



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

4183



PERTH, FRIDAY, 23 AUGUST 1996 No. 120 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, ACTING GOVERNMENT PRINTER AT 4.15 PM

HEALTH ACT 1911

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

HEALTH ACT 1911*City of Mandurah***CITY OF MANDURAH HEALTH BY-LAWS 1996**

Under the powers conferred upon it by the Health Act 1911, the Council of the City of Mandurah resolved on 12 December 1995 to make and submit for confirmation by the Executive Director of Public Health and approval by His Excellency the Governor, the following By-laws:

Citation

1. These by-laws may be cited as the *City of Mandurah Health By-laws 1996*.

Incorporation by Reference

2. (1) In these by-laws, the "*City of Perth Health By-law 1993*";
- (a) means the *City of Perth Health By-law 1993* published in the Government Gazette on 15 October 1993; and
 - (b) does not include any amendments that might be made to that by-law.
- (2) Subject to the modifications set out in the Schedule, the *City of Perth Health By-law 1993* is incorporated with and forms part of these by-law.

Repeal

3. The Health By-laws of the City of Mandurah, the adoption of which was published in the *Government Gazette* on 21 July 1964 and amended from time to time, are repealed.

SCHEDULE**"MODIFICATIONS TO THE CITY OF PERTH HEALTH BY-LAW 1993"**

A—

(1) Delete all references to the "City of Perth" wherever it appears and substitute "City of Mandurah". The by-laws affected by the substitution are: the title, 1, 2, 3(1), 65(1)(a), Schedules 1-19.

(2) Delete the arrangement at the beginning of the by-law and substitute the following new arrangement—

"PART 1—PRELIMINARY

By-law

1. Citation
2. Repeal
3. Interpretation

PART 2—SANITATION***Division 1—Sanitary Conveniences***

4. Interpretation
5. Dwelling house
6. Premises other than a dwelling house
7. Outdoor festivals
8. Toilets
9. Temporary works
10. Maintenance of sanitary conveniences and fittings
11. Ventilation of toilets
12. Public sanitary conveniences
13. Lighting
14. Installation

Division 2—Bathrooms, Laundries and Kitchens

15. Bathrooms
16. Laundries
17. Washing or keeping of clothes in kitchens
18. Kitchens

PART 3—HOUSING AND GENERAL***Division 1—Maintenance of Houses***

19. Dwelling House maintenance
20. Gutterings and downpipes
21. Maintenance of guttering and downpipes and disposal of rainwater

Division 2—Ventilation of Houses

22. Exemption for short term hostels
23. Overcrowding
24. Calculated sufficient space

25. Ventilation
26. Sub-floor ventilation

Division 3—Water Supply

27. Water supply
28. Rain water tanks
29. Wells
30. Pollution

Division 4—Secondhand Furniture, Bedding and Clothing

31. Prohibition of sale
32. Prohibition of possession

Division 5—Morgues

33. Application and Licensing of morgues

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

34. Interpretation
35. Deposit of liquid refuse or liquid waste
36. Disposal of liquid waste
37. Approval for septic tank pumpouts
38. Application and Licensing of Liquid Waste Contractors

Division 2—Disposal of Refuse

40. Interpretation
41. Receptacles
42. Exemption
43. Use of receptacles
44. Damage to receptacles
45. Use of other containers
46. Suitable enclosure
47. Deposit of refuse
- 47A Litter on building sites
48. Removal from refuse disposal site
49. Removal of rubbish from premises or receptacle
50. Burning rubbish or refuse

Division 3—Transport of Butchers' Waste

51. Interpretation
52. Restriction of vehicles
53. Transport of butchers' waste

PART 5—NUISANCES

Division 1—Nuisances

54. Interpretation
55. Footpaths etc. to be kept clean
56. Escape of smoke etc.
57. Public vehicles to be kept clean
58. Prohibition against spitting
59. Transportation, use and storage of offal or blood
60. Use or storage of fertiliser
61. Storage and dispatch of artificial fertiliser
62. Storage of fertiliser in a house
- 62A Vehicles used for transporting of animals and birds

Division 2—Keeping of Animals

63. Cleanliness
64. Animal enclosures
65. Cats
66. Slaughter of animals
67. Disposal of dead animals

Division 3—Keeping of Large Animals

68. Interpretation
69. Stables
70. Proximity of animals to a dwelling house
71. Manure receptacles

Division 4—Keeping of Poultry and Pigeons

72. Interpretation
73. Limitation on numbers of poultry and pigeons
74. Conditions on keeping poultry
75. Roosters, geese, turkeys and peafowls
76. Pigeons or doves

