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CITY OF JOONDALUP

HEALTH ACT 1911

LOCAL GOVERNMENT ACT 1995

HEALTH LOCAL LAW 1999

LOCAL GOVERNMENT ACT 1995

SIGNS LOCAL LAW 1999

TRADING IN PUBLIC PLACES LOCAL LAW 1999

ANIMALS LOCAL LAW 1999

**HEALTH ACT 1911
LOCAL GOVERNMENT ACT 1995**

CITY OF JOONDALUP

HEALTH LOCAL LAW 1999

Under the powers of the Health Act 1911, the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

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PART 1—PRELIMINARY

1.1 Short title

This local law may be referred to as the City of Joondalup Health Local Law 1999.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Content and intent

(1) The purpose of this local law is to provide for the regulation, control and management of day to day health matters within the district.

(2) The effect of this local law is to establish various health standards and requirements which people living and working within the district must observe.

1.4 Repeal

(1) The Health Local Laws adopted by the Shire of Wanneroo and published in the *Government Gazette* on the 3 February 1933 and amended from time to time, are repealed;

(2) The Health Local Laws adopted by the Shire of Wanneroo on 12 August 1953 and published in the *Government Gazette* on the 16 October 1953 and amended from time to time, are repealed;

(3) The Health Local Laws adopted by the Shire of Wanneroo on 10 October 1956 and published in the *Government Gazette* on the 25 January 1956 and amended from time to time, are repealed; and

(4) The Health Local Laws adopted by the Shire of Wanneroo on 26th February 1970 and published in the *Government Gazette* on the 4 June 1970 and amended from time to time, are repealed.

1.5 Interpretation

(1) In this local law, unless the context otherwise requires—

“Act” means the Health Act 1911 and includes subsidiary legislation made under that Act;

“adequate supply of water” means a flow of water of not less than 4.5 litres per minute;

“approved” means approved by an Environmental Health Officer of the local government;

“approved fee” means the fees and charges determined by the local government from time to time, under Section 344C of the Act;

“approved form” means a form approved by the local government;

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

“Building Code” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board as amended from time to time, but not including explanatory information published with that Code;

“district” means the health district of the local government and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;

“dry floorwaste” means an untrapped floorwaste consisting of a 50 millimetre diameter drain complete with a hinged flap at its outlet;

“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 local government and includes an acting or assistant environmental health officer;

“floor waste” means the grated inlet within a graded floor intended to drain the floor;

“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;

“local government” means the City of Joondalup;

“restaurant” means any eating house providing meals mainly for seated patrons, exceeding 20 in number.

“take-away” means any eating house that may provide seating for a maximum of 20 patrons and includes but is not restricted to a café, coffee lounge, lunch bar, delicatessen and tea room;

“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 planning scheme” means any town planning scheme for the time being in operation within the district;

“vectors of disease” includes fleas, flies, bedbugs, cockroaches, lice, and any other insect prescribed by the local government.

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

“window” means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly into a building;

“zoned” means zoned under a town planning scheme.

(2) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be taken to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this local law, 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

2.1 Interpretation

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 local government to conduct a festival; or

(b) responsible for the conduct of a festival;

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

“temporary toilet” means a sanitary convenience, temporarily placed for use by—

(a) patrons in conjunction with a festival;

(b) employees at construction sites or the like; or

(c) farmhands, stablehands or the like.

2.2 Dwelling house

In accordance with section 99 of the Act, the owner of every dwelling house shall—

(a) provide bathroom, laundry, kitchen and toilet facilities within the building and in accordance with the Building Code;

(b) provide an adequate supply of hot and cold water to every kitchen, bathroom and laundry fixture within the dwelling; and

(c) provide, properly installed in the kitchen, at least one sink, a minimum size of 380 millimetres long, 300 millimetres wide and 150 millimetres deep, with an impervious drainage area incorporated and draining into the sink.

2.3 Floor of wet areas

The owner of every premises shall ensure that the floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building is properly surfaced and graded to a floor waste approved by the local government.

2.4 Temporary toilets

A person who undertakes temporary work at any place shall provide temporary toilets and ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the Health (Temporary Sanitary Conveniences) Regulations 1997.

2.5 Premises other than a dwelling house

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, the premises unless—

- (a) the premises have toilets and hand basins in accordance with the Building Code and this Part, including disabled facilities; and
- (b) the toilets required by this clause are situated within 90 metres of the premises.

(2) The occupier of a premises other than a dwelling house shall ensure that—

- (a) clean toilet paper is available at all times in each cubicle;
- (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
- (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.

(3) In the case of a school with any room that accommodates children under 5 years of age, that particular room will be deemed to be an “early childhood centre” for the purposes of the Building Code.

2.6 Outdoor festivals

(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 hand wash basin for each 500; and
- (d) for additional females—
 - (i) one water closet for each 100; and
 - (ii) one hand wash basin for each 500.

(2) Where, under sub-clause (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 toilet facilities of a number as directed by an environmental health officer.

2.7 Installation of plumbing

(1) Every plumbing fixture shall be installed in accordance with the requirements of AS 3500 and bylaws made under the Metropolitan Water Supply Sewerage and Drainage Act 1909 and shall have an adequate supply of water.

(2) Every sanitary convenience, temporary toilet and plumbing fixture shall be connected into the public sewer or treated by a method approved by the Executive Director, Public Health.

2.8 Maintenance of toilets and fittings

(1) The occupier of any premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an environmental health officer, effectively disinfect and clean, all toilets including sanitary fittings, in or on the premises.

(2) The owner of any of premises shall—

- (a) keep or cause to be kept in good repair; and
- (b) maintain an adequate supply of water to,

all toilets, including sanitary fittings in or on the premises.

PART 3—HOUSING AND GENERAL

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house shall maintain the dwelling house and any adjacent 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 controlling any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the bylaws made under 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 all relevant public authorities.

3.2 Overcrowding

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;
- (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;
 - (ii) for every person up to, and including the age of 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.

3.3 Calculate sufficient space

For the purpose of clause 3.2, 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 into a room.

3.4 Water supply

The owner of a house shall ensure that—

- (a) the house is connected with a separate and independent water supply from the mains of the Water Corporation of Western Australia or a water supply to the satisfaction of the local government;
- (b) any private water supply shall at all times be capable of delivering 4.5 litres per minute of potable water to each tap in the house via a standard pressure activated pump; and
- (c) any private water bore or well, shall have a lid securely installed, to prevent casual removal.

3.5 Rain water tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

- (a) maintain in a clean condition, the roof and downpipes forming the catchment for the tank;
- (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; and
- (c) thoroughly clean and disinfect such tank whenever directed by an environmental health officer to do so.

PART 4—EATING HOUSES

4.1 Interpretation

In this Part, unless the context otherwise requires—

“eating house” shall have the same meaning as section 160 of the Heath Act;

“licence” means a licence to conduct an eating house issued by the local government under this Part;

“pro-rata” means, in relation to the registration of an eating house, that where the registration is due for a lesser period than a full year, that fee shall be on a pro-rata basis, calculated on however many months or part thereof, remain in the financial year;

“registration” means the registration of an eating house issued by the local government under this Part.

4.2 Prescribed date

(1) For the purpose of section 160 of the Act the prescribed date is hereby fixed as 30 June 1994.

(2) For the purpose of section 163 of the Act, 30 June in each year is hereby prescribed as the date on or before which the registration of an eating house and a licence for the proprietor of an eating house shall be applied for annually.

4.3 Requirement for registration and licensing

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; and
- (b) each of the proprietors of the premises is licensed,

in accordance with the provisions of this Part.

4.4 Registration of an eating house

(1) Any person seeking the registration of an eating house shall make application on the approved form and shall forward the application to the local government together with—

- (a) the approved fee;
- (b) a floor plan and specifications of the eating house which plan and specifications shall include the following details—
 - (i) the use of every room;
 - (ii) the internal finishes of every wall, floor and ceiling;
 - (iii) the position and type of every fitting and fixture;
 - (iv) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal;
- (c) the proposed menu; and
- (d) the estimated number and sex of every person, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.

(2) Where a person makes application for the registration of an eating house in respect of which a certificate of registration is current at the date of the application, the person shall not be required to forward the plan and specifications referred to in paragraph (b) of sub-clause (1).

(3) The local government will issue a certificate of registration for all eating houses that comply with this local law.

4.5 Licence to conduct an eating house

(1) The proprietor of an eating house seeking the issue of a licence shall make application on the approved form and shall forward the application to the local government together with the approved fee.

(2) Where there are two or more proprietors of an eating house—

- (a) all proprietors names shall be included on the application; and
- (b) the licence shall be issued in joint names.

(3) A licence shall be issued by the local government.

(4) Any person seeking the transfer of a licence shall make application on the prescribed form and shall forward the application to the local government together with the approved fee. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

4.6 Licence conditions

A licence shall be issued upon and subject to the condition that the holder of the licence shall—

- (a) display the licence and certification of registration of the eating house in a conspicuous place in the eating house;
- (b) notify the local government in writing within 14 days of any change of address;
- (c) notify the local government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house prior to the commencement of such alteration, addition or other work;
- (d) notify the local government in writing of any proposed changes to the menu;
- (e) notify the local government in writing of any proposed increase in staff numbers and the gender of same;
- (f) notify the local government of anything which may or has caused contamination of food; and
- (g) prevent public access to the food preparation and storage areas at all times.

4.7 Eating areas

The proprietor of any eating house shall maintain the public's dining area in a clean and hygienic condition, including any outdoor eating area and shall, when directed by an environmental health officer, thoroughly clean and disinfect any such area.

PART 5—REFUSE DISPOSAL**5.1 Interpretation**

In this Part, unless the context otherwise requires—

- “authorised person” means a person authorised by the local government to carry into effect the provisions of this local law ;
- “building setback line” means the approved building alignment line facing the street used for service delivery;
- “collection day” means the day of the week from time to time notified to the occupier of the premises on which rubbish and refuse is collected and removed by the local government or its contractor;
- “commercial waste” means refuse and other rubbish generated from other than a residential premises and includes trade waste;
- “domestic waste” means refuse and other rubbish generated within, or originating from ,a residential premises and includes house refuse;
- “greenwaste” means vegetative material as approved by the local government;
- “greenwaste re-cycling site” means a site or sites set aside by the local government for the receipt, processing and storage of greenwaste;
- “kerb line” means the point where the road carriageway adjoins the road verge;
- “public place” includes a street, way or place which the public are allowed to use, whether the street, way or place is, or is not, on private property;
- “receptacle” means—
- (a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of either 120 litres or 240 litres;
 - (b) any container of a type and capacity as approved by the local government.
- “refuse disposal site” means Tamala Park Refuse Disposal Site, Marmion Ave, Mindarie;
- “residential premises” means a premises used for residential purposes;
- “rubbish or refuse” includes, but is not limited to, 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 alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the Local Government (Miscellaneous Provisions) Act 1960, means the new street alignment so prescribed; and
- “waste” means commercial waste or domestic waste or both as the context requires.

5.2 Refuse to be deposited in receptacles

The occupier of every premises shall—

- (1) subject to paragraph (3), cause all refuse to be deposited in a receptacle;
- (2) at all times keep the lid of the receptacle closed except when depositing refuse in or cleaning the receptacle;
- (3) not deposit or permit to be deposited in a receptacle—
 - (i) more than 70 kilograms of refuse in the case of a receptacle with a capacity of 240 litres; or
 - (ii) more than 50 kilograms of refuse in the case of a receptacle with a capacity of 120 litres; and
 - (iii) any material being or consisting of—
 - (a) hot or burning ashes;
 - (b) oil, motor spirit or other flammable liquid;
 - (c) liquid, paint, or other solvent;
 - (d) bricks, concrete, earth or other like substances;
 - (e) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious container;
 - (f) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious container;
 - (g) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious container;
 - (h) cytotoxics, radioactive substances and dangerous chemicals;
 - (iv) any object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid to be tightly closed; or
 - (v) refuse which is or likely to become offensive or a nuisance or to give off any 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;
- (4) except for collection day, keep the receptacle on the premises located behind the building setback line, or other location approved by an authorised person;
- (5) at all times keep the receptacle clean, and whenever directed by an authorised officer or an environmental health officer, thoroughly cleanse and disinfect the receptacle;
- (6) notify the local government within 7 days after the event if the receptacle is lost, stolen, damaged or becomes defective;

- (7) not mark or disfigure the receptacle in any manner other than by the placement of a street or unit number upon it in numerals no higher than 100 millimetres; and
- (8) not use the receptacle for any purpose other than the storage of refuse.

5.3 Residential collection arrangements

(1) An owner or occupier of a residential premises shall, prior to 0600 hours on collection day, place the receptacle on the verge in front of the premises immediately behind the kerb line, unless an authorised person has specified an alternative position in which case the receptacle shall be placed at the alternative position; and as soon as practicable after the contents of the receptacle have been removed, return it to its place of storage as defined in clause 5.2(4).

(2) Collection of refuse shall be at least once weekly or otherwise as directed by an authorised person or an environmental health officer.

5.4 Multi-residential, commercial and industrial premises

(1) In the case of multi-residential, commercial or industrial premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number of receptacles to be provided and to the number of collections carried out each week. Receptacles containing food or any other putrescible matter shall be emptied at least weekly or more often as directed by an authorised person or an environmental health officer.

(2) The owner or occupier of any commercial or industrial premises shall not, unless approved by an authorised person, deposit or permit to be deposited in a receptacle, anything specified in clause 5.2(3).

(3) The owner or occupier of any commercial, industrial or multi unit premises shall—

- (a) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odour from, the receptacle;
- (b) whenever directed by an authorised person or an environmental health officer, thoroughly clean and disinfect the receptacle.
- (c) cause the receptacle to be located on the premises in an enclosure constructed and located as approved by an authorised person; and
- (d) ensure that the receptacle is readily accessible for the purposes of collection.

5.5 Premises generally

(1) An owner or occupier shall—

- (a) ensure that there are a sufficient number of receptacles provided to contain all rubbish and refuse which is produced in or on the premises;
- (b) ensure that each receptacle on the premises—
 - (i) has, where required, a close fitting lid;
 - (ii) is constructed of sound non-absorbent material; and
- (c) keep each receptacle thoroughly clean and in good condition and repair; and
- (d) keep the cover on each receptacle closed except when depositing refuse in, or cleaning, the receptacle.

5.6 Ownership of receptacles

A receptacle supplied by the local government or its contractor remains the property of the local government or its contractor as the case may be.

5.7 Damage to receptacles

A person shall not—

- (a) damage, destroy or interfere with a rubbish receptacle supplied by the local government or its contractor;
- (b) except as permitted by this local law or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

5.8 Removal of rubbish or refuse

(1) Home occupiers are authorised to occasionally deliver accumulated refuse from their home to the local government's refuse disposal site, over and above that usually included in local government's weekly domestic refuse collection service;

(2) The owner or occupier of a premises, other than a residential premises, shall make suitable arrangements for the regular removal of rubbish from the premises in accordance with this local law.

5.9 Prescribed area—Section 112A Health Act

The whole of the district is prescribed as the area within which the provision of section 112A of the Act shall operate and have effect.

5.10 Deposit of refuse

(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) Notwithstanding sub-clause 5.10 (1), an owner or occupier may place rubbish in or upon any street, right of way, thoroughfare or lane when expressly invited by an authorised person to do so.

(3) Unless otherwise approved by an authorised person, the rubbish can only be placed immediately adjacent the person's property but not to obstruct traffic or block any road user's visibility of the road.

(4) All material placed out for collection shall be of the type authorised and must be stacked or contained in accordance with the conditions stated in the invitation of the local government.

5.11 Ownership of collected refuse

All refuse or rubbish collected by the local government or its contractor becomes the property of the local government upon collection.

5.12 Suitable enclosure

(1) An owner or occupier of a premises consisting of more than 3 dwellings, or used for commercial or industrial purposes, or as a food premises, shall provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

(2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall—

- (a) ensure the enclosure is not used to store anything except rubbish receptacles; and
- (b) maintain the enclosure in a clean condition at all times.

(3) For the purposes of this clause, a "suitable enclosure" means an enclosure approved by the local government.

5.13 Construction site rubbish

On every building construction site the builder shall—

- (a) ensure that, on any premises in which building or construction work is being carried out, an appropriate refuse receptacle is provided on site for the storage of building rubbish;
- (b) ensure that all rubbish from the site is placed in the receptacle as directed by an authorised person, any building surveyor of the local government or any environmental health officer;
- (c) ensure the receptacle is maintained on the site for the duration of the construction work; and
- (d) ensure the container does not overflow.

5.14 Greenwaste recycling site

(1) A person shall not enter or remain on the local government's greenwaste re-cycling site except for the purpose of depositing greenwaste and only after payment of the prescribed fee.

