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HEALTH ACT 1911

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## **CITY OF ROCKINGHAM HEALTH BY-LAWS 1996**

Pursuant to the provisions of the Health Act 1911, the City of Rockingham, having adopted the Model By-laws, Series "A" in the Government Gazette of 26 March, 1969 and the City of Rockingham By-law relating to Eating Houses in the Government Gazette of 21 September, 1984, made under the Health Act 1911 and as amended from time to time, has resolved and determined that the adopted By-laws shall be repealed and substituted with the City of Rockingham Health By-laws 1996 as set out herein.



## HEALTH ACT 1911

**CITY OF ROCKINGHAM HEALTH BY-LAWS 1996**

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## HEALTH ACT 1911

**CITY OF ROCKINGHAM HEALTH  
BY-LAWS 1996**

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

**PART 1—PRELIMINARY****Citation**

1. These By-laws may be cited as "*The City of Rockingham Health By-laws 1996*".

**Repeal**

2. *The Model By-laws, Series A* as adopted by the City of Rockingham and published in the *Government Gazette* (No. 31) of 26 March 1969 and amended from time to time are repealed.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 Principal 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 City of Rockingham;

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

"drinking water" means water that is intended for direct human consumption or for use in food preparation and which meets the quality standards of the Guidelines for Drinking Water Quality in Australia—1987 as published by National Health and Medical Research Council;

"dwelling house" means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

"Environmental Health Officer" means an Environmental Health Officer appointed by the Council under the Act and includes an Acting or Assistant Environmental Health Officer;

"habitable room" means a room used for normal domestic activities, and

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

"hot water" means water at a temperature of at least 75 degrees Celsius;

"Manager of Technical Services" means an officer of the Council appointed to the position of Manager of Technical and includes an Acting Manager of Technical Services;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the Council to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

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

"responsible regulatory authority" means the authority or Government trading enterprise which is empowered by statute to exercise jurisdiction over the supply or installation of water, plumbing, sewerage, gas or electricity as the case may be;

"sanitary convenience" includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, 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;

“Town Clerk” means the Chief Executive/Town Clerk of the City of Rockingham and includes an Acting Chief Executive/Town Clerk;

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

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

(2) Where in these 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, such premises 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 provided for the use of females; and

(c) each hand wash basin is provided with—

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

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

#### **Outdoor Festivals**

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

(a) for the first 1,000 males—

(i) one water closet for each 333;

(ii) one urinal stall for each 100; and

(iii) one hand wash basin for each 500;

- (b) for additional males—
  - (i) one water closet for each 500;
  - (ii) one urinal stall for each 100; and
  - (iii) one hand wash basin for each 500;
- (c) for the first 1,000 females—
  - (i) one water closet for each 77; and
  - (ii) one wash hand basin for each 500; and
- (d) for additional females—
  - (i) one water closet for each 100; and
  - (ii) one wash hand basin for each 500.

(2) Where, under Sub-bylaw (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

### Toilets

8. (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; and
  - (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 Principal Environmental Health Officer, and ensure the site is left clean.

### Maintenance of Sanitary Conveniences and Fittings

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

### Ventilation of Toilet

11. (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; or
    - (ii) fixed glazed louvred windows; or
    - (iii) wall or ceiling vents, ducted as directly to the outside air as is practical and boxed through-out,situated in both the room in which the toilet is located and any adjacent airlock.
- (2) A mechanical ventilation system provided under Sub-bylaw 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 Sub-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 manufacture, storage or consumption of food; or
  - (b) a room used for sleeping or other domestic activities; or
  - (c) a room used as a work place,
- shall be mechanically ventilated as required by Sub-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 a public sanitary convenience or use it for a purpose other than that for which it was intended.

### Lighting

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

### Installation

14. (1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be drained into the public sewer or treated by an approved chemical method.

### Division 2—Bathroom, Laundries and Kitchens

#### Bathrooms

15. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

- (a) is adequately lined with an impervious material and has an adequate ceiling;
- (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
- (c) is equipped with—
  - (i) a wash hand basin; and
  - (ii) either a shower in a shower recess or a bath.

(2) The floor of the bathroom referred to in Sub-by-law 15(1) shall be—

- (a) of concrete or of other approved impervious material of an approved thickness; and
- (b) properly surfaced with an even fall to a floor waste, suitably trapped and discharging to—
  - (i) a reticulated sewerage system; or
  - (ii) an approved treatment apparatus; or
  - (iii) 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; and
- (d) is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to—
  - (i) a reticulated sewerage system; or
  - (ii) an approved treatment apparatus; or
  - (iii) a proper discharge pipe with flap valve fitted, and where necessary, protected by an approved sump.

- (2) In the case of a single occupancy dwelling, the laundry referred to in Sub-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.
- (7) Food shall not be stored, prepared, served or consumed in a laundry.

#### **Washing or Keeping of Clothes in Kitchens**

17. A person shall not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bedding; or
- (b) keep or permit to be kept any soiled clothing or bedding.

#### **Kitchens**

18. (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—

- (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 drinking 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 responsible regulatory authority; 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 dwelling house and any appurtenant buildings, in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;

- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete with smooth unbroken surfaces and free of dampness;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the responsible regulatory authority and shall provide a current certificate of compliance when so directed by the Principal Environmental Health Officer.

#### **Disposal of Rainwater**

20. The owner or occupier of a house shall—

- (a) not use or occupy or permit to be used or occupied, a house unless all rainwater is effectively disposed of to the satisfaction of the Council and in a manner that will not be a nuisance or injurious or dangerous to health; and
- (b) not permit any rainwater from the premises to discharge onto or near a footpath, street or other property.

#### **Maintenance of Guttering and Downpipes**

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

### *Division 2—Ventilation of Houses*

#### **Exemption for Short Term Hostels**

22. This Division shall not apply to short term hostels referred to in Division 2 of Part 11.

#### **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 Sub-by-law (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—

- (a) natural ventilation; or
- (b) a mechanical ventilation or air-conditioning system complying with AS1668.2-1991.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is maintained in good working condition and in accordance with AS3666-1989.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the Council may by notice require the owner of the house to—

- (a) provide a different, or additional method of ventilation; or
- (b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under Sub-by-law (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 responsible regulatory authority or a water supply to the satisfaction of the Council.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house unless otherwise approved by the Council.

**Rain Water Tanks**

28. The owner or occupier of a house 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; and
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

**Wells**

29. The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well or other possible source of pollution, unless otherwise approved by the Executive Director Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of pumping apparatus.

**Pollution**

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

*Division 4—Secondhand Furniture, Bedding and Clothing***Prohibition of Sale**

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

*Division 5—Morgues*

33. Application and Licensing of Morgues

- (1) An application for a licence of a morgue shall be—
  - (a) made by the applicant; and
  - (b) made in the form prescribed in Schedule 15.
- (2) The annual fee for a licence for a morgue is prescribed in Schedule 24.
- (3) A licence shall—
  - (a) be in the form set out in Schedule 16; and
  - (b) expire on 30 June next after the date of its issue.
- (4) A licence shall not be granted in respect of any premises unless—
  - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved material;
  - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non absorbent and washable;
  - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
  - (e) the premises are adequately ventilated by direct communication with the outside air.

**PART 4—WASTE FOOD AND REFUSE***Division 1—Liquid Refuse***Interpretation**

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

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

“liquid waste” means bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage; and

“licenced transporter” means a transporter licensed under the *Environmental Protection (Liquid Waste) Regulations 1996*.