77. Removal of non-conforming structure or enclosure
78. Restrictions on pigeon nesting or perching

Division 5—Car Parks

79. Interpretation
80. Ventilation
81. Exhaust air discharge points and exhaust registers
82. Car park attendant booths

PART 6—PEST CONTROL

Division 1—Flies

83. Interpretation
84. Fly breeding matter not to be left on premises unless covered or treated
85. Measures to be taken by an occupier
86. Officer may give notice directing measures to be taken
87. Council may execute work and recover costs

Division 2—Mosquitoes

88. Interpretation
89. Premises to be kept free of mosquito breeding matter
90. Measures to be taken by an owner or occupier
91. Measures to be taken by occupier
92. Removal of undergrowth or vegetation
93. Filling in excavations etc.
94. Drains, channels and septic tanks
95. Drainage of land

Division 3—Rodents

96. Interpretation
97. Measures to be taken to eradicate rodents
98. Waste food etc. to be kept in rodent proof receptacles
99. Restrictions on materials affording harbourage for rodents
100. Eating house etc. to be cleaned after use
101. Restrictions on the sale or keeping of rats

Division 4—Cockroaches

102. Interpretation
103. Measures to be taken to eradicate cockroaches

Division 5—Argentine Ants

104. Interpretation
105. Measures to be taken to keep premises free from Argentine Ants

Division 6—European Wasps

106. Interpretation
107. Measures to be taken to keep premises free from European Wasp Nests

Division 8—Vectors of Disease

112. Interpretation
113. Responsibility of the owner or occupier

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

114. Environmental Health Officer may visit, inspect and report
115. Requirements on owner or occupier to clean, disinfect and disinfest
116. Environmental Health Officer may disinfect or disinfest premises
117. Insanitary houses, premises and things
118. Medical Officer may authorise disinfecting
119. Persons in contact with an infectious disease sufferer
120. Declaration of infected house or premises
121. Destruction of infected animals
122. Disposal of a body
123. Council may carry out work and recover costs

Division 2—Disposal of Used Condoms and Needles

124. Disposal of used condoms
125. Disposal of used needles

Division 3—Tattooing Establishments

126. Interpretation
127. Health (Skin Penetration) Regulations 1987
128. Duties on owner or occupier

PART 8—FOOD PREMISES***Division 1—General***

- 129. Interpretation
- 130. Classification of eating houses
- 130A Consent required to carry out alterations
- 130B Prohibition on sleeping in food handling premises

Division 2—Registration and Licensing of Eating Houses, Meat Premises or Itinerant Vendors

- 131. Requirement for registration and licensing
- 132. Registration of an eating house or meat premises
- 133. Prescribed date
- 134. Certificate of registration
- 135. Application for licence to conduct an eating house or meat premises
- 136. Licence to conduct an eating house or meat premises
- 137. Application for transfer of licence
- 138. Power to grant or refuse an application for transfer
- 139. Register of particulars of registration and licence
- 140. Period of registration and licence
- 141. Itinerant Food Vendors Licence
- 142. Power to refuse and cancel registration of an eating house
- 143. Power to refuse and cancel licences to proprietors

Division 3—Restaurants

- 144. Sanitary conveniences for patrons
- 145. Exemptions

PART 9—LODGING HOUSES***Division 1—Registration***

- 146. Interpretation
- 147. Lodging house not to be kept unless registered
- 148. Application for registration
- 149. Approval of application
- 150. Renewal of registration
- 151. Notification upon sale or transfer
- 152. Revocation of registration

Division 2—Construction and Use Requirements

- 153. General construction requirements
- 154. Sanitary conveniences
- 155. Laundry
- 156. Kitchen
- 157. Cooking facilities
- 158. Dining room
- 159. Lounge room
- 160. Fire prevention and control
- 161. Obstruction of passages and stairways
- 162. Fitting of locks
- 163. Restriction on use of rooms for sleeping
- 164. Sleeping accommodation short term hostels
- 165. Furnishing etc. of sleeping apartments
- 166. Ventilation
- 167. Numbers to be placed on doors

Division 3—Management and Care

- 168. Keeper or manager to reside in the lodging house
- 169. Register of lodgers
- 170. Keeper report
- 171. Certificate in respect of sleeping accommodation
- 172. Duplicate keys and inspection
- 173. Room occupancy
- 174. Infectious diseases
- 175. Maintenance of a room by a lodger or resident
- 176. Cleaning and maintenance requirements
- 177. Responsibilities of lodgers and residents
- 178. Approval for storage of food

PART 10—OFFENSIVE TRADES***Division 1—General***

- 179. Interpretation
- 180. Consent to offensive trade
- 181. Notice of application
- 182. Registration of premises
- 183. Certificate of registration

- 184. Change of occupier
- 185. Alterations to premises
- 186. Occupier includes employee

