

WPHESTD/901

HEALTH ACT 1911

Shire of Dalwallinu

HEALTH BY-LAWS

- 1996 -

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HEALTH ACT 1911

**Shire of Dalwallinu
Health Bylaws 1996**

HEALTH ACT 1911

The Shire of Dalwallinu HEALTH BY-LAWS 1996

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HEALTH ACT 1911

THE SHIRE OF DALWALLINU HEALTH BY-LAWS 1996

Pursuant to the powers under the Health Act 1911, the Council of the Shire of Dalwallinu makes the following By-laws.

PART 1 - PRELIMINARY

Citation

1. These By-laws may be cited as the "Shire of Dalwallinu Health By-laws 1996".

Repeal

2. The Health By-laws of the Shire of Dalwallinu, the adoption of which was published in the Government Gazette of 12 February 1982, and amended from time to time, are repealed.

Interpretation

3. (1) In these By-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 Environmental Health Officer.

"**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 Act 1960*;

"**Council**" means the Council of the Shire of Dalwallinu;

"**district**" means the municipal district of the Shire of Dalwallinu 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, watercloset, 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;

"public place" includes every place to which the public ordinarily have access, whether by payment or 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 a local authority;

"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;

"Shire Clerk" means the Chief Executive Officer/ Shire Clerk of the Shire of Dalwallinu and includes an Acting Shire Clerk;

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

- (2) Where in these By-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 By-laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so

required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

Interpretation

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

"festival" includes a fair, function or event;

"organiser" means a person -

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

(b) responsible for the conduct of the festival;

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

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

(a) patrons in conjunction with a festival; or

(b) employees at construction sites or the like.

Dwelling House

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

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

Premises other than a Dwelling House

6. (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, 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 By-law are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have hand wash basins -

(i) in accordance with the Building Code;

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

- (iii) provided with an adequate supply of water supplied by taps located over each basin;
 - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of premises other than a dwelling house shall ensure that -
- (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet 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 by-law (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 Environmental Health Officer.

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 sex 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 Environmental Health Officer, and ensure the site is left clean.

Maintenance of Sanitary Conveniences and Fittings

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

Ventilation of Toilet

- 11. (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 louvered 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 by-law 11(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, shall 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 by-law 11(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 manufacturer, 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 by-law 11(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 using a public sanitary convenience shall where the convenience has been provided by the Council and a charge for its use has been levied,forthwith pay that charge.
- (3) A person shall not live or sleep in 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.

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 by-law 15(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 Water Corporation Sewer; 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 floor of concrete or other approved impervious material of an approved thickness;
 - (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to -
 - (i) the Water Corporation Sewer; 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 by-law 16(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 810 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) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with:-
- (a) an electric, gas, wood or other fuel burning stove;
 - (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres;and
 - (c) 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.
- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall -
- (a) be installed in accordance with the requirements of the Office of Energy; and
 - (b) not be installed or used in any room other than a kitchen.
- (4) Where mechanical extraction is provided in a kitchen, the exhaust air shall be -
- (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (5) In this by-law, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

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 house and any appurtenant buildings in sound condition and fit for use and, in particular, shall -
- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
 - (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
 - (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;

- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete 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.

Gutterings and Downpipes

20. 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 Environmental Health Officer;
 - (b) the gutterings 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 gutterings 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; and
 - (e) any rainwater from any downpipe is not discharged onto any unpaved surface of land within 1.5 metres of any house.

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

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

Overcrowding

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

Calculate Sufficient Space

24. For the purpose of by-law 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 by-law 25(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.
- (3) The owner of a house provided with a mechanical ventilation or 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 Environmental Health Officer, a house is not properly ventilated, the Council may by notice require the owner of the house to -
 - (a) provide a different, or additional method of ventilation; or
- (5) The owner shall comply with a notice under by-law 25(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 the Water Corporation or a water supply to the satisfaction of the local authority.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.

Rain Water Tanks

- 28. The owner or occupier of a house from 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; 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 on Sale

31. A person shall not offer for sale or sell any secondhand furniture, bedding or clothing which is filthy or verminous.

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 verminous.

PART 4 WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

Definition

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

"liquid refuse" includes all washings from windows and vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

"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

Deposit of Liquid Refuse

34. A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste -

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

Disposal of Liquid Waste

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

- (a) provide, by one of the methods prescribed in this by-law, 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 the Water Corporation in a manner approved by the Water Corporation;
- (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

36. A person shall not -

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

37. (1) The Council may grant or refuse an application under this by-law 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.
- (2) Any conditions imposed by the Council under this by-law 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 by-law by giving written notice of the variation to the person to whom approval was given.