**Deposit of Liquid Refuse**

35. A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than a place or depot duly authorised for that purpose.

**Disposal of Liquid Waste**

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

(a) provide, 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 a reticulated sewerage system in a manner approved by the responsible regulatory authority;

(b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health and the Council;

(c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

**Septic Tank Pumpouts**

37. A person shall not collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage unless that person is a licenced transporter.

*Division 2—Disposal of Refuse***Interpretation**

38. In this division, unless the context otherwise requires—

“approved enclosure” means an enclosure for the storage of receptacles which complies with By-law 45;

“building line” has the meaning given to it in and for the purposes of the *Local Government Act 1960*;

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

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

“commercial 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;

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

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

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

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

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

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



“street” includes a highway or a thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

“street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government Act 1960*, means the new street alignment so prescribed; and

“waste” means commercial waste or domestic waste or both as the context requires.

#### **Prescribed Area—Section 112A**

39. The whole of the district of the City of Rockingham is hereto prescribed as the area within which the provisions of Section 112A of the Act shall operate and have effect.

#### **Receptacles**

40. (1) An owner or occupier of premises shall—

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
  - (i) behind the building line and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by the Manager of Technical Services;
- (c) prior to 6.00am on the advised collection day, place the receptacle—
  - (i) in the street as close as practicable to the carriage way;
  - (ii) so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;
  - (iii) facing squarely to the edge of and opening towards the carriage way; or
  - (iv) in such other position as is approved by the Manager of Technical Services.
- (d) if the receptacle is lost, stolen, damaged or defective, notify the Council within 7 days after the event;
- (e) pay to the Council any costs associated with theft or damage to the receptacle whilst the receptacle is located on private property; and
- (f) ensure that the premises is provided with an adequate number of receptacles.

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

#### **Exemption**

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 Manager of Technical Services, 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;
- (f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises; and
- (g) not use the receptacle for any purpose other than the collection and storage of refuse and rubbish.

### 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 Council 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, the Manager of Technical Services 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 Principal 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 Manager of Technical Services;
- (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 3 dwellings; or
- (b) used for commercial, or industrial purposes;

that have been provided with receptacles, shall if required by the Manager of Technical Services—

- (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 Manager of Technical Services;

- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager of Technical Services;
- (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 a 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 Council; 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) An approval of the Council shall be 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 10.00am to 3.00pm;
- (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 2 metres from a fence or building;
  - (ii) at least 9 metres from a neighbouring dwelling; and
  - (iii) in such a position so as not to create a nuisance or be offensive to other persons.

#### *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 Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a water-tight metal container fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this 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.

## **PART 5—NUISANCES AND GENERAL**

### *Division 1—Nuisances*

#### **Interpretation**

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

“fertiliser” includes manure;

“public vehicle” includes bus, train, taxi or other public transport.

#### **Footpaths etc, to be kept clean**

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, Blood, or Pigswill**

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

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

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

#### **Use or Storage of Fertiliser**

59 (1) 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.
- (2) The owner or occupier of a premises where fertiliser or compost is stored or used shall—
- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
  - (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other 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 Principal Environmental Health Officer.

#### **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; 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.

#### *Division 2—Car Parks*

#### **Interpretation**

61. In this Division, unless the context otherwise requires—
- “car park” means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and
- “occupier” means a person having the charge, management or control of a car park.

#### **Ventilation**

62. (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—
- (a) natural ventilation; or
  - (b) mechanical means,
- in accordance with AS1668.2—1991.
- (2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the Council may by notice require the occupier within a specified time to—
- (a) provide a different or additional method of ventilation; and
  - (b) cease using the car park until it is properly ventilated.
- (3) An occupier shall comply with a notice under Sub-bylaw (2).

#### **Exhaust Air Discharge Points and Exhaust Registers**

63. An owner or occupier shall ensure that—
- (a) all exhaust air that is discharged from a car park shall be discharged—
    - (i) at discharge points—
      - (a) in accordance with AS1668.2-1991; and
      - (b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS1668.2-1991;
    - (ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;
  - (b) exhaust registers are located as far as possible from the source of supply air; and
  - (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
  - (d) any mechanical ventilation system is—
    - (i) maintained in good working condition; and
    - (ii) in operation at all times when the car park is in use.

### **PART 6—KEEPING OF ANIMALS**

#### *Division 1—General Provisions*

#### **Cleanliness**

64. An owner or occupier of premises in or on which any animal or bird is kept shall —
- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats, 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**

65. (1) A person shall not keep or cause or permit to be kept any animals or birds in an enclosure which is not effectively drained or of which the drainage flows to the walls or foundations of any building.

(2) The owner or occupier of premises where animals or birds are kept shall, when directed by the Principal Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

(3) Subject to the provisions of By-laws 72, 80(3) and the *City of Rockingham By-law relating to Dogs*, no structures, shelters or enclosures where animals or birds are kept shall be constructed closer than 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises whatsoever wherein food is manufactured, packed or prepared for human consumption.

(4) An owner or occupier of premises may make application to the Council for an exemption from the requirements of Sub-by-law (3) in accordance with By-law 69.

#### **Slaughter of Animals**

66. (1) Subject to Sub-by-law (2), a person shall not slaughter any animal or bird within the district other than at premises approved for that purpose by the Council.

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

#### **Disposal of Dead Animals**

67. (1) An owner or occupier of premises on which there is a dead animal or bird shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

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

#### **Removal of Non-Conforming Structure or Enclosure**

68. (1) If a structure, shelter or enclosure is used for the keeping of animals or birds contrary to the provisions of these By-laws, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this By-law.

#### **Exemptions**

69. (1) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of By-laws 65(3), 71, 76(1), 79(1) and 80(1).

(2) The Council may grant an exemption from the requirements of By-laws 65(3), 71, 76(1), 79(1) and 80(1).

(3) The Council shall not grant an exemption under this By-law unless it is satisfied that the number of animals or birds to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this By-law shall specify—

- (a) the owner or occupier to whom the exemption applies;
- (b) the premises to which the exemption applies;
- (c) the maximum number of animals or birds which may be kept on the premises; and
- (d) any terms and conditions under which the animals or birds shall be kept.

(5) An exemption granted under this By-law may be cancelled by the Council where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

### *Division 2—Keeping of Large Animals*

#### **Interpretation**

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

“cow” includes an ox, calf or bull;

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

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

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

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

#### **Large Animals**

71. (1) A person shall not keep a large animal on any land within the district except within the rural and special rural zones of the district.

(2) An owner or occupier of premises shall not permit a large animal to approach within 15 metres of a dwelling house.

(3) An owner or occupier of premises may make application to the Council for an exemption from the requirements of this By-law in accordance with By-law 69.

**Stables**

72. (1) No stable shall be erected unless and until plans, specifications and site of the proposed stable have been approved by the Council.

(2) Stables shall—

- (a) not be situated within 15 metres of a house or other premises;
  - (b) have a proper separate stall for each horse in accordance with Sub-bylaw (3);
  - (c) have each wall and roof constructed of an impervious material;
  - (d) have on all sides of the building between the wall and the roof a clear opening of a least 150 millimetres in height, unless otherwise approved by the Council; and
  - (e) have walls not less than 3 metres, measured either horizontally or vertically.
- (3) (a) Subject to Sub-bylaw 3(b) a stable shall have a floor, the upper surface of which shall—
- (i) be raised at least 75 millimetres above the surface of the ground;
  - (ii) be constructed of cement, concrete or other similar impervious materials;
  - (iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge to an approved treatment and disposal system;
  - (iv) have an area of not less than 11 square metres for each stall.
- (b) A stable constructed with a sand floor may be permitted by the Council, subject to the following—
- (i) the site must be well drained with the highest known water table no closer than 1.5 metres to the sand floor level which may be achieved artificially;
  - (ii) sand must be clean, coarse and free from dust;
  - (iii) footings to each stable shall be a minimum of 450mm below ground level;
  - (iv) the stable design must allow for the access of small machinery, such as a bobcat, into each individual stall to maintain the correct floor height;
  - (v) the minimum floor area of each stall shall not be less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally and a roof is not less than 50% of the floor area;
  - (vi) in all other respects the requirements of Sub-bylaw (2) shall apply to the stable building.

