City of Fremantle
Health Local Laws 1997

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Health Act 1911

City of Fremantle

Health Local Laws 1997

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Health Act 1911

City of Fremantle

Health Local Laws 1997

Pursuant to the powers under the *Health Act 1911*, the Council of the City of Fremantle makes the following Local Laws.

PART 1 – PRELIMINARY

Citation

1. These Local Laws may be cited as "The *City of Fremantle Health Local Laws 1997*".

Repeal

2. (1) The Health Local Laws adopted by the City of Fremantle published in the *Government Gazette* on the 11 June 1920, and amended from time to time, are repealed.

(2) The Health Local Laws adopted by the City of Fremantle published in the *Government Gazette* on the 2 August 1935, and amended from time to time, are repealed.

(3) The Health Local Laws adopted by the City of Fremantle on 21 October 1963 and published in the *Government Gazette* on the 13 May 1964, and amended from time to time, are repealed.

(4) The Health Local Laws - Removal of House and Trade Refuse, made by the City of Fremantle on 15 December 1969 and published in the *Government Gazette* on 16 June 1970, and amended from time to time, are repealed.

(5) The Health Local Laws - Keeping of Poultry, Pigeons and Parrots, made by the City of Fremantle on 21 July 1986 and published in the *Government Gazette* on 8 January 1988, and amended from time to time, are repealed.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 Council of the City of Fremantle;

"AS" means Australian Standard published by the Standards Association of Australia;

"Building Code" means the Building Code of Australia as adopted by the *Building Regulations 1989* made under the *Local Government (Miscellaneous Provisions) Act 1960*;

"Chief Executive Officer" means the Chief Executive Officer of the City of Fremantle and includes an Acting Chief Executive Officer

"Council" means the Council of the City of Fremantle;

"district" means the district of the City of Fremantle and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

"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;

"Manager Urban Environment and Control" means an Environmental Health Officer appointed by the Council to the office of Manager Urban Environment and Control and includes an Acting Manager Urban Environment and Control;

"public place" includes every place to which the public ordinarily have access, whether by payment of a fee or not;

"sanitary convenience" includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, 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.

"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;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia - 1987 as published by the National Health and Medical Research Council; and

"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.

(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 ventilation and 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, premises other than a dwelling house 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 90 metres of the premises 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 set aside 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;

(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 Manager Urban Environment and Control.

Toilets

8. (1) Toilets on premises shall be maintained in accordance with the following requirements -

(a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;

(b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;

(c) the floor of any internal toilet shall be -

(i) of concrete or of other approved impervious material of an approved thickness; and

(ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and

(d) the floor of any external toilet shall be -

(i) of concrete or of other approved impervious material of an approved thickness; and

(ii) graded to the door or alternatively an approved outlet.

(2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements -

(a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to blanket sound;

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which gender its use is intended.

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 Manager Urban Environment and Control, 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. (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code and shall be -

(a) mechanically ventilated to external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or

(b) naturally ventilated to the external air by the provision of -

(i) fixed and permanently ventilated windows or skylights;

(ii) fixed glazed louvred windows; or

(iii) wall or ceiling vents, ducted as directly to the outside air as is practical and boxed throughout,

situated in both the room in which the toilet is located and any adjacent airlock.

(2) A mechanical ventilation system provided under sub-section (1)(a) shall -

(a) be separate and distinct from any other system of mechanical ventilation in the building;

(b) be of an exhaust type;

(c) where it is provided for a building of more than 2 storeys, have a ventilating fan and power unit in duplicate; and

(d) be maintained in good working order and condition.

(3) A natural ventilation system provided under sub-section (1)(b) shall have -

(a) a clear ventilation area of not less than 0.015 square metres per fixture; and

(b) a window of light transmitting area equivalent to not less than ten percent of the floor area.

(4) A toilet with an entrance opening from -

(a) a room used for the manufacture, storage or consumption of food;

(b) a room used for sleeping or other domestic activities; or

(c) a room used as a work place,

shall be mechanically ventilated as required by sub-section (1)(a) and the entrance shall be fitted with a door having an efficient self closing device.

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 shall not live or sleep in or on the premises in which a public sanitary convenience is located 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 sanitary convenience shall be installed with adequate handwashing facilities.

(3) 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) The floor of the bathroom referred to in sub-section (1) shall be -

(a) of concrete or of other approved impervious material of an approved thickness;

(b) properly surfaced with an even fall to a floor waste, suitably trapped and discharging to -

(i) the sewer of a licensed water service operator; or

(ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump.

(3) 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;

(c) has a minimum floor area of 3 square metres and is constructed of concrete or other approved impervious material of an approved thickness and the minimum width of the room shall be not less than 1.5 metres;

(d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to -

(i) the sewer of a licensed water service operator; or

(ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and

(e) is not a room in which food is stored, prepared, served or consumed.

(2) In the case of a single occupancy dwelling, the laundry referred to in sub-section (1) shall have -

(a) either -

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be -

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported, and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have -

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

(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.

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) In this Section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

(2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -

(a) a cooking facility; and

(b) a sink which shall

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(3) The occupier of a dwelling house shall ensure that the cooking facility and sink are kept clean, in good order and repair and fit for use.

(4) 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.

(5) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be -

(a) carried to the outside air as directly as practicable, in the case of wood and coal fires; or

(b) captured via a recirculating range hood or similar device installed to the manufacturers specifications.

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 and level in surface and free from cracks and gaps;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(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.