Division 2—General Duties of an Occupier

- 187. Interpretation
- 188. Cleanliness
- 189. Rats and vermin
- 190. Sanitary conveniences and wash basins
- 191. Painting of walls etc
- 192. Effluvia, vapours or gases
- 193. Offensive material
- 194. Storage of materials
- 195. Specified offensive trades
- 196. Directions
- 197. Other duties of occupier

Division 4—Fish Premises

- 202. Interpretation
- 204. Fish preparation room
- 206. Bench
- 207. Disposal of waste
- 208. Fish containers
- 209. Cooking of fish
- 211. Storage
- 212. Hygiene
- 213. Use of a portable box
- 214. Construction and condition of vehicle
- 215. Cleanliness
- 216. Prohibitions

Division 6—Laundries, Dry Cleaning Establishments and Dye Works

- 223. Interpretation
- 224. Receiving depot
- 225. Reception room
- 226. Walls and floors
- 227. Laundry floor
- 228. Escape of dust
- 229. Precautions against combustion
- 230. Trolleys
- 231. Sleeping on premises

PART 11—OFFENCES AND PENALTIES

- 242. Penalties other than Part 8
- 243. Penalties for Part 8

SCHEDULES OF FORMS AND FEES

Schedule Number	Description
1.	Application for Registration of an Eating House*, Meat Premises*
2.	Certificate of Registration of an Eating House*, Meat Premises*
3.	Application for a Licence to Conduct an Eating House*, Meat Premises*
4.	Application for Transfer of a Licence to Conduct an Eating House*, Meat Premises*
5.	Licence to Conduct an Eating House*, Meat Premises*
6.	Application for Licence as Itinerant Vendor of Food
7.	Licence as Itinerant Vendor of Food
8.	Application for Registration of a Lodging House
9.	Certificate of Registration of a Lodging House
10.	Notice of Change of Owner of a Lodging House
11.	Register of Lodgers
12.	List of Lodgers
13.	Certificate of Sleeping Accommodation for a Lodging House
14.	Application for Licence of a Morgue
15.	Licence of a Morgue
16.	Application for Consent to Establish an Offensive Trade
17.	Application for Registration of Premises for Offensive Trade
18.	Certificate of Registration of Premises for Offensive Trade
19.	Prescribed fees
20.	Application for Licence to Dump Liquid Waste at Tims Thicket Septage Site

(3) Delete all references to the "Controller of Health Services" wherever it appears in the by-law and substitute "Manager, Environmental Health Services".

The by-laws affected by the substitution are: 3(1), 7(3), 9(b), 20(a), 25(4), 39, 41(b)(ii), 43(b), 45(1), 45(2)(a), 45(2)(d), 46(1)(c), 46(3)(a), 46(3)(b), 47(3), 50(1)(a), 50(2), 50(3), 53(1)(iv), 62(c)(ii), 64(2), 69(2)(e)(iii), 69(3)(c), 75(1), 75(2), 77(1), 77(2), 80(2), 82(2), 92(1), 92(2), 94(b)(i), 111(2), 115(1), 120(2), 121(1), 124(1)(b), 134(3), 136(2), 138(2), 139, 141(4)(a), 145(3), 152(2)(d), 155(2), 157(1), 157(2), 160(a)(i), 163(1)(k), 171(3), 176(1)(f), 176(1)(i), 178(1), 193(d), 195(2)(c)(ii), 196(1), 213, 224, 236(c)(ii), Schedules 2, 5, 7, 9 15 and 18.

(4) Delete the citation and repeal provisions (Clause 1 and 2).

(5) Delete all reference to the words "clause" and "clauses" wherever they appear in the by-law and substitute "by-law" and "by-laws" respectively.