**Registration of Stables**

73. (1) The owner or occupier of premises on which a stable is located shall—

- (a) apply to the Council for registration of the stable in the form set out in Schedule 22;
  - (b) have paid to the Council the annual registration fee prescribed in Schedule 24.
- (2) A certificate of registration issued by the Council shall—
- (a) be in the form set out in Schedule 23;
  - (b) expire on the 30 June next after the date of its issue.
- (3) The Council may cancel the registration of a stable during the currency of its registration for any of the following reasons—
- (a) if in its opinion the premises upon which the stable is located are not being maintained in good repair; or
  - (b) the owner or occupier has been convicted of an offence under these By-laws.
- (4) A person shall not keep a horse or other animal in a stable unless the Council has issued a current registration certificate in respect to the stable.

**Manure and Feed Receptacles**

74. (1) An owner or occupier of premises on which a stable is located shall—

- (a) provide mobile or free standing fly-proof receptacles of a size, number and construction required by an Environmental Health Officer situated at not less than 15 metres from a dwelling house and into which shall be placed all wastes, inclusive of soiled bedding and manure produced on the premises;
  - (b) keep the lids of the receptacles closed except when manure is being deposited or removed;
  - (c) cause the receptacles to be emptied at least once a week and as often as may be necessary to prevent them becoming offensive or a breeding place for flies or other insects;
  - (d) keep the receptacles so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means; and
  - (e) cause all manure produced on the premises to be collected daily and placed in the receptacles.
- (2) Every stable shall have approved impervious rat-proof receptacles for the storing of horse feed such as chaff, bran, pollard, grain or seed and the like.

*Division 3—Keeping of Poultry, Pigeons and Miscellaneous Birds***Interpretation**

75. In this Division, unless the context otherwise requires—

“Affiliated Person” means a person who is a member of a properly constituted Pigeon Club;

“Code of Practice” means the Code of Practice—Pigeon Keeping and Pigeon Racing, published May, 1994 and amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated);

“Miscellaneous Birds” includes all birds other than poultry and registered homing or racing pigeons;

“Poultry” includes fowls, peafowls, turkeys, geese, ducks and the like; and

“Young Birds” mean any birds under 24 days of age and are recognised as birds without feathers on the flesh under their wings.

### **Poultry**

76. (1) An owner or occupier shall not keep poultry on any premises within the district except within the rural and special rural zones of the district where up to 20 poultry may be kept.

(2) Sub-by-law (1) shall not apply to premises approved by the Council for veterinary purposes, poultry processing, egg production or poultry rearing.

(3) An owner or occupier of premises may make application to the Council for an exemption from the requirements of Sub-by-law (1) in accordance with By-law 69.

### **Roosters**

77. An owner or occupier shall not keep a rooster on any premises within the district except within the rural and special rural zones of the district.

### **Pigeons**

78. (1) Subject to Sub-by-law (2) an owner or occupier shall not keep more than 20 pigeons on any premises within the district.

(2) An owner or occupier of premises who is an Affiliated Person, may make application to the Council to keep a total of not more than 150 pigeons (exclusive of the young birds).

(3) The Council may in respect of an application made by an Affiliated Person—

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it sees fit.

(4) An Affiliated Person who keeps, or permits to be kept pigeons shall ensure that—

(a) the pigeons are kept in accordance with the Code of Practice—and where there is any inconsistency between these By-laws and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(b) except where registered racing or homing pigeons are freed for exercise, the pigeons are kept in a properly constructed weatherproof pigeon loft that—

(i) does not exceed 3.0 metres in height from the ground; and

(ii) faces a yard having an otherwise unobstructed area of at least 30 square metres.

### **Miscellaneous Birds**

79. (1) An owner or occupier shall not keep more than 20 miscellaneous birds on any premises within the district.

(2) Sub-by-law (1) shall not apply to premises used for veterinary purposes or as a pet shop.

(3) An owner or occupier of premises may make application to the Council for an exemption from the requirement of Sub-by-law (1) in accordance with By-law 69.

## *Division 4—Keeping of Cats*

### **Cats**

80. (1) A person shall not keep more than two (2) cats over the age of three (3) months on any land within the district, except within the rural zone of the district where catteries may be permitted, subject to Council approval.

(2) A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop.

(3) By-law 65(3) shall not apply to a structure, shelter or enclosure constructed appurtenant to a dwelling and used to confine domestic pet cats.

(4) An owner or occupier of premises may make application to the Council for an exemption from the requirement of Sub-by-law (1) in accordance with By-law 69.

### **Catteries**

81. (1) The occupier of any premises whereon cats are kept for breeding purposes or for boarding on behalf of any other person or whereon more than two (2) cats over the age of three (3) months are kept for any other purpose shall provide for every cat a properly constructed shelter with an enclosure which shall comply with the following conditions—

(a) every shelter shall have a floor area of not less than 0.56 square metres for every cat over the age of three (3) months old that may be kept therein; and

(b) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than three (3) times the area of the shelter or group of shelters to which it is appurtenant.

### **Registration of Catteries**

82. (1) The owner or occupier of premises on which a cattery is located shall—

(a) apply to the Council for registration of the cattery in the form set out in Schedule 20;



- (b) have paid to the Council the annual registration fee prescribed in Schedule 24.
- (2) A certificate of registration issued by the Council shall—
  - (a) be in the form set out in Schedule 21;
  - (b) expire on 30 June next after the date of its issue.
- (3) The Council may cancel the registration of a cattery during the currency of its registration for any of the following reasons—
  - (a) if in its opinion the premises upon which the cattery is located are not being maintained in good repair; or
  - (b) the owner or occupier has been convicted of an offence under these By-laws.
- (4) A person shall not keep a cat in a cattery unless the Council has issued a current registration certificate in respect to the cattery.

## PART 7—PEST CONTROL

### *Division 1—Flies*

#### **Interpretation**

83. 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**

84. 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**

85. 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**

86. 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**

87. (1) Where—

- (a) a person is required under this Division or directed by a notice given under By-law 86, 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 Sub-by-law (1) may be recovered in a court of competent jurisdiction from the person referred to in Sub-by-law (1).

(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) in relation to any action taken by the Council under this By-law.

### *Division 2—Mosquitoes*

#### **Interpretation**

88. 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**

89. 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**

90. An owner or occupier of premises—

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

**Measures to be taken by Occupier**

91. 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**

92. (1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this By-law.

**Filling in Excavations etc.**

93. 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**

94. An owner or occupier of land shall—

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

**Drainage of Land**

95. (1) An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Council, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land;
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
  - (i) the water on the land may flow into the drains without obstruction; and
  - (ii) no water shall remain on any portion of the land other than the drains; and
- (d) keep all drains in good order and free from obstruction.

(2) The developer of broad-acre subdivisional land shall ensure that drainage sumps and compensating basins are designed and constructed so as to—

- (a) not hold water for a period greater than 7 days; or alternatively
- (b) permanently hold water to a minimum depth approved by the Council and in accordance with By-law 90(a)(i).