Guttering and Downpipes

20. Unless the Council specifically authorises to the contrary, the owner of a house shall not use or occupy, or permit to be used or occupied, a house unless -

(a) the house is provided with adequate guttering, downpipes and drains sufficient to receive without overflow all rainwater flowing into them and for all rain water to be effectively disposed of to the satisfaction of the Manager Urban Environment and Control;

(b) the guttering and downpipes are fixed to the eaves of every roof of the house so that all rain water flowing from the roof shall be received by such guttering and downpipes;

(c) all downpipes from guttering are connected so as to discharge into drains, which shall empty into a soak well, or other suitable storm water scheme;

(d) each soak well is located at least 1.8 metres from any building and at least 1.8 metres from the boundary of the block.

Maintenance of Guttering and Downpipes and Disposal of Rainwater

21. The owner or occupier of a house shall -

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2 – Ventilation of Houses

Exemption for Short Term Hostels and Recreational Campsites

22. This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

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 mechanical ventilation or an air-conditioning system shall ensure that the system is -

(a) maintained in good working condition and in accordance with AS3666-1989; and

(b) in use at all times the building is occupied.

(4) If, in the opinion of the Manager Urban Environment and Control, 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. The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

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 or on the site on which the house is located.

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;

(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 of Public Health; and

(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

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.

Division 5 - Morgues

Application and Licensing of Morgues

33. (1) All non-government morgues within the District shall be licensed in accordance with this Division.

(2) An application for a licence of a morgue shall be -

(a) made by the applicant;

(b) made in the form prescribed in Schedule 9; and

(c) forwarded to the Chief Executive Officer with the fee prescribed in Schedule 14.

(3) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is prescribed in Schedule 14.

(4) A licence shall -

(a) be in the form set out in Schedule 10; and

(b) expire on 30 June next after the date of its issue.

(5) A licence shall not be granted in respect of any premises unless -

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

(b) the walls are constructed of stone or brickwork or other approved material;

(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;

(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and

(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 – WASTE FOOD AND REFUSE

Division 1 – Liquid Refuse

Interpretation

34. In this division, unless the context otherwise requires -

"liquid refuse" includes swimming pool discharges, all washings from windows, 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; and

"licensed carrier" means a transporter licensed under the *Environmental Protection (Liquid Waste) Regulations 1996*.

Deposit of Liquid Refuse

35. 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

36. (1) The owner or occupier of premises shall -

(a) provide, 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 the 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.

Approval for Septic Tank Pumpouts

37. A person shall not -

(a) unless he or she is a licensed carrier;

(b) without the written approval of the Council; and

(c) except in accordance with any terms and conditions imposed by the Council or the Executive Director, Public Health in connection with the approval under paragraph (b),

collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

Application for Approval

38. (1) A licensed carrier may apply in writing to the Council for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.

(2) The Council may grant or refuse an application under this Section subject to conditions relating to -

(a) the time and method of collection, removal or disposal of the contents; or

(b) the route to be followed by a vehicle used in collection, removal or disposal of the contents.

(3) Any conditions imposed by the Council under this Section shall be -

(a) specified in the written approval of the Council; and

(b) in addition to any conditions imposed by the Executive Director Public Health or conditions applying under any other law.

(4) The Council may from time to time vary conditions imposed by it under this Section by giving written notice of the variation to the person to whom approval was given.

Notice of Intention

39. A person to whom approval has been given under Section 38 shall, at least 24 hours before collecting, removing or disposing of the contents of a septic tank or an apparatus for the treatment of sewage, notify the Manager Urban Environment and Control of his or her intention to do so.

Division 2 – Disposal of Refuse

Interpretation

40. In this division, unless the context otherwise requires -

"approved enclosure" means an enclosure for the storage of receptacles which complies with Section 46;

"building line" has the meaning given to it in and for the purposes of the *Local Government Act 1995*;

"collection day" means the day of the week on which rubbish and refuse is collected and removed by the Council or its contractor;

"collection time", where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the Council or its contractor;

"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises and includes house refuse;

"public place" includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

"receptacle" means a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of 120 litres or 240 litres supplied by the Council or its contractor, or other type of receptacle specified or approved by the Council;

"recyclable material" means any material which can be reprocessed and reused and is nominated for collection under a recycling scheme by the Council;

"refuse disposal site" means land set apart under the Act as a site for the disposal of rubbish or refuse;

"rubbish or refuse" includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

"street" includes -

a highway; and

a thoroughfare;

which -

the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed; and

"waste" means commercial waste or domestic waste or both as the context requires.

Receptacles

41. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Exemption

42. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Use of Receptacles

43. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Damage to Receptacles

44. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Use of Other Containers

45. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Suitable Enclosure

46. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Deposit of Refuse

47. A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

Removal of Rubbish from Premises or Receptacle

48. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Burning Rubbish or Refuse

49. (1) A person shall not -

(a) without the written approval of the Manager Urban Environment and Control; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either -

(i) in any incinerator; or

(ii) on the ground.

(2) Subject to sub-section (3), an approval of the Manager Urban Environment and Control is issued subject to the following conditions -

(a) the material to be burnt -

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material which may become offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place -

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00am to 3.00pm;

(d) an incinerator must meet the minimum standards specified in AS 1875-1976; and

(e) an incinerator unit used for fire must be located-

(i) at least 3 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the Fire Rules of the Metropolitan Fire District for the current season issued by the Western Australian Fire Brigades Board, the Manager Urban Environment and Control may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.

Rubbish Removal Vehicles

50. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Method of Removal of Rubbish

51. *[deleted 20.11.2026 – Repealed by the City of Fremantle Waste Local Law 2026 gazetted 6.11.2026]*

Division 3 – Transport of Butchers' Waste

Interpretation

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

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughter house or boning room.

Restriction of Vehicles

53. 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

54. (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 sheet metal and the walls to be not less than 910 millimetres high;

(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 Manager Urban Environment and Control, 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.

