HEALTH ACT 1911

CITY OF FREMANTLE

HEALTH LOCAL LAWS

- 1997 -

The City of Fremantle Waste Local Law 2026 repeals clauses 41, 42, 43, 44, 45, 46, 48, 50, and 51 (inclusive) of the City of Fremantle Health Local Laws 1997, published in the Government Gazette on 30 April 1998.

Division 2 - Disposal of Refuse

Receptacles

41. (1) An owner or occupier of premises shall -

(a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;

(b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located -

(i) behind the street alignment and so as not to be visible from a street or public place; or

(ii) in such other position as is approved by the Manager Urban Environment and Control;

(c) on each collection day at or prior to 6.00am place the receptacle out in the street in a position where it is visible from the carriageway of the street or the right of way or lane and is accessible, but does not obstruct a street, right of way, thoroughfare, lane, footpath, cycleway or other carriageway or placed in such other position as is approved by the Manager Urban Environment and Control;

(d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 7 days after the event;

(e) not use the receptacle for any purpose other than the collection of refuse and rubbish; and

(f) ensure that the premises is provided with an adequate number of receptacles.

(2) A receptacle supplied by the Council or its contractor remains the property of the Council or its contractor as the case may be.

Exemption

42. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of subsection 41(b) or (c).

(2) The Council may grant or refuse, with or without conditions, an application for exemption from compliance under this Section.

(3) An exemption granted under this Section shall state -

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the Council.

(4) An exemption granted under this Section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

Use of Receptacles

43. An owner or occupier of premises shall -

(a) not deposit or permit to be deposited in a receptacle-

(i) more than 70 kilograms of rubbish or refuse;

(ii) hot or burning ash;

(iii) oil, motor spirit or other flammable liquid;

(iv) liquid paint or other solvent;

(v) asbestos or asbestos products;

(vi) bricks, concrete, building rubble, earth or other like substances;

(vii) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;

(viii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;

(ix) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;

(x) cytotoxics, radioactive substances and dangerous chemicals;

(xi) sewage, manure, nightsoil, faeces or urine;

(xii) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;

(xiii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or

(xiv) ammunition or flares,

(b) unless authorised by the Manager Urban Environment and Control, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;

(c) at all times keep the receptacle in a clean condition;

(d) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;

(e) take all reasonable steps to prevent -

(i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the receptacle; and

(f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

Damage to Receptacles

44. A person other than the Council or its contractor, shall not-

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by these Local Laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Council or its contractor.

Use of Other Containers

45. (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Manager Urban Environment and Control may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this Section to deposit rubbish or refuse in a container shall -

(a) unless approved by the Manager Urban Environment and Control not deposit or permit to be deposited in the container anything specified in Section 43(a)(ii) - (xiv);

(b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;

(c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Manager Urban Environment and Control;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and

(f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.

(3) An owner or occupier shall -

(a) ensure that there are a sufficient number of containers provided to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises -

(i) has a close fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

Suitable Enclosure

46. (1) An owner or occupier of premises -

(a) consisting of more than 3 dwellings; or

(b) used for commercial or industrial purposes or as a food premises;

shall if required by the Manager Urban Environment and Control provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

(2) An owner or occupier of premises required to provide a suitable enclosure under this Section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this Section, a "suitable enclosure" means an enclosure -

(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Manager Urban Environment and Control;

(b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager Urban Environment and Control;

(c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;

(d) containing a smooth and impervious floor -

(i) of not less than 75 millimetres in thickness; and

(ii) which is evenly graded to an approved liquid refuse disposal system;

(e) which is easily accessible to allow for the removal of the receptacles;

(f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the Manager Urban Environment and Control; and

(g) provided with a tap connected to an adequate supply of water.

Removal of Rubbish from Premises or Receptacle

48. (1) A person shall not remove any rubbish or refuse from premises unless that person is -

(a) the owner or occupier of the premises;

(b) authorised to do so by the owner or occupier of the premises; or

(c) authorised in writing to do so by the Council.

(2) A person shall not, without the approval of the Council or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

(3) The Council shall execute and continue the removal of household and general refuse from premises within the district at least once per week provided that the waste to be collected is contained in an approved receptacle but the provisions of this sub-section do not apply to multiple dwelling unit sites or food premises.

(4) The Council or its contractor shall cause all refuse and rubbish collected and removed to be taken to a material recycling facility or an approved refuse disposal site.

(5) Where the Council provides a collection for recyclable material the occupier of premises shall comply with and observe the directions given by the Council in relation to that collection.

Rubbish Removal Vehicles

50. A vehicle used by the Council or its contractor for the collection and transport of rubbish shall-

(a) be provided with a compartment in which all rubbish shall be deposited for removal, and which the interior is constructed from or surfaced with impermeable material; and

(b) have a cover over the compartment at all times when the vehicle is engaged in the transport of rubbish.

Method of Removal of Rubbish

51. A person engaged in the removal of rubbish from premises shall-

(a) convey all rubbish from the receptacles of the occupier of the premises and deposit the rubbish in the portion of the collection vehicle intended to hold the rubbish; and

(b) replace the receptacle where the person found it, with the lid in place.