B—

Item	Clauses Affected	Description
1.	3(1)	(a) Delete " Controller of Health Services " means an Environmental Health Officer appointed by the Council to the office of Manager, Environmental Health Services and includes an Acting Manager, Environmental Health Services;" (b) Insert in the appropriate alphabetical position the following definition— " Manager, Environmental Health Services " means an Environmental Health Officer appointed by the Council to the office of Manager, Environmental Health Services and includes an Acting Manager, Environmental Health Services;"
2.	11(4)(a)	Delete "manufacturer" and substitute "manufacture".
3.	12(2)	Delete by-law 12(2)
4.	15(1)	Delete by-law 15(1) and substitute— "A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that— (a) is adequately lined with a smooth impervious material; (b) complies with the Health Act (Laundries and Bathrooms) Regulations; (c) is equipped with— (i) a wash hand basin; and (ii) either a shower in a shower recess or a bath; and (d) is mechanically ventilated."
5.	16(d)	Delete "suitably trapped and" after the words "floor waste".
6.	18(4)	Delete "Where mechanical ventilation is provided in a kitchen, the exhaust air shall be—" and substitute "A kitchen shall be provided with mechanical ventilation directly above the cooking facility, and the exhaust air shall be—"
7.	19—Heading	Insert "Dwelling" before "House" in the heading of bylaw 19.
8.	19	Delete all references to "house" wherever it appears and substitute "dwelling house".
9.	20(d)	Delete "block" and substitute "property".
10.	27(2)	Delete by-law 27(2)
11.	29	After the words "shall not" insert "without the written approval of the Manager, Environmental Health Services"
12.	33—Heading	In the heading, insert the words "Application and" before the words "Licensing of Morgues".
13.	33	Insert a new by-law 33(4) as follows— "(4) An application for a licence of a morgue shall be— (a) made by the applicant; (b) made in the form prescribed in Schedule 14; and (c) forwarded to the Town Clerk with the fee prescribed in Schedule 19."
14.	34	(a) Delete the definition "'licensed transporter" (b) Delete the word "and" after "drainage;" in the definition of liquid waste.
15.	35—heading	Insert " or Liquid Waste " after " Refuse " in the heading of by-law 35.
16.	36(2)	Delete sub by-law (b) and substitute the following "(b) discharging in the correct manner into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health and the Council."

17. 37 Delete by-law 37 and substitute the following:—
 “37. A person shall not collect, remove or dispose of any liquid waste, including the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage, unless he or she is the holder of a current licence issued by the City of Mandurah.”
18. 38—heading Delete the heading in by-law 38 and substitute the following:—
“Application and Licensing of Liquid Waste Contractors”
19. 38 Delete sub-by-law (1) and substitute the following:—
 “An application for a licence to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage within the City of Mandurah shall be—
 (a) made by the applicant;
 (b) made in the form prescribed in Schedule 20; and
 (c) forwarded to the Town Clerk with the fee prescribed in Schedule 19.”
20. 38(3) In sub-by-law (b), delete “imposed by the Executive Director Public Health or conditions”
21. 39 Delete by-law 39.
22. 40 (a) Insert in the appropriate alphabetical position the following definition—
 ‘ **“collection day”** means the day of the week on which rubbish and refuse is collected and removed by Council or its contractor; ’
 (b) Delete the definition of ‘ **“commercial swill”** ’
23. 41(c) Delete by-law 41(c) and substitute:—
 “on each collection day at or prior to 6.00am place the receptacle out in the street in a position where it is visible from the carriageway of the street and is accessible, but does not obstruct a street, right-of-way, thoroughfare, lane, footpath, cycleway or other carriageway or be placed in such other position as is approved by the Manager, Environmental Health Services;”
24. 41 Renumber by-law “41” to read as “41(1)”
25. 41 Insert a new by-law 41(2) as follows
 “A receptacle supplied by the local authority or its contractor remains the property of the local authority or its contractor as the case may be.”
26. 42(1) Delete “41(b) or (c)” and substitute “41(1)(b) or (c)”.
27. 43(a)(i) Delete “70” and substitute “60”.
28. 45(3) Delete the words “receptacle” and “receptacles” wherever they occur and substitute “container” and “containers” respectively.
29. 45(3)(a) Delete the words “commercial swill,”.
30. 45(3)(b) (a) In paragraph (ii) delete “and” after the word “material;”
 (b) Delete paragraph (iii).
31. 46 Delete by-law 46 and substitute the following:—
 (1) An owner or occupier of premises—
 (a) consisting of more than 3 dwellings that have been provided with individual receptacles; or
 (b) used for commercial, industrial purposes, or as an eating house or food premises,
 46 shall if required by the Manager, Environmental Health Services 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 keep the enclosure thoroughly clean and disinfected.
 (3) For the purposes of this By-law, a “suitable enclosure” means an enclosure—
 (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area of not less than a size approved by the Manager, Environmental Health Services;
 (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Manager, Environmental Health Services;
 (c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a gate;

