“arthropod vectors of disease” includes -

- fleas (*Siphonaptera*);
- bedbugs (*Cimex lectularius*);
- crab lice (*Phthirus pubis*);
- body lice (*Pediculus humanus var. corporis*);
- head lice (*Pediculus humanus var. capitis*).
- deleted GG 102 25 May 2001*

Responsibility of the Owner or Occupier

103. The owner or occupier of premises shall -

- keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 8 - INFECTIOUS DISEASES

Division 1 - General Provisions

Environmental Health Officer may visit, inspect and report

104. An Environmental Health Officer -

- may visit and inspect any house, its occupants, fixtures and fittings; and
- who has reason to believe that there has been a breach of the Act, any regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the Council.

Requirements on owner or occupier to clean, disinfect and disinfest

105.(1) The Council or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest -

- the premises; or
- such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under Sub-section (1).

Environmental Health Officer may disinfect or disinfest premises

106.(1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other Council officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

- An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other Council officer or other person to carry out the direction given under Sub-section (1).
- The Council may recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out.
- The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

106 (4).
Amended
by Health
Local Laws
2007, GG
183, 7
September
2007

Insanitary houses, premises and things

- 107.(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
- (2) Where an Environmental Health Officer considers that -
- (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) any thing is insanitary,
- the officer may, by notice in writing, direct, as the case may be -
- (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the insanitary thing to destroy or amend it, within the time and in the manner specified in the notice.
- (3) A person to whom a notice has been given under Sub-section (2) shall comply with the terms of the notice.

Medical Officer may examine a person or authorise disinfecting

108. A person shall comply with any direction of the Medical Officer under this Section.

Persons in contact with an infectious disease sufferer

109. If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house -
- (a) shall obey such instructions or directions as the Council or the Medical Officer may issue;
 - (b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
 - (c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

Declaration of infected house or premises

- 110.(1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.
- (2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

Destruction of infected animals

- 111.(1) The Principal Environmental Health Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of -
- (a) in the manner and within the time specified in the notice; and
 - (b) by the person in whose possession, or upon whose premises, the animal is located.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under Sub-section (1) shall comply with the terms of the notice.

Disposal of a body

- 112.(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to Sub-section (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
- (2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

Council may carry out work and recover costs

- 113.(1) Where -
- (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
 - (b) that person fails or neglects to comply with the requirement,
- that person commits an offence and the Council may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the Council in the execution of a power under this Section may be recovered in a court of competent jurisdiction from the person referred to in Sub-section (1)(a).
- (3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in Sub-section (1)(a) in relation to any action taken by the Council under this Section.

Division 2 - Disposal of used condoms and needles

Disposal of used condoms

- 114.(1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are -
- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with Sub-section (1).

Disposal of used needles

115. A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container deposited in a refuse receptacle.

PART 9 - LODGING HOUSES

Division 1 - Registration

Interpretation

116. (1) In this Part, unless the context otherwise requires -

“bed” means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

“bunk” means a sleeping berth comprising one of two arranged vertically;

“dormitory” means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

“keeper” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

“lodger” means a person who obtains, for hire or reward, board or lodging in a lodging house;

“lodging house” includes a recreational campsite, a serviced apartment and a short term hostel;

“manager” means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

“recreational campsite” means a lodging house -

(a) situated on a campsite principally used for -

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions;

and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days,

and includes youth camps, youth education camps, church camps and riding schools;

“register of lodgers” means the register kept in accordance with Section 157 of the Act and this Part;

“resident” means a person, other than a lodger, who resides in a lodging house;

“serviced apartment” means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

“short term hostel” means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels; and

“vectors of disease” means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

Lodging House not to be kept unless registered

117. A person shall not keep or cause, suffer or permit to be kept a lodging house unless -

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the Council under Section 119;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either -

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer has been appointed by the keeper to have the care and management of the lodging house, resides or intends to reside continuously in the lodging house.

Application for registration

118. An application for registration of a lodging house shall be -

(a) in the form prescribed in Schedule 1;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by -

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

Amended
GG 102
25 May
2001

Approval of application

119. The Council may approve, with or without conditions, an application under Section 118 by issuing to the applicant a certificate in the form of Schedule 2.