PART 5 – NUISANCES AND GENERAL

Division 1 - Nuisances

Interpretation

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

"fertiliser" includes manure.

Footpaths etc. to be kept clean

56. An owner or occupier of premises shall maintain in a clean condition any footpath, pavement, area or right of way immediately adjacent to the premises.

Escape of Smoke etc.

57. (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

58. 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

59. A person shall not spit -

(a) on a footpath, street or public place; or

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

Transportation, Use and Storage of Offal, Blood, or Other Offensive Matter

60. (1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

(2) No person shall remove any offensive matter unless such offensive matter is carried in watertight barrels or tanks securely covered to prevent the escape of any of the contents thereof, or the emission of any offensive odour therefrom.

(3) Every person using any tank or barrel or vehicle in the removal of any offensive matter shall keep such tank, barrel or vehicle and every vehicle used for the carriage or removal of any such matter as aforesaid in a thoroughly clean condition and in good repair.

Use or Storage of Fertiliser

61. An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any -

(a) pig manure;

(b) human faeces; or

(c) urine.

Storage and Dispatch of Artificial Fertiliser

62. 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 finished internally with a smooth surface; 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.

Storage of Fertiliser in a House

63. The owner or occupier of a house 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 Manager Urban Environment and Control.

Vehicles Used for Transporting of Animals and Birds

64. (1) No person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within the district until the floor of such vehicle has been cleaned.

(2) A person having the control or management of any vehicle in which any animals or birds have been transported or confined shall immediately upon the removal of any animals or birds cause such vehicle to be cleaned to the satisfaction of an Environmental Health Officer.

Division 2 – Keeping of Animals

Cleanliness

65. An owner or occupier of premises in or on which a dog, cat or other 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

66. (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Manager Urban Environment and Control, 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.

Cats

67. (1) Subject to sub-section (6), a person shall not, without an exemption in writing from the Council, keep more than 3 cats over the ages of 3 months on premises on any land within the district.

(2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub-section (1).

(3) The Council shall not grant an exemption under this Section unless it is satisfied that the number of cats 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; and

(c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under this section may be required by Council to:

(a) provide for each cat kept at or on the premises a properly constructed shelter with an enclosure complying with the following-

(i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and

(ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter:

(b) a shelter or an enclosure shall be situated at a distance of not less than-

(i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;

(ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;

(c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.

(6) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

Slaughter of Animals

68. (1) Subject to sub-section (2), a person shall not slaughter any animal within the district.

(2) Sub-section (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons.

Disposal of Dead Animals

69. (1) An owner or occupier of premises on which there is a dead animal 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 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.

Division 3 – Keeping of Large Animals

Interpretation

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

"approved animal" means a horse, cow or large animal the subject of an approval by Council under Section 71;

"cow" includes an ox, calf or bull;

"horse" includes an ass, mule, donkey or pony; and

"large animal" includes a pig, sheep or goat.

Stables

71. (1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall -

(a) not be situated within 15 metres of a house or other premises, except that it may be situated within 6 metres of the dwelling house belonging to the owner or occupier of the land upon which the approved animal is kept;

(b) have a proper separate stall -

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(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 at least 150 millimetres in height or other ventilation as approved by the Manager, Urban Environment and Control; and

(e) 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; and

(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 in a manner approved by the Manager Urban Environment and Control.

(3) The owner or occupier of premises on which a stable is located shall -

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Manager Urban Environment and Control, spray the stable, or such parts as may be directed, with a residual insecticide.

Proximity of Animals to a Dwelling House

72. The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house, except that it may be situated within 6 metres of the dwelling house belonging to the owner or occupier of the land upon which the approved animal is kept.

Manure Receptacle

73. An owner or occupier of premises on which an approved animal is kept shall -

(a) provide in a position convenient to the stable a receptacle for manure, constructed inside and outside to a smooth impervious finish, or other approved receptacle, provided with a tight-fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;

(d) keep the receptacle so far as possible free from flies or other vectors of disease 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 receptacle.

Division 4 – Keeping of Poultry and Parrots

Interpretation

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 Manager Urban Environment and Control under this section.

Division 5 – Keeping of Pigeons

Interpretation

79. In this Division unless the context otherwise requires -

"Code of Practice" means the Code of Practice - Pigeon Keeping and Pigeon Racing, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc.

"Grouped Dwelling" means a dwelling which is one of a group of two or more dwellings on the same lot.

"Scheme" means the City of Fremantle Town Planning Scheme No. 3 and includes any amendments thereto or any review thereof.

"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.

"Vector of Disease" means an arthropod or rodent that transmits, by biological and mechanical means, an infectious agent from a source or reservoir to a person.

"Young Birds" means any pigeon under 24 days of age and are recognised as birds without feathers on the flesh under their wings.

Limitation on Numbers of Pigeons

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

(2)(a) Outside the Prohibited Area:

(i) No person shall keep pigeons on any land without lodging an application to register the premises for the keeping of pigeons substantially in the form of Schedule 1, paying the annual registration fee prescribed in Schedule 14 and prior to written approval being granted substantially in the form of Schedule 2 to register the premises.

(ii) Pigeons shall not be kept on any land which is classified in the scheme:

- for a Caravan Park;
- as Industrial Land; or
- as Light Industrial land.

Except where an application is received to keep pigeons on Light Industrial Land, which also includes a caretaker's residence, such application may be considered for approval. Council or the Manager Urban Environment and Control may either approve the application with or without conditions relating to the requirements of this section or refuse the application in accordance with this section

(iii) Pigeons shall not be kept on any land that is occupied by grouped dwellings.

(b) The occupier of any Commercial premises so classified in the Scheme and approved as a Pet Shop, may keep up to 10 pigeons for immediate retail sale.