(2) A person shall not deposit anything other than greenwaste at the greenwaste re-cycling site.

PART 6—PEST CONTROL

6.1 Interpretation

In this Part, unless the context otherwise requires—

"mosquitoes" means any of the insects constituting the family *Diptera Culicidae* commonly known as mosquitoes.

6.2 Premises to be kept free of mosquito breeding matter

An owner or occupier of a premises shall keep the premises free of—

- (a) refuse; and
- (b) water

that is, liable to become the breeding place of mosquitoes.

6.3 Measures to be taken by an owner or occupier

An owner or occupier of any premises shall—

- (a) where there is a fountain, ornamental pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, keep the water—
 - (i) stocked with mosquito predatory fish; or
 - (ii) covered with a film of petroleum oil or treated with an approved larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel—
 - (i) provide the vessel with an impervious cover;
 - (ii) cover all openings with mosquito proof mesh; and
- (c) where drinking water is kept in a vessel or other receptacle for consumption by an animal or bird—
 - (i) frequently change the water; and
 - (ii) keep the water clean and free from vegetable matter and slime.

6.4 Swimming pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner and occupier shall when required by a notice issued by an environmental health officer—

- (a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or
- (b) chlorinate and adjust the pH of the pool to—
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2-7.6; or
- (c) empty or drain the pool; or

- (d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool;
and
- (e) maintain the pool water free of mosquito breeding.

6.5 Rodents and other vermin—interpretation

In this Part, unless the context otherwise requires—

“rodent” means the animals *Rattus rattus* (Norway rat), *Rattus norvegicus* (Roof rat), *Mus musculus* (House/Field mouse) but not laboratory bred rats and mice kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

6.6 Rodent control

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

(2) Without limiting the generality of sub-clause (1) an owner or occupier of any 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;
 - (ii) using a rodenticide bait or properly baited traps; and
 - (iii) preventing rodents having access to water on the premises;
- (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
 - (i) 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.

6.7 Waste food etc. to be kept in rodent proof receptacles

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

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

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

6.8 Restrictions on materials affording harbourage for rodents

(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 an owner or occupier of a 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 clause.

6.9 Pest control generally

Where it is found that a premises is infested with vectors of disease, an environmental health officer may direct that the owner or occupier take appropriate action as may be indicated, to effectively eradicate the vectors of disease.

PART 7—LODGING HOUSES

Division 1—Registration

7.1 Interpretation

In this Part, unless the context otherwise requires—

“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” has the same meaning as that defined in section 3 of the Act;

“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;

“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;

7.2 Lodging house not to be kept unless registered

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

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 7.4;
- (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 local government, 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.

7.3 Application for registration

An application for registration of a lodging house shall be—

- (a) submitted on the approved form;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the approved fee; and
 - (ii) accompanied by detailed plans and specifications of the lodging house.

7.4 Approval of application

The local government may approve, with or without conditions, an application under clause 7.3 by issuing to the applicant a certificate of registration.

7.5 Renewal of registration

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

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

7.6 Notification upon sale or transfer

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 local government, 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.

7.7 Revocation of registration

(1) Subject to sub-clause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of sub-clause (1), the local government may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or remained clean;
- (b) that the keeper has—
 - (i) been convicted of an offence against this local law in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
- (c) that the local government, having regard to a report from the Police, 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 local government, unfit to remain registered.

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

(4) Whenever the local government 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

7.8 General construction requirements

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

7.9 Sanitary conveniences

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

- (a) toilets; and
- (b) bathrooms, each fitted with a shower, bath and wash basin,

in accordance with the requirements of the Building Code.

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

7.10 Laundry

A keeper shall—

- (a) provide on the premises for the use of each 15 lodgers, a laundry containing one washing machine, one wash trough and, one electrical dryer or 30 metres of clothes line;
- (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
- (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

7.11 Kitchen

The keeper of a lodging house shall provide in that lodging house a separate 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; and
 - (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) complies with the requirements of a Class 1 premises under the Health (Food Hygiene) Regulations 1993.

7.12 Cooking facilities

(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 an 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 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 AS1668.2 and the Health (Food Hygiene) Regulations 1993, over each stove, oven and cooking appliance.

7.13 Dining room

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

- (a) located in close proximity to 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 adequately furnished to accommodate, at any one time, half of the number of lodgers.

7.14 Fire prevention and control

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 an 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 local government may direct;
- (e) ensure all buildings are fitted with fire protection equipment approved by the Western Australian Fire Brigades Board; 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.

7.15 Obstruction of passages and stairways

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.

7.16 Fitting of locks

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.

7.17 Restriction on use of rooms for sleeping

- (1) A keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
 - (a) 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;
 - (b) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person; or
 - (c) which, contains not less than 5.85 square metres of space, including the bed, for each lodger occupying the room.
- (2) For the purposes of this clause, 2 children under the age of 10 years shall be counted as one lodger.

7.18 Furnishing etc. of sleeping apartments

- (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 1 May to 30 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.

7.19 Numbers to be placed on doors

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 the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

Division 3—Management and care

7.20 Register of lodgers

- (1) A keeper shall keep a register of lodgers substantially in the format of the approved form.
- (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 or by an environmental health officer.

7.21 Certificate in respect of sleeping accommodation

- (1) An environmental health officer may issue to a keeper, a certificate, specifying the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (2) When required by an environmental health officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.
- (3) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

7.22 Duplicate keys and inspection

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.

7.23 Room occupancy

(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 apartment—
 - (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 local government has forbidden to be used as a sleeping apartment.

(2) For the purpose of this clause, 2 children under 10 years of age shall be counted as one lodger.

7.24 Cleaning and maintenance requirements

(1) In this clause—

“bed linen” includes sheets, pillow cases and mattress covers.

(2) A keeper of a lodging house shall—

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use are 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; and
 - (v) when any insects are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the insect(s);
- (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.

PART 8—OFFENSIVE TRADES**8.1 Interpretation**

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 as defined by section 186 of the Act; and

“premises” includes house.

8.2 Consent to establish an offensive trade

(1) A person seeking the consent of the local government 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 clause 8.3; and
- (b) lodge with the local government an application in the approved form.

(2) A person who makes a false statement in an application under this clause commits an offence.

8.3 Notice of application

A notice required under clause 8.2 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 advising the public that they have 30 days to lodge any objection with "The Chief Executive Officer, City of Joondalup.

NOTE—The actual application should be lodged with the City before the thirty day period has expired which will ensure processing can be conducted simultaneously to the Public Notice Period.

8.4 Registration of premises

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

- (a) submitted on the approved form;
- (b) accompanied by the fee prescribed in the Offensive Trade (Fees) Regulations 1976; and
- (c) lodged with the local government.

8.5 Conditions of Consent

In granting consent under section 187 of the Act, the local government may impose reasonable conditions of consent including, without limitation conditions relating to—

- (a) site requirements;
- (b) building fitout specifications;
- (c) food hygiene, storage and preparation;
- (d) ventilation;
- (e) effluvia, vapours and gases;
- (f) rodent and vermin control;
- (g) sanitary convenience;
- (h) effluent and rubbish disposal.

8.6 Offence

Every person who carries on any offensive trade otherwise than in compliance with conditions imposed under clause 8.5 commits an offence.

8.7 Certificate of registration

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the approved form.

8.8 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Part, the new occupier shall forthwith notify the local government in writing of such change.

8.9 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

PART 9—OFFENCES AND PENALTIES

9.1 Offences and penalties

- (1) A person who contravenes a provision of this local law other than Part 4 commits an offence.
- (2) A person who commits an offence under sub-clause (1) is liable to—
 - (a) a penalty that is not more than \$1000; and
 - (b) if the offence is a continuing offence a daily penalty which is not more than \$150 and not less than \$50.
- (3) A person who contravenes a provision of Part 4 of this local law commits an offence.
- (4) A person who commits an offence under sub-clause (3) is liable to—
 - (a) a penalty that is not more than \$2500; and
 - (b) if the offence is a continuing offence a daily penalty which is not more than \$250 and not less than \$125.

Dated this 20th day of July 1999.

The common seal of the City of Joondalup was hereunto affixed in the presence of—

C. T. ANSELL, Chairman of Commissioners.
L. O. DELAHAUNTY, Chief Executive Officer.

Consented to—

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

Dated this 29th day of July, 1999.

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

SIGNS LOCAL LAW 1999

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

ARRANGEMENT

| | |
|--------------------------------------|---------------|
| PART 1—PRELIMINARY | Clauses 1-6 |
| PART 2—LICENCES AND EXEMPTIONS | Clauses 7-15 |
| PART 3—RESTRICTIONS | Clauses 16-22 |
| PART 4—SPECIAL EVENT PERMITS | Clauses 23-33 |
| PART 5—REMEDY FOR BREACH | Clauses 34-36 |
| PART 6—MISCELLANEOUS | Clauses 37-39 |
| PART 7—PENALTIES | Clauses 40-44 |
| SCHEDULE 1 | |

PART 1—PRELIMINARY**Title**

1. This local law may be referred to as the City of Joondalup Signs Local Law 1999.

Commencement

2. This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose

3. (1) The purpose of this local law is to provide for the regulation, control and management of signs within the district, in support of the town planning scheme sign provisions.

(2) The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district, must comply and the means of enforcing those requirements.

Repeal

4. The following by law of the former City of Wanneroo—

By Law S3— Signs, Hoardings and Billposting, published in the *Government Gazette*—
24 August 1984, and amendments;

is repealed on the day this local law comes into operation.

Application of Local Law

5. This local law applies throughout the district.

Definitions

6. In this local law unless the context requires otherwise—

“Act” means the Local Government Act 1995;

“advertisement” means the publication, display, or presentation of any sign or advertising device and the terms “advertise” and “advertising sign” have corresponding meanings.

“advertising device” means an object on which words, numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, undertaking, product, or thing and includes a vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising a business, function, operation, event, undertaking, product or thing;

“animation” means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping, and any mechanical or electrical device;

“application” means the completed form lodged for the purpose of obtaining a sign licence or permit in accordance with this local law;

- “appointed place” means a place appointed by the local government or the CEO, of the local government to which signs and hoardings, erected and maintained in breach of this local law, may be—
- (a) placed by the local government; and
 - (b) recovered by the sign owner;
- “authorised person” means a person authorised by the local government under section 9.10 of the Act;
- “bill posting” means the attaching, sticking or posting of a bill, poster or placard, or painting, stencilling or affixing an advertisement on a building, structure, fence, wall, hoarding, sign post, pole, blind, or awning, whether erected on private property or a public place so as to be visible to a person in a street, public place, private property or other land; and to post a bill has a corresponding meaning;
- “community association” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions;
- “community information sign” means a temporary sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain;
- “direction sign” means a sign erected in a street or public place by or with the approval of the local government, to indicate the direction to another place but does not include a sign erected or affixed by the local government or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Road Traffic Act 1974;
- “district” means the district of the local government;
- “election sign” means a sign which encourages persons to vote for a candidate, political party or matter, relating to any federal, state or local government election;
- “fly posting” means advertising by means of posters placed on fences, walls, trees, rocks, vehicles or other like places and to “fly post” has a corresponding meaning;
- “illuminated sign” means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;
- “hoarding” means a detached or detachable structure including a wall panel or illuminated panel, other than a pylon sign, that is erected for the sole purpose of displaying one or more signs or advertising devices but excludes hoardings referred to in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960;
- “licence” means a licence issued under this local law;
- “licensee” means the holder of a licence;
- “local government” means the City of Joondalup;
- “owner” means the owner of the land or building on which the sign is to be or is erected and includes the owner of the business conducted on the land or building, to which the sign relates, or other person, who in the opinion of the local government is responsible for the sign;
- “permit holder” means the person issued with a permit;
- “planning approval” means an approval given under a relevant town planning scheme;
- “portable sign” means a sign not permanently fixed to the ground, a building, wall, fence or structure and includes but is not limited to a sandwich board sign consisting of 2 sign boards attached to each other at the top by hinges or other means;
- “private property” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;
- “property disposal sign” means a sign indicating that the premises whereon it is affixed or erected, are for sale, for letting or to be auctioned;
- “public property” means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not and includes any building or structure thereon;
- “pylon sign” means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills can be added;
- “roof sign” means a sign erected on or attached to a roof of a building;
- “rural producer’s sign” means a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located;
- “sign” means any message, direction or representation whatsoever displayed on a building, structure, board, or clock, other than a clock built into a wall which does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;

“special event permit” means a permit issued by the local government, detailing the terms and conditions under which community information signs or special event signs may be temporarily erected;

“special event sign” means any sign temporarily erected, in accordance with a sign permit or licence, to advertise and promote an event to be held within the district which is available for attendance by the general public and is conducted for the purpose of commercial gain;

“thoroughfare” means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayments at the side or centre of the carriageway used for the parking of vehicles;

“town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;

“vehicle” includes every conveyance, and every object capable of being propelled or drawn, on wheels or tracks, by any means, not being a train, vessel or aircraft while being used as such.

PART 2—LICENCES AND EXEMPTIONS

Licence Requirements

7. Subject to clause 15, a person shall not erect, maintain or display, or permit to be erected maintained or displayed, any sign or hoarding in, on or above any land or building—

- (a) without a licence; or
- (b) otherwise than in accordance with the conditions of the licence issued in respect of the sign or hoarding.

Planning Approval

8. The requirement for a licence under this local law, in respect of a sign or a hoarding, is additional to the requirement if any, for a planning approval for that sign or hoarding.

Application for Licence

9. A person seeking the issue of a sign licence shall make application on the form provided and must forward the application to the local government together with—

- (a) 3 copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and inscription to appear thereon, the method of construction and fixing of the sign for which the licence is sought;
- (b) the application fee and licence fee;
- (c) where required by the local government, a certificate from a structural engineer or other person approved by the local government, certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
- (d) where the application is for a licence for an illuminated sign and if required by the local government, a written consent to the erection of the sign by or on behalf of the person or body having for the time being the management of traffic control lights within the district;
- (e) such other information as may be required by the local government to assist in determining the application.

Determination of Application

10. (1) The local government may refuse an application for a licence that does not comply with the requirements of clause 9, and in any event shall refuse an application for a licence where the required planning approval has not first been obtained, or is inconsistent with the planning approval.

(2) The local government may, in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence Issue

11. (1) A licence shall be issued to the person whose name appears on the application for same and is the owner or acting on behalf of the owner.

(2) On approval of an application for a licence, a licence shall be issued in the form used by the local government for that purpose.

Term and Validity of Licence

12. Subject to clause 14 and except where otherwise stated in this local law, a licence remains valid until—

- (a) the sign or hoarding is removed;
- (b) in the case of a hoarding, for a maximum period of 12 months unless otherwise approved by the local government;
- (c) change is made in the message of the sign or its illumination which is so significant as to amount to a different sign than that in respect of which the licence was issued;
- (d) an alteration is made to the structure or area of the sign for which the licence was issued;
- (e) the sign no longer relates to the business conducted in the building to which it is attached; or

- (f) the public liability insurance policy required in accordance with clause 38 lapses, is cancelled or is no longer in operation;

in any of these events an application shall first be made and a new licence issued before the sign or hoarding can be re-erected, changed or altered as the case may be, or a new sign or hoarding erected.

Inspection of Licence

13. (1) An owner or licensee shall produce the licence when requested to do so by an authorised person.

(2) A licensee shall display on the face (bottom left hand corner when viewed) of every licenced sign or hoarding, in clearly legible figures—

- (a) the number of the licence applicable to the sign or hoarding;
- (b) the date on which the sign licence expires, if the licence is for a hoarding.

Cancellation of Licence

14. The local government may, without derogation of any penalty to which a person may be liable, cancel a licence if—

- (a) anything purporting to be done in accordance with a licence, is not done in conformity with the conditions of the licence;
- (b) the sign or hoarding or the message displayed thereon is so altered that, in the opinion of the local government, it is objectionable or in its altered form would have been refused a licence; or
- (c) where the licensee or owner is convicted of an offence against this local law.

Licence Exemptions

15. (1) The following signs are exempt from the requirements of clause 7—

- (a) a sign erected or maintained in accordance with an Act;
- (b) a property disposal sign not exceeding 1.2m² erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
- (c) a plate not exceeding 0.2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a direction sign;
- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m²;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.2m² in area and a height of 600mm;
- (h) a sign within a building unless—
 - (i) it is clearly visible from a public place outside the building;
 - (ii) it is exempted under any other paragraph of this sub clause; or
 - (iii) it is considered objectionable by the local government;
- (i) a sign not larger than 0.6m x 0.9m on an advertising pillar or panel approved by or with the consent of the local government for the purpose of displaying public notices for information;
- (j) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (k) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (l) a rural producer's sign which is the only sign on the lot on which it is erected;
- (m) a sign erected by the local government, or with the approval of the local government, on land under the care, control and management of the local government;
- (n) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
- (o) a maximum of 4 garage sale signs, each not greater than 0.25m², advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;
- (p) a sign or signs erected in accordance with a permit issued under this local law;
- (q) a sign painted on a kerb, adjacent to a property depicting the house number and in accordance with specifications approved by the local government;
- (r) a sign erected by the local government for the purpose of—
 - (i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election; or
 - (ii) indicating the name and location of a polling place for an election.