Renewal of registration

120. A person who keeps a lodging house which is registered under this Part shall -

(a) during the month of June in each year apply to the Council for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed by Council under Section 344C of the Act at the time of making each application for renewal.

Amended
GG 102
25 May
2001

Notification upon sale or transfer

121.If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

Revocation of registration

- 122.(1) Subject to Sub-section (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.
- (2) Without limiting the generality of Sub-section (1), the Council may revoke a registration upon any one or more of the following grounds -
- (a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the keeper has -
 - (i) been convicted of an offence against these Local Laws in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration.
 - (c) that the Council, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this Section, the Council shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

General Construction Requirements

123.The general construction requirements of a lodging house shall comply with the Building Code.

Sanitary conveniences

- 124.(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises-
- (a) toilets; and
 - (b) bathrooms, either fitted with a shower or bath and provided with a wash basin.
in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of Sub-section (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall -
- (a) be so situated, separated and screened as to ensure privacy;
 - (b) ~~deleted GG 102 25 May 2001~~
 - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (d) be provided with adequate electric lighting.

Laundry

- 125.(1) A keeper shall -
- (a) subject to Sub-section (2) -
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry which complies with the provisions of the Building Code;
 - (b) at all times maintain each laundry or laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper or washing machine; and
 - (d) ensure that the floor area of each laundry or laundry unit is properly surfaced with an even fall to a floor waste.
- (2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) ~~deleted GG 102 25 May 2001~~

Amended GG 102 25 May 2001

Kitchen

- 126.The keeper of a lodging house shall provide in that lodging house a kitchen which -
- (a) has a minimum floor area of -
 - (i) 0.65 square metres per person, where lodgers prepare their own meals;
 - (ii) 0.35 square metres per person, where meals are provided by the keeper or manager; or

- (iii) 1 square metre per person, where the kitchen and dining area are combined but in any case not less than 16 square metres;
- (b) has adequate -
 - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold drinking water.

Cooking Facilities

127.(1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Principal Environmental Health Officer in accordance with the following table -

No. of Lodgers	Ovens	4 Burner Stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 + 1 for each additional 15 lodgers (or part thereof) over 60

- (2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Principal Environmental Health Officer.

Dining Room

128. The keeper of a lodging house shall provide in that lodging house a dining room -

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
- (c) which shall be -
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

Lounge Room

129. The keeper of a lodging house shall provide in that lodging house a lounge room -

- (a) with a floor area of -
 - (i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person;
 - (ii) where the lounge room is combined with a dining room - not less than 1.2 square metres per person, but in either case having a minimum of 13 square metres; and
- (b) which shall be -
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

Fire prevention and control

130. A keeper shall -

- (a) in each passage in the lodging house provide an emergency light -
 - (i) in such a position and of such a pattern, as shall be approved by the Principal Environmental Health Officer; and
 - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times;
- (d) provide fire-extinguishing appliances of the number and pattern, and situated in such a position as the Council may direct;
- (e) ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code; and
- (f) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

Obstruction of passages and stairways

131. A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on -

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use, in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

Amended
GG 102
25 May
2001 &
Health
Local
Laws
2002 13
Aug 2002

Fitting of locks

132. A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

Restriction on use of rooms for sleeping

- 133.(1) Subject to Sub-section (3) and Section 152, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house -
- which contains food;
 - which contains or is fitted with a cooking appliance or kitchen sink;
 - which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
 - which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - which, except in the case of a short term hostel or recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
 - which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
 - which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
 - in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - which is not free from internal dampness;
 - of which any part of the floor is below the level of the adjoining ground; or
 - the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.
- (2) For the purposes of this Section, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of Sub-section (1) shall not apply to a serviced apartment.