(c) The occupier of every other premises approved to keep pigeons shall make an annual application in writing to the Council substantially in the form of Schedule 1 and pay the Council an Annual Registration Fee as shown in Schedule 14 on or before 30 June each year.

(d) With every application for original registration there shall be lodged with the application plans, specifications, drawings, particulars and information as the Council or the Manager Urban Environment and Control may require.

(e) Upon receipt of an application the Council or the Manager Urban Environment and Control shall cause such premises for which the application is made to be inspected by an Environmental Health Officer who shall report upon the sufficiency

of such premises and the compliance with all Acts, Regulations, Local Laws, Orders and Rules in force within the District at the time in regard to the premises.

(f) If upon such application and report being submitted, it shall appear to the Council or the Manager Urban Environment and Control that the application for registration be granted, it shall, subject to the person complying with these Local Laws and all other Acts, Regulations, Local Laws and Rules as shall be in force at the time and upon being paid the registration fee prescribed in Schedule 14 register such premises by issuing a certificate substantially in the form of Schedule 2 for such premises.

(3) All pigeons shall be kept confined continuously in cages, enclosures or lofts which are approved by the Manager Urban Environment and Control except that registered homing pigeons may be released in accordance with sub-section (9).

(4)(a) No cage, enclosure or loft shall be located nearer than 1.2 metres from the boundary of the land in other occupation, 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises, 18 metres from any street or road, except in the case of a corner property or a cul - de - sac street, or a property which abuts two streets, when the minimum distance from any street or road reserve shall not be less than 9 metres.

(b) Where an application is received in accordance with subsection (2)(a)(i) and the number of pigeons exceed 10 in accordance with subsection (8) Council may increase the 9 metre minimum distance of the loft from any premises specified in paragraph (a) by virtue of the number of pigeons to be kept, the location of other premises including residential premises or any other reason that is likely to cause a nuisance to contiguous owners or occupiers as identified via the consultation process required under subsection (8)

(5)(a) The cage, enclosure or loft used to house the pigeons, shall be constructed to at least the following specifications and approved prior to registration, by the Manager Urban Environment and Control:

(i) The floor shall be smooth impervious concrete, not less than 50mm thick and graded evenly to the front. The floor in the case of an elevated loft, shall be made from other smooth impervious material in compliance with the Code of Practice and at least 20 cm off the ground.

(ii) The frames and box perches shall be flat sided sawn timber, finished to a smooth surface allowing for robust cleaning using a sharp implement.

(iii) Cladding shall be smooth corrugated fibro cement sheeting, sheet metal, brick or other smooth material and which can be easily cleaned. Where applicable, the cage, enclosure or loft used for the keeping of pigeons shall be lined internally in accordance with the Code of Practice.

(iv) The roof shall be smooth corrugated fibro cement, tiles, sheet metal or other smooth roofing material approved by the Manager Urban

Environment and Control and shall have sufficient slope to shed stormwater.

(v) The cage, enclosure or loft shall be designed with a minimum internal height from floor to ceiling of 1.65M measured at the walls and constructed in a sound weatherproof manner and be of sufficient height and size to allow easy entry for cleaning.

(vi) Provision shall be made to provide adequate ventilation to the cage, enclosure or loft during hot weather but all openings must be screened with metal or wooden doweling with external doweling set down into a solid splash board of minimum height above the floor of 500mm, or wire mesh with a maximum mesh size of 50mm square or 50mm diametre.

(vii) The size shall be sufficient for the number of birds proposed to be kept therein and allow for any shelter, food and receptacles and the minimum space per pigeon shall not be less than the requirements in the Code of Practice.

(b)(i) If a structure, enclosure or loft is used for the keeping of pigeons contrary to the provisions of paragraph (a), Council or the Manager Urban Environment and Control may direct the owner or occupier to remove it.

(ii) An owner or occupier shall comply with a direction from the Council or Manager Urban Environment and Control under this paragraph.

(c)(i) The Council or Manager Urban Environment and Control 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 from continuing to do so. Where the pigeons are considered to be feral, Council or the Manager Urban Environment and Control may also direct that the owner or occupier eradicate the pigeons.

(ii) An owner or occupier shall comply with a direction from the Council or Manager Urban Environment and Control under this paragraph.

(6) All cages, enclosures and lofts shall be kept clean and maintained in good order and condition at all times and the minimum standard shall be that specified in the Code of Practice.

(7)(a) All food shall be kept dry and protected from vectors of disease in storage containers with tight fitting lids except that where 25kg or larger bags of grain are stored in bulk, they shall be stored on racks raised 150mm off the floor and adequate rodenticide baits shall be placed to the satisfaction of an Environmental Health Officer, to control rodents.

(b) All wastes, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags, as soon as it is cleaned from the cage and the bags securely tied. The garbage bags shall be immediately deposited in an approved rubbish receptacle, pursuant to these local laws. Such

receptacles shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease.

(c) All food containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times.

(d) The surrounds of every cage, enclosure or loft shall be kept clean and the premises, including every cage, enclosure or loft, food storage area and land immediately surrounding every cage, enclosure or loft, shall at all times be kept free from waste, disused matter and any material or thing which may attract or provide harbourage for flies, rodents and other vectors of disease.

(e) The occupier shall clean, disinfect, trap or bait flies, rodents and other vectors of disease or otherwise deal with the poultry and pigeon cages, equipment and appliances, storage areas and land immediately surrounding the cage as directed by an Environmental Health Officer from time to time.