- (s) an election sign which is—
 - (i) erected on private property with the approval of the owner of that property, where such approval has been obtained prior to the erection of the election sign;
 - (ii) not in excess of 0.75m² in area per property, except a corner property which may display one sign facing each thoroughfare of the corner;
 - (iii) erected not more than 28 days prior to the date of the election to which it relates;
 - (iv) erected in accordance with the restriction provisions of clause 16;
 - (v) removed within 7 days of the date of the election.
 - (t) a sign permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company.
- (2) A person shall not erect or maintain a sign which would otherwise be an exempt sign under sub clause (1), if it contains—
- (a) any illumination or radio;
 - (b) animation or movement in its design or structure; or
 - (c) reflective, retro-reflective or fluorescent materials in its design or structure.

PART 3—RESTRICTIONS

Restrictions

16. A person shall not erect, maintain or display a sign or hoarding, or suffer or permit a sign or hoarding to be erected, maintained or displayed or to remain on any land or building—

- (a) so as to obstruct the view from a street or public place of traffic in a street or public place;
- (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the Regulations made under that Act;
- (c) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
- (d) except with the approval of the local government on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
- (e) where the stability of the building is, in the opinion of an authorised person, likely to be affected by the sign;
- (f) as a movable or portable sign in a street or public place, not affixed to a building;
- (g) on any light or power pole;
- (h) on any tree, shrub or plant;
- (i) which is temporarily or permanently fixed to any vehicle which is parked in one location on private or public property or in a public place, so as to advertise or display a message to the public;
- (j) which contains glass other than an electric light globe or tube or toughened glass; or
- (k) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard or hoarding, flags, banners or canvas awnings;
- (l) on any street, thoroughfare or other public place, if the sign is an election sign.

Fixing of Signs

17. The owner or licensee of a sign must—

- (a) cause it to be securely fixed to the structure by which it is supported, to the satisfaction of an authorised person; and
- (b) maintain the sign in a safe condition.

Headroom

18. The owner or licensee of a sign erected over walkways, accessways or other public land, shall cause it to be fixed to provide a clear headway under the sign of not less than 2.75m, unless otherwise permitted by an authorised person.

Signs to be Kept Clean

19. The owner or licensee of a sign shall keep it clean and free from unsightly matter and shall maintain it in good order and condition.

Existing Signs and Hoardings

20. Subject to clauses 12 and 14, a licence issued under any previous local law operating in the district, is deemed to have been issued in accordance with this local law.

Bill Posting

21. Subject to clause 15, a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, hoarding, sign post, blind or awning so as to be visible to a person in a street, public place, reserve or other land, except for a hoarding approved for the purpose by the local government.

Fly Posting

22. A person shall not fly post at any place or location within the district.

PART 4—SPECIAL EVENT PERMITS**Signs Erected Under Permit**

23. (1) A person shall not erect or maintain or display or permit to be erected, maintained or displayed, a community information sign or special event sign,

- (a) without first having obtained a sign permit; or
- (b) otherwise than in accordance with the conditions of the special event permit issued in respect of the sign.

(2) Notwithstanding anything contained in this local law, the local government may upon receipt of a written application, issue a special event permit for the temporary erection in or on a street, thoroughfare, way or public place, community information signs or special event signs, subject to the terms and conditions stipulated in the permit.

Application For Permit—Community Information Signs

24. Written application shall be made on the form provided for the purpose, at least 14 days before the holding of a community association event, for the issue of a special event permit in accordance with sub clause 23(1) and shall include the following information—

- (a) the name, address and contact number of the community association and president or senior office bearer;
- (b) the name, address, and contact number of the person responsible and authorised by the community association for making the application and erecting the signs subject of the permit;
- (c) the location of the proposed event;
- (d) the date of the proposed event;
- (e) the number and proposed location of signs;
- (f) details of the message to be displayed on the signs;
- (g) details of the activities proposed for the event;
- (h) payment of the permit bond and fees appropriate for the signs and event;
- (i) any other information that may be required by the local government at the time the permit application is submitted or at a subsequent time.

Permit Conditions for Community Information Signs

25. (1) The responsible person or community association to which a special event permit is issued shall comply with all conditions that apply to the permit.

(2) Signs erected in accordance with a special event permit issued under clause 23(1), shall—

- (a) be no more than 15 in number within the district;
- (b) be no further than 5 kms from the location where the event will be held;
- (c) not be erected on or in front of private property unless the prior approval has been obtained from the owner or occupier of that property;
- (d) not be erected in or on a traffic island or median;
- (e) not be erected within 50m of any thoroughfare, intersection or junction;
- (f) not be erected within 2m of the kerb line or outer edge of an unkerbed thoroughfare shoulder;
- (g) not be erected more than 14 days prior to the event to which the sign relates; and
- (h) not exceed 0.25m² in area.

(3) Signs erected in accordance with a special event permit issued under clause 23, shall—

- (a) comply with the restriction provisions of clause 16;
- (b) be removed within 7 days of the last date for holding of the event;
- (c) be free standing;
- (d) only be erected with the approval of the Commissioner of Main Roads, if erected along Wanneroo Road or Marmion Ave (south of Ocean Reef Road) or any other road under Main Roads control;
- (e) comply with any other conditions as determined.

Application For Permit For Special Event Signs

26. Written application shall be made on the form provided for the purpose at least 30 days before the holding of a special event, for the issue of a special event permit in accordance with sub clause 23(1) and shall include the following information—

- (a) the name, address and contact numbers of the company, organisation or person seeking the issue of a special event permit;
- (b) the location of the proposed event;
- (c) the date of the proposed event;
- (d) details of the activities to be held at the event;
- (e) the number and proposed location of promotional signs;
- (f) the number and proposed location of sponsorship signs;
- (g) details of the message to be displayed on promotional signs;
- (h) details of the messages to be displayed on sponsorship sign;
- (i) payment of the fees and bond appropriate to the signs and event; and
- (j) any other information that may be required by the local government at the time the permit application is submitted or at a subsequent time.

Public Liability Insurance and Indemnity

27. Where required by the local government, the owner of a sign shall provide public liability insurance cover and enter into an agreement with the local government, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected under permit, issued in accordance with this local law, or as a result of the holding of the event.

Special Event Signs and Promotion

28. (1) Notwithstanding anything in this local law, the local government may permit the temporary erection of such number of promotional and sponsorship signs as are considered appropriate, at the location of a special event, if the special event is held in a public place.

(2) The erection of signs permitted under sub clause (1) shall be subject to conditions imposed by the local government.

Determination of Application

29. The local government may, in respect of an application for a special event permit—

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

Sign Permit Issue

30. On approval of an application, a sign permit for a community association event or special event, shall be issued on the form used for the purpose.

Other Approvals

31. The requirement for a sign permit is additional to the requirement for any other approval, permits or licence for the holding of an event.

Cancellation of Permit

32. The local government may, without derogation of any penalty to which a person may be liable, cancel a special event permit if—

- (a) anything purporting to be done, is not done in conformity with the conditions of the permit;
- (b) the permit holder is convicted of an offence against this local law.

Removal of Signs

33. On the cancellation or expiration of a special event permit, the person issued the permit shall immediately remove the sign or signs erected under the permit.

PART 5—REMEDY FOR BREACH**Removal of Signs from Public Property**

34. (1) The local government may remove to an appointed place any sign, advertisement, or other advertising device, placed or erected on any thoroughfare, footpath or other public place under the care control and management of the local government, unless placed or erected in accordance with the provisions of this local law.

(2) Where a sign, hoarding, advertisement, or other advertising device is removed to an appointed place in accordance with sub clause (1) and where it is possible to identify the name of the owner of the sign or advertising device, a notice shall be served on the owner advising—

- (a) the location of the appointed place to where the sign has been removed;
- (b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice.

Illegal Signs on Private Property

35. Where a breach of any provision of this local law has occurred in relation to a sign or hoarding on private property, the local government may give notice in writing to the owner of that property—

- (a) advising details of the breach of the local law;
- (b) requiring the owner to remedy the breach within the time specified in the notice.

Limit on Liability

36. A person, owner, or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government—

- (a) to carry out all or part of the works and do all things necessary that the owner, or licensee was required to do to comply with this local law; or
- (b) in respect of a sign removed and dealt with under the provisions of these clauses or against any person who purchases a sign sold by the local government.

PART 6—MISCELLANEOUS**Bonds, Licence and Permit Fees and Charges**

37. All bonds, licence and permit fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.

Public Liability Insurance and Indemnity

38. (1) Where, as a condition of a sign licence or permit, the owner, licensee or permit holder is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the owner or licensee shall—

- (a) enter into an agreement with the local government to provide the required public liability insurance protection;
- (b) take out a public liability insurance policy in the name of the owner or licensee and the local government, for a minimum value of \$5m or such other amount as considered appropriate to the risk involved;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
- (d) include a clause in the public liability insurance policy which requires the owner or licensee and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

(2) An owner or licensee who refuses or cannot provide a current certificate of insurance within 2 working days as requested in accordance with sub clause (1) commits an offence.

Date of Birth to be Given on Demand

39. (1) An authorised person or member of the Police Force who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law, may demand from the person that person's date of birth;

(2) A person who refuses to give his or her date of birth, or who states a false date of birth on a demand being made, commits an offence.

PART 7— PENALTIES**Offences**

40. (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

41. For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

Offence Description and Modified Penalty

42. The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

43. A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

44. The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnotes—**Right of appeal**

1. When the local government makes a decision as to whether it will—

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

Litter enforcement

2. The enforcement of matters relating to bill posting and fly posting will be in accordance with the provisions of the Litter Act 1979.

Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons

3. Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Local Government Act 1995.

Impounding of Goods and Recovery of Expenses

4. A local government may—

- (a) impound goods in certain circumstances—see Regulation 29 of the Local Government (Functions and General) Regulations 1996; and
- (b) withhold impounded or confiscated goods until costs are paid; dispose of impounded, confiscated or uncollected goods and recover impounding fees, in accordance with Sections 3.46, 3.47 and 3.48 of the Local Government Act 1995.

First Schedule

City Of Joondalup

SIGNS LOCAL LAW 1999

OFFENCES AND MODIFIED PENALTIES

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|---------------------------------------|------------|---|---------------------|
| Part 2—Licences and Exemptions | | | |
| 1 | 7(a) | Erect or maintain or permit to be erected or maintained, a sign or hoarding without a licence. | 100 |
| 2 | 7(b) | Erect, maintain or display or permit to be erected, maintained or displayed a sign or hoarding otherwise than in accordance with licence conditions. | 100 |
| 3 | 13(1) | Fail to produce a sign licence for inspection when required. | 100 |
| 4 | 13(2)(a) | Fail to display the sign or hoarding licence number in clear legible figures as required. | 100 |
| 5 | 13(2)(b) | Fail to display the sign or hoarding licence expiry date in clear legible figures as required. | 100 |
| 6 | 15(2)(a) | Erect a sign otherwise exempt under clause 15(1) containing illumination or radio. | 100 |
| 7 | 15(2)(b) | Erect a sign otherwise exempt under clause 15(1) with animation or movement in its design or structure. | 100 |
| 8 | 15(2)(c) | Erect a sign otherwise exempt under clause 15(1) with reflective, retro-reflective or fluorescent materials in design or construction. | 100 |
| Part 3—Restrictions | | | |
| | 16 | Erect or maintain, suffer or permit a sign or hoarding— | |
| 9 | 16(a) | To obstruct the view of traffic in a street or public place. | 100 |
| 10 | 16(b) | To be confused or mistaken for official traffic lights or signs. | 100 |
| 11 | 16(c) | To obstruct access to or from a door, fire escape or window not designed for display of goods. | 100 |
| 12 | 16(d) | On an ornamental tower, spire, dome or other super structure over the main roof of a building. | 100 |
| 13 | 16(e) | On a building which the stability is likely to be affected by the sign. .. | 100 |
| 14 | 16(f) | As a moveable or portable sign in a street or public place not affixed to a building. | 100 |
| 15 | 16(g) | On any light or power pole. | 100 |
| 16 | 16(h) | On any tree, shrub or plant. | 100 |
| 17 | 16(i) | Temporarily or permanently fixed to any vehicle on private or public property to advertise/display message. | 100 |
| 18 | 16(j) | Contains glass, other than an electric light globe or tube, in a sign. .. | 100 |
| 19 | 16(k) | Form part of or attach, paper, cardboard, cloth or other readily combustible material to any sign. | 100 |
| 20 | 16(l) | On any street, thoroughfare or public place, if an election sign. | |
| 21 | 17(a) | Fail to securely fix a sign to a supporting structure. | 100 |
| 22 | 17(b) | Fail to maintain a sign in a safe condition. | 100 |
| 23 | 18 | Fail to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m. | 100 |

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|---|------------|--|---------------------|
| Part 3—Restrictions—<i>continued</i> | | | |
| 24 | 19 | Fail to keep a sign clean and maintained in good order. | 100 |
| 25 | 21 | Post a bill, fix advertisement visible from street, public place, reserve except a hoarding approved for purpose | 100 |
| 26 | 22 | Fly post at any place or location in district | 100 |
| Part 4—Special Event Permits | | | |
| 27 | 23(1)(a) | Erect, maintain or display or permit a community information or special event sign without a permit. | 100 |
| 28 | 25(1) | Fail to comply with conditions of a permit. | 100 |
| 29 | 25(2)(a) | Erect more than 15 signs in the district. | 100 |
| 30 | 25(2)(b) | Erect signs more than 5kms from event location. | 100 |
| 31 | 25(2)(c) | Erect a sign on or in front of private property without approval of the owner or occupier. | 100 |
| 32 | 25(2)(d) | Erect a sign in or on a traffic island or median. | 100 |
| 33 | 25(2)(e) | Erect a sign within 50m of any thoroughfare intersection or junction. | 100 |
| 34 | 25(2)(f) | Erect a sign within 2m of a kerb line or outer edge of an unkerbed thoroughfare shoulder. | 100 |
| 35 | 25(2)(g) | Erect a sign more than 14 days prior to the event to which the sign relates. | 100 |
| 36 | 25(2)(h) | Erect a sign exceeding 0.25m ² | 100 |
| 37 | 25(3)(a) | Fail to comply with restriction provisions of clause 16. | 100 |
| 38 | 25(3)(b) | Fail to remove a sign within 7 days of the event. | 100 |
| 39 | 25(3)(c) | Fail to erect a sign which is free standing. | 100 |
| 40 | 25(3)(d) | Erect a sign in a thoroughfare controlled by the Commissioner for Main Roads without approval. | 100 |
| 41 | 25(3)(e) | Fail to comply with permit conditions. | 100 |
| 42 | 33 | Fail to remove signs erected on cancellation or expiry of permit | 100 |
| Miscellaneous | | | |
| 43 | 39(2) | Refusal to give date of birth, or give a false date on a demand being made. | 100 |
| 44 | | Other offences not specified. | 100 |

Dated this 20th day of July 1999.

The common seal of the City of Joondalup was hereunto affixed in the presence of—

C. T. ANSELL, Chairman of Commissioners.
L. O. DELAHAUNTY, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

TRADING IN PUBLIC PLACES LOCAL LAW 1999

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

ARRANGEMENT

| | |
|-------------------------------------|---------------|
| PART 1—PRELIMINARY | Clauses 1-6 |
| PART 2—LICENCE AND APPROVALS | Clauses 7-13 |
| PART 3—OUTDOOR DINING | Clauses 14-21 |
| PART 4—STREET MARKETS | Clauses 22-27 |
| PART 5—STREET TRADING | Clauses 28-33 |
| PART 6—STREET ENTERTAINMENT | Clauses 34-40 |
| PART 7—SECURED SUM | Clauses 41-42 |
| PART 8—MISCELLANEOUS | Clauses 43-49 |
| PART 9—OFFENCES AND PENALTIES | Clauses 50-54 |
| SCHEDULE 1 | |

PART 1—PRELIMINARY**Title**

1. This local law may be referred to as the City of Joondalup Trading In Public Places Local Law 1999.

Commencement

2. This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose

3. The purpose of this local law is to provide for the regulation, control and management of outdoor dining areas, street markets, trading, and street entertainment, in any street or public place within the district.