*Division 3—Rodents***Interpretation**

96. 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**

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

(2) Without limiting the generality of Sub-by-law (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**

98. A person shall not place or caused 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 material 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**

99. (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**

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

**Restrictions on the Sale or Keeping of Rats**

101. (1) Subject to Sub-by-law (2) an owner or occupier of premises shall not, on or from those premises—

- (a) keep or permit to be kept a rat; or
- (b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Sub-by-law (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—

- (a) a university or school;
- (b) a person approved by the Council; or
- (c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.

(3) A person or body specified in Sub-by-law (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 97 and ensure that all reasonable steps are taken to destroy the rat.

*Division 4—Cockroaches***Interpretation**

102. 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**

103. (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of Sub-by-law (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**

104. 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**

105. 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**

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

“European Wasp” means a wasp *Vespula germanica*.

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

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

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

#### *Division 7—Bee Keeping*

##### **Interpretation**

108. 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 Hives**

109. (1) A person shall not, without an exemption in writing from the Council, permit the keeping of bees on any land within the district except within the rural and special rural zones of the district.

(2) An owner or occupier 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 bees 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 number of hives that may be kept.

(5) An exemption granted under this By-law may be cancelled by the Council where, having regard to the circumstances, it is of the opinion that such cancellation is warranted.

#### **Restrictions on keeping of Bees in Hives**

110. Unless otherwise approved by the Council 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**

111. (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 Principal Environmental Health Officer under Sub-by-law (1) are causing a nuisance.

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

### *Division 8—Arthropod Vectors of Disease*

#### **Interpretation**

112. 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**

113. 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.

### *Division 9—Birds*

#### **Interpretation**

114. In this Division, unless the context otherwise requires “bird” includes—

- (a) seagulls, pigeons; and
- (b) any other birds which are not kept in an enclosure.

#### **Restrictions on feeding of birds**

115. Unless otherwise approved by the Council—

(1) A person shall not—

- (a) feed a seagull, pigeon or other bird, so as to cause a nuisance or be injurious or dangerous to health; or
- (b) allow or permit to allow on any premises, whether public or private any food, refuse or other material which may attract seagulls, pigeons or other birds in a manner so as to cause a nuisance.

(2) An Environmental Health Officer may direct any person to remove or cover any refuse or other material which in the opinion of the Officer is causing a nuisance.

(3) A person shall comply with a direction given by an Environmental Health Officer under this By-law.

#### **Restrictions on Pigeon Nesting or Perching**

116. (1) The Council may order an owner or occupier of a building 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 8—INFECTIOUS DISEASES***Division 1—General Provisions***Environmental Health Officer may visit, inspect and report**

117. 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 this By-law 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**

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

- (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**

119. (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**

120. (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 insanitary 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**

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

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

**Persons in contact with an infectious disease sufferer**

122. If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

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

**Declaration of infected house or premises**

123. (1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

**Destruction of infected animals**

124. (1) The Principal Environmental Health Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal

be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- (a) in the manner and within the time specified in the notice; and
- (b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under Sub-by-law (1) shall comply with the terms of the notice.

#### **Disposal of a body**

125. (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to Sub-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**

126. (1) Where—

- (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
- (b) that person fails or neglects to comply with the requirement,

that person commits an offence and the Council may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the Council in the execution of a power under this 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**

127. (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- (b) disposed of in such a manner as may be directed by the Principal 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**

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

### *Division 3—Tattooing Establishments*

#### **Interpretation**

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

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

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

#### **Health (Skin Penetration) Regulations 1987**

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

#### **Duties on owner or occupier**

131. An owner or occupier of a tattooing establishment shall ensure that—

- (a) each shelf, bench or table on which instruments, tools or utensils are or may be placed are finished with a durable, smooth and impervious material;
- (b) a sufficient number of cupboards, cabinets, shelves or similar fittings, finished with durable, smooth and impervious materials are provided for the storage of clean articles;
- (c) there is at all times on the premises a sufficient number of suitable receptacles—
  - (i) constructed of durable, smooth and impervious materials;
  - (ii) with tight fitting lids;
  - (iii) marked in permanent and prominent letters of not less than 50 millimetres in height either—
    - (a) “SOILED LINEN”; or
    - (b) “WASTE”;

- (d) all soiled linen, towels, clothes and cloths are deposited in, and only in, the receptacle or receptacles marked "SOILED LINEN";
- (e) all hair, paper and other trade wastes are deposited in, and only in, the receptacle or receptacles marked "WASTE";
- (f) one hand wash basin is provided for each customer's cubicle;
- (g) each hand wash basin is provided with an adequate supply of hot and cold water; and
- (h) floor and wall surfaces are durable, impervious and easily cleaned.

## PART 9—EATING HOUSES

### *Division 1—General*

#### **Interpretation**

132. In this Part, unless the context otherwise requires—

- "classified" means classified by an Environmental Health Officer;
- "dining room" means an eating house, classified as a dining room, in which meals may either be taken away or be consumed (by not more than 20 members of the public) on the premises but does not include a restaurant or tea room;
- "eating house" means any, or any part of any, land, premises or place on or in which meals are prepared for service, or are served to the public for gain or reward but does not include—
  - (a) premises licensed under the *Liquor Licensing Act 1988* other than premises in respect of which a restaurant licence under that Act is granted;
  - (b) a boarding house or lodging house;
  - (c) a building or other structure used temporarily for the preparation for service or service of meals to the public at any fair, show, military encampment, races, or other public sports, games or amusements;
- "licence" means a licence, issued by the Council under this Part, to carry on the business of an eating house;
- "meals" means any substance whether solid or liquid or partly solid and partly liquid, used or intended to be used for human consumption but does not include drugs, water, milk, ice cream, soda fountain or iced drinks commonly known as cool or soft drinks, or aerated waters;
- "prescribed date" means the date fixed by By-law 136;
- "proprietor", in relation to—
  - (a) an eating house, includes an owner, an occupier, and any person having the management or control of the eating house;
- "registered premises" means premises which are registered as an eating house under this Part;
- "restaurant" means an eating house, classified as a restaurant, in which meals are or may be either taken away or consumed on the premises by the public but does not include a dining room or tea room;
- "take-away food premises" means an eating house, classified to be take away food premises, where meals are served or prepared for service only in a state in which they may be taken away from the eating house and consumed in the state in which they are served or prepared for service but does not include—
  - (a) an eating house in which meals are served or consumed at tables;
  - (b) a tea room.
- "tea room" means an eating house, classified as a tea room where the only meals served or prepared for service are—
  - (a) tea, coffee and similar beverages; and
  - (b) food which does not require cooking on the premises.

#### **Classification of Eating Houses**

133. For the purposes of this By-law, an eating house shall be classified by an Environmental Health Officer as one of the following—

- (a) a restaurant;
- (b) a dining room;
- (c) take-away food premises; or
- (d) a tea room.

### *Division 2—Registration and Licensing of Eating Houses*

#### **Requirement for Registration and Licensing**

134. A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house unless and until—

- (a) the premises are registered;
- (b) each of the proprietors of the premises is licensed; and

in accordance with the provisions of this Part.



**Registration of an Eating House**

135. An application for registration of an eating house shall be—

- (a) made in the form prescribed in Schedule 1; and
- (b) forwarded to the Town Clerk together with—
  - (i) the fee prescribed in Schedule 24; and
  - (ii) in relation to an eating house which is not then registered under this Part, a floor plan and specifications of the eating house which shall include the following details—
    - (a) the use of each room;
    - (b) the structural finish of each wall, floor and ceiling;
    - (c) the position and type of each fitting and fixture;
    - (d) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal; and
    - (e) the number and sex of each person, including the proprietor or proprietors engaged in the preparation, manufacture, processing, cooking or serving of meals.

**Prescribed Date**

136. (1) For the purpose of section 162 of the Act the prescribed date is fixed as the 31st day of December 1984.