(8) The maximum number of pigeons kept must not exceed 10, excluding the young birds on any land except that any person who on or before 30 June each year produces to the Council, satisfactory proof that they are a current financial member of a recognised incorporated Racing Pigeon body, or are a registered Pigeon Fancier, may be permitted to keep up to 150 pigeons excluding the young birds subject to the written approval of all contiguous owners or occupiers whose property abuts the applicants property prior to the application being considered for approval in accordance with subsection (2)(f).

(9)(a) A person who is approved to keep Registered Homing or Racing Pigeons may only release them for exercise between the hours set out in the Code of Practice, unless otherwise authorised in writing by the Manager Urban Environment and Control.

(b) Not more than 60 Registered Homing or Racing pigeons shall be released for exercise or training at any one time.

(c) Where the Council or the Manager Urban Environment and Control receives any objections during consultation under subsection (8), or a complaint about a nuisance after approval has been granted to keep up to 150 pigeons, Council may vary the hours for release and impose any condition deemed necessary to minimise any nuisance from the pigeons or any associated activity.

Powers of Council

81. (1) The Council may revoke an approval granted under this Division 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.

(2) Where there is any discrepancy between this Division relating to the Keeping of Pigeons and the Code of Practice, the higher standard of construction and hygiene shall prevail and have effect from the date of confirmation in writing by Council or

the Manager Urban Environment and Control to the applicant or person approved to keep pigeons.

(3) The Council or the Manager Urban Environment and Control may cancel, refuse to approve or renew the registration of a premises for the keeping of pigeons for the following reasons:

(a) that the premises are not maintained in accordance with these Local Laws.

(b) that the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;

(c) that the pigeons are being released outside the times permitted in sub-section 80(9) or as approved by the Manager Urban Environment and Control;

(d) that a condition imposed pursuant to these Local Laws has not been complied with:

(e) where the person has two or more prior convictions under these Local Laws.

Non-Compliance

82. Any person who makes a false statement in connection with any application under this Division shall be guilty of an offence.

Division 6 – Car Parks

Interpretation

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

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

"occupier" means a person having the charge, management or control of a car park.

Ventilation

84. (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either -

(a) natural ventilation; or

(b) mechanical means,

in accordance with AS1668.2 Part 2 1991.

(2) If, in the opinion of the Manager Urban Environment and Control, a car park is not properly ventilated, the Council may by notice require the occupier within a specified time to -

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An occupier shall comply with a notice under sub-section (2).

Exhaust Air Discharge Points and Exhaust Registers

85. An owner or occupier shall ensure that -

(a) all exhaust air that is discharged from a car park shall be discharged -

(i) at discharge points -

(A) in accordance with AS1668.2 Part 2 1991; and

(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

(b) exhaust registers are located as far as possible from the source of supply air;

(c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(d) any mechanical ventilation system is -

(i) maintained in good working condition; and

(ii) in operation at all times when the car park is in use.

PART 6 – PEST CONTROL

Division 1 - Flies

Interpretation

86. 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

87. 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

88. 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) fertilizers 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

89. 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

90. (1) Where -

(a) a person is required under this Division or directed by a notice given under Section 87, 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 Council shall not be liable to pay compensation or damages of any kind to the person referred to in sub-section (1) in relation to any action taken by the Council under this Section.

Division 2 - Mosquitoes

Interpretation

91. 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

92. An owner or occupier of premises shall keep the premises free of -

(a) refuse; and

(b) water that is,

liable to become the breeding place of mosquitoes.

Measures to be taken by an Owner or Occupier

93. 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) covered with a film of petroleum oil or treated with other approved larvicide as directed by an Environmental Health Officer; and

(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

94. 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

95. (1) Where it appears to the Manager Urban Environment and Control 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 Manager Urban Environment and Control under this Section.

Filling in Excavations etc.

96. 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, inert material and made level with the surrounding surface.

Drains, Channels and Septic Tanks

97. 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) when directed by an Environmental Health Officer, apply a residual insecticide according to the directions on the container, or such other residual insecticide as may be approved by the Manager Urban Environment and Control, into the septic tank system;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

Drainage of Land

98. 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.

Officer may give Notice directing measures to be Taken

99. Where in the opinion of an Environmental Health Officer mosquitoes are breeding on any premises, the Officer may give to the owner or occupier of the premises a 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 mosquitoes.

Council may Execute Work and Recover Costs

100. (1) Where-

(a) a person is required under this division or directed by a notice given under Section 99, to execute any work; and

(b) that person fails or neglects to comply with the requirement;

the Council may execute the work and 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 Council shall not be liable to pay compensation or damages of any kind to the person referred to in sub-section (1) in relation to any action taken by the Council under this Section.

Division 3 - Rodents

Interpretation

101. 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

102. (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 properly baited traps; 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

103. A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises -

(a) any waste food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or

(b) any food intended for birds or other animals,

unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

Restrictions on materials affording harbourage for Rodents

104. (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.

Food Premises etc. to be cleaned after Use

105. An owner or occupier of a food premises, 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

106. (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 102 and ensure that all reasonable steps are taken to destroy the rat.

Division 4 – Cockroaches

Interpretation

107. 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

108. (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

Interpretation

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

"Argentine Ant" means an ant belonging to the species *Irdomyrmex humilis*.

Measures to be taken to keep premises free from Argentine Ants

110. An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall-

(a) immediately notify the Council of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer -

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6 – European Wasps

Interpretation

111. 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

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

(a) immediately notify the Council of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 – Bee Keeping

Interpretation

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

"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

Restrictions on keeping of Bees in Hives

114. A person shall not keep or permit the keeping of bees anywhere within the City of Fremantle unless approval to do so has been given by the Council.

(1) The Council may direct any person to remove any bees or approved beehives which in the opinion of the Manager Urban Environment and Control are causing a nuisance.

(2) A person shall comply with a direction within the time specified.