Repeal

4. The following by law of the former City of Wanneroo—

By Law T2: Trading In Public Places, published in the *Government Gazette* 16 March 1990, and amendments;

is repealed on the day this local law comes into operation.

Application

5. This local law applies throughout the district.

Definitions

6. In this local law unless the context requires otherwise—

“Act” means the Local Government Act 1995;

“application fee” means the fee payable upon lodgement of an application for a licence and which relates to the lodgement, assessment and determination of the application but does not include the licence fee;

“authorised person” means a person authorised by the local government under section 9.10 of the Act;

“district” means the district of the local government;

“eating house” means premises which are either registered as an eating house under the Health Act or the subject of an hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under the Liquor Act;

“Health Act” means the Health Act 1911;

“hire” includes offer to hire and expose for hire;

“licence” means a licence issued under this local law;

“licensee” means the holder of a licence;

“licence fee” means the fee payable pursuant upon the issue of a licence;

“Liquor Act” means the Liquor Licensing Act 1988 and includes any regulations made under that Act;

“local government” means the City of Joondalup;

“notice” means a notice issued in accordance with Part 8;

“nuisance” means—

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) any thing a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“outdoor dining area” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public;

“outdoor dining licence” means a licence issued under this local law to set up and conduct an outdoor dining area;

“private property” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“proprietor”—

- (a) includes the owner, the occupier and any person having the management or control of any eating house; or
- (b) the holder of a licence granted under the Liquor Act where the premises in question is the subject of an hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under that Act;

“public place” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the care control or management of the local government;

“stall” means a movable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise, produce or services are sold or offered for sale and includes a vehicle;

“street” means any highway, thoroughfare or land, otherwise used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the street verge and footpath;

“street entertainment” means the conduct in a public place, of any form of theatrical, artistic, musical, audio, or visual performance and includes busking;

“street entertainment licence” means a licence issued under this local law to engage in street entertainment;

“street market” means a collection of stalls, stands or displays erected on a street or other public place for the purpose of selling goods, wares, merchandise, or services or carrying out any other transaction;

“street trading licence” means a licence issued under this local law to carry on trading in a street or public place;

“trading” means selling or hiring goods, wares, merchandise, or services, in a street or other public place or carrying out any transactions therein and includes the setting up of a stall and conducting business at a stall;

“vehicle” includes every conveyance, not being a train, vessel or aircraft and every object capable of being propelled or drawn, on wheels or tracks, by any means.

PART 2—LICENCE AND APPROVALS

Planning Approval

7. The requirement for a licence under this local law, is additional to the requirement if any, for a planning approval.

Determination of Application

8. (1) The local government may refuse an application for a licence, where—

- (a) it does not comply with the application requirements under this local law;
- (b) the needs of the district for which the licence is sought are adequately catered for by established shops or other persons to whom licences have already been issued;

- (c) the proposed activity or place of trading is considered by the local government to be undesirable; or
 - (d) the proposed structure, stall, stand, table or vehicle is considered by the local government to be unsuitable in any respect to the activity or location for which the licence is sought.
- (2) The local government may, in respect of an application for a licence—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence Issue

9. (1) On approval of an application for a licence, a licence shall be issued in the form used by the local government for that purpose. A licence may include plans and other supporting documentation as required by this local law.

(2) A licence will not be valid until such time as any public liability insurance policy, required as a condition of licence, has been put into effect and a certificate of currency covering the period of the licence has been lodged with the local government.

Licence Renewal

10. Prior to the expiry of an outdoor dining licence, a street market licence or a street trading licence, the licensee may apply for the renewal of a licence, without having to resubmit details required at the time of the initial application.

Licence Fees

11. (1) All licence fees and charges applicable under this local law shall be as determined by the local government in accordance with section 6.16 of the Act.

(2) In the event of cancellation of a licence, the licensee shall not be entitled to a refund of licence fees for the remainder of the licence period.

Cancellation of Licence

12. The local government may cancel any licence if—

- (a) anything purporting to be done in accordance with the licence is not done in conformity with the conditions of the licence;
- (b) the licensee is convicted of an offence against this local law;
- (c) the licensee fails to maintain the required public liability insurance cover indemnifying the local government against damages; or
- (d) the licensee fails to abide by a notice served in accordance with Part 8, requiring works to be undertaken or changes to the arrangements or operation of the activity, subject of the licence.

Suspension of Licensee Rights and Privileges

13. (1) The rights and privileges granted to a licensee on the issue of a licence, shall be automatically suspended, where the public liability insurance required as a condition of a licence, lapses, is cancelled or is no longer current.

(2) The rights and privileges granted to a licensee on the issue of a licence, may be suspended by the local government, for the purpose and duration of any works, proposed or done in or adjacent to the area subject of the licence, by or on behalf of a Government department, instrumentality of the Crown or the local government.

PART 3—OUTDOOR DINING

Prohibition

14. A person shall not set up or conduct an outdoor dining area in a street or public place—

- (a) other than in a portion of a street or public place adjoining an eating house;
- (b) unless the person is the proprietor of an eating house referred to in paragraph (a);
- (c) unless the person is the holder of a valid and current outdoor dining licence; and
- (d) otherwise than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence.

Exclusions

15. The provisions of Part 3 do not apply to—

- (a) an outdoor dining area located on private property; or
- (b) special events such as a street festival, carnival, or other occasional activity,

which require an approval under another written local law.

Licence Restrictions

16. (1) An outdoor dining licence—

- (a) may only be issued to the proprietor of an eating house, for use of the land immediately adjacent the eating house;
- (b) is only transferable with the approval of the local government and on payment of the transfer fee;
- (c) may be renewed in accordance with clause 10.

- (2) A licensee shall not permit the operation of the outdoor dining area to extend beyond the specified portion of a street or public place detailed in the plans approved as part of the licence.
- (3) The issue of a licence does not confer exclusive possession or use of that portion of the street or public place, the subject of the licence.
- (4) An outdoor dining licence may only be issued in areas where—
- (a) the positioning of tables and chairs is not in conflict with existing street furniture approved by the local government;
 - (b) there is sufficient space in the existing footpath to accommodate tables and chairs and other furniture and fittings required for the outdoor dining area, so as to not impede pedestrian flow.

Licence Application

17. (1) An application for an outdoor dining licence shall be in the form provided for the purpose and shall be forwarded to the local government together with—

- (a) the application fee and licence fee;
- (b) a copy of the planning approval issued by the local government under a town planning scheme;
- (c) a plan or plans to a scale of 1:50 showing—
 - (i) the location and dimensions of the proposed outdoor dining area and the means if any, that the outdoor dining area is to be separated from the rest of the street or public place;
 - (ii) the eating house of which the applicant is the proprietor, including any indoor seating areas, the area of food preparation and any counter service, the dimension, location and purpose of all entrances to the eating house;
 - (iii) the dimensions, levels and slope of the adjacent footpath and the location and nature of any street furniture, drainage and utilities in the immediate vicinity of the eating house;
 - (iv) the location and nature of any parking or service bays in the immediate vicinity of the eating house, and the alignment of the adjacent carriageway;
 - (v) the position and dimensions of all tables, chairs and associated furniture and fixtures proposed to be placed in the outdoor dining area;
 - (vi) the position and description of any landscaping, bollards or other objects proposed to be used or displayed in the area for which a licence is sought; and
 - (vii) such other information as the local government may require to assist with the assessment of the application;
- (d) a plan to a scale of 1:200 showing the location of the proposed outdoor dining area and all land and improvements thereon within 30 metres of the boundaries of the eating area, in particular—
 - (i) the development and use of abutting properties, including the location of any pedestrian or service access to those sites, the alignment of the building facade and the location of any windows;
 - (ii) the footpath and carriageway alignment, vehicle crossovers and any on-street parking provisions or restrictions;
 - (iii) any street furniture or other structures situated in the verge area including any power poles, bollards, phone booths, bus shelters, fire hydrants, street trees or free standing signage;
- (e) a management plan outlining the operations of the outdoor dining area including—
 - (i) the manner in which foodstuffs and other dining accessories are to be conveyed to and protected from contamination in the dining area;
 - (ii) the proposed days and times of operation;
 - (iii) the proposed type and form of any advertising devices to be used;
 - (iv) arrangements for serving alcohol;
 - (v) the location where, tables, chairs, furniture and equipment used on the outdoor dining area, will be stored during periods when the outdoor dining area is not open for business;
 - (vi) the daily cleaning of the licensed area and immediate surrounds by sweeping, washing and/or scrubbing of the paved surface including removal and disposal of all rubbish, foodstuffs, and cigarette ends;
 - (vii) the type of weighted cigarette ashtray to be provided to ensure both contents and ashtray are not blown onto the paved surface of the licensed area and the method of cleaning same after use by each customer;
 - (viii) details of how customers will be encouraged not to throw rubbish, cigarette butts, or foodstuffs onto the paved area subject of the licence.

Outdoor Dining Licence

18. An outdoor dining licence shall—

- (a) include an endorsed copy of the plan or plans detailing the location and number of tables and chairs, plus any other furniture and equipment required for the operation of the outdoor dining area, as approved by the local government; and
- (b) include the days and hours of operation.

Term and Validity of Licence

19. (1) Subject to clauses 12 and 20 and except where otherwise stated in the local law, an outdoor dining licence remains valid until—

- (a) the expiration of one year from date of issue;
- (b) the proprietor of the eating house changes;
- (c) approved changes are made to an existing licence, including increase or reduction in area subject of the licence, furniture or equipment used or conditions under which the licence was granted;
- (d) the public liability insurance policy required in accordance with clause 48 lapses, is cancelled or is no longer in operation;
- (e) the licence is cancelled by the local government;

in any of the above events, an application must first be made and a new licence issued before any outdoor dining area can be set up or business conducted.

Cancellation of an Outdoor Dining Licence

20. (1) In addition to the provisions of clause 12 the local government may cancel an outdoor dining licence where—

- (a) there is a lapse or cancellation of the eating house licence issued under the Health Act; or
- (b) the setting up or conduct of, the outdoor dining area, is determined by the local government to pose a threat to the interests of the public, any adjacent property owner or occupier, or cause a nuisance because of the behaviour of customers.

(2) A decision to cancel a licence in accordance with sub clause (1)(b) shall not be made without first having advised the licensee of the nature of any complaint or concern and having given the licensee an opportunity to respond to same.

Responsibilities of Licensee

21. (1) The licensee shall—

- (a) manage the area subject of the outdoor dining licence—
 - (i) in accordance with all conditions imposed by the licence; and
 - (ii) in accordance with the approved management plan submitted at time of application and subsequent approved amendments thereto;
- (b) keep the outdoor dining area free of any obstacle or matter likely to cause injury to persons or property;
- (c) ensure furniture and equipment remains within the outdoor dining area and location approved on the plan endorsed as part of the licence and does not impede pedestrian flow or access;
- (d) repair any damage to the surface area, fixtures, fittings or utility services caused as a result of or attributable to the outdoor dining area and any associated activities;
- (e) all fees, charges, rates and taxes, levied or incurred as a result of the establishment and operation of the outdoor dining area;
- (f) ensure trading within the outdoor dining area is limited to only the operating hours stated in the licence;
- (g) remove daily all tables, chairs and non permanent fixtures and fittings from within the outdoor dining area at the conclusion of operating hours.
- (h) pay all and any costs associated with the alteration, removal, repair, reinstatement, or reconstruction of all or part of the outdoor dining area arising from any works proposed or done in the thoroughfare by or on behalf of a government department, instrumentality of the Crown or the local government and shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to such works.

(2) On cessation of the licence, the licensee shall—

- (a) remove all furniture, equipment, structures and other things placed in or adjacent the area subject of the outdoor dining licence and reinstate the area to the satisfaction of the local government; and
- (b) pay all costs to complete the reinstatement works required by sub clause 2(a).

PART 4—STREET MARKETS**Prohibition**

22. A person shall not set up or conduct a street market—

- (a) unless the person is the holder of a valid and current street market licence;
- (b) otherwise than in accordance with—
 - (i) the terms and conditions of the licence; and
 - (ii) the provisions of this local law.

Licence Restrictions

23. (1) A street market licence, is only transferable with the approval of the local government and on payment of the transfer fee.

(2) A licensee shall not permit the street market to extend beyond the specified portion of street or public place detailed in the plans approved and endorsed as part of the licence;

(3) The issue of a street market licence does not confer exclusive possession or use of that portion of the street or reserve, the subject of the licence.

Licence Application

24. (1) Applications shall be in the form provided and shall be forwarded to the local government together with—

- (a) the application and licence fee;
- (b) a copy of the planning approval issued by the local government under a town planning scheme;
- (c) a plan or plans to a scale of 1:50 showing—
 - (i) the location and dimensions of the proposed area to be used for the street markets;
 - (ii) the dimensions of the thoroughfare including the footpath and the location and nature of any street furniture, trees, utilities, parking or service bays in the area;
 - (iii) the position and dimensions of all proposed market stalls;
- (d) such other information as the local government may require to assist with the assessment of the application;
- (e) a management plan outlining the operations of the street markets including—
 - (i) the proposed days and times of operation;
 - (ii) the proposed type and form of any advertising devices to be used;
 - (iii) details of how the operational responsibilities of the licensee will be met;
- (f) the nature and extent of any activity relating to street entertainment.

Street Market Licence

25. A street market licence shall—

- (a) be issued on the form used for the purpose;
- (b) include an endorsed copy of the plan or plans detailing the location where any furniture displays and other equipment may be placed for the operation of the street market;
- (c) include the days and hours of operation;
- (d) detail any terms and conditions of the licence approval.

Term and Validity of Licence

26. (1) Subject to clause 12 and except where otherwise stated in the local law, a street market licence remains valid until—

- (a) the expiry date stated in the licence is reached;
- (b) approved changes are made to an existing licence, including increase or reduction in area subject of the licence, or conditions under which the licence was granted;
- (c) the public liability insurance policy required in accordance with clause 48 lapses, is cancelled or is no longer in operation;
- (d) the licence is cancelled by the local government;

and in any of these events, an application must first be made and a new licence issued before any street market can continue or proposed changes can be made, as the case may be.

Responsibilities of Licensee

27. (1) The licensee shall, prior to commencing operations of the street market, obtain relevant approvals and make arrangements as follows—

- (a) obtain approval from the local government and Western Australian Police Service for the closure of the public streets to vehicular traffic, where the markets are to be held and during the hours of operation of the street markets;
- (b) lodge a copy of the approved plans of the street market with the Fire and Rescue Service of WA;
- (c) ensure adequate refuse collection arrangements have been made to the satisfaction of the local government;
- (d) where appropriate, have the necessary local government approval in accordance with the Health (Public Buildings) Regulations 1992, including a—
 - (i) Maximum Occupation Certificate; and
 - (ii) Electrical Compliance Certificate;
- (e) obtain approval from the local government in relation to any public entertainment aspects of the street market.

(2) The licensee shall, during the operation of the street market, including setting up and dismantling times—

- (a) maintain pedestrian access through and beyond the market area;
- (b) maintain access to adjacent building entries;
- (c) retain access to existing or approved outdoor dining areas associated with adjacent building entries;
- (d) maintain adequate access for emergency vehicles through the streets of the licence area;

- (e) stabilise all structures and furniture provided and used in the operation of the markets at all times and the removal of such structures and furniture when not in use;
- (f) maintain noise levels from any associated music, announcements and the like, in accordance with any licence approval condition, so as not to cause a nuisance;
- (g) maintain the area of the markets clean and free from rubbish; and
- (h) provide separate sanitary facilities for food stall staff.

(3) The licensee shall at the conclusion of each street market, ensure that all structures and equipment used in the operation of the street market, are removed and the area returned to the condition it was before the commencement of the street market, and to the satisfaction of the local government.

PART 5—STREET TRADING

Prohibition

28. A person shall not carry on trading in any street or public place—

- (a) unless that person is the holder of a valid and current street trading licence or assistant specified in the licence; and
- (b) otherwise than in accordance with—
 - (i) the terms and conditions of the licence; and
 - (ii) the provisions of this local law.

Licence Restrictions

29. (1) A street trading licence is only transferable with the approval of the local government and on payment of the transfer fee.

(2) A licensee shall not permit any trading activity to extend beyond the specified portion of public place detailed in the plan approved as part of the licence.

(3) The issue of a street trading licence does not confer exclusive possession or use of that portion of the street, or public place subject of the licence.

Licence Application

30. (1) Applications shall be in the form provided for the purpose and shall be forwarded to the local government together with the—

- (a) application and licence fee;
- (b) number of assistants to be employed in the trading at any one time;
- (c) plans of the proposed location, plus days and hours of operation;
- (d) proposed goods, wares, merchandise or services for which trading will be carried on;
- (e) detailed, accurate plan and description of any proposed stall, stand, table, structure or vehicle to be used for trading; and
- (f) name and address of the person responsible for complying with any conditions imposed by the licence, where the applicant is a corporation.