- (d) containing a smooth and impervious floor—
- (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to a 100mm industrial floor waste gully which is connected to an approved liquid waste disposal system;
- (e) which is easily accessible to allow for the removal of the receptacles;
- (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 metres unless otherwise approved by the Manager, Environmental Health Services; and
- (g) provided with a tap connected to an adequate supply of water.”
32. 47 After By-law 47 insert the following by-law—
- Litter on Building Sites**
- “47A. (1) During all periods of construction on any building site the builder shall:—
- (i) provide and maintain on such site a rubbish receptacle approved by the Manager, Environmental Health Services.
 - (ii) keep such site free of rubbish and offensive matter, whether temporary or otherwise.
 - (iii) maintain the street verge immediately adjacent to such site free of rubbish or offensive matter.
 - (iv) on completion of construction immediately clear the site and the street verge immediately adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish receptacles placed thereon by the builder.
- (2) In this by-law the word “rubbish” shall include any discarded stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter whatsoever, whether of the same kind or type or otherwise.
- (3) In this by-law the word “builder” shall include the person or persons or firm or corporation who shall be the holder of any building licence issued in respect of such building works by the City of Mandurah and shall also include any person or persons or firm or corporation who shall be in effective control of such building site whether or not such person or persons or firm or corporation shall be the holder of any such licence.”
33. 47(3) Delete by-law 47(3)
34. 50 Delete sub by-law (3) and substitute the following
- “(3) Subject to the provisions of the Bush Fires Act, the Manager, Environmental Health Services and a Ranger appointed by the City of Mandurah, may grant approval to clear, by burning, fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation whether alive or dead and standing or not standing.”
35. 62 After By-law 62 insert the following by-law
- “Vehicles Used for Transporting of Animals and Birds**
- 62A (1) No person having the control or management of any vehicle in which animals or birds are being kept or have been transported or confined shall allow such vehicle to stand within the City of Mandurah until the floor of such vehicle has been cleaned.
- (2) A person having the control or management of any vehicle in which any animals or birds have been transported or confined shall immediately upon the removal of any animals or birds cause such vehicle to be cleaned to the satisfaction of an Environmental Health Officer.”
36. 65 Delete by-law 65 and substitute the following
- “65(1) Subject to sub by-law (7), a person shall not, without an exemption in writing from the Council, keep more than 3 cats over the ages of 3 months on premises on any land within the district of the City of Mandurah.
- (2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub by-law (1).
- (3) The Council shall not grant an exemption under this by-law unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this by-law shall specify—
- (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies; and
 - (c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under sub-by-law (3) may be required by Council to—

- (a) provide for each cat kept at or on the premises a properly constructed shelter with an enclosure complying with the following—
 - (i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and
 - (ii) the area of the enclosure appurtenant to each shelter shall not be less than 3 times the area of the shelter;
- (b) a shelter or an enclosure shall be situated at a distance of not less than—
 - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;
 - (ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption
- (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vermin at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.

(6) A person shall comply with requirements of Council made under By-law 65(5).

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

37. 69(2) Insert after the word “shall”, where it first appears in by-law 69(2), the following—
“when required by the Manager, Environmental Health Services, ”.
38. 69(2)(e)(ii) Delete the word “finish” in paragraph 69(2)(e)(ii) and substitute “materials”.
39. 71(a) Insert after the word “surface”, where it first appears in by-law 71(a), the following—
“or other approved receptacle”
40. 72 Delete the definition “the Prohibited Area” and insert the following definition in the appropriate alphabetical order—
“**Affiliated Person**” means a person who is a member of—
 - (a) the Pigeon Racing Federation of Western Australia;
 - (b) the Fancy Utility Pigeon Club of Western Australia;
 - (c) the Southern Districts Pigeon and Bantam Club; or
 - (d) any other properly constituted Pigeon Club.”
41. 73 Delete by-laws 73(1), 73(2) and 73(3) and substitute the following—
“73(1) An owner or occupier of premises—
 - (a) who is not an Affiliated person, shall not keep more than 12 poultry and pigeons; and
 - (b) who is an Affiliated person shall not keep more than 100 pigeons and 12 poultry,
 on any lot of land.”
42. 74(b) Delete the word “enclosure;” and substitute—
“enclosure which is provided with a concrete floor trowelled to a smooth finish and laid with a fall of 1 in 50 to the front;”
43. 74(d) Delete “distance.” and substitute “distance; and”.
44. 74(e) Insert a new sub by-law 74(e) as follows
“74(e) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with as directed by an Environmental Health Officer.”
45. 75—Heading Insert “, Geese, Turkey and Peafowls” after the heading “Roosters”.
46. 75(1) Delete by-law 75 and substitute the following—
“75(1) An owner or occupier of premises shall not without the written approval of the Manager, Environmental Health Services, keep or permit to be kept on those premises any one or more of the following—
 - (a) a rooster;
 - (b) a goose or gander;
 - (c) a turkey;
 - (d) a peacock or peahen.