Division 8 – Arthropod Vectors of Disease

Interpretation

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

"arthropod vectors of disease" includes -

(a) fleas (*Siphonaptera*);

(b) bedbugs (*Cimex lectularius*);

(c) crab lice (*Phthirius pubis*);

(d) body lice *(Pediculus humanus var. corporis*);

(e) head lice (*Pediculus humanus var. capitis*); and

(f) any other insect prescribed by the Council.

Responsibility of the Owner or Occupier

116. The owner or occupier of premises shall -

(a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) 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 7 – INFECTIOUS DISEASES

Division 1 – General Provisions

Requirements on owner or occupier to clean, disinfect and disinfest

117. (1) The Council or the Manager Urban Environment and Control 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 -

(a) the premises; or

(b) 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

118. (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.

(2) 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).

(3) 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.

(4) The Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff or employees under this Section.

Insanitary houses, premises and things

119. (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 the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) 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 thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under sub-sections (2) or (3) shall comply with the terms of the notice.

Medical Officer may Examine Persons

120. The medical officer may enter any house and examine bacteriologically or otherwise any inmate of the house, or any person found thereon at the time, for the purpose of ascertaining whether the inmate or person is suffering from an infectious disease or is a medium for the transmission of an infectious disease, and the person shall submit to an examination and shall permit the medical officer to remove whatever specimens are considered necessary for proper examination.

Medical Officer may authorise disinfecting

121. (1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

(2) A person shall comply with any direction of the Medical Officer under this Section.

Persons in contact with an infectious disease sufferer

122. 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 if so removed, shall remain in that place until the Medical Officer otherwise directs.

Declaration of infected house or premises

123. (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 Manager Urban Environment and Control.

Destruction of infected animals

124. (1) The Manager Urban Environment and Control, 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

125. (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

126. (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

127. (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 Manager Urban Environment and Control.

(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

128. 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 and deposited in a refuse receptacle.

Division 3 – Skin Penetration

Interpretation

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

"Code of Practice for Skin Penetration Procedures" means the Code of Practice for Skin Penetration Procedures as published by the Health Department of Western Australia;

"instrument" means any appliance, implement, needle or tool which may come into contact with the area of skin on which a tattooing procedure is being or is to be carried out; and

"tattooing establishment" means premises within which a procedure involving skin penetration by tattooing is or is intended to be carried on.

Health (Skin Penetration) Regulations 1987

130. A person shall not carry on the business of, or any process or procedure involved in the business of, a tattooing establishment other than in accordance with the *Health (Skin Penetration) Regulations 1987* and the Code of Practice for Skin Penetration Procedures.

PART 8 – LODGING HOUSES

Division 1 – Registration

Interpretation

131. (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" means any, or any part of any building or structure, permanent or otherwise, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper or manager, for hire or reward; and the term includes a serviced apartment, a short term hostel or a recreational campsite, but does not include -

(a) premises licenced under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the *Licensing Act 1911*;

(b) premises used as a boarding school approved under the *Education Act 1928*; or

(c) any building comprising residential flats;

"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

"vector 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

132. 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 134;

(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 Chief Executive 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 whenever there is one or more lodgers in the lodging house.

Application for registration

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

(a) in the form prescribed in Schedule 3;

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

(c) accompanied by -

(i) the fee prescribed in Schedule 14; and

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

Approval of application

134. The Council may approve, with or without conditions, an application under Section 133 by issuing to the applicant a certificate in the form of Schedule 4.

Renewal of registration

135. 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 prescribed in Schedule 14 at the time of making each application for renewal.

Notification upon sale or transfer

136. 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 5 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

137. (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 Manager Urban Environment and Control, 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

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

Sanitary conveniences

139. (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises-

(a) toilets; and

(b) bathrooms, each fitted with a shower or bath and 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 or 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) be apportioned to each gender;

(c) have a distinct sign displayed in a prominent position denoting the gender for which the toilet or bathroom is provided; and

(d) be provided with adequate electric lighting.

(6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

Laundry

140. (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 unit for each 15 lodgers;

(b) at all times maintain each laundry 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 and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Manager Urban Environment and Control may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section -
"laundry unit" means a group of facilities consisting of -

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric clothes drying cabinet or not less than 30 metres of clothes line,

and for which a hot water system is provided that -

(d) is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and

(e) has a delivery rate of not less than 18 litres per minute to each washing machine.

Kitchen

141. 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 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*;

(d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

Cooking Facilities

142. (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas, microwave or other stoves and ovens approved by the Manager Urban Environment and Control 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 Manager Urban Environment and Control.

Dining Room

143. 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

144. 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; or

(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

145. 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 approved by the Manager Urban Environment and Control; 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 all buildings are fitted with fire protection equipment in accordance with the Building Code of Australia; 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

146. 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.

Fitting of locks

147. 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

148. (1) Subject to sub-section (3) and Section 162, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house -

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, laundry, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) 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;

(g) 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;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Manager Urban Environment and Control.

(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

149. (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than

(a) 4 square metres per person in each dormitory utilising beds; or

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in sub-section (1) above shall exclude 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 shall be 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 a short term hostel or recreational campsite shall provide:-

(a) Either:

(i) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be 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

(ii) mechanical ventilation in lieu of fixed ventilation, subject to the Council's approval.

(b) beds with a minimum size of -

(i) in short term hostels - 800 millimetres x 1.9 metres;

(ii) in recreational campsites - 750 millimetres x 1.85 metres.