Street Trading Licence

31. A street trading licence shall—

- (a) be issued on the form used for the purpose;
- (b) include the location, days and hours of operation and for mobile traders may include a pre-determined approved route or area;
- (c) detail the goods, wares, merchandise or services for which trading is approved under the licence;
- (d) limit the number of persons that may carry on trading at any time; and
- (e) detail any other terms and conditions imposed with the licence.

Term and Validity of Licence

32. Subject to clause 12 and except where otherwise stated in this local law, a street trading licence remains valid until—

- (a) the expiry date stated in the licence is reached;
- (b) approved changes are made to an existing licence, including an increase or reduction in area subject of the licence, or conditions under which the licence was granted;
- (c) the public liability insurance policy, where required in accordance with clause 48 lapses, is cancelled or is no longer in operation; or
- (d) the licence is cancelled by the local government;

and in any of these events an application must first be made and a new licence issued before any trading can continue or proposed changes can be made, as the case may be.

Responsibilities of Licensee

33. (1) The licensee shall—

- (a) display a sign, with letters and numerals not less than 5 cm in height in a conspicuous place in the licensed area, indicating the name of the licensee and the licence number;
- (b) ensure that the licensed area is attended either by the licensee or an assistant, at all times when trading is being undertaken;

- (c) keep any stall, stand, table, structure or vehicle specified in the licence in a clean, safe condition and in good repair;
 - (d) keep the location specified in the licence free from refuse and rubbish;
 - (e) have the licence available at all operation times and produce the licence to any authorised person or any police officer when requested; and
 - (f) remove any stall, merchandise and signs from the location to which the licence applies and leave that location clean and vacant—
 - (i) at the conclusion of the permitted hours of operation specified in the licence; and
 - (ii) whenever trading is not taking place on the location to which the licence applies.
- (2) The licensee shall not—
- (a) engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;
 - (b) attempt to trade within 500 metres of a shop or permanent place of business that is open and has for sale goods, wares, merchandise or services being offered and approved for sale under a stall or street traders' licence;
 - (c) cause, permit or suffer any nuisance to exist, arise or continue on or from the location to which the licence applies;
 - (d) deposit, place or store any goods, wares or merchandise on any street or public place, other than on the location to which the licence applies;
 - (e) obstruct the free passage of pedestrians on any footpath or pedestrian accessway;
 - (f) use or display or permit to be used or displayed any advertisement, placard, poster, streamer, sign or signboard on or about the location specified in the licence other than price tickets or labels on the permitted place not exceeding a total of 0.25 square metres of the licenced area;
 - (g) erect and maintain any signs in accordance with sub clause (f) so as to obscure any other signage on or adjacent to the licenced area;
 - (h) cry out or shout about or permit any other person to cry out or shout about any goods, wares, merchandise or services in any street or other public place;
 - (i) use or permit to be used any loud hailer, microphone, amplifier or other apparatus for making or transmitting sound, on or from the permitted place specified in the licence, unless approved by the local government;
 - (j) use or permit to be used any record, tape, radio, bell, musical instrument or other instrument or device capable of being heard beyond the boundaries of the permitted place specified in the licence unless approved by the local government;
 - (k) use or permit to be used any flashing or intermittent lighting apparatus or device on or from the permitted place specified in the licence; or
 - (l) use or permit to be used apparatus or device including flap or shelf whereby the dimensions of the stall are increased beyond that specified in the licence.

PART 6—STREET ENTERTAINMENT

Prohibition

34. A person shall not, in any public place, engage in any form of street entertainment—

- (a) unless that person is the holder of a valid and current street entertainment licence; and
- (b) other than in accordance with—
 - (i) the terms and conditions of the licence; and
 - (ii) the provisions of this local law.

Licence Restrictions

35. (1) A street entertainment licence is not transferable.

(2) A licensee shall not permit the street entertainment to extend beyond the specified portion of street or public place approved in the licence.

(3) The issue of a licence does not confer exclusive possession or use of that portion of the street or public place, subject of the licence.

Licence Application

36. An application for a street entertainment licence shall be in the form provided for the purpose and shall be forwarded to the local government together with—

- (a) the application and licence fee;
- (b) the nature of the proposed street entertainment;
- (c) any musical instrument or amplifier proposed to be used;
- (d) the number of people involved in the proposed street entertainment;
- (e) the name and date of birth of anyone proposed to be involved in the performance who is under 14 years of age; and
- (f) any other information that the local government may require.

Street Entertainment Licence

37. A street entertainment licence shall—

- (a) be issued on the form used for the purpose;
- (b) include details of the location and equipment that can be used for the street entertainment, as approved by the local government;
- (c) include the days and permitted times for the street entertainment;
- (d) detail any other terms and conditions imposed with the licence.

Term and Validity of Licence

38. Subject to clause 12 and except where otherwise stated in the local law, a street entertainment licence remains valid until—

- (a) the expiry time and date stated in the licence is reached;
- (b) the public liability insurance policy, where required in accordance with clause 48 lapses, is cancelled or is no longer in operation;
- (c) the licence is cancelled by the local government;

and in any of these events, an application must first be made and a new licence issued before any street entertainment can take place.

Responsibilities of Licensee

39. (1) The licensee shall ensure that the street entertainment—

- (a) does not prevent or impede pedestrian flow or access to and along footpaths, entry or exit to shops and other buildings;
- (b) does not prevent or impede vehicular flow or access to and along any street, entry or exit to any service delivery area;
- (c) does not cause a nuisance to any other street entertainment or activity approved by the local government;
- (d) does not have more than 4 people participating in any one performance;
- (e) unless otherwise approved, does not include any person under the age of 14 years—
 - (i) during school hours, on school days;
 - (ii) between 7.00pm and 6.00am; and
- (f) does not include, involve or permit—
 - (i) anything that is offensive or obscene;
 - (ii) the use of fire;
 - (iii) any weapon or object with sharp edges, including knives or swords;
 - (iv) any motorised machinery that emits a loud noise in its operation or is not suitable in the location (e.g. chainsaw);
 - (v) any other activity, object or matter whatsoever that endangers the safety of the public or the performer; or
 - (vi) cruelty to an animal;
- (g) does not include any amplification unless specifically approved and endorsed on the licence and in any event will not be permitted at any location between Monday to Saturday, 10.00pm to 7.00am and Sundays between 10.00pm and 9.00am;
- (h) complies at all times with the Environmental Protection (Noise) Regulations 1997.

(2) A licensee shall—

- (a) use the allocated space and location to perform during the days and times specified in the licence or vacate the location;
- (b) produce the licence when requested to do so by an authorised person;
- (c) ensure a valid licence number is visibly displayed during each performance;
- (d) comply at all times with a direction of an authorised person; and
- (e) move at least 50 metres from the performance location at the completion of the performance and not return to that same location within 2 hours.

(3) A licensee shall not—

- (a) reserve or attempt to reserve a location or leave equipment at a location used for performances, unless immediately before, during and immediately after a performance;
- (b) sell any goods or services without a written approval or licence issued for that purpose;
- (c) erect or display or permit to be erected or displayed at or near the performance location any sign except—
 - (i) a sign no larger than 0.25m², displaying the name of the performance; or
 - (ii) standard business cards;
- (d) perform in any 1 location for more than 30 minutes, unless specifically authorised by endorsement on the licence, or the performance is by a pavement or visual artist.

(4) A licensee who is performing pavement or visual art—

- (a) may perform at the same site for a maximum of 2 hours but cannot return to the same site until 2 hours after the previous performance that day;

- (b) shall use chalk unless working on paper or card;
- (c) shall not use spray paint, crayons, textures or other indelible materials;
- (d) shall return the location, including the pavement surface, to its former condition;

Cancellation and Variation of Street Entertainment Licence

40. In addition to clause 12, the local government may cancel or vary the terms and conditions of a street entertainment licence, in the event that—

- (a) a complaint is received about a performance or the amenity of a performance location;
- (b) an authorised person has concerns with the content or material used in the performance;
- (c) the licensee fails to meet any of the responsibilities detailed in clause 39.

PART 7—SECURED SUM

Security for Restoration and Reinstatement

41. (1) For the purpose of ensuring that an outdoor dining or street market area is properly restored or reinstated, on the expiry of a licence, the local government may require that—

- (a) the licensee—
 - (i) as a condition of a licence; or
 - (ii) before the issue of a licence; or
 - (iii) before the renewal of a licence;

give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government.

(2) A bond required under sub clause (1) is to be paid into an account established by the local government for the purposes of this clause.

Use by the Local Government of Secured Sum

42. (1) If a licensee fails to carry out or complete the reinstatement works required by the licence conditions or by a notice served by the local government, either—

- (a) within the time specified in those conditions;
- (b) where no such time has been specified, a reasonable period of time from the expiration of the licence of the outdoor dining facility specified in the licence conditions; or
- (c) within 14 days or such other time as specified in the notice given by the local government to the licensee, then—

the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone.

(2) The licensee shall pay to the local government on demand all administrative, legal, contractor and other costs, estimated or incurred by the local government, to restore and reinstate the site or which the local government may be required to pay under this clause.

(3) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 41 to meet costs under this clause.

(4) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 41.

(5) A person, or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the licensee was required to do to comply with this local law.

PART 8—MISCELLANEOUS

Notice Requiring Works to be Done To Remedy Breach

43. (1) Where the local government requires works to be done—

- (a) to rectify a breach of any provision of a licence; or
- (b) to change the arrangement or operation of an outdoor dining area considered necessary to maintain public safety, facilitate public works to the footpath or street, or protect the amenity of an adjacent premises;

the local government may give notice in writing to the licensee—

- (i) advising details of the breach of the local law or works required;
- (ii) requiring the licensee to remedy the breach or do the works required within the time specified in the notice; and
- (iii) advising that where the licensee fails to comply with the requirements of the notice within the time specified, the local government may do the required work.

(2) Where the licensee fails to comply with the requirements of the notice, the local government may by its employees, agents or contractors carry out all works and do all things necessary to comply with the requirements of the notice.

(3) The local government may recover the expenses incurred in carrying out the works in accordance with sub-clause (2)—

- (a) as a charge against the secured sum lodged for the purpose in accordance with clause 41;
- (b) from the licensee in a court of competent jurisdiction.

Notice to Advise Licensee of Planned or Emergency Works

44. (1) The local government shall give 14 days notice of any planned works to be undertaken by the local government, that will require closure, part closure or access to an outdoor dining area or street market location, licenced in accordance with this local law.

(2) Where the local government is to carry out emergency works in an outdoor dining area or street market location, there shall be no specified time for the giving of notice of the works to the licensee, other than that which is considered reasonable under the circumstances.

(3) A notice referred to in sub clauses (1) and (2) shall be served in accordance with clause 45.

(4) The licensee shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any works, actions or activity whatsoever referred to in sub clauses (1) and (2) and all rights and privileges granted by the licence shall be suspended in accordance with clause (13)(2).

Serving of Notice

45. Notices served under this local law are to be delivered to the licensee or sent by mail addressed to the licensee.

Limit on Liability

46. A licensee, or other person is not entitled to make any claim by way of damages or otherwise, against the local government, an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to carry out all or part of the works and do all things necessary that the licensee was required to do to comply with this local law.

Works in Public Property

47. A person shall not carry out any works of a structural nature, within the street or public place without first obtaining written permission from the local government, in accordance with Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996.

Public Liability Insurance and Indemnity

48. (1) Where, as a condition of a licence, the licensee is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the licensee shall—

- (a) enter into an agreement with the local government to provide and maintain the required public liability insurance protection;
- (b) take out a public liability insurance policy in the name of the licensee and the local government, for a minimum value of \$5m or such other amount as considered appropriate to the risk involved;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
- (d) include a clause in the policy which requires both the licensee and the insurance company to advise the local government if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

(2) A licensee who refuses or cannot provide a current certificate of insurance within 2 working days as requested in accordance with sub clause (1) commits an offence.

Date of Birth to be Given on Demand

49. (1) An authorised person or member of the Police Force who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law, may demand from the person that person's date of birth.

(2) A person who refuses to give his or her date of birth, or who states a false date of birth on a demand being made, commits an offence.

PART 9—OFFENCES AND PENALTIES**Offences**

50. (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

51. For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

Offence Description and Modified Penalty

52. The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

53. A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

54. The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnotes—

Right of appeal

1. When the local government makes a decision as to whether it will—

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

Appointment of Authorised Persons, and Certificate of Appointment

2. Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with Section 9.10 of the Local Government Act 1995.

Outdoor Dining

3. Applicants seeking the issue of planning approval and a licence to conduct Outdoor Dining, should refer to the "Guidelines For Outdoor Dining", which provide information on specific issues for particular areas, plus a wide range of general outdoor dining matters. Prior reference to the "Guidelines For Outdoor Dining" will assist in completing the application.

First Schedule

City of Joondalup

TRADING IN PUBLIC PLACES LOCAL LAW 1999

OFFENCES AND MODIFIED PENALTIES

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|------------------------------|--------------|--|---------------------|
| Part 3—Outdoor Dining | | | |
| 1 | 14(a) | Set up or conduct outdoor dining area in portion of street or public place not adjoining eating house..... | 100 |
| 2 | 14(b) | Set up or conduct outdoor dining area not being proprietor of adjoining eating house | 100 |
| 3 | 14(c) | Set up or conduct outdoor dining area without licence | 100 |
| 4 | 14(d) | Set up or conduct outdoor dining area contrary to licence plan or licence conditions | 100 |
| 5 | 16(2) | Permit operation of outdoor dining area to extend beyond area approved as part of the licence | 100 |
| 6 | 21(1)(a)(i) | Fail to manage outdoor dining area in accordance with conditions of licence | 100 |
| 7 | 21(1)(a)(ii) | Fail to manage outdoor dining area in accordance with approved management plan | 100 |
| 8 | 21(1)(b) | Fail to keep licenced area free of any obstacle or matter likely to cause injury to persons or property | 100 |
| 9 | 21(1)(c) | Fail to ensure furniture or equipment remains in licenced area and not impede pedestrian flow. | 100 |
| 10 | 21(1)(d) | Fail to repair damage to surface area, fixtures, fittings or utility services caused by outdoor dining operation | 100 |
| 11 | 21(1)(f) | Fail to ensure trading in outdoor dining area is limited to operating hours stated in licence | 100 |
| 12 | 21(1)(g) | Fail to remove tables and chairs and non permanent fixtures and fittings at conclusion of operating hours | 100 |
| 13 | 21(2)(a) | Fail to remove all equipment, structures and other things and reinstate area to satisfaction of local government on cessation of licence . | 100 |
| 14 | 21(2)(b) | Fail to pay all costs for complete reinstatement works | 100 |