Notice of Intention

38. A person to whom approval has been given under by-law 37 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 Environmental Health Officer of his or her intention to do so.

Division 2 - Disposal of Refuse

Definition

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

"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 swill" means food residues or wastes of a liquid or semi-liquid or of an offensive nature from commercial kitchens, manufacturers, shops, abattoirs, markets, or any place (other than private residential premises) where food is processed, being residues or wastes of the type which previously may have been fed to pigs;

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

"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;

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

"receptacle", where used in connection with any premises, means-

- (a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

- (b) a container provided by the Council or its contractor for the deposit, collection and recycling of specific materials, and supplied to the premises by the Council or its contractor;

"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; and

"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 Act 1960, means the new street alignment so prescribed.

Receptacles

40. 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 Environmental Health Officer;
- (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 7 days after the event; and
- (e) ensure that the premises is provided with an adequate number of receptacles.

Exemption

- 41. (1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of by-law 40(b) or (c).
- (2) The Council may grant or refuse, with or without conditions, an application for exemption for compliance under this by-law.
- (3) An exemption granted under this by-law 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 by-law 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

42. 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) bricks, concrete, building rubble, earth or other like substances;
 - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
 - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
 - (ix) cytotoxics, radioactive substances and dangerous chemicals;
 - (x) commercial swill, sewage, manure, nightsoil, faeces or urine;
 - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
 - (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
 - (b) unless authorised by the Environmental Health Officer, 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 vermin; 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

43. 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 this By-law or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the Local Authority or its contractor.

Use of Other Containers

44. (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 Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.
- (2) The owner or occupier of premises who is authorised under this by-law to deposit rubbish or refuse in a container shall -
- (a) unless approved by the Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in by-law 42(a)(ii) - (xii);
 - (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 Environmental Health Officer;
 - (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) provide a sufficient number of containers to contain all commercial swill, 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 either -
 - (A) commercial swill; or
 - (B) rubbish or refuse;
- (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
- (d) place any commercial swill in, and only in, a container marked for that purpose;
- (e) place any rubbish or refuse in, and only in, a container marked for that purpose;
- (f) keep the cover on each container except when it is necessary to place something in, or remove something from it; and
- (g) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

Suitable Enclosure

45. (1) An owner or occupier of premises -
- (a) consisting of more than 4 dwellings that have not been provided with individual receptacles; or
 - (b) used for commercial, industrial purposes, or as an eating house or food premises, that have been provided with receptacles, shall-
 - (c) if required by the Environmental Health Officer -
 - (i) provide a suitable enclosure for the storage and cleaning of receptacles on the premises; and
 - (ii) install in the enclosure a tap connected to an adequate supply of water.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this by-law shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this by-law, 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 Environmental Health Officer;

- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Environmental Health Officer;
- (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
- (d) containing a smooth and impervious floor-
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system; and
- (e) which is easily accessible to allow for the removal of the receptacles.

Deposit of Refuse

46. (1) 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.
- (2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except -
- (a) at such place on the site as may be directed by the person in charge of the site; or
 - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

Removal from Refuse Disposal Site

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

Removal of Rubbish from Premises or Receptacle

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.

Burning Rubbish or Refuse

49. (1) A person shall not -
- (a) without the written approval of the Environmental Health Officer; 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 -
 - (c) in any incinerator; or
 - (d) on the ground.
- (2) Subject to sub by-law (3), an approval of the Environmental Health Officer 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 offensive when burnt; or
 - (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 10.00 am to 3.00 pm;
 - (d) an incinerator must meet the minimum standards specified in A.S.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 Environmental Health Officer 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.

Division 3 - Transport of Butchers' Waste

Interpretation

50. 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

51. 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

52. (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 Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
 - (b) a water-tight metal container fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this by-law, are -
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to -
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

Division 1 - Nuisances

Interpretation

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

"fertiliser" includes manure.

Footpaths etc, to be kept clean

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

Escape of Smoke etc.

55. (1) Subject to sub by-law (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 by-law (1) does not apply to smoke from the chimney of a private dwelling house.

Public Vehicles to be kept clean

56. 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 vermin and insects; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

Prohibition against Spitting

57. 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 or Blood

58. 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.

Use or Storage of Fertiliser

59. 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 Despatch of Artificial Fertiliser

60. 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

61. 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 insects; 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 Environmental Health Officer.

Division 2 - Keeping of Animals

Cleanliness

62. 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, vermin or insects;
 - (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 insects by spraying with a residual insecticide or other effective means.

