



City of Fremantle Health Local Laws 1997

Division 4—Keeping of Poultry and Parrots

74. In this Division unless the context otherwise requires—

“**poultry**” includes fowls, ducks and other domestic fowls.

“**parrot**” includes parrots, cockatoos, galahs, weeros and the like.

“**the Prohibited area**” means that portion of the district bounded—

- (a) to the north by the high water mark of Victoria Quay;
- (b) to the east by Parry Street;
- (c) to the south by Essex Street, Henderson Street, Queen Street and Holdsworth Street to its intersection with Parry Street; and
- (d) to the west by the high water mark of Fishing Boat Harbour, Challenger Harbour and Bathers Beach.

Limitation on Numbers of Poultry

75. (1) An owner or occupier of premises in the Prohibited Area shall not keep or permit to be kept on the premises any poultry.

(2) Outside the prohibited area, an owner or occupiers of premises shall not keep more than 12 poultry on any one lot of land.

Conditions for Keeping Poultry

76. A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry is able to approach within 7 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure which is provided with a concrete floor trowelled to a smooth finish and laid with a fall of 1 in 50 to the front;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry is able to approach within 18 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance;
- (e) the structure or enclosure shall not be less than 1 metre from boundaries of adjoining properties; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

Roosters, Geese, Turkeys and Peafowls

77. (1) An occupier of premises shall not without the written approval of the Council, keep or permit to be kept on those premises any one or more of the following—

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen.

- (e) a parrot.
- (2) The Council 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 sub-section (1).
- (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 Council may revoke an approval granted under this Section if it is 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.

Removal of Non-Conforming Structure or Enclosure

- 78.** (1) If a structure or enclosure is used for the keeping of poultry contrary to the provisions of section 76, the Manager Urban Environment and Control may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the Coordinator Environmental Health and Building Services Control under this section.

PART 10—OFFENCES AND PENALTIES

Penalties

- 199.** (1) A person who contravenes a provision of these Local Laws commits an offence.
- (2) A person who commits an offence under subsection (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 and 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.