Sleeping Accommodation - Short Term Hostels and Recreational Campsites

- 134.(1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than -
- 4 square metres per person in each dormitory utilising beds;
 - 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in Sub-section (1) excludes the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite is 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in Sub-section (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide -
- fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - mechanical ventilation in lieu of fixed ventilation, subject to Councils approval.
- (6) The keeper of any short term hostel shall provide -
- beds with a minimum size of 800 millimetres x 1.9 metres;
 - storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of a recreational campsite shall provide -
- beds with a minimum size of 750 millimetres x 1.85 metres;
 - storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (8) The keeper of any short term hostel or recreational campsite shall -
- arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and passageway of at least 2 metres between each row of bunks and shall ensure that the passageway is kept clear of obstruction at all times; and
 - ensure all doors, windows and ventilators are kept free of obstruction.
- (9) The keeper of a short term hostel or recreational campsite shall ensure that -
- materials used in dormitory areas comply with AS1530.2 and AS1530.3 as follows -

Drapes, curtains, blinds and bed covers	- a maximum flammability index of 6
Upholstery & bedding	- a maximum spread of flame index of 6
	- a maximum smoke developed index of 5
Floor coverings	- a maximum spread of flame index of 7
	- a maximum smoke developed index of 5

Fire retardant coatings used to make a material comply with these indices must be -

 - certified by the manufacturer as approved for use with the fabric to achieve the required indices; and

- (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
- (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.
- (b) emergency lighting is provided in accordance with the Building Code;
- (c) a lodger or other person does not smoke in any dormitory, kitchen or dining room, within a short term hostel or recreational campsite;
- (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

135.(1) A keeper shall -

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed -
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) The sheets and blanket or rug required to be provided by subsection (1)(b)(ii) shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.
- (3) In a short term hostel or recreational campsite, the storage facilities required by subsection (1)(c) may be located in a separate secure storage room or locker room.
- (4) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

Amended
GG 102
25 May
2001

Ventilation

- 136.(1) If, in the opinion of an Environmental Health Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.
- (2) The keeper shall comply with any direction given under Sub-section (1) within such time as directed.

Numbers to be placed on Doors

- 137.(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that -
- (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
 - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers to be placed on the doors under Sub-section (1) shall be -
- (a) not less than 40 millimetres in height;
 - (b) 1.5 metres from the floor; and
 - (c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3 - Management and Care

Keeper or manager to reside in the lodging house

138. No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

Register of lodgers

- 139.(1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The register of lodgers shall be -
- (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

Keeper report

140. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

Certificate in respect of sleeping accommodation

- 141.(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.
- (2) The certificate issued under Sub-section (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
 - (3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this Section in a conspicuous place.
 - (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this Section to occupy the room to which it refers.

Duplicate keys and inspection

142. Each keeper and manager of a lodging house shall -

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

Room occupancy

143.(1) A keeper shall not -

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
 - (b) cause, suffer or permit to be placed or kept in any sleeping apartments -
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) use or cause, suffer or permit to be used for sleeping purposes a room that -
 - (i) has not been certified for that purpose; and
 - (ii) the Council or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this Section, two children under 10 years of age shall be counted as one lodger.

Maintenance of a room by a lodger or resident

144.(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

- (2) Where permission is given or a contract entered into under Sub-section (1), the keeper shall -
 - (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean and sanitary condition.
- (3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by that person, shall maintain the room in a clean and sanitary condition.

Cleaning and maintenance requirements

145.(1) A keeper of a lodging-house shall -

- (a) maintain in a clean, sound and undamaged condition -
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats.
 - (b) maintain in a clean condition and in good working order -
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
 - (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
 - (d) whenever there is one or more lodgers in a lodging-house, ensure that the laundry floor is cleaned daily;
 - (e) ensure that -
 - (i) all bed linen, towels and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person, unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
 - (f) when so directed by an Environmental Health Officer, ensure that -
 - (i) a room, together with its contents and any other part of the lodging-house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging-house and properly disposed of;
 - (g) ensure that the yard is kept clean at all times;
 - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
 - (i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.
- (2) In this Section -
"bed linen" includes sheets and pillow cases and in the case of a short term hostel or a recreational campsite, mattress protectors.

Responsibilities of lodgers and residents

146. A lodger or resident shall not -

- (a) use any room available to lodgers -
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;

146(c)
amended by
Health Local
Laws 2009,
GG 180, 6
October 2009

- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept -
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to Section 147 -
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house -
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

Approval for storage of food

147.(1) The Principal Environmental Health Officer may -

- (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 10 - OFFENSIVE TRADES

Division 1 - General

Interpretation

148. In this Part, unless the context otherwise requires -

- “occupier” in relation to premises includes the person registered as the occupier of the premises specified in the certificate of registration;
- “offensive trade” means any of the trades as defined by Section 186 of the Act; and
- “premises” includes houses.