(2) For the purpose of section 163 of the Act the 30th day of June in each year is prescribed as the date on or before which the annual application for registration of an eating house and licence for the proprietor of an eating house shall be made.

**Certificate of Registration**

137. (1) An application for the registration of an eating house shall be determined by the Council which may approve the application, with or without conditions, or reject the application.

(2) Details of any condition of registration under this Part shall be entered on the certificate of registration.

(3) If the Council approves, with or without conditions, an application under Sub-bylaw (1), then a certificate of registration substantially in the form of Schedule 2 shall be prepared and signed by the Principal Environmental Health Officer as soon as practicable.

(4) Registration of an eating house takes effect on and from the date on the certificate of registration.

**Application for Licence to Conduct an Eating House**

138. An application for a licence to carry on the business of an eating house shall be—

- (a) made by the proprietor, or where there is more than one proprietor, by each proprietor of the eating house or proposed eating house;
- (b) made in the form prescribed in Schedule 3; and
- (c) forwarded to the Town Clerk together with the fee prescribed in Schedule 24.

**Licence to Conduct an Eating House**

139. (1) An application for a licence to carry on the business of an eating house shall be determined by the Council which may—

- (a) approve the application, with or without conditions; or
- (b) reject the application.

(2) A licence granted by the Council shall be substantially in the form of Schedule 5, signed by the Principal Environmental Health Officer and issued upon and subject to the following conditions—

- (a) the holder of a licence shall—
  - (i) display in the eating house in a position visible to the general public; and
  - (ii) upon the request of an Environmental Health Officer produce to that Officer,

the licence and the certificate of registration;

- (b) if the holder of a licence changes their place of residence, that person shall within 14 days notify the Town Clerk in writing of the change, and of a new place of residence; and
- (c) the holder of a licence shall notify the Town Clerk in writing—
  - (i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house giving details of the proposed works; and
  - (ii) of any circumstances affecting the eating house which may result in food being, or having been, contaminated.

(3) The holder of a licence shall ensure that the number of persons accommodated, at any one time, in a room in which meals are consumed by the public shall not exceed a ratio of 1 person to each square metre of the floor area of the room.

(4) The holder of a licence shall comply with each condition to which the licence is subject.

**Application for transfer of Licence**

140. (1) A person may, before the expiration of a licence, apply to the Council for the transfer of the licence.

- (2) An application for the transfer of a licence shall be—
  - (a) made in the form prescribed in Schedule 4;

- (b) signed by the proposed transferee of the licence and the holder of the licence; and
- (c) forwarded to the Town Clerk together with the fee prescribed in Schedule 24.

#### **Power to Grant or Refuse an application for Transfer**

141. (1) Upon receipt of an application for the transfer of a licence, the Council may—

- (a) approve, with or without conditions, the application for the transfer; or
- (b) refuse the application for the transfer for any reason that constitutes a ground on which the grant of a licence may be refused.

(2) Where Council approves an application for the transfer of a licence, an endorsement to that effect, signed by the Principal Environmental Health Officer, shall be completed on the licence in accordance with the form in Schedule 5 and the transfer takes effect on and from the date of that endorsement.

(3) A person to whom a licence has been transferred under this by-law shall comply with all conditions to which the licence, as transferred, is subject.

#### **Register of Particulars of Registration and Licence**

142. The Town Clerk or Principal Environmental Health Officer shall record, in a register of eating houses, particulars of each certificate of registration of premises registered as an eating house and each licence issued to a proprietor.

#### **Period of Registration and Licence**

143. A certificate of registration and a licence shall, unless cancelled in the meantime in accordance with the provisions of the Act, be valid from the date of their issue until the following 30th day of June.

#### **Power to refuse and cancel registration of an eating house**

144. (1) The Council may refuse registration of an eating house for any of the reasons set out in Section 165(2) of the Act or—

- (a) if the premises intended to be used as an eating house are not constructed in any respect in accordance with the *Health (Food Hygiene) Regulations 1993* or these By-laws;
- (b) in the case of an application for renewal of a previous registration, if it considers that the eating house is not being maintained, or the business of the eating house is not being conducted, in accordance with the requirements of the *Health (Food Hygiene) Regulations 1993* or these By-laws; or
- (c) the proprietor has been convicted of an offence against the *Health (Food Hygiene) Regulations 1993* or these By-laws.

(2) The Council may cancel the registration of an eating house during the currency of its registration for any of the reasons set out in Section 165(3) of the Act or—

- (a) if in its opinion the premises in which the eating house is established are not being maintained or the business of the eating house is not being carried on in accordance with the requirements of the *Health (Food Hygiene) Regulations 1993* or these By-laws;
- (b) the holder of the licence has been convicted of an offence against the *Health (Food Hygiene) Regulations 1993* or these By-laws.

#### **Power to refuse and cancel licences to proprietors**

145. (1) The Council may refuse to issue a licence to the proprietor of an eating house—

- (a) for any of the reasons set out in Section 166(2) of the Act; or
- (b) if the applicant for the licence, while previously licensed as the proprietor of an eating house, has been convicted of an offence against the *Health (Food Hygiene) Regulations 1993* or these by-laws.

(2) The Council may cancel the existing licence of the proprietor of an eating house—

- (a) for any of the reasons set out in Section 166(3) of the Act; or
- (b) if the holder of the licence has been convicted of an offence against the *Health (Food Hygiene) Regulations 1993* or this By-law in respect of the eating house.

### **PART 10—ITINERANT FOOD VENDORS**

#### *Division 1—General*

#### **Interpretation**

146. "itinerant food vendor" means a person who travels along the road looking for customers and who sells food from a vehicle parked temporarily on the road to customers who stop or come to that person while that person is so parked.

#### **Itinerant Food Vendor's Licence**

147. (1) An itinerant food vendor shall not offer for sale or sell food unless that person—

- (a) is the holder of an itinerant food vendor's licence issued by the Council under this By-law;
- (b) complies with any conditions to which the licence is subject; and
- (c) is the holder of a Traders Licence issued under the *City of Rockingham Traders By-law*.

(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 6; and

(c) forwarded to the Town Clerk together with the fee prescribed in Schedule 24.

(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 the Council approves, with or without conditions, an application under this By-law, an itinerant food vendor's licence—

(a) signed by the Principal Environmental Health Officer; and

(b) in the form of Schedule 7,

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 11—LODGING HOUSES

### *Division 1—Registration*

#### **Interpretation**

148. (1) In this Part, unless the context otherwise requires—

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

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

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

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

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

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

(a) premises licensed under the *Liquor Licensing Act 1988*;

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

(c) any building comprising residential flats;

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

“recreational campsite” means a lodging house—

(a) situated on a campsite principally used for—

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

(ii) conferences or conventions;

and

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

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

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

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

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

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

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

#### **Lodging House not to be kept unless registered**

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

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

(b) the lodging house is registered by the Council under By-law 150;

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

(d) either—

(i) the keeper; or

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

resides or intends to reside continuously in the lodging house.

**Application for registration**

150. An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 8;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
  - (i) the fee prescribed in Schedule 24; and
  - (ii) detailed plans and specifications of the lodging house.

**Approval of application**

151. The Council may approve, with or without conditions, an application under By-law 150 by issuing to the applicant a certificate in the form of Schedule 9.

**Renewal of registration**

152. A person who keeps a lodging house which is registered under this Part shall—

- (a) during the month of June in each year apply to the Council for the renewal of the registration of the lodging house; and
- (b) pay the fee prescribed in Schedule 24 at the time of making each application for renewal.