Animal Enclosures

63. (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

Cats

64. (1) Subject to sub-by-law (5), 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 -
- (a) within the residential zone of the Shire of Dalwallinu Town Planning Scheme; or
- (b) used for residential purposes.
- (2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub-by-law (1).
- (3) The Council shall not grant an exemption under this by-law 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 by-law 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 may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

Slaughter of Animals

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

Disposal of Dead Animals

66. (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

67. 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 by-law 68;

"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

68. (1) An owner or occupier of premises within the gazetted Townsites 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;
 - (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;
 - (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 Environmental Health Officer.

- (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 insects by spraying with a residual insecticide or other effective means; and
 - (c) when so ordered by the Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

Proximity of Animals to a Dwelling House

69. The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

Manure Receptacle

70. 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 of smooth impervious durable materials, 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 insects;
 - (d) keep the receptacle so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means; and
 - (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 4 - Keeping of Poultry and Pigeons

Interpretation

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

"poultry" includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls;

Limitation on Numbers of Poultry and Pigeons

72. (1) An owner or occupier of premises within the gazetted townships -

- (a) who is not an Affiliated Person, shall not keep a combined total of more than 20 poultry and pigeons; and
 - (b) who is an Affiliated Person, shall not keep a total of more than 150 pigeons and poultry, on any one lot of land.
- (2) In this by-law, "Affiliated Person" means a person who is a member of -
- (a) the Pigeon Racing Federation of Western Australia;
 - (b) the Fancy Utility Pigeon Club of Western Australia;
 - (c) the Southern Districts Pigeon and Bantam Club; or
 - (d) any other properly constituted Pigeon Club.

Conditions of Keeping Poultry

73. A person who keeps poultry or permits poultry to be kept shall ensure that -
- (a) no poultry is able to approach within 15 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;
 - (c) the structure or enclosure in the yard having an otherwise unobstructed area of at least 30 square metres; and
 - (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.

Roosters

74. (1) An owner or occupier of premises shall not -
- (a) without the written approval of the Environmental Health Officer; or
 - (b) except in accordance with any conditions imposed by the Environmental Health Officer in connection with the approval under paragraph (a), keep or permit a rooster to be kept on the premises.
- (2) The Environmental Health Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of roosters.

Pigeons or Doves

75. A person who keeps, or permits to be kept, pigeons or doves shall ensure that -

- (a) none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that -
 - (i) does not exceed 3.6 metres in height from the ground; and
 - (ii) is in a yard having an otherwise unobstructed area of at least 30 square metres.

Removal of Non-Conforming Structure or Enclosure

76. (1) If a structure or enclosure is used for the keeping of poultry or of pigeons or doves contrary to the provisions of by-law 75, the Environmental Health Officer may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the Environmental Health Officer under this by-law.

Restrictions on Pigeon Nesting or Perching

77. (1) The Council may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with the Council order under this by-law.

PART 6 - PEST CONTROL

Division 1 - Flies

Interpretation

78. 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

79. 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

80. 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

81. 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

82. (1) Where -

- (a) a person is required under this Division or directed by a notice given under by-law 81, 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 this By-law.
- (2) The costs and expenses incurred by the Council in the execution of a power under by-law 82(1) may be recovered in a court of competent jurisdiction from the person referred to in by-law 82(1).
- (3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in by-law 82(1) in relation to any action taken by the Council under this by-law.

Interpretation

83. 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

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

- (a) refuse; and
- (b) water located so as to be, liable to become the breeding place of mosquitoes.

Measures to be taken by an Owner or Occupier

85. 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 other larvicide; 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 no larger than 1.2 millimetres.

Measures to be taken by Occupier

86. 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

87. (1) Where it appears to the Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within 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 Environmental Health Officer under this by-law.

Filling in Excavations etc.

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

Drains, Channels and Septic Tanks

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

Drainage of Land

90. 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.

Division 3 - Rodents

Interpretation

91. 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

92. (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 by-law 92(1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall -
- (a) take effective measures to keep the premises free from rodents including -
 - (i) protecting food stuffs;
 - (ii) using a rodenticide bait or a properly baited trap; and
 - (iii) preventing rodents having access to water on the premises;
 - (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall -
 - (i) if it is not already dead, kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
 - (c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

Waste food etc. to be kept in rodent proof Receptacles

93. 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

94. (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 by-law.

Eating house etc. to be cleaned after Use

95. An owner or occupier of an eating house, 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

96. (1) Subject to by-law 96(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) By-law 96(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 *Hospital and Health Services Act 1927*.
- (3) A person or body specified in by-law 96(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 by-law 92 and ensure that all reasonable steps are taken to destroy the rat.