- (2) The Manager, Environmental Health Services may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in sub by-law (1) of this by-law.
- (3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he is the occupier thereof.
- (4) The Manager, Environmental Health Services may revoke an approval granted under this clause he is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health whether by reason of noise or otherwise.
- (5) A person shall comply with a condition of approval granted under by-law 75(2)."
47. 76(b) Delete "and" after "ground" in paragraph (i).
48. 76(b) Delete "metres." in paragraph (ii) and substitute "metres; and".
49. 76 Insert a new sub by-law 76(b)(iii) as follows
 "(b)(iii) is provided with a concrete floor trowelled to a smooth finish and laid with a fall of 1 in 50 to the front."
50. 94(b) Delete by-law 94 (b) and substitute the following:—
 "(b) where a septic tank is installed on the land, apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an environmental health officer; and
 (c) ensure that, when connecting the premises to the Water Authority's reticulated sewer system,—
 (i) the existing septic tank system is pumped out by an approved liquid waste contractor;
 (ii) the existing septic tanks have their bottoms broken to allow the seepage of water; and
 (iii) the existing septic tanks, and any existing leach drains or soak wells, are filled and compacted or removed, as required by the Manager, Environmental Health Services."
51. 108-111 Repeal Division 7 of Part 6 entitled "Bee Keeping".
52. 129 Delete the definition of "schedule".
53. 130 Insert a new By-law 130A as follows
"Consent required to carry out alterations
130A A proprietor of a food premises or eating house shall not make or permit to be made any structural alterations in or additions to the premises without the prior written approval of the local authority nor make or permit to be made any alteration in or addition to the premises or any furniture, fixtures, counters, bins, sinks, drain boards, grease traps, food storage containers and food preparation equipment without the prior written consent of the Manager, Environmental Health Services."
54. 130 Insert a new By-law 130B as follows
"Prohibition on sleeping in food handling premises
130B A proprietor of a food premises or eating house shall not allow any room where food is prepared, stored or handled, to be used for sleeping purposes."
55. 144 (a) Renumber by-law "144" to read as "144(1)"
 (b) Insert "staff and" after the words "for the use of" in line 2.
 (c) Insert a new sub by-law 144(2) as follows—
 "(2) Sanitary conveniences for food handling staff may be combined with sanitary conveniences for non food handling staff and patrons, except the food handling staff facilities must be segregated and locked and at no time available to non food handling staff or patrons."
56. 160(c) Delete "times." and substitute "times;"
57. 160 Insert in By-law 160, new paragraphs (d), (e) and (f) as follows—
 "(d) provide fire-extinguishing appliances of the number and pattern, and situated in such a position as the local authority may direct;
 (e) ensure all buildings are fitted fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the Local Authority; 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."

58. 171(1) Delete "An Environmental Health Officer" and insert "The Manager, Environmental Health Services"
59. 179 (a) Delete in the definition of "Occupier" the words "Schedule 18 certificate" and substitute "Certificate".
 (b) Delete the definition of "offensive trade" and substitute the following definition—
 "“offensive trade” means any one or more of the trades, businesses or occupations usually carried on in, or connected with, the following works or establishments—
 (a) fish processing premises, fish curing and shellfish and crustacean processing establishments;
 (b) laundries, dry cleaning premises and dye works;
 (c) any trade defined or declared to be offensive by section 186 of the Act; and
 (d) any other trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district; and"
60. 181(d) Delete the words "Perth daily" and insert after the word "newspaper" the following "circulating within the district".
61. 192 Delete the word "order" in line 2 and substitute "order,"
62. 195 In sub by-law (1) delete paragraphs (a), (b) and (c) and substitute the following—
 "(a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments; and
 (b) laundries, dry cleaning premises and dye works."
63. 195(2)(b) Delete "25" and substitute "9.5".
64. 195(2)(c)(i) Delete "Water Authority of Western Australia (Trade Waste) By-laws" and substitute "Metropolitan Water Supply, Sewerage and Drainage Board By-laws 1981"
65. 198-201
 217- 222
 232- 234
 235- 239
 240-241 In Part 10—Offensive Trades, repeal the following Divisions:
 Division 3—Fat Rendering Establishments
 Division 5—Flock Factories
 Division 7—Marine Stores
 Division 8—Premises Where Second Hand Rags
 Division 9—Second Hand Jute Stores
66. Part 10, Division 4—
 Heading Delete the word "Shops" where it appears in the title to Part 10, Division 4, and substitute "Premises".
67. 202 Delete the definitions of "fish marketing premises", "fish curing premises" and "fish shop", and insert in the appropriate alphabetical position the following new definition:
 "“fish premises” may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment".
68. 203 Delete by-law 203.
69. 204 Delete by-law 204 and substitute the following
 "204 (1) The occupier of a fish premises which requires a fish preparation room shall ensure that this room complies with the following requirements—
 (a) the walls shall be smooth, durable, resistant to corrosion, non-toxic, impervious to water, non-absorbent and be free of any cracks, crevices and other defects;
 (b) the floor shall be smooth to facilitate cleaning, rigid, durable, slip resistant, resistant to corrosion, non-toxic, impervious to water and free from cracks, crevices and other defects;
 (c) the minimum floor area shall be 9 square metres;
 (d) the room shall be furnished with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water;
 (e) the room shall be flyproofed and provided with ample light and ventilation.
 (2) The occupier shall ensure that all fish are prepared in the fish preparation room and that room is used solely for that purpose."
70. 205 Delete by-law 205.
71. 206 Delete "fish shop, fish marketing premises or fish curing premises" and substitute "fish premises".

