

HEALTH ACT 1911

Town of Kwinana—By-laws

THE Town of Kwinana being a local authority under the provisions of the abovementioned Act and having adopted the Model By-laws Series "A" made under the Act in pursuance of the powers conferred upon it by the Act and all other powers enabling it hereby makes and publishes the following by-laws.

1. In these by-laws the Model By-laws Series "A" as amended from time to time adopted by the Town of Kwinana by resolution published in the *Government Gazette* of 17 July 1963 and amended from time to time are referred to as "the principal by-laws".
2. The principal by-laws are amended by deleting By-laws 12, 13 and 14 and inserting the following after By-law 11.

Prescribed Areas—Section 112A

12. The area described in the Schedule hereto is prescribed as the area within which the provisions of Section 112A of the Act shall operate and have effect.

Schedule

The whole of the district of the Town of Kwinana as constituted under the provisions of the Local Government Act.

Refuse Collection and Disposal

Interpretation

13. In this by-law and in By-laws 14 to 14G inclusive of this Part unless the context requires otherwise—

- "approved enclosure" means an enclosure for the storage of receptacles which complies with By-law 14F;
- "building line" has the meaning given to it in and for the purposes of the Local Government Act 1960;
- "collection day" means the day of the week from time to time notified by an officer upon which waste is to be regularly collected and removed by the Council or its contractor;
- "commercial waste" means refuse and other rubbish generated by or emanating from other premises and includes trade refuse;
- "designated streets" means those streets listed in Council's Policy Manual where in the opinion of Council waste collections from in front of the street alignment are impracticable;
- "domestic waste" means refuse and other rubbish generated by or emanating from residential premises and includes house refuse;
- "food premises" has the meaning given to it in Part VIII of the Health Act;
- "liquid waste" has the meaning given to it in the Health (Licensing of Waste) Regulations 1987;
- "officer" has the meaning given to it in the Local Government Act 1960;
- "other premises" means the premises which are not residential premises;
- "Principal Health Surveyor" means the Principal Health Surveyor of the Local Authority;
- "receptacle" means—
 - (a) in the case of residential premises, a polyethylene cart fitted with wheels, a handle and a lid and of a capacity of 240 litres supplied by the Local Authority or its contractor or other type of receptacle specified or approved by the Principal Health Surveyor; or

(b) in the case of other premises a rubbish receptacle approved by the Principal Health Surveyor.

"residential premises" means premises used for residential purposes;

"street alignment" has the meaning given to it in and for the purposes of the Local Government Act 1960;

"waste" means commercial waste or domestic waste or both, as the context requires.

Requirements for Refuse Receptacles

14. (1) Except as provided by sub by-law (2) and (4) of this by-law the owner or occupier of residential premises shall ensure that there is a receptacle or as many more refuse receptacles as may be directed by the Principal Health Surveyor available on the premises for holding waste.

(2) The owner or occupier of a residential premises consisting of more than 3 dwellings, units or flats and other premises shall provide receptacles or a number of receptacles specified by the Principal Health Surveyor other than 240 litre polyethylene carts and the owner or occupier of those premises shall comply with and observe the directions given by the Principal Health Surveyor.

(3) The owner or occupier of other premises shall provide as many refuse receptacles and arrange for the removal of their contents as frequently as may be directed by the Principal Health Surveyor but the frequency of removal of the receptacles contents shall not be less than once per week.

(4) Unless in any particular case the Principal Health Surveyor approves otherwise and subject to sub by-law (5) of this by-law, a person shall not deposit any refuse in a container, sack, bag or carton except a receptacle which complies with the requirements of by-law 13 of this part.

(5) Notwithstanding the provisions of sub by-law (4) of this by-law, a person may with the approval of the Principal Health Surveyor deposit in a container, bag or sack which does not comply with by-law 13 of this part any waste material which—

- (a) is or consist only of paper, cardboard, garden refuse, plastic material or any other dry material.
- (b) does not consist of food or a carton or container used for keeping food;
- (c) is not glass;
- (d) is not or is not likely to attract flies or cause fly breeding;
- (e) will not or is not likely to attract dogs, cats, rodents or other vermin;
- (f) will not or is not likely to be or become a nuisance or injurious to health;

if the container, bag or sack is of sufficient strength so that it will not split, break open or burst and has a lid or is otherwise secured so that the contents thereof will not spill, or be blown out of it.