Division 4 - Cockroaches

Interpretation

97. 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

98. (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 by-law 98(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

99. 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

100. 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

101. 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 Nest

102. 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 wasp 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

103. 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;

"footpath" includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

"hive" means a moveable or fixed structure, container or object in which a colony of bees is kept;

"lot" has the meaning given to it in the *Town Planning and Development Act 1928*; and

"private street" has the meaning given to it by the *Local Government Act 1960*.

Limitation on numbers of Hives

104. (1) A person shall not keep or permit the keeping of bees except on a lot in accordance with this Division.
- (2) Subject to sub by-laws (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) The Council may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

- (4) A person shall comply with any conditions imposed by the Council under sub by-law (3).

Restrictions on keeping of Bees in Hives

105. A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times -

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- (b) the hive is kept -
 - (i) outside, and at least 10 metres from, any building other than a fence;
 - (ii) at least 10 metres from any footpath, street, private street or public place; and
 - (iii) at least 5 metres from the boundary of the lot; and
- (c) the hive is enclosed on all sides by a fence, wall or other enclosure.

Bees which cause a nuisance not to be kept

106. (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) The Council may direct any person to remove any bees or beehives which in the opinion of the Environmental Health Officer are causing a nuisance.
- (3) A person shall comply with a direction within the time specified.

Division 8 - Arthropod Vectors of Disease

Interpretation

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

"arthropod vectors of disease" includes -

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab louse (*Phthirus pubis*);
- (d) body louse (*Pediculus humanus var.corporis*);
- (e) head louse (*Pediculus humanus var.capitis*); and
- (f) any other insect prescribed by the Council.

Responsibility of the Owner or Occupier

108. 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

Environmental Health Officer may visit, inspect and report

109. An Environmental Health Officer -

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

Requirements on owner or occupier to clean, disinfect and disinfest

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

- (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 by-law (1).

Environmental Health Officer may disinfect or disinfest premises

111. (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 by-law (1).
- (3) The Council may recover, in a court of competent jurisdiction, the cost of carrying out the work under this by-law 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 by-law.

Insanitary houses, premises and things

112. (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 by-laws (2) or (3) shall comply with the terms of the notice.

Medical Officer may authorise disinfecting

113. (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 by-law.

Persons in contact with an infectious disease sufferer

114. If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house -
- (a) shall obey such instructions or directions as the Council or the Medical Officer may issue;

- (b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and
- (c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

Declaration of infected house or premises

115. (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 Environmental Health Officer.

Destruction of infected animals

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

Disposal of a body

117. (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 by-law (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

118. (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 by-law may be recovered in a court of competent jurisdiction from the person referred to in sub by-law (1)(a).

- (3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in sub by-law (1)(a) in relation to any action taken by the Council under this by-law.

Division 2 - Disposal of used condoms and needles

Disposal of used condoms

119. (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 Environmental Health Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with sub by-law (1).

Disposal of used needles

120. 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.

PART 8 - SALE OF FOOD BY ITINERANT VENDORS

Division 1 - General

Itinerant Food Vendor's Licence

121. (1) An itinerant food vendor shall not offer for sale or sell food unless he or she -
- (a) is the holder of an itinerant food vendor's licence issued by the Council under this by-law; and
 - (b) complies with any conditions to which the licence is subject.
- (2) An application for an itinerant food vendor's licence shall be -
- (a) made by the proprietor or, where there is more than one proprietor, by each proprietor;
 - (b) made in the form prescribed in Schedule 1; and
 - (c) forwarded to the Shire Clerk together with the fee prescribed in Schedule 13.
- (3) An application for a licence under this by-law shall be determined by the Council which may approve the application, with or without conditions, or reject the application.
- (4) Where Council approves, with or without conditions, an application under this by-law, a food vendor's licence -

- (a) signed by the Environmental Health Officer; and
 - (b) in the form of Schedule 2, shall be issued by the Council.
- (5) A licence issued under this by-law shall be valid until 30 June next following the date of issue of the licence by the Council.