**Notification upon sale or transfer**

153. 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 Town Clerk, in the form of Schedule 10 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**

154. (1) Subject to Sub-by-law (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of Sub-by-law (1), the Council may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
- (b) that the keeper has—
  - (i) been convicted of an offence against these By-laws in respect of the lodging house;
  - (ii) not complied with a requirement of this Part; or
  - (iii) not complied with a condition of registration.
- (c) that the Council, having regard to a report from the Police Department, is satisfied that the keeper or manager is not a fit and proper person; and
- (d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this By-law, the Council shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

*Division 2—Construction and Use Requirements***General Construction Requirements**

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

**Sanitary conveniences**

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

- (a) toilets; and
- (b) bathrooms, either fitted with a shower or bath and provided with a wash basin.

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of Sub-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

157. (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 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
- (e) has a delivery rate of not less than 18 litres per minute to each washing machine.

### Kitchen

158. (1) The keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has a minimum floor area of—
  - (i) 0.65 square metres per person, where lodgers prepare their own meals;
  - (ii) 0.125 square metres per person, where meals are provided by the keeper or manager; or
  - (iii) 1 square metre per person, where the kitchen and dining area are combined

but in any case not less than 16 square metres;

- (b) has adequate—
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993*; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold drinking water;

(2) The keeper of a lodging house which was registered by the Council under By-laws repealed by By-law 2 of these By-laws may be exempted by the Council from compliance with the provisions of Sub-by-law (1)(c).

### Cooking Facilities

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

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

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

(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**

160. The keeper of a lodging house shall provide in that lodging house a dining room—

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

**Lounge Room**

161. 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**

162. A keeper shall—

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

**Obstruction of passages and stairways**

163. 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**

164. 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**

165. (1) Subject to Sub-bylaw (3) and By-law 180, 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, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel, 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, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of Sub-bylaw (1) shall not apply to a serviced apartment.

#### **Sleeping Accommodation Short Term Hostel**

166. (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; or
  - (b) mechanical ventilation in lieu of fixed ventilation,
- subject to Councils 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 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 AS1530.2 and AS1530.3 as follows—
 

drapes, curtains, blinds and bed covers	—a maximum flammability index of 6
upholstery & bedding	—a maximum spread of flame index of 6
	—a maximum smoke developed index of 5
floor coverings	—a maximum spread of flame index of 7
	—a maximum smoke developed index of 5

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

- (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 AS2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
  - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.
- (b) emergency lighting is provided in accordance with the Building Code;
  - (c) a lodger or other person does not smoke in any dormitory, kitchen or dining room, within a short term hostel or recreational campsite, 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**

167. (1) A keeper shall—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

- (b) ensure that each bed—
  - (i) has a bed head, mattress and pillow; and
  - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug; and
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

#### **Ventilation**

168. (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-by-law (1) within such time as directed.

#### **Numbers to be placed on Doors**

169. (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-by-law (1) shall be—

- (a) not less than 40 millimetres in height;
- (b) 1.5 metres from the floor; and
- (c) permanently fixed either by being painted on the doors or shown by other legible means.

### *Division 3—Management and Care*

#### **Keeper or manager to reside in the lodging house**

170. A keeper or manager shall—

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

#### **Register of lodgers**

171. (1) A keeper shall keep a register of lodgers in the form of Schedule 11.

(2) The register of lodgers shall be—

- (a) kept in the lodging house; and
- (b) open to inspection at any time on demand by any member of the Police Force or by an Environmental Health Officer.

#### **Keeper report**

172. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 12, the name of each lodger who lodged in the lodging house during the preceding day or night.

#### **Certificate in respect of sleeping accommodation**

173. (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 13 or 14.

(2) The certificate issued under Sub-by-law (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by an Environmental Health Officer, a keeper shall exhibit the certificate issued under this By-law in a conspicuous place.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this By-law to occupy the room to which it refers.

#### **Duplicate keys and inspection**

174. 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**

175. (1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;



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

#### **Infectious disease**

##### **176. A keeper shall—**

- (a) immediately after becoming aware that a lodger or resident is suffering from an infectious disease—
  - (i) effectively isolate that person and arrange for his or her removal to a hospital;
  - (ii) provide, for the use of that person, separate crockery, cutlery and other eating utensils;
  - (iii) ensure that, immediately after use, the crockery, cutlery and other eating utensils are properly disinfected;
  - (iv) effectively isolate and, without delay, properly and adequately disinfect all bedding, linen, blankets, towels and other articles which have been used by, or come into contact with, a person suffering from an infectious disease;
- (b) immediately after the vacating of a room which has been occupied by a person suffering from an infectious disease properly and adequately disinfect the room; and
- (c) comply at all times with any direction given by the Medical Officer or an Environmental Health Officer.

#### **Maintenance of a room by a lodger or resident**

177. (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 and sanitary condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by that person, shall maintain the room in a clean and sanitary condition.

#### **Cleaning and maintenance requirements**

##### **178. (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 an Environmental Health Officer, ensure that—
  - (i) a room, together with its contents and any other part of the lodging-house, is cleaned and disinfected; and
  - (ii) a bed or other article of furniture is removed from the lodging-house and properly disposed of;

- (g) ensure that the yard is kept clean at all times;
  - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
  - (i) comply with any direction, whether orally or in writing, given by an Environmental Health Officer.
- (2) In this 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**

179. A lodger or resident shall not—

- (a) use any room available to lodgers—
  - (i) as a shop, store or factory; or
  - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;
- (c) use a bath or wash hand basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to By-law 180—
  - (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**

180. (1) The Principal Environmental Health Officer may—

- (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
- (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

## **PART 12—OFFENSIVE TRADES**

### *Division 1—General*

#### **Interpretation**

181. In this Part, unless the context otherwise requires—

“occupier” in relation to premises includes the person registered as the occupier of the premises specified in the certificate of Registration;

“offensive trade” means any one or more of the trades, businesses or occupations usually carried on in, or connected with, the following works or establishments—

- (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;
- (b) laundries, dry cleaning premises and dye works;
- (c) any trade as defined by section 186 of the Act; and
- (d) any other trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district; and

“premises” includes houses.

**Consent to Establish Offensive Trade**

182. (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 183; and
- (b) lodge with the Town Clerk an application in the form of Schedule 17.

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

**Notice of Application**

183. A notice required under By-law 182(1)(a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a Perth daily newspaper or a local community newspaper at least two weeks, but not more than one month before the application under By-law 182(1)(b) is lodged with the Town Clerk.

**Registration of Premises**

184. An application for the registration of premises pursuant to section 191 of the Act shall be—

- (a) in the form of Schedule 18;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976* as amended from time to time; and
- (c) lodged with the Town Clerk.

**Certificate of Registration**

185. 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 19.

**Change of Occupier**

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

**Alterations to Premises**

187. 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**

188. 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**

189. In this Division, unless the context otherwise requires—

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

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

**Cleanliness**

190. 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**

191. The occupier shall—

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

**Sanitary Conveniences and Wash Basins**

192. 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.**

193. 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**

194. 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**

195. 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 an Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

**Storage of Materials**

196. 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**

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

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

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

**Directions**

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

(2) The occupier shall comply with any directions given under this By-law.

**Other Duties of Occupier**

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

*Division 3—Fish Premises***Interpretation**

200. In this Division, unless the context otherwise requires—

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

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

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

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

“fish premises” may include a fish processing establishment, fish curing establishment and a shell-fish and crustacean processing establishment.

“fish transport vehicle” includes—

- (a) an appliance attached to, carried in or used in connection with a vehicle; and  
(b) a trailer and a portable box,

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

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

### **Fish Preparation Room**

201. (1) The occupier of a fish premises which requires a fish preparation room shall ensure that this room complies with the following requirement—

- (a) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement plaster with a steel float finish or other approved material and shall be devoid of holes, cracks, crevices;  
(b) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;  
(c) the minimum floor area shall be 9 square metres;  
(d) the room shall be furnished with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water;  
(e) the room shall be flyproofed and provided with ample light and ventilation.