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|------------------------------|--------------|--|---------------------|
| Part 4—Street Markets | | | |
| 15 | 22(a) | Set up or conduct street market without licence | 100 |
| 16 | 22(b)(i) | Set up or conduct street market contrary to licence conditions | 100 |
| 17 | 22(b)(ii) | Set up or conduct street market contrary to local law | 100 |
| 18 | 23(2) | Permit operation of street market area to extend beyond area approved as part of the licence | 100 |
| 19 | 27(1)(a) | Fail to obtain approval from local government and Police to close streets where markets held during market times | 100 |
| 20 | 27(1)(b) | Fail to lodge copy of approved plans of street markets with Fire and Rescue Services of WA | 100 |
| 21 | 27(1)(c) | Fail to make adequate refuse collection arrangements to satisfaction of local government | 100 |
| 22 | 27(1)(d)(i) | Fail to obtain approval under Health (Public Buildings) Regulations 1992—Maximum Occupation Certificate | 100 |
| 23 | 27(1)(d)(ii) | Fail to obtain approval under Health (Public Buildings) Regulations 1992—Electrical Compliance Certificate and Certificate of Approval | 100 |
| 24 | 27(1)(e) | Fail to obtain approval in relation to any public entertainment aspects of the street markets | 100 |
| 25 | 27(2)(a) | Fail to maintain pedestrian access through and beyond market area | 100 |
| 26 | 27(2)(b) | Fail to maintain access to adjacent building entries | 100 |
| 27 | 27(2)(c) | Fail to retain access to existing or approved outdoor dining areas with adjacent building entries | 100 |
| 28 | 27(2)(d) | Fail to maintain adequate access for emergency vehicles through the streets of the licenced area | 100 |
| 29 | 27(2)(e) | Fail to stabilise all structures and furniture used in operation of markets and remove same when not in use | 100 |
| 30 | 27(2)(f) | Fail to maintain noise levels from music, announcements and the like so as not to cause a nuisance | 100 |
| 31 | 27(2)(g) | Fail to maintain area of markets clean and free from rubbish | 100 |
| 32 | 27(2)(h) | Fail to provide separate sanitary facilities for food stall staff | 100 |
| 33 | 27(3) | Fail to remove all structures and equipment at conclusion of street market | 100 |
| Part 5—Street Trading | | | |
| 34 | 28(a) | Trading in a street or public place without a licence | 100 |
| 35 | 28(b)(i) | Trading in a street or public place contrary to licence conditions | 100 |
| 36 | 28(b)(ii) | Trading in a street or public place contrary to local law | 100 |
| 37 | 29(3) | Permit trading to extend beyond area approved as part of the licence | 100 |
| 38 | 33(1)(a) | Fail to display sign indicating licensee name and licence number | 50 |
| 39 | 33(1)(b) | Fail to have licenced area attended when trading | 50 |
| 40 | 33(1)(c) | Fail to keep any stall, stand, table, structure, or vehicle in clean, safe condition and good repair | 100 |
| 41 | 33(1)(d) | Fail to keep location specified in licence free from refuse and rubbish | 100 |
| 42 | 33(1)(e) | Fail to have licence available at all operation times and produce when requested by authorised person or police officer | 50 |
| 43 | 33(1)(f)(i) | Fail to remove any stall, merchandise and signs and leave location clean at conclusion of operation hours | 100 |
| 44 | 33(1)(f)(ii) | Fail to remove any stall, merchandise and signs and leave location vacant whenever trading is not taking place | 100 |
| 45 | 33(2)(a) | Trade in any goods, wares, merchandise not specified in the licence .. | 100 |
| 46 | 33(2)(b) | Attempt to trade within 500 metres of a shop that is open and has for sale any goods, wares, merchandise or services offered by a stall or street trader's licence | 100 |
| 47 | 33(2)(c) | Cause or permit any nuisance to exist, arise, or continue from the licence location | 100 |
| 48 | 33(2)(d) | Deposit, place or store any goods, wares or merchandise on any street or public place other than the licence location | 100 |
| 49 | 33(2)(e) | Obstruct free passage of pedestrians on footpath or accessway | 100 |
| 50 | 33(2)(f) | Use, display or permit advertisement outside licence location, larger than approved size and for goods, merchandise or services not approved in the licence | 100 |
| 51 | 33(2)(g) | Erect and maintain signs so as to obscure other signage on or adjacent the licenced area | 100 |

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|--|---------------|---|---------------------|
| Part 5—Street Trading—continued | | | |
| 52 | 33(2)(h) | Cry out or shout about goods, merchandise or services in street or public place | 100 |
| 53 | 33(2)(i) | Use or permit use of loud hailer, microphone amplifier or sound apparatus, outside licence location without approval | 100 |
| 54 | 33(2)(j) | Use or permit use of any record, tape, radio or musical instrument to be heard outside licenced location without approval | 100 |
| 55 | 33(2)(k) | Use or permit use of any flashing or intermittent lighting apparatus or device on or from licenced area | 100 |
| 56 | 33(2)(l) | Use or permit use of any apparatus to increase dimensions of a stall beyond that specified in the licence | 100 |
| Part 6—Street Entertainment | | | |
| 57 | 34(a) | Engage in street entertainment without a licence | 100 |
| 58 | 34(b)(i) | Engage in street entertainment contrary to licence conditions | 100 |
| 59 | 34(b)(ii) | Engage in street entertainment contrary to local law | 100 |
| 60 | 35(2) | Permit street entertainment to extend beyond area approved as part of the licence | 50 |
| 61 | 39(1)(a) | Permit the performance to impede pedestrian flow or access to and along footpaths, entry or exit to shops or other buildings | 100 |
| 62 | 39(1)(b) | Permit the performance to impede vehicular flow or access to and along any street, entry or exit to service delivery area | 100 |
| 63 | 39(1)(c) | Permit the performance to cause a nuisance to any other street entertainment or activity approved by the local government | 100 |
| 64 | 39(1)(d) | Have more than 4 people participating in any performance | 100 |
| 65 | 39(1)(e)(i) | Permit the performance to include persons under 14 years of age, during school hours on a school day, without approval | 100 |
| 66 | 39(1)(e)(ii) | Permit the performance to include persons under 14 year's of age on school days between 7.00pm and 6.00am, without approval | 100 |
| 67 | 39(1)(f)(i) | Permit the performance to involve anything that is offensive or obscene | 100 |
| 68 | 39(1)(f)(ii) | Permit the performance to involve the use of fire | 100 |
| 69 | 39(1)(f)(iii) | Permit the performance to involve any weapon or object with sharp edges, including knives or swords | 100 |
| 70 | 39(1)(f)(iv) | Permit the performance to involve any motorised machinery which emits a loud noise not suitable for the location | 100 |
| 71 | 39(1)(f)(v) | Permit the performance to involve any matter whatsoever that endangers the safety of the public or performer | 100 |
| 72 | 39(1)(f)(vi) | Permit the performance to involve cruelty to animals | 100 |
| 73 | 39(1)(g) | Permit the performance to include amplification outside permitted times | 100 |
| 74 | 39(2)(a) | Fail to use allocated space and location to perform during days and times in licence or vacate the location | 100 |
| 75 | 39(2)(b) | Fail to produce the licence when requested by an authorised person . | 100 |
| 76 | 39(2)(c) | Fail to display valid licence number during each performance | 100 |
| 77 | 39(2)(d) | Fail to comply with direction of an authorised person | 100 |
| 78 | 39(2)(e) | Fail to move 50 metres from performance location at end of performance or return to same location within 2 hours | 100 |
| 79 | 39(3)(a) | Reserve or leave equipment at performance location unless immediately before, during or after | 100 |
| 80 | 39(3)(b) | Sell any goods or services without approval or licence for the purpose | 100 |
| 81 | 39(3)(c) | Erect or permit to be erected or displayed a sign larger than that approved | 100 |
| 82 | 39(3)(d) | Perform in 1 location for more than 30 minutes without approval | 100 |
| 83 | 39(4)(a) | Performance by a pavement or visual artist, in 1 location for more than 2 hours or return to same location within 2 hours of the last performance | 100 |
| 84 | 39(4)(b) | Use of materials other than chalk by a pavement or visual artist, unless working on card or paper | 200 |
| 85 | 39(4)(c) | Use of spray paint, crayons, textures or other indelible materials, by a pavement or visual artist | 200 |

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|--|---------------|--|------------------------|
| Part 6—Street Entertainment—continued | | | |
| 86 | 39(4)(d) | Failure of a pavement or visual artist, to return the location including pavement, to its former condition | 200 |
| Part 8—Miscellaneous | | | |
| 87 | 49(2) | Refusal to give date of birth, or give a false date on a demand being made | 100 |
| 88 | | Other offences not specified | 100 |

Dated this 20th day of July 1999.

The common seal of the City of Joondalup was hereunto affixed in the presence of—

C. T. ANSELL, Chairman of Commissioners.
L. O. DELAHAUNTY, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

ARRANGEMENT

| | |
|--|---------------|
| PART 1—PRELIMINARY | Clauses 1-6 |
| PART 2—DOGS | Clauses 7-14 |
| PART 3—APPROVED DOG KENNEL ESTABLISHMENT | Clauses 15-22 |
| PART 4—LIVESTOCK | Clauses 23-27 |
| PART 5—PIGEONS | Clauses 28-36 |
| PART 6—BEES | Clause 37 |
| PART 7—ANIMALS, BIRDS AND POULTRY | Clauses 38-50 |
| PART 8—MISCELLANEOUS | Clauses 51-54 |
| PART 9—PENALTIES | Clauses 55-59 |
| SCHEDULES 1—4 | |

PART 1—PRELIMINARY**Title**

1. This local law may be referred to as the City of Joondalup Animals Local Law 1999.

Commencement

2. This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose and Intent

3. (1) The purpose of this local law is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.

(2) The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.

Repeal

4. The following by laws of the former City of Wanneroo—

- By Law B2: Keeping of Bees, published in the *Government Gazette*—19 August 1983;
- By Law D2: Dog Kennels, published in the *Government Gazette*—1 February 1980 and amendments;
- By Law D3: Relating to Dogs, published in the *Government Gazette*—21 November 1986 and amendments;
- Local Law P6: Keeping of Pigeons, published in the *Government Gazette*—27 February 1998;
- Clauses 9 and 9A, By Law R3: Reserves and Foreshores, published in the *Government Gazette*—28 September 1990 and amendments;

are repealed on the day this local law comes into operation.

Application of Local Law

5. This local law applies throughout the district.

Definitions

6. In this local law unless the context otherwise requires—

“Act” means the Local Government Act 1995;

“application” means the completed form lodged by an applicant as required by this local law;

“applicant” means a person who has lodged an application for an approval, certificate or licence required for any activity by this local law;

“approved fees” means the fees and charges determined by the local government from time to time, for putting into effect the provisions of this local law;

“authorised person” means a person authorised by the local government under section 9.10 of the Act, to carry into effect the provisions of this local law;

“beehive” means a moveable or fixed structure, container or object in which a colony of bees is kept;

“caravan park” means an area of land on which caravans or caravans and camps situated for habitation;

- “cattery keeper” means a person registered to keep a cattery;
- “certificate of registration” means a certificate of registration to keep pigeons issued pursuant to this local law;
- “City” means the City of Joondalup;
- “Code of Practice” means the Code of Practice—Pigeon Keeping and Pigeon Racing, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994 as amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;
- “cow” includes an ox, calf or bull;
- “district” means the district of the City;
- “Dog Act” means the Dog Act 1976;
- “environmental health officer” means an environmental health officer appointed under the Health Act 1911 and includes an acting or assistant environmental health officer;
- “food premises” means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;
- “grouped dwelling” means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise;
- “horse” includes an ass, mule, donkey, shetland pony or pony;
- “land” means land in the district and includes houses, buildings, works and structures, in or upon the land;
- “large animal” includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government.
- “livestock” means any horse, cattle, sheep, goat, swine, buffalo, deer, camel, llama and alpaca;
- “local government” means the City of Joondalup;
- “lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;
- “miniature horse” means a horse that does not exceed 870 millimetres in height as an adult and is classified as a miniature by the Miniature Horse Association of Australia;
- “miniature pig” means a pig that does not exceed 650 millimetres in height as an adult and weighs between 45-55 kilograms.
- “multiple dwelling” means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other;
- “nuisance” means—
- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
 - (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
 - (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;
- “pigeon” includes homing pigeon and racing pigeon;
- “poultry” means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;
- “pound” means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;
- “public place” means any place to which the public has access;
- “residential area” means any land situated within a residential zone as classified by the town planning scheme and includes land predominately used for residential purposes;
- “rural area” means any land situated within a rural zone as classified by the town planning scheme;
- “special rural area” means any land situated within a special rural zone as classified by the town planning scheme;
- “stablehand room” means a room or rooms used for occasional overnight occupation to facilitate husbandry to pregnant or sick animals.
- “town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;
- “young birds” means any pigeon under 24 days of age and, unless the contrary can be shown, a pigeon shall be deemed under this local law to be a young bird if it is without feathers on the flesh under the wings.

PART 2—DOGS**Pound**

7. The local government may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act or this local law.

Impounding Dogs

8. A dog seized by the Police or by a person authorised by the local government may be placed in a pound.

Pound Fees

9. The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29(4) of the Dog Act, are those approved by the local government from time to time.

Dog Exercise Areas

10. All public reserves vested in or under the care, control and management of the local government, excluding road and street reserves and the areas specified in the Second Schedule to this local law, are designated as dog exercise areas for the purposes of the Dog Act. The area designated by the Third Schedule to this local law as a horse exercise area, is subject to restrictions as a dog exercise area in accordance with clause 26(5) of this local law.

Prohibited Places

11. (1) A person liable for the control of a dog shall prevent that dog from entering or being in or on any public building, shop or business premises, with the exception of a shop or business premises where dogs are sold.

(2) Subclause (1) does not apply to a person with a vision impairment or who is a trainer accompanied by a bona fide guide dog.

Fouling of Streets and Public Places

12. Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.

Fencing Requirements

13. (1) The owner or occupier of premises within the local government on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in a manner which complies with this clause.

(2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence.

(3) Subsections (1) and (2) shall not apply to any rural area.

Maximum Number of Dogs

14. A person shall not keep or permit to be kept on any premises more than—

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) 6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area or comprise a lot in a special rural area having an area of 4 hectares or more,

unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Dog Act and have planning approval under the town planning scheme.

Footnote—

The provisions of section 29 of the Dog Act will apply to dogs seized and placed in a pound in relation to—

- Notification of Owner;
- Release of dogs from the pound;
- Sale of dogs; and
- Destruction of dogs.

PART 3—APPROVED DOG KENNEL ESTABLISHMENT**Approved Kennel Establishment Licence**

15. A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the town planning scheme.

Notice of Application for Kennel Establishment Licence

16. An applicant for a licence to keep an approved kennel establishment shall—

- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence, being that of Form 1 of the Fourth Schedule, specifying that any interested person may within 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government; and

- (b) forward a notice, being that of Form 1 of the Fourth Schedule to the owners and occupiers of all land within a radius of 275 metres of the boundaries of the land upon which it is proposed to establish the kennel.

Application for Kennel Establishment Licence

17. An application for a licence to keep an approved kennel establishment shall be on Form 2 of the Fourth Schedule and shall be accompanied by—

- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 16 (a) and (b);
- (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the local government may require; and
- (c) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

Determination of Application

18. (1) The local government may refuse an application for a licence:

- (a) that does not comply with the requirements of clause 17;
- (b) for which the processes required by clause 16 have not been completed;
- (c) after considering any submissions or representations received within the specified period in accordance with clause 16 (a);
- (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant town planning scheme.

(2) The local government may, in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence and Fees

19. A licence to keep an approved kennel establishment shall be that of Form 3 in the Fourth Schedule and fees payable to the local government on the issue and renewal of such licences shall be as approved by the local government.

Duties of Licence Holder

20. The holder of a licence to keep an approved kennel establishment shall—

- (a) maintain the establishment in a clean, sanitary and tidy condition;
- (b) dispose of all refuse, faeces and food waste daily in a manner approved by the local government; and
- (c) take all practical measures for the destruction of fleas, flies and other vermin.

Limit on Number and Breed of Dogs

21. A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of the local government.

Kennel Establishment Requirements

22. Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following—

- (a) each kennel shall have an adjacent yard;
- (b) each kennel and each yard and every part thereof shall be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;
- (c) each kennel and each yard and every part thereof shall be at a distance of not less than 24 metres from the front road or street;
- (d) each kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling house;
- (e) each yard shall be secured with a fence not less than 1.8 metres in height;
- (f) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;
- (g) the floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
- (h) for each dog kept therein every kennel shall have not less than 1.8m² of floor space and every yard not less than 2.5m²;
- (i) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by a person authorised by the local government.

PART 4—LIVESTOCK

Livestock Not to Stray

23. The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

Property to be Fenced

24. (1) The owner or occupier of a property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.

(2) The minimum fencing requirements to confine livestock in a rural or special rural area, shall be a fence of post and wire construction, as specified as a sufficient fence in the Third Schedule of the City of Joondalup Private Property Local Law 1998, being:

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, these to be spaced equally and threaded through 12mm holes in posts to all fences;
- (b) posts shall be of indigenous timber or other suitable material including timber impregnated with a termite and fungicidal preservative cut not less than 1.8m long x 100mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts shall be set a minimum of 600mm in the ground and 1.2m above the ground;
- (c) strainer posts shall not be less than 2.25m long and 150mm diameter at small end and shall be cut from indigenous timber or other suitable material. These shall be set a minimum of 1m in the ground.

Livestock may be Impounded

25. (1) An authorised person may impound livestock found straying in contravention of clause 23.

(2) Livestock being impounded shall be placed in—

- (a) a pound established and maintained by the local government; or
- (b) a secured portion of private property with the consent of the property owner.

Horse Exercise Area

26. (1) The local government may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse.

(2) A person shall not ride, drive or bring a horse onto any reserve or foreshore or any part thereof that has not been set aside for that purpose.

(3) A person shall not ride, drive, exercise or train a horse on any part of a reserve or foreshore set aside under subsection (1), faster than walking pace or in a manner so as to create a danger or become a nuisance to the public or to any person.

(4) A person shall not ride, drive or bring a horse onto any reserve or foreshore or any part thereof that is set aside specifically for the exercise of dogs.

(5) A person may exercise a dog on an area of reserve or foreshore set aside as a horse exercise area provided the dog remains under full control on a leash at all times.