PART 9 - LODGING-HOUSES

Division 1 - Registration

Interpretation

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

"bed" means a single sleeping berth only, and a double bed provided for the use of couples has the same floor space requirements as 2 single beds;

"Building Code" means the Building Code of Australia 1990 published by or on behalf of the Australian Uniform Building Regulations Coordinating Council;

"bunk" means a sleeping berth comprising one of 2 arranged vertically;

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

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

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

"lodging-house" includes a recreational campsite, a serviced apartment and a short term hostel;

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

"recreational campsite" means a lodging-house -

- (a) situated on a campsite principally used for -
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

"register of lodgers" means the register kept in accordance with section 157 of the Act and this Part;

"resident" means a person other than a lodger, who resides in a lodging-house;

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

"short term hostel" means a lodging-house where the period of occupancy of any lodger is not more than 14 consecutive days and includes a youth hostel or a packpaker hostel;

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

- (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 the act to be done, or of preventing the act so forbidden from being done, as the case may be.

Lodging-house not to be kept unless registered

123. 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 local authority under by-law 3;
- (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 Shire Clerk, 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

124. 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 13; and
- (ii) detailed plans and specifications of the lodging-house.

Approval of application

125. The local authority may approve, with or without conditions, an application under by-law 3 by issuing to the applicant a certificate in the form of Schedule 4.

Renewal of registration

126. 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 local authority for the renewal of the registration of the lodging-house; and
 - (b) pay the fee prescribed in Schedule 13 at the time of making each application for renewal.

Notification upon sale or transfer

127. 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 Shire Clerk, 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

128. (1) Subject to sub-by-law (3), the local authority may, at any time, revoke the registration of a lodging-house for any reason which, in the opinion of the local authority, justifies the revocation.
- (2) Without limiting the generality of sub-by-law (1), the local authority may revoke a registration upon any one or more of the following grounds -
- (a) that the lodging-house has not, to the satisfaction of the local authority, 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 under this Part 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 local authority, having regard to a report from the Police Department, is satisfied that the keeper or manager is not a fit and proper person;
 - (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging-house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging-house under this by-law, the local authority 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 local authority revokes the registration of a lodging-house, it shall give the keeper notice of the revocation and the registration is revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

General construction requirements

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

Sanitary conveniences

130. (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, 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 does not fall under the provisions of sub-by-law (1).
 - (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
 - (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
 - (5) Each toilet and bathroom shall -

- (a) be so situated, separated and screened as to ensure privacy;
- (b) be apportioned to each sex;
- (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
- (d) be provided with adequate electric lighting.

Laundry

131. (1) A keeper shall -

- (a) subject to sub-by-law (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 or laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper or washing machine; and
 - (d) ensure that the floor area of each laundry or laundry unit is properly surfaced with an even fall to a floor waste.
- (2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) In this by-law -
- "laundry unit" means a group of facilities consisting of -
- (a) a washing machine with a capacity of not less than 4 kilograms weight 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 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 an adequate supply of water 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 0.076 litres per second to each washing machine.

Kitchen

132. (1) The keeper of a lodging-house shall provide in that lodging-house a kitchen which
- (a) has a minimum floor area of -
 - (i) where lodgers prepare their own meals - 0.65 square metres per person;
 - (ii) where meals are provided by the keeper or manager - 0.125 square metres per person; or
 - (iii) where a kitchen and dining room are combined - 1 square metre per person,
 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; 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; and
 - (e) has the walls behind each stove and cooking appliance tiled to a height of not less than 1.8 metres above the floor.

Cooking facilities

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

Table

| NO. OF LODGERS | OVENS | 4 BURNER STOVES |
|----------------|-------|--|
| 1-15 | 1 | 1 |
| 16-30 | 1 | 2 |
| 31-45 | 2 | 3 |
| 46-60 | 2 | 4 |
| Over 60 | 2 | 4 + 1 for each additional 15 lodgers (or part thereof) over 60 |

- (2) The keeper of a lodging-house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Principal Environmental Health Officer.
- (3) The keeper of a lodging-house which has, or has approval to have, 15 or more lodgers shall provide, maintain and clean, a hood or mechanical exhaust system, in accordance with the *Health (Food Hygiene) Regulations 1993*, over each stove, oven and cooking appliance.

Dining room

134. 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 not less than the greater of:-
- (i) 0.5 square metres per person; or
 - (ii) 10 square metres; 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

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

- (a) with a floor area of -
- (i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person;

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

Fire Prevention and control

136. (1) 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 is approved by the Principal Environmental Health Officer; and
 - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) ensure a fire blanket, of a type approved by the Principal Environmental Health Officer, is positioned within 2 metres of the cooking area in each kitchen; and
 - (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the local authority.

Obstruction of passages and stairways

137. 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

138. 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

139. (1) Subject to sub-bylaw (3) and by-law 140, 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, scullery, storeroom, 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 Principal Environmental Health Officer.
- (2) For the purposes of this by-law, 2 children under the age of 10 years are counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of sub-bylaw (1) do not apply to a serviced apartment.