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

### **Bench**

202. The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

### **Disposal of Waste**

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

- (a) placed in the receptacles referred to in By-law 195 and disposed of in accordance with that By-law; or  
(b) kept in a frozen state in an approved enclosure before its removal from the premises.

### **Fish Containers**

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

- (a) remain on the premises longer than is necessary for it to be emptied; or  
(b) be kept so as to cause a nuisance or to attract flies.

### **Cooking of Fish**

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

- (a) a hood as set out in the *Health (Food Hygiene) Regulations 1993*, which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and  
(b) an exhaust ventilation system—  
(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and  
(ii) which shall discharge in such manner and in such a position that no nuisance is created.

### **Storage**

206. The occupier of a fish premises shall keep all fish—

- (a) in refrigerated enclosures at or below 5 degrees Celsius covered by glass or other approved material so that the fish is adequately protected from exposure to such things as handling, smoking, flies, dust and human breath; and  
(b) in containers separate from every other kind of food unless such food is in hermetically sealed cans or bottles.

### **Hygiene**

207. After having handled fish a person shall wash his hands before handling any other kind of food intended for sale.

### **Use of an Approved Portable Box**

208. The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

**Fish Transport Vehicle**

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

- (a) the frame is made of metal or other approved material;
- (b) all internal surfaces—
  - (i) are made of metal or approved non-toxic plastic substance, which may include stainless steel, aluminium, galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;
  - (ii) are smoothly finished;
  - (iii) are rigidly secured with a solid backing; and
  - (iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius,but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
  - (i) continuously welded; or
  - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a non-toxic sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;
- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a),(b),(c) and (d) of this By-law, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibre glass, or approved non-toxic plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

**Cleanliness**

210. A person shall not—

- (a) use any fish transport vehicle for the transport or storage of offensive matter, live animals other than fish, or anything likely to contaminate food;
- (b) permit a portable box or any container used for the transport or storage of fish to be stacked in a manner which may contaminate any other fish;
- (c) use as a loading ramp the door of any fish transport vehicle;
- (d) place a loading ramp, or any other device for facilitating loading within a compartment of a fish transport vehicle in which fish is transported or carried or permit such a ramp or device to form portion of the internal part of such a vehicle; or
- (e) while in charge of a fish transport vehicle containing any fish, permit the doors or screens of the vehicle to be open or unfastened unless the vehicle is being loaded or unloaded.

**Prohibitions**

211. A person shall not—

- (a) load or unload any fish onto or from a fish transport vehicle or handle any fish in the course of delivery unless he starts each day on such work wearing a clean coat or protective clothing, the sleeves of which extend at least to the elbows;
- (b) smoke in, or in any part of, a fish transport vehicle; or
- (c) handle fish while wearing an unclean or medicated bandage or while suffering from a suppurating wound or sore or any other condition likely to contaminate the fish.

*Division 4—Laundries, Dry Cleaning Establishments And Dye Works***Interpretation**

212. In this Division, unless the context otherwise requires—

“dry cleaning establishment”—

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on full cycle;

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

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

“laundromat” means a premises in which—

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

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

**Receiving Depot**

213. An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

**Reception Room**

214. (1) The occupier of a dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

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

**Walls and Floors**

215. The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be constructed of concrete and finished with a smooth impervious surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

**Laundry Floor**

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

**Escape of Dust**

217. 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**

218. 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**

219. 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**

220. 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 13—OFFENCES, PENALTIES AND FEES****Penalties other than Part 9**

221. (1) A person who contravenes a provision of these By-laws, other than a provision of Part 9, 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.

**Penalties for Part 9**

222. (1) A person who contravenes a provision of Part 9 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 \$2,500 and not less than—
  - (i) in the case of a first such offence, \$250;

- (ii) in the case of a second such offence, \$500; and
- (iii) in the case of a third and subsequent such offence, \$1,250; and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

**Fees**

223. Wherever a fee is prescribed by these By-laws that fee, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 30 June each year.

Schedule 1  
 City of Rockingham  
**HEALTH ACT 1911**

APPLICATION FOR REGISTRATION OF AN EATING HOUSE

To: Chief Executive/Town Clerk  
City of Rockingham

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

of .....  
(full residential address)

apply for registration of the premises described below as a

- \* Restaurant
- \* Dining room
- \* Take-away food premises
- \* Tea room

Address of premises .....

Name of premises .....

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

\* Delete whichever is not applicable

.....  
(Signature of Applicant)

(By-law 137)

Schedule 2  
 City of Rockingham  
**HEALTH ACT 1911**

CERTIFICATE OF REGISTRATION OF AN EATING HOUSE

This is to certify that the following premises is registered as a \*Restaurant, \*Dining Room, \*Take-away food premises, \*Tea Room from the ..... day of ..... 19..... until the 30th day of June 19..... unless this certificate is previously cancelled

Address of premises .....

Name of premises .....

This certificate is issued subject to the Health Act 1911 and the City of Rockingham Health By-law.

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

.....  
Principal Environmental Health Officer  
City of Rockingham

**CONDITIONS**

.....  
.....  
.....

\* Delete whichever is not applicable



(By-law 138)

Schedule 3  
City of Rockingham  
HEALTH ACT 1911

APPLICATION FOR A LICENCE TO CONDUCT AN EATING HOUSE

To: Chief Executive/Town Clerk  
City of Rockingham

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

of .....  
(full residential address)

being \*the proprietor\* one of the proprietors of the following \*eating house, \*proposed eating house—  
Address of premises .....

Name of premises .....

being a business name which has/has not\* been registered at the Corporate Affairs Department of  
Western Australia, apply for a licence to carry on the business of an eating house classified as a—

- \* Restaurant
- \* Dining room
- \* Take-away food premises
- \* Tea room

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

.....  
(Signature of Applicant)

\* Delete whichever is not applicable

(By-law 140)

Schedule 4  
City of Rockingham  
HEALTH ACT 1911

APPLICATION FOR TRANSFER OF A LICENCE TO  
CONDUCT AN EATING HOUSE

To: Chief Executive/Town Clerk  
City of Rockingham

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

of .....  
(full residential address)

apply for transfer, for such period as is still unexpired, of the licence to conduct an eating house in  
respect of premises known as .....

and situated at .....

The licence was issued to .....

(full name of current licence holder)

of .....  
(full residential address)

by the City of Rockingham on the ..... day of ..... 19 ..... and  
is attached with this application and dated the ..... day of ..... 19 .....

.....  
(Signature of Applicant)

\* Delete whichever is not applicable

I consent to the transfer of the above licence to conduct an eating house.

.....  
(Signature of Licence Holder)

(By-law 139)

Schedule 5
City of Rockingham
HEALTH ACT 1911

LICENCE TO CONDUCT AN EATING HOUSE

This is to certify that .....
of .....
is licensed to carry on the business of a \*Restaurant, \*Dining Room, \*Take-away Food Premises, \*Tea Room
from the ..... day of ..... 19..... until the 30th day of June 19..... unless this licence is previously cancelled.
Address of premises .....
Name of premises .....
Dated this ..... day of ..... 19 .....