Residential Premises

- 14A. The owner or occupier of every residential premises in the prescribed area shall—
- (a) subject to By-law 14C hereof cause all domestic waste to be deposited in a receptacle;
 - (b) at all times keep the lid of the receptacle tightly closed except when depositing waste in or cleaning the receptacle;
 - (c) ensure that all refuse which is or is likely to become offensive or a nuisance or to give off an offensive or noxious odour or to attract flies or cause fly breeding unless it is first wrapped in absorbent or impervious material and placed in a sealed impervious container;
 - (d) except on the collection day keep the receptacle on the premises located behind the building line or in an approved enclosure.

Other Premises

- 14B. (1) The owner or occupier of every other premises within the prescribed area shall—
- (a) subject to By-law 14C cause all waste to be deposited in a receptacle in a manner which is compatible with the type of receptacle used;
 - (b) take all reasonable steps to prevent fly breeding in and emission of an offensive or noxious odour from the receptacle;

- (c) cause the receptacle to be located in an approved enclosure on the premises or with the approval of the Principal Health Surveyor in a position on the premises where—
- (i) it is screened so as not to be visible from the street but is readily accessible for the purpose of collection of the contents thereof;
 - (ii) it does not obstruct the driveway, thoroughfare, service road or footpath on those premises;
 - (iii) does not cause a nuisance or obstruction to the occupiers of adjoining premises;
- (d) where the premises are food premises or where any putrescible waste emanates from the premises cause the receptacle to be cleaned at least once per week with a suitable detergent and be treated with an efficient disinfectant immediately after being emptied.
- (2) The Principal Health Surveyor may direct that waste of the type referred to in paragraph (d) of sub paragraph (1) hereof or which emanates from premises referred to in that paragraph be collected and removed more often than once per week.
- (3) Where waste emanating from other premises is of a nature that the Principal Health Surveyor considers requires to be treated before being placed in a receptacle he may give directions as to the manner in which it is to be so treated and the owner or occupier of those premises shall comply with those directions.

Prohibited Materials

- 14C. (1) The owner or occupier of any premises shall ensure that none of the following materials are deposited in any receptacle—
- (a) hot or burning ashes;
 - (b) oil;
 - (c) liquid including liquid waste;
 - (d) paint;
 - (e) solvent;
 - (f) brick, concrete, masonry, sand and earth or other like substances;
 - (g) steel or other metals other than sheet metals, turnings and other similar waste;
 - (h) dangerous chemicals and any other chemical substance or material which is likely to damage or adversely affect the receptacles;
 - (i) an object which is greater in width, length or breadth than the corresponding dimensions of the receptacle or which, with or without other objects or waste already deposited in the receptacle, will not allow the lid of the receptacle to be tightly closed;
 - (j) any waste contaminated with human or animal matter originating from any patient care area, surgery, health or transport facility and any autopsy, surgical, pathological, dental or veterinary procedure;
 - (k) any bone, tissue, blood, plate scrapings or other like pathological waste;
 - (l) any syringes, needles, scalpels, intravenous appliances, surgical hardware, broken ampoules, vials, associated broken glass or other similar sharp objects; and
 - (m) any material or drug which may be described as cytotoxic.
- (2) The owner or occupier of any premises shall ensure that the nett weight of a receptacle not being a bulk rubbish receptacle does not exceed 70 kg.

Care and Maintenance

- 14D. The owner or occupier of any premises shall—
- (a) at all times keep each receptacle used for the premises clean and whenever directed by a Health Surveyor to do so shall thoroughly cleanse and disinfectant each receptacle and place and keep in it a deodorant material approved by the Health Surveyor;
 - (b) where the premises are food premises ensure that every receptacle is cleaned with an efficient detergent immediately after being emptied;
 - (c) take all reasonable care in using the receptacle and protect from damage, misuse and theft;
 - (d) not use the receptacle for any purpose other than the holding of waste;
 - (e) except on collection day ensure that the receptacle or receptacles remain on the premises at all times; and
 - (f) notify Council within 3 days after the event if the receptacle is lost, stolen, damaged or becomes defective.

Property in Receptacles

14E. (1) 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.

(2) A person shall not—

- (a) damage, mark, disfigure or destroy a receptacle; or
- (b) except as permitted by these by-laws or authorised by a Health Surveyor remove a receptacle from the premises to which it was delivered by the Local Authority or its contractor.

Approved Enclosures

14F. (1) An approved enclosure is required to be provided on all premises in the district other than—

- (a) residential premises which consist of single dwellings;
- (b) other premises for which written dispensation is given by the Principal Health Surveyor;

(2) The dispensation given by the Principal Health Surveyor under paragraph (b) of sub by-law (1) may be revoked by the Principal Health Surveyor by notice given in writing to the owner and occupier of those premises.