Sleeping accommodation - short term hostel and recreational campsite

140. (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;
 - (b) 2.5 square metres per person in dormitories utilising bunks.

- (2) The calculation of floor space in sub-bylaw (1) excludes the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite is 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in sub-bylaw (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide -
 - (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the local authorities approval.
- (6) The keeper of any short term hostel shall provide -
 - (a) beds with a minimum size of 800 millimetres x 1.9 metres
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of a recreational campsite shall provide beds with a minimum size of 750 millimetres by 1.85 metres.
- (8) The keeper of any short term hostel or recreational campsite shall -
 - (a) arrange at all times a distance of 750 millimetres between beds, and a distance of 900 millimetres between bunks;
 - (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and
 - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (9) The keeper of a short term hostel or recreational campsite shall ensure that -
 - (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows -

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

Upholstery & bedding - a maximum Spread of Flame Index of 6;- a maximum Smoke Developed Index of 5;

Floor coverings - a maximum Spread of Flame Index of 7;- a maximum Smoke Developed Index of 5;

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

- (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
 - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with 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) a lodger or other person does not smoke in any dormitory, kitchen, or dining room, within a short term hostel or recreational campsite, but the keeper may permit smoking in a meeting or assembly hall area, within a short term hostel or recreational campsite;
 - (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

141. (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, 2 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 a recreational campsite.

Ventilation

142. (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-bylaw (1) within such time as directed.

Numbers to be placed on doors

143. (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-bylaw (1) shall be -
- (a) not less than 50 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

144. 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 for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging-house.

Registers of lodgers

145. (1) A keeper shall keep a register of lodgers in the form of Schedule 6.
- (2) The keeper shall ensure that the register of lodgers is -
- (a) kept in the lodging-house; and

- (b) open to inspection at any time on demand by any member of the Police Force or by an Environmental Health Officer.

Keeper report

146. A keeper shall, whenever required by the local authority, report to the local authority, 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

147. (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 or 9.
- (2) The certificate issued under sub-by-law (1) shall specify the maximum number of persons permitted to occupy each room of a sleeping apartment at any one time.
 - (3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this by-law in a conspicuous place in the room to which the certificate refers.
 - (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this by-law to occupy the room to which it refers.

Duplicate keys and inspection

148. 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

149. (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; or
 - (ii) the local authority or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this by-law, 2 children under 10 years of age are counted as one lodger.

Maintenance of a room by a lodger or resident

150. (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-by-law (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 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 condition.

Cleaning and maintenance requirements

151. (1) A keeper of a lodging-house shall -
- (a) maintain in a clean, sound and undamaged condition -
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
 - (b) maintain in a clean condition and in good working order -
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
 - (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
 - (d) whenever there is one or more lodgers in a lodging-house, ensure that the laundry floor is cleaned daily;

- (e) ensure that -
 - (i) all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, that immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vectors of disease and insects is not used as a sleeping apartment;
- (f) when so directed by the Principal Environmental Health Officer, ensure that -
 - (i) a room, together with its contents, and any other part of the lodging-house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging-house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

- (2) In this by-law -

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

Responsibilities of lodgers and residents

152. 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 that 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 by-law 153 -
 - (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

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

Offences and penalties

154. (1) A person who contravenes these by-laws commits an offence.
- (2) A person who commits an offence under sub-bylaw (1) is liable to -
- (a) a penalty of not more than \$1000 and not less than -
 - (i) in the case of a first offence, \$100;
 - (ii) in the case of a second offence, \$200; or
 - (iii) in the case of a third or subsequent offence, \$500; and
 - (b) if the offence is a continuing offence, a further penalty of not more than \$100 and not less than \$50 for each day during which the offence continues.

PART 10 - OFFENSIVE TRADES

Division 1 - General

Interpretation

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

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 13 - 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) fat rendering premises;
- (b) fish curing premises
- (c) flock factories;
- (d) laundries, dry cleaning premises and dye works;
- (e) any trade as defined by section 186 of the Act; and
- (f) 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 Offensive Trade

156. (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 by-law 157; and
 - (b) lodge with the Shire Clerk an application in the form of Schedule 10.
- (2) A person who makes a false statement in an application under this by-law shall be guilty of an offence.

Notice of Application

157. A notice required under by-law 156(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 Regional or Perth daily newspaper at least two weeks but not more than one month before the application under by-law 156(1)(b) is lodged with the Shire Clerk.