Consent to Establish an Offensive Trade

149.(1) A person seeking the consent of the Council under section 187 of the Act to establish an offensive trade shall -

- (a) advertise notice of his intention to apply for consent in accordance with Section 150; and
 - (b) lodge with the Chief Executive Officer an application in the form of Schedule 8.
- (2) A person who makes a false statement in an application under this Section shall be guilty of an offence.

Notice of Application

150. A notice required under Section 149(1)(a) shall -

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a newspaper which circulates throughout the state or a local community newspaper at least two weeks, but not more than one month before the application under Section 149(1)(b) is lodged with the Chief Executive Officer.

Amended GG 102 25 May 2001

Registration of Premises

151. An application for the registration of premises pursuant to section 191 of the Act shall be -

- (a) in the form of Schedule 9;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976* as amended from time to time; and
- (c) lodged with the Chief Executive Officer.

Certificate of Registration

152. Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form of Schedule 10.

Change of Occupier

153. Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

Alterations to Premises

154. While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

Occupier Includes Employee

155. Deleted (*Health Local Laws 2009, GG 180, 6 October 2009*)

Division 2 - General Duties of an Occupier

Interpretation

156. In this Division, unless the context otherwise requires -

“occupier” means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

“the premises” means those premises in or upon which an offensive trade is carried on.

Cleanliness

157. The occupier shall -

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

Rats and other Vectors of disease

158. The occupier shall -

- (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

Sanitary Conveniences and Wash Basins

159. The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and wash hand basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

Painting of Walls etc.

160. The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

Effluvia, Vapours or Gases

161. The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

Offensive Material

162. The occupier shall -

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such other intervals as may be approved or directed by an Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

Amended GG 102 25 May 2001

Storage of Materials

163. The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance.

Specified Offensive Trades

164.(1) For the purposes of this Section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises -

- (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments; and
- (b) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall -

- (a) cause the floor of the premises to -
 - (i) be properly paved and drained with impervious materials;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 9.5 millimetres.
- (c) cause all liquid refuse to be -
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

Directions

165.(1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this Section.

Other Duties of Occupier

166. In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on by him.

PART 11 – OFFENCES AND PENALTIES

Penalties

167.(1) A person who contravenes a provision of these Local Laws, commits an offence.

(2) A person who commits an offence under Sub-section (1) is liable to -

(a) a penalty which is not more than \$1,000 and not less than -

- (i) in the case of a first such offence, \$100;
- (ii) in the case of a second such offence, \$200; and
- (iii) in the case of a third or subsequent such offence, \$500; and

(b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

168. (Deleted GG 102, 25 May 2001)

Title Amended GG 102 25 May 2001
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(Section 118)

Schedule 1
Shire of Serpentine-Jarrahdale
Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
Shire of Serpentine-Jarrahdale

I/We,
(full name of applicant/s)

of
(residential address of applicant/s)

Apply for the registration of premises situated (or to be situated) at

as a lodging house to be classified as:

- a lodging house a short term hostel serviced apartments recreational campsite
(specify which is to apply)

and for my name to be entered in the register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE - Number of storeys

Rooms for private use

	Number	Area
Laundries/toilets/bathrooms		
Bedrooms		
Dining Rooms		
Kitchens		
Sitting Rooms		
Other (specify)		

Rooms for lodgers

	Number	Area
Bedrooms		
Dining Rooms		
Kitchens		
Sitting Rooms		
Other (specify)		

Sanitary Conveniences for male lodgers

	Number
Toilets	
Urinals	
Baths	
Showers	
Wash hand basins	

Sanitary Conveniences for female lodgers

	Number
Toilets	
Baths	
Showers	
Wash hand basins	

Laundry Facilities

	Number
Coppers	
Wash-troughs	
Washing machines	
Drying cabinets or clothes lines	

Additional Details:

- (a) Lodger's meals will be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere
-
- (d) There will befamily members residing on the premises with the keeper/manager.

Application fee of \$ is attached.