Principal Environmental Health Officer
City of Rockingham

\* Delete whichever is not applicable

This licence is issued upon and subject to the following conditions—

- (a) the holder of a licence shall—
(i) display in the eating house in a position visible to the general public; and
(ii) upon the request of an Environmental Health Officer produce to him or her, the licence and the certificate of registration;
(b) if the holder of a licence changes his or her place of residence, he or she shall within 14 days notify the Town Clerk in writing of the change, and of the new place of residence; and
(c) the holder of a licence shall notify the Town Clerk in writing—
(i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house, giving details of the proposed works; and
(ii) of any circumstances affecting the eating house which may result in food being, or having been, contaminated.

TRANSFER ENDORSEMENT

The transfer of this licence to .....
of .....
from and including the date of this endorsement is hereby approved.
Dated the ..... day of ..... 19 .....

Principal Environmental Health Officer
City of Rockingham

(By-law 147)

Schedule 6
City of Rockingham
HEALTH ACT 1911

APPLICATION FOR LICENCE AS ITINERANT FOOD VENDOR

To: Chief Executive/Town Clerk
City of Rockingham

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 147)

Schedule 7

City of Rockingham

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 City of Rockingham.

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

Date of issue ..... 19.....

Principal Environmental Health Officer
City of Rockingham

(By-law 150)

Schedule 8

City of Rockingham

HEALTH ACT 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive/Town Clerk
City of Rockingham

I/We, .....

(full name of applicant/s)

of .....

(residential address of applicant/s)

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

as a lodging house to be classified as—

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

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

DESCRIPTION OF LODGING HOUSE

Number of storeys .....

Rooms for private use

Table with 3 columns: Description, Number, Area. Rows include Laundries/toilets/bathrooms, Bedrooms, Dining Rooms, Kitchens, Sitting Rooms, Other (specify).

Rooms for lodgers

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

Sanitary Conveniences for male lodgers

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

Sanitary Conveniences for female lodgers

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

Laundry Facilities

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

Additional Details

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

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

(By-law 151)

Schedule 9  
*City of Rockingham*  
**HEALTH ACT 1911**

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at .....  
 are registered as a Lodging House and classified as:  
 —a lodging house      —a short term hostel      —serviced apartments      —recreational campsite  
 until 30 June 19..... on the following conditions:

1. that ..... whose name is entered on the register of keepers of the City of Rockingham, 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 shall not exceed .....

This certificate of registration is issued subject to the Health Act and Health By-laws of the City of Rockingham and is not transferable.

Date of issue ..... 19.....

.....  
 Principal Environmental Health Officer  
 City of Rockingham

Fee received: \$.....



(By-law 172)

Schedule 12  
City of Rockingham  
**HEALTH ACT 1911**  
LIST OF LODGERS

To: Chief Executive/Town Clerk  
City of Rockingham

The following is the name of every person who resided in the lodging house at.....  
.....  
on the ..... day of ..... 19.....

(Signed) .....  
(Keeper)

Date: .....

(By-law 173)

Schedule 13  
City of Rockingham  
**HEALTH ACT 1911**

CERTIFICATE OF SLEEPING ACCOMMODATION

To .....  
(name of keeper)

of .....  
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.

Date .....

.....  
Environmental Health Officer

(By-law 173)

Schedule 14  
City of Rockingham  
**HEALTH ACT 1911**

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

To .....  
(name of keeper)

of .....  
(address of keeper)

for the registered lodging house situated at .....

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

ROOM NUMBER

MAXIMUM OCCUPANCY

Date .....

.....  
Environmental Health Officer

(By-law 33)

Schedule 15  
City of Rockingham  
**HEALTH ACT 1911**

APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive/Town Clerk  
City of Rockingham

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

of .....  
(full residential address)

apply to licence the premises listed below as a morgue.

Address of premises .....

Name of premises .....

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

.....  
(Signature of Applicant)

(By-law 33)

Schedule 16  
City of Rockingham  
**HEALTH ACT 1911**

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the ..... day of  
..... 19.....until 30th day of June 19.....

Address of premises .....

Name of premises .....

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

.....  
Principal Environmental Health Officer  
City of Rockingham

(By-law 182)

Schedule 17  
City of Rockingham  
**HEALTH ACT 1911**

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive/Town Clerk  
City of Rockingham

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

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

apply for consent to establish an offensive trade being .....

.....  
(description of offensive trade)

in or upon .....  
(location of the house or premises)

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

on .....  
(date of advertisement)

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

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

(By-law 184)

Schedule 18  
*City of Rockingham*  
**HEALTH ACT 1911**

**APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

To: Chief Executive/Town Clerk  
City of Rockingham

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

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

apply for registration, for the year ended 30 June 19.....  
of .....  
(location of premises)

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

under the business name of .....  
The prescribed registration fee of \$..... is attached.

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

(By-law 185)

Schedule 19  
*City of Rockingham*  
**HEALTH ACT 1911**

**CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE**

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

This registration expires on the 30 June 19.....  
Dated this.....day of.....19 .....

.....  
Principal Environmental Health Officer  
City of Rockingham



(By-law 82)

Schedule 20  
City of Rockingham  
Health Act 1911

APPLICATION FOR REGISTRATION OF A CATTERY

To: Chief Executive/Town Clerk  
City of Rockingham

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

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

apply for registration, for the year ending 30 June, 19 .....  
of ..... being premises  
(location of premises)

in or upon which there is (or is to be) a cattery trading under the name of .....  
The prescribed registration fee of \$ ..... is attached.

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

(By-law 82)

Schedule 21  
City of Rockingham  
Health Act 1911

CERTIFICATE OF REGISTRATION OF A CATTERY

This is to certify that the premises situated at .....  
.....  
of which .....  
is the occupier, are registered as a cattery.

Business name .....

This registration expires on the 30 June 19 ..... unless previously cancelled.

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

.....  
Principal Environmental Health Officer  
City of Rockingham

(By-law 73)

Schedule 22  
City of Rockingham  
Health Act 1911

APPLICATION FOR REGISTRATION OF A STABLE

To: Chief Executive/Town Clerk  
City of Rockingham

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

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

apply for registration, for the year ending 30 June, 19 .....  
of .....  
(location of premises)

being premises in or upon which there is (or is to be) a stable trading under the name of.....

The prescribed registration fee of \$ ..... is attached.

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

(By-law 73)

## Schedule 23

*City of Rockingham***Health Act 1911**

## CERTIFICATE OF REGISTRATION OF A STABLE

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

.....

of which .....

is the occupier, are registered as a stable.

Business name .....

This registration expires on the 30 June 19..... unless previously cancelled.

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

.....  
Principal Environmental Health Officer  
City of Rockingham

## Schedule 24

*City of Rockingham***Health Act 1911**

## PRESCRIBED FEES

Schedule	Description	Prescribed Fee
2.	Registration of an Eating House	
	(a) restaurant .....	\$270.00
	(b) dining room .....	\$270.00
	(c) takeaway food premises .....	\$70.00
	(d) a tea room .....	\$50.00
4.	Transfer Licence to Conduct an Eating House .....	\$30.00
5.	Licence to Conduct an Eating House .....	\$30.00
7.	Licence as an Itinerant Food Vendor .....	\$270.00
9.	Registration of a Lodging House .....	\$180.00
15.	Licence of a Morgue .....	\$80.00
18.	Registration of an Offensive Trade .....	As per regulation
20.	Registration of a Cattery .....	\$50.00
22.	Registration of a Stable .....	\$50.00

Passed by resolution at a meeting of the Rockingham City Council held on the twenty-fifty day of June 1996.

Dated this 9th day of July 1996.

F.W. GARDINER, Mayor.  
G. G. HOLLAND, Town Clerk.

Confirmed—

F. QUADROS, delegate of  
Executive Director, Public Health.

Approval by His Excellency the Governor in Executive Council on this 24th day of September 1996.

J. PRITCHARD, Clerk of the Council.