Registration of Premises

158. An application for the registration of premises pursuant to Section 191 of the Act shall be -
- (a) in the form of Schedule 11;
 - (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976*; and
 - (c) lodged with the Shire Clerk.

Certificate of Registration

159. 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 12.

Change of Occupier

160. Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Shire Clerk in writing of such change.

Alterations to Premises

161. 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

162. Where in any by-law 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

163. 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 offensive trade is carried on; and

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

Cleanliness

164. 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 Vermin

165. The occupier shall -

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

Sanitary Conveniences and Wash Basins

166. 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.

167. 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

168. 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

169. The occupier shall -

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

Storage of Materials

170. 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

171. (1) For the purposes of this by-law, "specified offensive trade" means one or more of the offensive trades carried on in or connected with the following works or premises -
- (a) fat rendering premises;
 - (b) fish curing premises; and
 - (c) 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 25 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 & Drainage 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 Environmental Health Officer may from time to time direct.

Directions

172. (1) The Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
- (2) The occupier shall comply with any directions given under this by-law.

Other Duties of Occupier

173. 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 - Fat Rendering Establishments

Interpretation

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

"fat rendering establishments" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

Exhaust Ventilation

175. The occupier shall provide and maintain -

- (a) a hood which shall -
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) shall extend a minimum of 150 millimetres beyond the length of each appliance; 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 intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

Covering of Apparatus

176. External parts of the fat rendering apparatus shall be constructed or covered with a non-corrosive impervious material.

Rendering of Walls

177. The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks, crevices.

Division 4 - Flock Factories

Interpretation

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

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, lintens, fibre, or other material

used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

New and Used Material

179. (1) Subject to sub by-law (2), the occupier shall not use for the manufacture of flock any material other than new material.
- (2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 20 minutes.

Collection and Removal of Dust

180. The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

Building Requirements

181. The occupier shall cause each building on the premises to comply with the following requirements -
- (a) the floor shall be of concrete;
 - (b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and
 - (c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

Unclean Rags

182. A person shall not -
- (a) collect, deliver, offer for sale or sell for the manufacture of flock;
 - (b) receive, store or deliver for the manufacture of flock; or
 - (c) make flock from rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle used for the storage or collection of refuse or rubbish.

Bedding and Upholstery

183. A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, retease, fill, or refill or repair any -

- (a) used bedding; or
- (b) upholstery, which is unclean, offensive, or vermin-infested, unless the -
- (c) material of which the bedding is made; or
- (d) filling material of which the upholstery is made has been boiled for 30 minutes or otherwise effectively disinfected and cleaned

Division 5 - Laundries, Dry Cleaning Establishments And Dye Works

Interpretation

184. 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 machine operating on full cycle and fully enclosed basis;

"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 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 premises in which:-

- i) 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;
- ii) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- iii) provision is made for the discharge of all liquid waste therefrom into a public sewer.

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

Receiving Depot

185. An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, cleaning establishment or dye works except with the

written permission of the Environmental Health Officer who may at any time by written notice withdraw such permission.

Reception Room

186. (1) The occupier of a dry cleaning establishment or dye works shall -
- (a) provided 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 by-law.

Walls and Floors

187. 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, crevices;
 - (b) the floor to be impervious, constructed of concrete and finished to a smooth 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

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

Escape of Dust

189. 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

190. 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

191. 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

192. 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 11 - OFFENCES AND PENALTIES

Penalties

193. (1) A person who contravenes a provision of these By-laws, commits an offence.
- (2) A person who commits an offence under sub by-law (1) is liable to -
- (a) a penalty which is not more than \$1,000 and not less than -
 - (i) in the case of a first such offence, \$100;
 - (ii) in the case of a second such offence, \$200; and
 - (iii) in the case of a third or subsequent such offence, \$500; and

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

(By-law 121(2))

Schedule 1

Shire of Dalwallinu

Health Act 1911

APPLICATION FOR LICENCE AS ITINERANT FOOD VENDOR

To: Chief Executive/Shire Clerk
Shire of Dalwallinu

Name (In Full) of Applicant

.....

Place of Residence

.....

Place where Vehicle, Food and Trade Utensils are Stored:

.....

Details of Vehicle or Means of Carriage

.....

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

.....

(Signature of Applicant)

Telephone:

(By-law 121(4))

Schedule 2

Shire of Dalwallinu

Health Act 1911

LICENCE AS ITINERANT FOOD VENDOR

This is to certify
that.....

(Name)

of.....

(Address)

is hereby licensed as an itinerant food vendor within the Health District of the Shire of Dalwallinu.