.....
(Signature of Applicant/s)

.....
(Date)

(Section 119)

Schedule 2
Shire of Serpentine-Jarrahdale
Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at

are registered as a Lodging House and classified as:

- a lodging house
- a short term hostel
- serviced apartments
- recreational campsite

until 30 June on the following conditions:

- 1 That whose name is entered on the register of keepers of the Shire of Serpentine-Jarrahdale, continues to be the keeper of the lodging house;
- 2 That appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
- 3 That the certificate of registration is not sooner cancelled or revoked;
- 4 That the total number of rooms to be used as sleeping apartments for lodgers is; and
- 5 That the maximum number of lodgers accommodated on the premises shall not exceed.....

This certificate of registration is issued subject to the Health Act and Health Local Laws of the Shire of Serpentine-Jarrahdale and is not transferable.

Dated.....

Principal Environmental Health Officer
Shire of Serpentine-Jarrahdale

Fee received: \$

(Section 121)

Schedule 3
Shire of Serpentine-Jarrahdale
Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
Shire of Serpentine-Jarrahdale

I/We,
(full name of owner/s)

of
(residential address)

Advise of the sale of premises situated at

which are registered in the name of
for the carrying on of the lodging house business.

Name of purchaser/s

Address of purchaser/s

Occupation of purchaser/s

.....
(Signature of Owner/s)

.....
(Date)

(Section 138)

Schedule 4
Shire of Serpentine-Jarrahdale
Health Act 1911
(Section 157)

REGISTER OF LODGERS

Location of Lodging House

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of Departure

(Section 139)

Schedule 5
Shire of Serpentine-Jarrahdale
Health Act 1911

LIST OF LODGERS

To: Chief Executive Officer
Shire of Serpentine-Jarrahdale

The following is the name of every person who resided in the lodging house at
.....
on the day of

.....
(Signed, Keeper)

Date:

(Section 141)

Schedule 6
Shire of Serpentine-Jarrahdale
Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To
(name of keeper)

of

For the registered lodging house situated at

.....

This room, N^o can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than persons at any one time.

Date

.....
Principal Environmental Health Officer

(Section 141)

Schedule 7
Shire of Serpentine-Jarrahdale
Health Act 1911

**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING
HOUSE WITH MORE THAN 20 SLEEPING APARTMENTS**

To
(name of keeper)

of
(address of keeper)

for the registered lodging house situated at

.....

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy

Date

.....
Principal Environmental Health Officer

(Section 149)

Schedule 8
Shire of Serpentine-Jarrahdale
Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Serpentine-Jarrahdale

I/We
(full name of applicant/s)

of
(residential address of applicant/s)

apply for consent to establish an offensive trade being
(description of offensive trade)

in or upon
(location of the house or premises)

Notice of my/our intention to make this application was advertised in
(name of newspaper)

On
(date of advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed
offensive trade are attached.

.....
(Signature of Applicants/s)

.....
(Date)

(Section 151)

Schedule 9
Shire of Serpentine-Jarrahdale
Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
Shire of Serpentine-Jarrahdale

I/We,
(full name of applicant/s)

of
.....
(residential address of applicant/s)

apply for registration, for the year ended 30 June

of
(location of premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely
.....
(description of offensive trade)

under the business name of

The prescribed registration fee of \$ is attached.

.....
(Signature of Applicant/s)

.....
(Date)

(Section 152)

Schedule 10
Shire of Serpentine-Jarrahdale
Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at
of which is the occupier, are registered for the carrying on of the trade of
.....

Business name

This registration expires on the 30 June

Dated this day of

.....
Principal Environmental Health Officer
Shire of Serpentine-Jarrahdale

.....
Schedule 11 (Deleted GG 102, 25 May 2001)
.....

Passed at a meeting of the Council of the Shire of Serpentine-Jarrahdale held on the 24th day of May 1999.

The Common Seal of the Shire of Serpentine-Jarrahdale was hereunto affixed on this 28th day of May 1999 in the presence of:

.....
J. C. Star, Shire President

.....
I. M. Bodill, Chief Executive Officer

Consented to-

Dr C F Quadros, delegate of
Executive Director, Public Health.

Dated this 21st day of June 1999

Revisions to the Health Local Law as a result of the Parliamentary Joint Standing Committee on Delegated Legislation considering Health Local Laws passed at a meeting of the Council of the Shire of Serpentine-Jarrahdale held 26 November 2001.