(c) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(6) The keeper of any short term hostel or recreational campsite shall:

(a) ensure that at all times a minimum distance of 750 millimetres between beds and a minimum distance of 900 millimetres between bunks is maintained;

(b) where bed or bunk heads are placed against the wall on either side of a dormitory, ensure there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(7) The keeper shall ensure that:

(a) materials used in dormitory areas comply with AS 1530.2 - 1993 and AS 1530.3 - 1989 as follows:-

drapes, curtains, blinds and bed covers - a maximum Flammability Index of 6;

upholstery and bedding - a maximum Spread of Flame Index of 6; and

- a maximum Smoke Developed Index of 5;

floor coverings - a maximum Spread of Flame Index of 7; and

- a maximum Smoke Developed Index of 5;

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

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, 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) no person shall smoke in any dormitory, kitchen, or dining room, within a short term hostel or recreational campsite. The keeper may permit smoking in a meeting or assembly hall area, within a short term hostel or recreational campsite;

(d) all mattresses are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

150. (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) 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.

Ventilation

151. (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

152. (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

153. Whenever there is one or more lodgers in a lodging house, a keeper or manager shall -

(a) reside continuously in the lodging house; and

(b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

Register of lodgers

154. (1) A keeper shall keep a register of lodgers in the form of Schedule 6.

(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

155. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 7, the name of each lodger who lodged in the lodging house during the preceding day or night.

Certificate in respect of sleeping accommodation

156. (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 8.

(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

157. 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

158. (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

159. (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 him or her, shall maintain the room in a clean and sanitary condition.

Cleaning and maintenance requirements

160. (1) In this Section -

"bed linen" includes sheets, pillow cases and in the case of a short term hostel or a recreational campsite, mattress protectors.

(2) 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 the Manager Urban Environment and Control, 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 the Manager Urban Environment and Control or an Environmental Health Officer.

Responsibilities of lodgers and residents

161. 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, obnoxious 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;

(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 163 -

(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

162. (1) The Manager Urban Environment and Control 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 9 – OFFENSIVE TRADES

Division 1 – General

Interpretation

163. 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 one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments -

(a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;

(b) laundries, dry cleaning premises and dye works;

(c) any trade as defined by section 186 of the Act; and

(d) any other trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district; and

"premises" includes houses.

Consent to Establish an Offensive Trade

164. (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 165; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 11.

(2) A person who makes a false statement in an application under this Section shall be guilty of an offence.

Notice of Application

165. A notice required under Section 164(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 Perth daily newspaper at least two weeks, but not more than one month, before the application under Section 164(1)(b) is lodged with the Chief Executive Officer.

Registration of Premises

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

(a) in the form of Schedule 12;

(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

167. 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 13.

Change of Occupier

168. 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

169. 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

170. Where in any Section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.

Division 2 – General Duties of an Occupier

Interpretation

171. 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

172. 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

173. 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

174. 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.

175. 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

176. 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

177. 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 air-tight covers on 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 and at such more frequent intervals as may be directed by the Manager Urban Environment and Control or whenever so directed by an Environmental Health Officer; and

(e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

Storage of Materials

178. 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

179. (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 Manager Urban Environment and Control may from time to time direct.

Directions

180. (1) The Manager Urban Environment and Control 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

181. 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.

Division 3 – Fish Premises

Interpretation

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

"appliance" includes a utensil, an instrument, a cover, a container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include -

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish premises" may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment; but not including a retail fish shop.

"Fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up;

"fish transport vehicle" includes -

(a) an appliance attached to, carried in or used in connection with a vehicle; and

(b) a trailer and a portable box,

used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

Fish Preparation Room

183. (1) The occupier of a fish premises which requires a fish preparation room shall ensure that this room complies with the following requirements;

(a) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement plaster with a steel float finish or other approved material and shall be devoid of holes, cracks and crevices;

(b) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;

(c) the minimum floor area shall be 9 square metres;

(d) the room shall be fly-proofed and provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that room is to be used solely for that purpose.

(3) The occupier of a fish premises shall provide, in or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water

Disposal of Waste

184. The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be-

(a) placed in the receptacles referred to in Section 177 and disposed of in accordance with that Section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

Fish Containers

185. The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to -

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

Cooking of Fish

186. Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain -

(a) a hood as set out in the *Health (Food Hygiene) Regulations 1993*, which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

Use of an Approved Portable Box

187. The Manager Urban Environment and Control may permit an approved portable box to be used for the transport or storage of fish.

Fish Transport Vehicle

188. A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that -

(a) the frame is made of metal or other approved material;

(b) all internal surfaces -

(i) are made of metal or approved non-toxic plastic substance, which may include stainless steel, aluminium, galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either-

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a non-toxic sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a),(b),(c) and (d) of this Section, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass, or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

Cleanliness

189. A person shall not while in charge of a fish transport vehicle containing any fish, permit the doors or screens of the vehicle to be open or unfastened unless the vehicle is being loaded or unloaded.

Division 4 – Laundries, Dry Cleaning Establishments and Dye Works

Interpretation

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

"dry cleaning establishment" -

(i) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

"dye works" means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

"exempt laundromat" means a premises in which -

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments.

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer.

"exempt laundry" means a laundry in respect of which Council has certified in writing to be exempt from the provisions of this Part;

"laundromat" means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

"laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundry or an exempt laundromat.

Receiving Depot

191. An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Manager Urban Environment and Control who may at any time by written notice withdraw such permission.

Reception Room

192. (1) The occupier of a laundry, dry cleaning establishment or dye works shall -

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this Section.

Walls and Floors

193. The occupier of a laundry, dry cleaning establishment or dye works shall cause -

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be constructed of concrete and finished with a smooth impervious surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

Laundry Floor

194. The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width and so constructed as to prevent any person from standing in water on the floor.

Escape of Dust

195. The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

Precautions Against Combustion

196. The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

Trolleys

197. The occupier of a dry cleaning establishment shall -

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is -

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

Sleeping on Premises

198. A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

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.