This licence expires on the 30th day of June following the date of issue, unless this licence is previously cancelled.

Date of issue: 19.....

.....
Environmental Health Officer

Schedule 3

Shire of Dalwallinu

Health Act 1911

**APPLICATION FOR REGISTRATION OF A
LODGING-HOUSE**

To: Chief Executive/Shire Clerk
Shire of Dalwallinu

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:

- lodging-house;
- a recreational campsite;
- a short term hostel; or
- serviced apartments,

(Specify which is to apply)

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

DESCRIPTION OF LODGING-HOUSE

Number of storeys.....

Rooms for private use

| | Number | Area |
|-----------------------------|---------------|-------------|
| Laundries/toilets/bathrooms | | |
| Bedrooms | | |
| Dining rooms | | |
| Kitchens | | |
| Sitting rooms | | |
| Other (specify) | | |

Rooms for lodgers

| | Number | Area |
|-----------------|---------------|-------------|
| Bedrooms | | |
| Dining rooms | | |
| Kitchens | | |
| Sitting rooms | | |
| Other (specify) | | |

Sanitary conveniences for female lodgers

| | |
|------------------|-------|
| Toilets | ..... |
| Baths | ..... |
| Showers | ..... |
| Wash hand basins | ..... |

Sanitary conveniences for male lodgers

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

Laundry facilities

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

Additional details

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

Shire of Dalwallinu

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 are classified as:

- lodging-house;
- a recreational campsite;
- a short term hostel; or
- serviced apartments,
(Specify which is to apply)

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

1. that....., whose name appears on the register of keepers of the Shire of Dalwallinu 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 total number of rooms to be used as sleeping apartments for lodgers is.....; and
5. that the maximum number of lodgers accommodated on the premises at any one time shall not exceed.....

This Certificate of Registration is issued subject to the *Health Act 1911* and the Health By-laws of the Shire of Dalwallinu and is not transferable.

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

.....
SHIRE OF DALWALLINU

Fee received:\$.....

Schedule 5

Shire of Dalwallinu

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING-HOUSE

To: Chief Executive/Shire Clerk
Shire of Dalwallinu

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

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

am/are the new owners 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)

(By-law 24)

Schedule 6

Shire of Dalwallinu

**Health Act 1911
(Section 157)**

REGISTER OF LODGERS

Location of lodging-house:

.....

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

.....

.....

.....

.....

.....

.....

.....

.....

.....

(By-law 25)

Schedule 7

Shire of Dalwallinu

Health Act 1911

LIST OF LODGERS

Chief Executive/Shire Clerk
Shire of Dalwallinu

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

Shire of Dalwallinu

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To:.....
(Name of keeper)

of.....
(Address of keeper)

For the registered lodging-house situated
at.....

This room, No....., can be used as a sleeping apartment (for sleeping purposes only) to
accommodate not more than.....persons at any one time.

(Signed)
(Environmental Health Officer)

Date:

Schedule 9

Shire of Dalwallinu

Health Act 1911

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

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 at any one time.

ROOM NUMBER:

MAXIMUM OCCUPANCY:

(Signed)
(Environmental Health Officer)

Date:

Schedule 10

Shire of Dalwallinu

Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive/Shire Clerk
Shire of Dalwallinu

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
.....

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 Applicant/s)

(Date)

Schedule 11

Shire of Dalwallinu

Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive/Shire Clerk
Shire of Dalwallinu

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 Applicant/s)

(Date)

Schedule 12

Shire of Dalwallinu

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 the19.....

Dated this day of19.....

.....
Environmental Health Officer
Shire of Dalwallinu

SCHEDULE 13**Shire of Dalwallinu****Health Act 1911****PRESCRIBED FEES**

| <u>Schedule</u> | <u>Description</u> | <u>Prescribed Fee</u> |
|-----------------|----------------------------------|-----------------------|
| 6 | Licence as Itinerant Food Vendor | \$180.00 |
| 9 | Registration of Lodging House | \$180.00 |
| 18 | Registration of Offensive Trade | As per regulation |

Passed at a meeting of the Council of the Shire of Dalwallinu held on 26 March, 1996.

The Common Seal of the Shire of Dalwallinu was hereunto affixed in the presence of:

R T ALLAN, A/SHIRE PRESIDENT

W T ATKINSON, SHIRE CLERK

CONFIRMED

**EXECUTIVE DIRECTOR
PUBLIC HEALTH**

Approved by His Excellency the Governor in Executive Council this day

of.....199.....

CLERK OF COUNCIL