(6) All that section of Swan Location 11918 (Reserve 20561) as shown delineated in black and stippled on Department of Land Administration Diagram 585, specified in the Third Schedule, is a designated horse exercise area.

Fouling of Public Places

27. Any person liable for the control of a horse who permits that horse to excrete on any public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.

PART 5—PIGEONS

Certificate of Registration

28. (1) A person shall not keep pigeons on any land in the district without having first obtained a certificate of registration from the local government.

(2) A certificate of registration shall be valid from its date of issue until the next 30 June.

Application for Certificate of Registration

29. An application for certificate of registration shall be—

- (1) lodged by the applicant on the form approved by the local government from time to time.
- (2) lodged with specifications, site and construction plans of proposed cages, enclosure or lofts; and
- (3) lodged with the registration fee set by the local government.

Adjoining Owners to be Consulted

30. Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

Approval Limitations

31. (1) Pigeons shall not be kept within a caravan park or on any land on which is situated a group dwelling or multiple dwellings except for land on which 2 grouped dwellings are permitted; and
(2) Unless previously approved by the local government prior to this local law coming into effect, pigeons shall not be kept on any land which has an area of less than 600m².

Duties of Certificate Holder

32. The holder of a certificate of registration to keep pigeons shall—
- (a) keep all pigeons confined continuously in cages, enclosures and lofts approved by the local government except that homing pigeons and racing pigeons registered in accordance with this local law may be released in accordance with this local law;
 - (b) keep all cages, enclosures, lofts and their immediate surrounds clean and maintained in good order and condition at all times and the minimum standard to be adhered to shall be that which is specified in the Code of Practice; and
 - (c) dispose of all loft litter by immediate burial or by being bagged and deposited in a household rubbish bin to ensure no nuisance occurs.

Limit on Number of Pigeons

33. (1) Subject to subclause (2), the maximum number of pigeons which shall be kept on land the subject of a certificate of registration pursuant to each certificate of registration shall not exceed 20, excluding young birds.
(2) A person who on or before 30 June each year produces to the local government, satisfactory proof that the person is a current financial member of a recognised incorporated racing pigeon body, or is a registered pigeon fancier, may be permitted by the local government to keep up to 150 pigeons, excluding young birds, in any residential area, rural area or special rural area.

Cage, Enclosure or Loft Requirements

34. (1) An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be constructed of new materials and shall be constructed to the following minimum requirements—
- (a) the base floor of any loft shall be of 50mm thick concrete;
 - (b) in the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice;
 - (c) cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;
 - (d) except as provided in paragraph (e), a loft height shall not exceed 2.4 metres at any point when measured from ground level; and
 - (e) where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.
- (2) A cage, enclosure or loft shall not be located nearer than—
- (a) 1.2 metres from the boundary of any land adjacent to the land, the subject of an application;
 - (b) 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or
 - (c) 9 metres from any road reserve or street.

Exercise of Pigeons

35. (1) A person who is approved to keep registered homing pigeons or racing pigeons may only release such homing pigeons or racing pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by the local government.
(2) A person shall not release more than 60 registered homing or racing pigeons for exercise or training at any one time.

Alteration, Cancellation or Refusal of Certificate of Registration

36. (1) At any time the local government may amend the conditions contained in or relating to a certificate of registration and without limiting the generality of the same, where any complaint of a nuisance is received, the local government may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity.
(2) The local government may cancel, refuse to approve or refuse to renew a certificate of registration for any one or more of the following reasons—
- (a) the land is not maintained in accordance with this local law;
 - (b) the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;
 - (c) the pigeons are being released outside the times permitted in clause 35;
 - (d) a condition imposed in accordance with this local law or a certificate of registration has not been complied with in the time limits set out for doing so;
 - (e) the applicant or holder of the certificate of registration as the case may be, has two or more convictions under this local law; or
 - (f) non payment of registration fees.

PART 6—KEEPING OF BEES

37. (1) A person shall not keep a beehive in a residential area or a special rural area without written approval of the local government.

(2) A person shall remove a beehive kept in contravention of this local law when directed to do so by the local government.

PART 7—ANIMALS, BIRDS AND POULTRY**General**

38. The owner or occupier of a premises where a dog, cat or other animal is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter that 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 of flies and when directed by an environmental health officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

Keeping of Large Animals

39. An owner or occupier of a premises shall—

- (a) not keep a large animal on any land less than 2000m² in area;
- (b) not permit any large animal to approach within 9 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

Keeping a Miniature Horse

40. (1) An owner or occupier of a premises may keep a sterilised miniature horse on land of not less than 1000m² in area, provided it is registered with the local government and the approved annual registration fee is paid.

(2) An owner or occupier of a premises shall—

- (a) not keep more than one miniature horse on land zoned residential, special residential or special rural, without the written approval of the local government; and
- (b) not permit a miniature horse within 9 metres of any house.

(3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

Keeping of Pigs

41. (1) Except for a miniature pig, no person shall keep a pig or pigs, in any residential area or special rural area or on any land zoned commercial or industrial under the town planning scheme.

(2) Except on a licensed piggery, no person shall keep more than 2 pigs in any rural area without prior written approval of the local government.

(3) The local government may prohibit the keeping of pigs, including a miniature pig, on any land or state the conditions under which they may be kept.

(4) A person may keep 1 miniature pig in any residential or special rural area provided it is registered with the local government and the approved annual registration fee is paid.

(5) The occupier of any premises where a miniature pig is kept shall—

- (a) only keep a sterilised animal and retain written proof of its sterilisation;
- (b) confine the animal on the property at all times;
- (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
- (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

Stables

42. (1) The owner or occupier of any land where a stable is erected shall—

- (a) not permit a stable within 9 metres of a house or other building;
- (b) have a floor area of 6m² per animal;
- (c) ensure the stable has walls and a roof, constructed of impervious material;
- (d) have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and
- (e) provide a floor, which shall have an upper surface—
 - (i) at least 75 millimetres above the ground; and
 - (ii) be constructed of cement, concrete, compacted limestone or similar approved material.

(2) The owner or occupier of a premises where a stable is located shall—

- (a) keep all parts of the stable free from flies; and
- (b) when directed by an environmental health officer, spray the stable, or such parts as may be indicated, with a residual insecticide.

Stablehand Room

43. The owner or occupier of a premises shall not permit a habitable room, including a stablehand's room, to open directly into a stable area.

Manure Receptacle

44. An owner or occupier of a premises where a large animal, miniature horse or miniature pig is kept shall—

- (a) provide in a convenient position, an impervious receptacle with a tight fitting lid, for storage of manure;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
- (d) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Keeping of Cats

45. (1) Subject to sub-clauses (2) and (3), a person shall not keep more than 3 cats over the age of 3 months.

(2) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on a property in the district, subject to—

- (a) each cat being permanently confined in an effective cage system on the property; and
- (b) under such terms and conditions that may be imposed by the local government from time to time.

(3) A person may keep more than 3 cats over the age of 3 months in any rural area, if the owner or occupier of such lot has—

- (a) obtained written approval from the local government to establish a cattery;
- (b) paid to the local government, the annual fee for registration and certification of the premises as a cattery;

(The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)

- (c) provided for each cat on the lot, a properly constructed shelter with an enclosure, which complies with the following specifications:
 - (i) a floor area of not less than 0.56m² for each cat;
 - (ii) the area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or the group of shelters;
 - (iii) no shelter or enclosure shall be closer than 9 meters from the boundary of the lot of the keeper or any other building on the property of the keeper; and
 - (iv) all enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.

(3) A registration issued by the local government shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to the local government.

Burial of Animals

46. (1) The operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming shall not dispose of any dead animals or birds on their premises without written approval from the local government.

(2) Owners and occupiers of properties in any rural or special rural area who occasionally need to bury an animal on their property, shall cover the carcass with lime before burial.

Keeping of Ostrich or Emu

47. (1) A person shall not keep an ostrich or emu (1) on any land in any residential area, or any land zoned commercial or industrial under the town planning scheme.

(2) A person shall not keep an ostrich or emu in any special rural area without the written approval of the local government.

(3) A person shall not keep more than 3 adult pairs of ostrich or emu for each 2 hectares of land and no single pair shall be confined in any area less than 0.1 hectares.

(4) The local government may prohibit the keeping of any ostrich and emu on any land or state the conditions under which they may be kept.

Keeping Poultry in Residential Areas

48. (1) A person shall not keep or suffer to remain, in any residential area a rooster, turkey, goose or geese, peacock or a peahen.

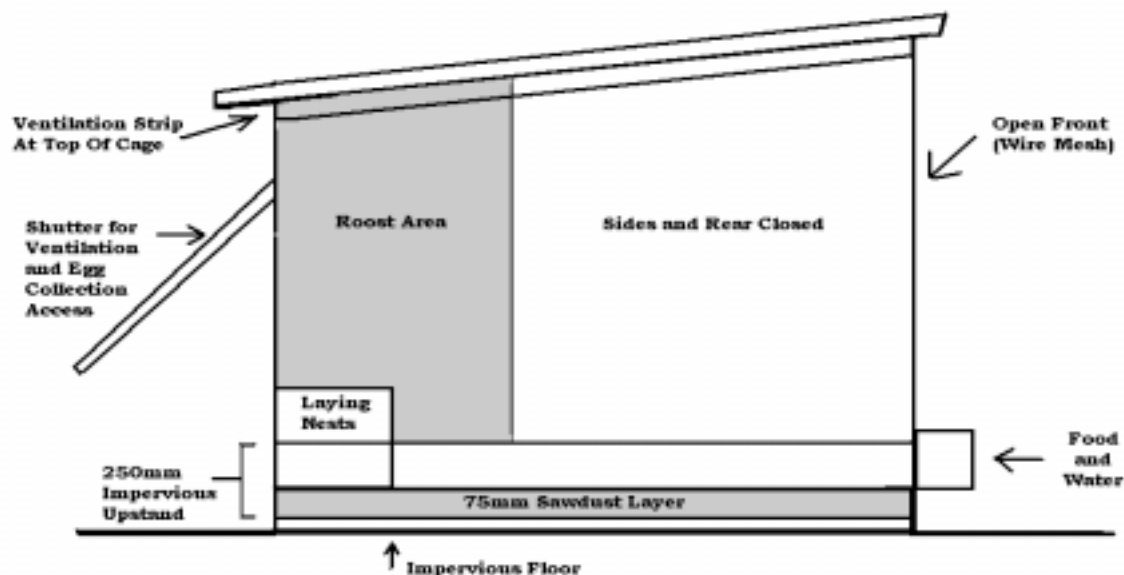
(2) Notwithstanding sub-clause (1), the owner or occupier of a premises situated in any residential area shall not keep thereon or permit to be kept thereon any poultry otherwise than under the following conditions—

- (a) no poultry shall be kept in an open yard;

- (b) poultry must be kept in a shed or hut designed to permit a deep litter system in accordance with the diagram which follows this clause and the following specifications—
- (i) the floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface;
 - (ii) frames shall be of timber, steel, brick or other approved material;
 - (iii) cladding shall be of sheet metal, brick, weatherboard or other materials approved by an environmental health officer;
 - (iv) the roof shall have sufficient slope to shed storm water;
 - (v) the poultry shed to be constructed in a sound and weatherproof manner and to be between 1.5m to 2.0 m in height;
 - (vi) provision must be made for adequate ventilation to the shed during hot weather;
 - (vii) the minimum size of any shed must allow for at least 0.3m² for each and every bird kept therein;
 - (viii) the roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times;
 - (ix) the floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep; and
 - (x) the sawdust or sand must be kept dry at all times and be changed at least once every 6 months or when directed by an environmental health officer.
- (3) A person shall not permit a poultry shed to be nearer than 1 metre from the boundary of land in other occupation or 9 metres from any dwelling house or street.
- (4) A person shall not keep more than 12 poultry (including a maximum of 2 ducks) in any residential area.

DIAGRAM

Specification for a domestic deep litter poultry shed



Keeping of Poultry in Special Rural Areas

49. The occupier of premises situated in any special rural area, shall not keep or permit to be kept thereon, poultry other than under the following conditions—

- (a) in a shed designed to permit the use of a deep litter system or in open yards with a shed that has concrete floor at least 50 millimetres thick;
- (b) the shed shall be of sound construction and its yard shall be maintained in a clean condition at all times;
- (c) the shed must be between 1.5m to 1.8m in height to allow easy entry for cleaning;
- (d) the shed shall not be nearer than 1 metre from the boundary of land in other occupation or 15 metres from any dwelling house or 15 metres from a street; and
- (e) no more than 25 head of poultry without the written approval of the local government.

Keeping Poultry in Rural Areas

50. The occupier of premises in any rural area, shall not keep or permit to be kept thereon, more than 50 head of poultry, without written approval from the local government.

PART 8—MISCELLANEOUS

False or Misleading Statement

51. A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

Licence Fees and Charges

52. All licence fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.

Limit on Liability

53. A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

Date of Birth to be Given on Demand

54. (1) An authorised person or member of the Police Force who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law, may demand from the person that person's date of birth;

(2) A person who refuses to give his or her date of birth, or who states a false date of birth on a demand being made, commits an offence.

PART 9—PENALTIES**Offences**

55. (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

56. For the purposes of this local law—

(a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the First Schedule of the Local Government (Functions and General) Regulations) 1996; and

(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and

Offence Description and Modified Penalty

57. The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

58. A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

59. The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnote—**Right of Appeal**

1. When the local government makes a decision as to whether it will—

(a) grant a person a licence or certificate of registration under this local law; or

(b) renew, vary, or cancel a licence or certificate of registration that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

First Schedule

City of Joondalup

ANIMALS LOCAL LAW 1999

OFFENCES AND MODIFIED PENALTIES

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|--------------------|------------|--|---------------------|
| Part 2—Dogs | | | |
| 1 | 10 | Permitting a dog to be in a Reserve prohibited as a Dog Exercise Area | 100 |
| 2 | 11 | Permitting a dog to be in a public building, shop or business premises | 100 |

Part 2—Dogs—continued

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|----------|------------|---|---------------------|
| 3 | 12 | Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner | 100 |
| 4 | 13(1) | Failing to install and maintain a fence capable of confining a dog to the premises | 100 |
| 5 | 13(2) | Fence not adequate to confine dog of the species, age, size and physical condition to the premises | 100 |
| 6 | 13(3)(a) | Failing to keep gate closed when the dog is at the premises | 100 |
| 7 | 13(3)(b) | Failing to have a gate fitted with self closing/self latching and/or permanently locking mechanisms | 100 |
| 8 | 14 | Keeping more than permitted number of dogs without approval . | 100 |

Part 3—Approved Dog Kennel Establishments

| | | | |
|----|-------|--|-----|
| 9 | 15 | Keeping a kennel establishment without a licence | 100 |
| 10 | 20(a) | Failing to maintain establishment in a clean, sanitary and tidy condition | 100 |
| 11 | 20(b) | Failing to dispose of refuse, faeces and food waste daily in approved manner | 100 |
| 12 | 20(c) | Failing to take practical measures to destroy fleas, flies and other vermin | 100 |
| 13 | 21 | Keeping a greater number or breed of dogs than specified in the licence | 100 |

Part 4—Livestock

| | | | |
|----|-------|---|-----|
| 14 | 23 | Permitting livestock to stray or be at large in a street, public place or private property without consent | 100 |
| 15 | 24 | Failing to keep property fenced in a manner capable of confining livestock | 100 |
| 16 | 26(2) | Ride, drive or bring an animal onto a reserve or foreshore not set aside for the purpose | 100 |
| 17 | 26(3) | Ride, drive, exercise or train an animal on a reserve or foreshore so as to create a danger or cause a nuisance | 100 |
| 18 | 26(4) | Ride, drive or bring an animal on to a reserve or foreshore set aside for exercise of dogs | 100 |
| 19 | 27 | Permitting a horse to excrete on a street, public place or other land and failing to remove excreta in an approved manner | 100 |

Part 5—Pigeons

| | | | |
|----|-------|--|-----|
| 20 | 28 | Keeping of pigeons without Council approval | 100 |
| 21 | 31(1) | Keeping of Pigeons within— a caravan park; | 100 |
| | | a grouped dwelling (not being one of only two grouped dwellings) | 100 |
| | | a premises classified as part of a “multiple dwelling” | 100 |
| 22 | 32(b) | Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice | 100 |
| 23 | 32(c) | Failing to dispose of loft litter in approved manner to ensure no nuisance occurs | 100 |
| 24 | 33(1) | Keeping more than 20 pigeons for each Certificate of Registration | 100 |
| 25 | 33(2) | Keeping more than maximum number of birds approved | 100 |
| 26 | 35(1) | Releasing registered pigeons outside hours permitted | 100 |
| 27 | 35(2) | Releasing more than 60 pigeons for exercise or training at any one time | 100 |