- 72. 207 Delete "fish shop, fish marketing premises or fish curing premises" and substitute "fish premises".
- 73. 208 Delete "fish shop, fish marketing premises or fish curing premises" and substitute "fish premises".
- 74. 209 Delete 'an "A Class" or "B Class" fish shop' and substitute "fish premises".
- 75. 210 Delete by-law 210
- 76. 211 Delete "fish shop, fish marketing premises or fish curing premises" and substitute "fish premises".
- 77. 214(b)(iv) Delete "25" and substitute "9.5"
- 78. 225(1)(a) Delete "provided" in line 1 and substitute "provide".
- 79. Part 10, Division 6 Rename the heading "Division 6— Laundries, Dry Cleaning Establishments and Dye Works" to read as "Division 4— Laundries, Dry Cleaning Establishments and Dye Works".
- 80. 242(1) Insert "or fail to complies with" after the word "contravenes".
- 81. 243(1) Insert "or fail to complies with" after the word "contravenes".

C—

82. Schedule 1 is amended by:

- (a) Deleting "(Clause 132)" where it appears in the top right hand corner of Schedule 1.
- (b) Inserting after "(full residential address)" the following on a new line—
"Telephone (Private)"
- (c) After "meat premises" inserting the following as a new line:
"Accompanying this application are plans and specifications of the proposed premises and the fee prescribed by these By-laws".
- (d) Inserting before "Dated this ..." the following on a new line—
"Telephone (Business)"
- (e) After "applicable", inserting the following as a new line:
"# Fee payable for ANNUAL registration of an Eating House is"

83. Schedule 2 is amended by:

Deleting Schedule 2 and inserting the following new Schedule 2

"Schedule 2
City of Mandurah
Health Act 1911
CERTIFICATE OF REGISTRATION OF AN EATING HOUSE *
A MEAT PREMISES *

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

Address of premises:

Name of premises:

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

Dated this day of 19

.....
Town Clerk or Manager, Environmental Health
Services
City of Mandurah

CONDITIONS

The maximum number of persons that may be accommodated on the premises at any one time is #

.....

*** Delete whichever is not applicable**

Insert the number of patrons permitted"

84. Schedule 3 is amended by:

- (a) Deleting "(Clause 135)" where it appears in the top right hand corner of this Schedule.
- (b) After "(full residential address)", inserting the following on a new line—
"Telephone (Private)"
- (c) Inserting before "being a business name" the following on a new line;
"Telephone (Business)"

- 85. Schedule 4 is amended by:
 - (a) Deleting "(Clause 137)" where it appears in the top right hand corner of this Schedule.
 - (b) After "(full residential address)", inserting the following on a new line—
"Telephone (Private)....."
 - (c) After "apply for transfer" deleting ",for such a period as is still unexpired,".
- 86. Schedule 5 is amended by:
Deleting "(Clause 136, 138(2))" where it appears in the top right hand corner of this Schedule.
- 87. Schedule 6 is amended by:
Deleting "(Clause 141(2))" where it appears in the top right hand corner of this Schedule.
- 88. Schedule 7 is amended by:
Deleting "(Clause 141(4))" where it appears in the top right hand corner of this Schedule.
- 89. Schedule 8 is amended by:
 - (a) Deleting "(Clause 148)" where it appears in the top right hand corner of this Schedule.
 - (b) After "(full residential address)", inserting the following on a new line—
"Telephone (Private)"
- 90. Schedule 9 is amended by:
 - (a) Deleting "(Clause 149)" where it appears in the top right hand corner of this Schedule.
 - (b) Renumbering conditions "4, 5, 6, 7 and 8" to read as "1, 2, 3, 4 and 5" respectively.
- 91. Schedule 10 is amended by:
 - (a) Deleting "(Clause 151)" where it appears in the top right hand corner of the Schedule.
 - (b) After "(full residential address)", inserting the following on a new line—
"Telephone (Private)"
- 92. Schedule 11 is amended by:
Deleting "(Clause 169)" where it appears in the top right hand corner of this Schedule.
- 93. Schedule 12 is amended by:
Deleting "(Clause 170)" where it appears in the top right hand corner of this Schedule.
- 94. Schedule 13 is amended by:
Deleting Schedule 13 and inserting the following new Schedule 13