SCHEDULE 1

City of Fremantle

Health Act 1911

Application for Registration of Premises for the Keeping of Pigeons

To: The Chief Executive Officer
City of Fremantle
PO Box 807 Fremantle 6160

I .....(FULL NAME IN BLOCK LETTERS)

.....(FULL RESIDENTIAL ADDRESS)

being the owner/occupier (delete one) of the premises situated at

.....

hereby make application for approval to keep up to .....

pigeons excluding the young birds of those pigeons on the above premises. Plans and specifications are attached in accordance with Sub-section 80(2) of these Local Laws.

The premises are zoned as Residential (Yes/No).

Dated this.....day of ..... 19.....

.....
Signature of Applicant

SCHEDULE 2

City of Fremantle

HEALTH ACT 1911

Certificate of Registration for the Keeping of Pigeons

This is to certify that the premises situated at .....

and occupied by.....

are registered as premises upon which pigeons may be kept until the 30th day of June next following the date of issue of this certificate unless this Certificate of Registration is previously cancelled.

The maximum number of pigeons (excluding young birds) to be kept on the premises at any one

time is .....

This certificate is issued subject to compliance with the Health Act and its Regulations and Local Laws from time to time in force thereunder and any conditions imposed pursuant to these Local Laws.

Dated this .....day of ..... 19.....

.....
Manager Urban Environment and Control

NOTES

1. This certificate is invalid unless accompanied by a receipt bearing the imprint of the City of Fremantle cash register.
2. This certificate is not transferable.
3. This certificate is to be available at all times at the premises registered herein and shall be produced when requested to do so by an Environmental Health Officer
4. Where more than 10 pigeons are to be kept the certificate holder shall produce the appropriate recognised body proof of membership when requested by an Environmental Health Officer.

SCHEDULE 3

City of Fremantle

Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Fremantle

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;
- recreational campsite; or
- serviced apartments

(Specify which is to apply)

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

City of Fremantle Health Local Laws 1997

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

Toilets	.....
Urinals	.....
Baths	.....
Showers	.....
Wash hand basins	.....

Sanitary Conveniences for female lodgers

Toilets	.....
Baths	.....
Showers	.....
Wash hand basins	.....

Laundry Facilities

Coppers	.....
Washtroughs	.....
Washing machines	.....
Drying cabinets or clothes lines	.....

City of Fremantle Health Local Laws 1997

Additional Details

(a) Lodgers' 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 be ..... family members residing on the premises with the keeper/manager.

Application fee of $..... is attached.

_____
(Signature of Applicant/s)

_____
(Date)

SCHEDULE 4

City of Fremantle

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
- a recreational campsite

until 30 June 19 ....., on the following conditions:

1. That ....., whose name is entered on the register of keepers of the City of Fremantle, 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 maximum 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 City of Fremantle and is not transferable.

Dated ..... 19.....

.....
Manager Urban Environment and Control
City of Fremantle

Fee received: $.....

SCHEDULE 5

City of Fremantle

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
City of Fremantle

I/We,
.....
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated at

.....

which are registered in the name of

.....

for the carrying on of the lodging house business.

(Signature of Applicant/s)

(Date)

SCHEDULE 6

City of Fremantle

Health Act 1911

REGISTER OF LODGERS

Location of Lodging House: .....

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

SCHEDULE 7

City of Fremantle

Health Act 1911

LIST OF LODGERS

TO: Chief Executive Officer
City of Fremantle

The following is the name of every person who resided in

the lodging house at .....

on the ..... day of ..... 19....

.....
(Signed Keeper)

Date: .....

SCHEDULE 8

City of Fremantle

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

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:**

.....
Manager Urban Environment and Control

Date .....

SCHEDULE 9

City of Fremantle

Health Act 1911

APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer
City of Fremantle

I .....
(full name in block letters)

of
.....
(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises:
.....

.....

Name of premises:
.....

Dated this ..... day of ..... 19...

.....
(Signature of Applicant)

SCHEDULE 10

City of Fremantle

Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the ..... day of ..... 19..

until 30th day of June 19.....

Address of premises: .....

Name of premises: .....

Dated this ..... day of ..... 19....

.....
Manager Urban Environment and Control
City of Fremantle

City of Fremantle Health Local Laws 1997

SCHEDULE 11

City of Fremantle

Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer
City of Fremantle

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)

City of Fremantle Health Local Laws 1997

SCHEDULE 12

City of Fremantle

Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Fremantle

I/We,
.....
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

apply for registration, for the year ended.....

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 Applicants/s)

_____
(Date)

SCHEDULE 13

City of Fremantle

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
.....

Trade Name.....

This registration expires on the .....19.....

Dated this ..... day of .....19.....

.....
Manager Urban Environment and Control
City of Fremantle

SCHEDULE 14

City of Fremantle

Health Act 1911

PRESCRIBED FEES

Schedule	Description	Prescribed Fee
1	Keeping of up to 20 Pigeons (excluding young birds)	$15.00
1	Keeping more than 20 and up to 150 Pigeons (excludes young birds)	$25.00
9	Registration of Lodging House	$180.00
15	Licence of a Morgue	$80.00
18	Registration of Offensive Trade	As per regulation

City of Fremantle Health Local Laws 1997

_____

Passed at a meeting of the Council of the City of Fremantle held on 1 December 1997.

_____

Dated this 2nd day of December 1997.

RICHARD UTTING
MAYOR

RAY GLICKMAN
CHIEF EXECUTIVE OFFICER

_____

Consented to

DR C. F. QUADROS
DELEGATE OF EXECUTIVE DIRECTOR
PUBLIC HEALTH

Dated this 17th day of March 1998.