Part 6—Keeping of Bees

| | | | |
|----|-------|--|-----|
| 28 | 37(1) | Keeping a beehive in a residential area or special rural area without approval | 100 |
| 29 | 37(2) | Failing to remove a beehive when directed | 100 |

Part 7—Animals, Birds and Poultry

| | | | |
|----|-------|--|-----|
| 30 | 38(a) | Fail to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects. | 100 |
|----|-------|--|-----|

Part 7—Animals, Birds and Poultry—continued

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|----------|--------------|--|---------------------|
| 31 | 38(b) | Fail to clean and disinfect premises when directed by an environmental health officer | 100 |
| 32 | 38(c) | Fail to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies | 100 |
| 33 | 39(a) | Keep large animal on land less than 2000m ² in area | 100 |
| 34 | 39(b) | Permit large animal to approach within 9 m of habitable room, shop, church, or any premises where food is stored, manufactured or sold. | 100 |
| 35 | 40(1) | Keep a sterilised miniature horse on land less than 1000m ² not registered with local government and registration fee paid. | 100 |
| 36 | 40(2)(a) | Keep more than one miniature horse on land zoned residential, special residential or special rural without approval | 100 |
| 37 | 40(2)(b) | Permit a miniature horse within 9m of a house. | 100 |
| 38 | 41(1) | Keep a pig on land zoned residential, special rural, commercial or industrial area | 100 |
| 39 | 41(2) | Keep more than two pigs in rural area without prior written approval of local government. | 100 |
| 40 | 41(4) | Keep an unregistered miniature pig in residential or special rural area and/or not pay registration fee. | 100 |
| 41 | 41(5)(a) | Keep an unsterilised pig or fail to retain written proof of its sterilisation. | 100 |
| 42 | 41(5)(b) | Fail to confine animal on property at all times. | 100 |
| 43 | 41(5)(c) | Fail to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour. | 100 |
| 44 | 41(5)(d) | Fail to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current. | 100 |
| 45 | 42(1)(a) | Permit a stable within 9m of house or other building. | 100 |
| 46 | 42(1)(b) | Fail to have stable floor area of 6m ² per animal. | 100 |
| 47 | 42(1)(c) | Fail to have stable floor or roof constructed of impervious material. | 100 |
| 48 | 42(1)(d) | Fail to have on all sides of stable building clear opening 50mm in height between all walls and roof | 100 |
| 49 | 42(1)(e)(i) | Fail to have upper surface of stable floor at least 75mm above ground. | 100 |
| 50 | 42(1)(e)(ii) | Fail to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material. | 100 |
| 51 | 42(2)(a) | Fail to keep stable free from flies. | 100 |
| 52 | 42(2)(b) | Fail to spray stable with residual insecticide when directed by environmental health surveyor. | 100 |
| 53 | 43 | Permit a habitable room including a stablehand's room to open directly into a stable. | 100 |
| 54 | 44(a) | Fail to provide in convenient position, an impervious receptacle with tight fitting lid, for manure | 100 |
| 55 | 44(b) | Fail to keep lid of manure receptacle closed except when manure being deposited or removed. | 100 |
| 56 | 44(c) | Fail to empty manure receptacle to prevent it becoming offensive or breeding place for flies. | 100 |
| 57 | 44(d) | Fail to collect all manure produced on premises and place in receptacle. | 100 |
| 58 | 45(1) | Keep more than 3 cats over three months. | 100 |
| 59 | 45(2) | Keep more than 3 adult cats for breeding without written approval of the local government. | 100 |
| 60 | 45(2)(a) | Fail to confine cats in effective cage system on the property. | 100 |
| 61 | 45(2)(b) | Fail to comply with conditions imposed by the local government . | 100 |
| 62 | 45(3)(a) | Keep more than 3 cats over 3 months in rural area without approval to establish a cattery. | 100 |

Part 7—Animals, Birds and Poultry—continued

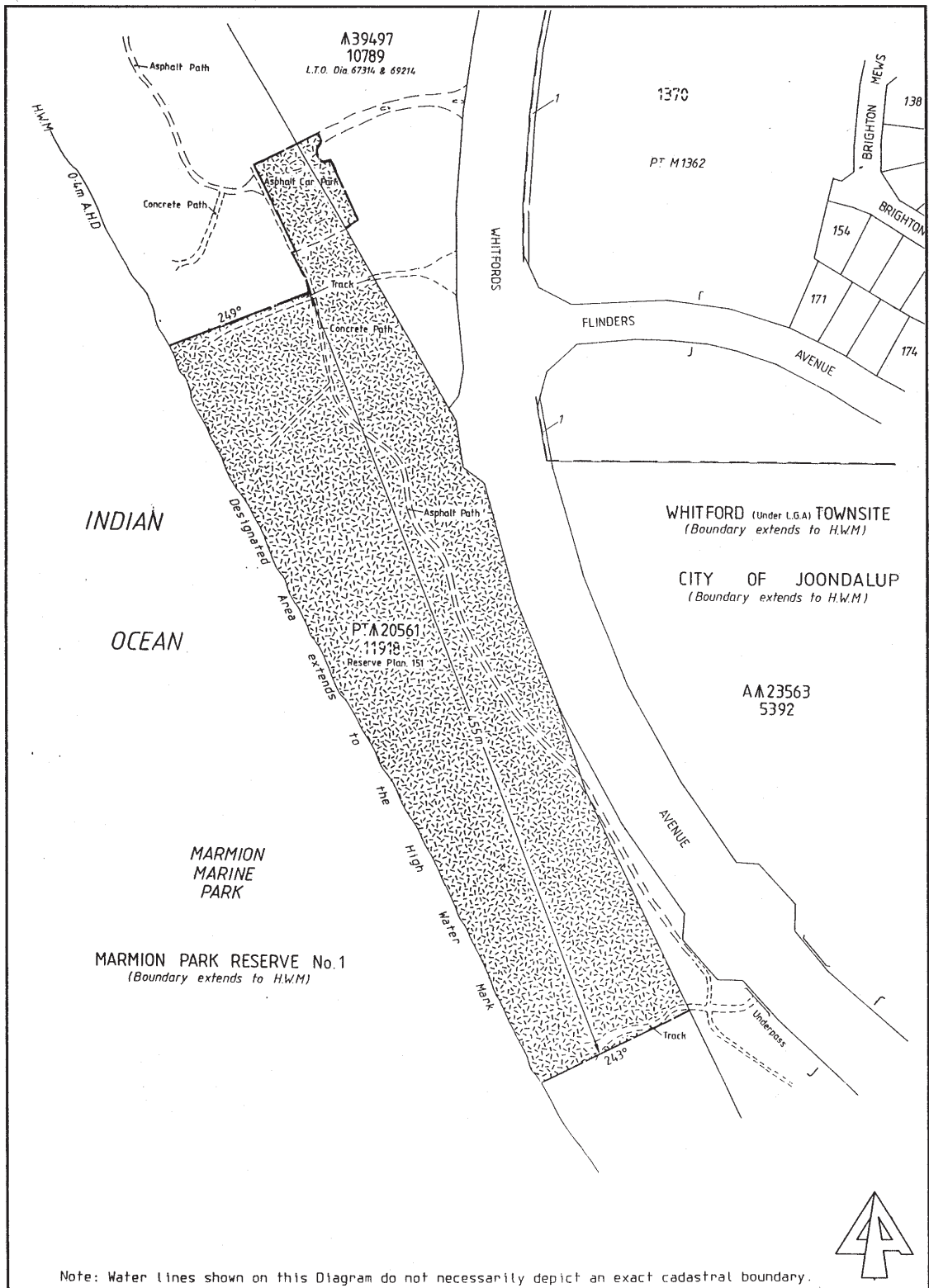
| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|----------------------|------------|---|---------------------|
| 63 | 45(3)(b) | Fail to pay the annual registration and certification fee for a cattery | 100 |
| 64 | 45(3)(c) | Fail to provide for each cat a properly constructed shelter/ enclosure to comply with specifications. | 100 |
| 65 | 46(1) | Dispose of dead animals or birds without written approval of the local government. | 100 |
| 66 | 46(2) | Fail to cover the carcass of dead animal with lime before burial on any rural or special rural area. | 100 |
| 67 | 47(1) | Keep an ostrich or emu on any land in residential area or land zoned commercial or industrial. | 100 |
| 68 | 47(2) | Keep an ostrich or emu on any special rural area without written approval of the local government. | 100 |
| 69 | 47(3) | Keep more than 3 adult pairs of ostrich or emu for each 2 hectares or single pair in less than 0.1 hectares. | 100 |
| 70 | 48(1) | Keep or suffer to remain in a residential area a rooster, turkey, goose or geese, peacock or a peahen. | 100 |
| 71 | 48(2) | Keep or permit to be kept in any residential area any poultry, not in accordance with conditions of local law. | 100 |
| 72 | 48(3) | Construct or permit a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street. | 100 |
| 73 | 48(4) | Keep more than 12 poultry (including maximum 2 ducks) in any residential area. | 100 |
| 74 | 49 | Keep or permit to be kept in any special rural area any poultry, not in accordance with conditions. | 100 |
| 75 | 50 | Keep or permit to be kept in any rural area more than 50 head of poultry without written approval of the local government. | 100 |
| Miscellaneous | | | |
| 76 | 54(2) | Refusal to give date of birth, or give a false date on a demand being made. | 100 |
| 76 | | Other offences not specified. | 100 |

Second Schedule*City of Joondalup*

ANIMALS LOCAL LAW 1999

PROHIBITED DOG EXERCISE AREAS

- Hawkins Park, Joondalup, being Reserve No 28544;
Whitford Node, Hillarys, being Reserve No 39497, except for part Swan Location 10789 as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram 678, and Pt Lot 158 of Swan Location 1370 Whitford Avenue, Hillarys;
Mawson Park, Hillarys, being Reserve No 33401;
MacDonald Reserve, Padbury, being Reserve No 33072;
Heathridge Park, Heathridge, being Reserve No 34330;
Blue Lake Park, Joondalup, being Reserve No 41893;
Percy Doyle Reserve, Duncraig, being Reserve No 33894;
"Central Park", Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101, Locations 3324 and 9809
- Foreshore Reserve 20561, other than—
All that portion of land comprising part Swan Location 11918 (Reserve 20561) as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram 678.



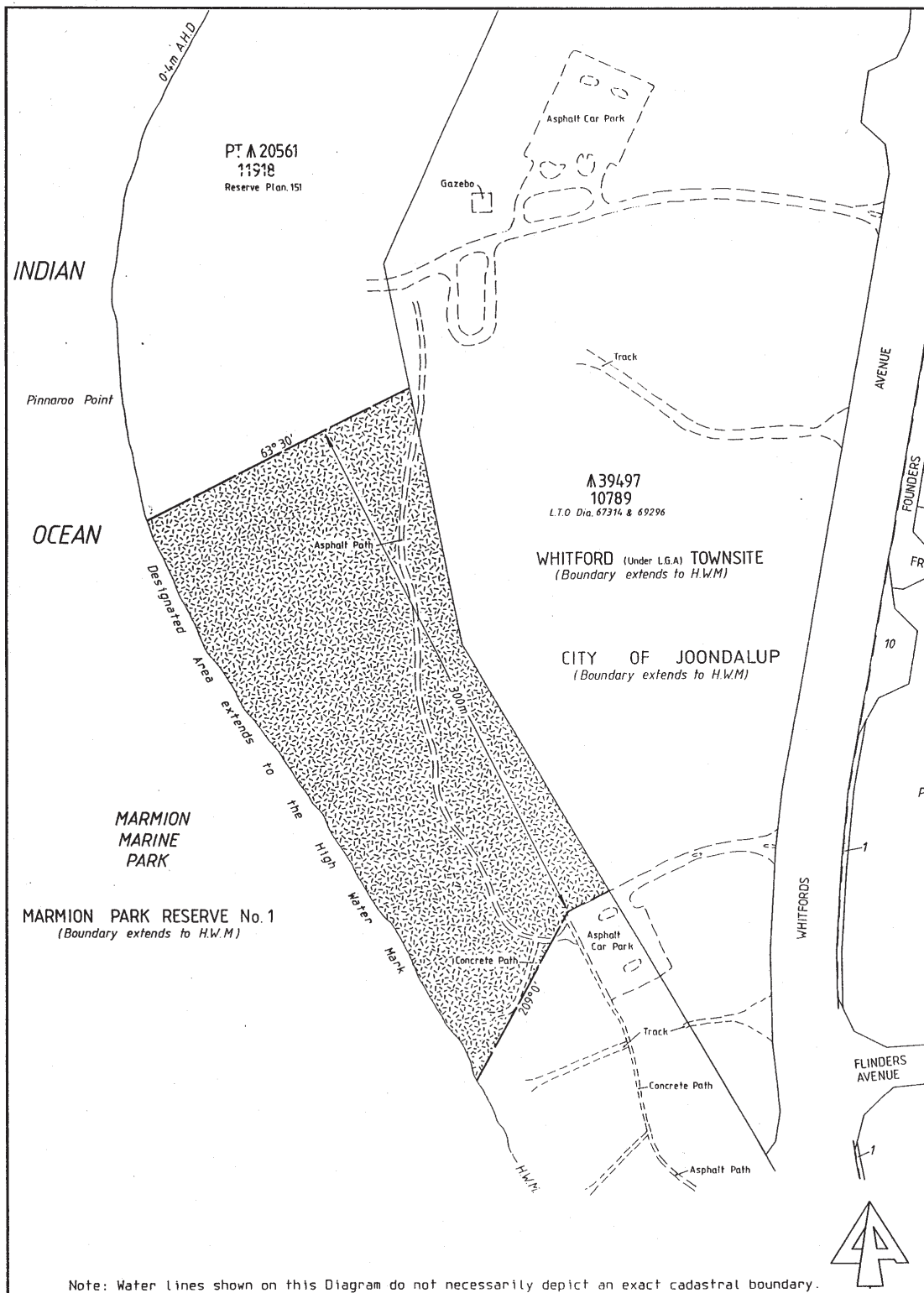
DESIGNATED DOG EXERCISE AREA

MISCELLANEOUS DIAGRAM No. 586

ACKNOWLEDGEMENT: Plan compiled and prepared by the Dept of Land Administration.

Third Schedule
City of Joondalup
ANIMALS LOCAL LAW 1999
HORSE EXERCISE AREA
Restricted Dog Exercise Area
(Refer to clause 26(5) of this local law)

Swan Location 11918 (Reserve 20561) as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram 585.



DESIGNATED HORSE EXERCISE AREA
RESTRICTED DOG EXERCISE AREA
MISCELLANEOUS DIAGRAM NO. 585

ACKNOWLEDGEMENT: Plan compiled and prepared by the Dept of Land Administration.

Fourth Schedule

Form 1

Dog Act 1976
City of Joondalup
ANIMALS LOCAL LAW 1999

NOTICE OF INTENTION TO MAKE APPLICATION FOR KENNEL LICENCE

To Owners and Occupiers of

In accordance with Clause 16 (b) of the City of Joondalup Animals Local Law 1999, I advise my intention to make application to the City for an Approved Kennel Establishment Licence.

The issue of an Approved Kennel Establishment Licence is subject to compliance with the provisions of the abovementioned local law.

The land subject of this application is—

.....
(insert address of proposed Kennel Establishment)

Please note any interested person may within 21 days of the date of this advice object to or make representations in respect of the application in writing directly to the—

Chief Executive Officer
City of Joondalup

.....
Name and Signature of Applicant

.....
Date

Fourth Schedule

Form 2

Dog Act 1976
City of Joondalup
ANIMALS LOCAL LAW 1999

**APPLICATION FOR LICENCE OR RENEWAL OF LICENCE
TO KEEP APPROVED KENNEL ESTABLISHMENT**

In accordance with the Dog Act 1976, and the local laws of the City of Joondalup—

I/We (full name)

of

hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to keep an approved kennel establishment at—

.....

Attached hereto are—

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) particulars of the number and breed of dogs to be kept in the kennels;
- (e) a remittance for the fee of \$.....

Dated the day of 19.....

Signature of Applicant

Note: Items (a), (b), (c) and (d) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

Fourth Schedule

Form 3

Dog Act 1976

City of Joondalup

ANIMALS LOCAL LAW 1999

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

..... is/are the holder(s) of a licence to keep
an approved kennel establishment at

..... for dogs
of breed (s).

This licence has effect for a period of 12 months from the date hereof.

Dated the day of 19

.....
Chief Executive Officer.

Dated this 20th day of July 1999.

The common seal of the City of Joondalup was hereunto affixed in the presence of—

C. T. ANSELL, Chairman of Commissioners.
L. O. DELAHAUNTY, Chief Executive Officer.



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