**"Schedule 13
City of Mandurah
Health Act 1911**

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

To:
(Name of Keeper)

of
(Address of Keeper)

For the registered lodging house situated at:

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

ROOM NUMBER	MAXIMUM OCCUPANCY
-------------	-------------------

Date

.....
Manager
Environmental Health Services"

- 95. Schedule 14 is amended by:
Deleting Schedule 14 and inserting the following new Schedule 14

**"Schedule 14
City of Mandurah
Health Act 1911
APPLICATION FOR LICENCE OF A MORGUE**

I
(full name in block letters)

of
(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises

Name of premises

Dated this day of 19....

.....
(Signature of Applicant)"

96. Schedule 15 is amended by:

Deleting Schedule 15 and insert the following new Schedule 15;

**"Schedule 15
City of Mandurah
Health Act 1911**

CERTIFICATE OF LICENCE OF A MORGUE

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

Address of premises:

Name of premises:

Dated this day of 19...

.....
Manager, Environmental Health Services
City of Mandurah"

97. Schedule 16 is amended by:

Deleting Schedule 16 and inserting the following new Schedule 16

**"Schedule 16
City of Mandurah
Health Act 1911**

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive/Town Clerk
City of Mandurah

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

of
(Residential Address of Applicant/s)

Telephone (Private)

apply for consent to establish an offensive trade being
(Description of Offensive Trade)

in or upon
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in
(Name of Newspaper)

on
(Date of Advertisement)

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

Copy of advertisement also attached.

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

.....
(Date)"

98. Schedule 17 is amended by:

- (a) Deleting "(Clause 182)" where it appears in the top right hand corner of this Schedule.
- (b) After "(Residential Address of Applicant/s)", inserting the following on a new line;
"Telephone (Private)"

99. Schedule 18 is amended by:

Deleting "(Clause 183)" where it appears in the top right hand corner of this Schedule.

100. Schedule 19 is amended by deleting Schedule 19 and inserting the following new Schedule:—

**“SCHEDULE 19
City of Mandurah
Health Act 1911
PRESCRIBED FEES**

<u>Schedule</u>	<u>Description</u>	<u>Prescribed Fee</u>
2	Registration of an Eating House	
	Tea Rooms	\$135.00
	Takeaway Food Premises	\$200.00
	Dining Rooms	\$200.00
	Restaurants with seating for less than 30 persons	\$200.00
	Restaurants with seating for more than 30 persons	\$270.00
5	Licence to Conduct an Eating House	\$30.00
6	Licence as Itinerant Vendor	\$270.00
7	Transfer Licence to Conduct Eating House	\$30.00
9	Registration of Lodging House	
	Maximum number of lodgers is 15	\$70.00
	Number of lodgers exceeds 15, but is no greater than 25 .	\$140.00
	Maximum number of lodgers exceeds 25.	\$180.00
15	Licence of a Morgue	\$80.00
18	Registration of Offensive Trade	As per regulation
19	Licence of a Liquid Waste Contractor	\$20.00”

101. Insert a new Schedule 20 as follows:

**“Schedule 20
City of Mandurah
Health Act 1911
APPLICATION FOR LICENCE TO DUMP LIQUID WASTE AT
TIMS THICKET SEPTAGE SITE**

To: Chief Executive/Town Clerk
City of Mandurah

Applicant’s Name

Applicants Address

.....

Company Name:

Truck Registration Number

Contact Phone Number Home

Mobile

Truck Capacity (kl)

I confirm that I understand the types of waste that will be accepted into the Tim’s Thicket septage site, and agree to pay all gazetted fees and charges applicable to the dumping of the waste at the site, and that the fees are liable to change at Council’s discretion. I understand that should any conditions associated with the issue of the licence not be met, then the City of Mandurah reserves the right to revoke any licence issued.

I confirm that should any of the above details change, that I will advise the City of Mandurah within seven days of those changes occurring so that my licence may remain valid.

Attached is a cheque/money order for \$20.00, payable to City of Mandurah, being application fee for the above licence.

Signed: _____ Date: _____

Name: _____

(Please print)”

Passed by resolution at a meeting of the Council of the City of Mandurah held on the 12th day of December 1995.

The Common Seal of the City of Mandurah was hereunto affixed on the 26 April 1996 in the presence of:—

K. HOLMES, Mayor
S. GOODE, Chief Executive Officer/Town Clerk.

Confirmed:—

P. PSAILA-SAVONA, Executive Director, Public Health.

Approved by His Excellency the Governor in Executive Council on this 13th day of August 1996.

J. PRITCHARD, Clerk of the Council.



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