(3) An approved enclosure must comply with the following provisions and requirements—

- (a) floor area shall be of not less than 5 square metres excluding the area of any access way but where the Principal Health Surveyor is of the opinion that because of the size of the premises, the number of people who reside or work therein or any other material factor the floor area of the approved enclosure should be greater than 5 square metres he may direct that the enclosure must have a floor area specified by him;
- (b) the area must be enclosed by walls constructed of brick, concrete or other impervious material approved by the Principal Health Surveyor which are of a height of not less than 1.8 metres but the Principal Health Surveyor may in any particular case dispense with or vary this requirement if he consider that circumstances justify it;
- (c) unless no walls are required, the wall facing to or nearest the street, right of way, thoroughfare, lane or service road to which the approved enclosure is adjacent or another wall approved by the Principal Health Surveyor must have an opening of not less than 1 metre in width in which there is a self closing screen gate protected by bollards;
- (d) the floor must not be less than 76 mm thick and constructed of impervious concrete graded to a 100 mm industrial waste connected to a sewer or other approved effluent disposal system and charged with a hosecock;
- (e) an approved enclosure must be located within the distance of 1 metre from a street alignment, right of way, thoroughfare, lane or service road used for servicing the premises by Council or its contractor or any other approved contractor unless the Principal Health Surveyor otherwise approves;
- (f) an approved enclosure must have an access way of not less than 1 metre in width and a ramp from the street alignment, right of way, thoroughfare, lane or service road shall have a maximum gradient of 1 in 8 unless the Principal Health Surveyor otherwise approves.

(4) The owner or occupier shall—

- (a) maintain the approved enclosure in such manner so as to ensure the rubbish receptacles are readily accessible at all times;
- (b) maintain the internal area of the enclosure in a clean sanitary condition at all times; and
- (c) whenever directed by a Health Surveyor to do so thoroughly cleanse and disinfect the approved enclosure and its surrounding area.

Collection of Refuse

146. (1) (a) Except where otherwise approved by an officer the owner or occupier of premises shall ensure that all receptacles are made available for collection weekly by placing them in front of the street alignment adjacent to the premises within two metres but no closer than one metre to the curb line or street carriageway by no later than 7 am on collection day.

- (b) The owner or occupier of premises which are located on designated streets shall ensure that all receptacles are made available weekly by placing them behind but within one metre of the street alignment by 7 am on the collection day.
- (c) Notwithstanding the requirements of sub by-laws (a) and (b) of this by-law, the owner or occupier of premises shall—
- (i) in the case of residential premises, ensure that no receptacles are placed in a position so as to cause an obstruction of any footpath, cycle way, driveway or carriageway and the receptacle shall be clearly visible and from the carriageway of the street or service road be readily accessible for collection.
 - (ii) in the case of premises with an approved enclosure, the entrance to which is located within one metre of the street alignment, right of way, thoroughfare, lane or service road, as the case may be cause the receptacles to be readily accessible at all times from within the approved enclosure, unless the Principal Health Surveyor directs otherwise.
- (d) after the contents have been removed, remove the receptacle and place it behind the building line or in an approved enclosure on the premises on that day.
- (2) Persons shall not unless authorised by the Principal Health Surveyor to do so remove any commercial or domestic waste or other rubbish from any premises in the district.
- (3) The Local Authority or its contractor shall ensure that all commercial waste, domestic waste, food refuse and putrescible or offensive waste are removed or disposed of at least once per week or more frequently if a Health Surveyor so directs.
- (4) The Local Authority or its contractor and any other contractor shall cause all waste collected and removed to be taken to and disposed of at a refuse disposal site approved by the Executive Director, Public Health under the Act.
3. By-law 15A of part 1 of the Principal By-laws is amended by deleting ", or supply a further refuse container of an approved type, if applicable".
4. By-law 18 of part of the Principal By-laws is amended by deleting "cart" and substituting "removal vehicle".
5. By-law 21 of the Principal By-laws is amended by inserting the word "liquid" after the word "other".

Passed at a meeting of the Kwinana Town Council on 22 February 1989.
Dated 27 February 1989.

The Common Seal of the Town of Kwinana was here-
unto affixed by authority of resolution of Council
in the presence of—

[L.S.]

F. KONECNY,
Mayor.
M. J. FRASER,
Town Clerk.

Confirmed—

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

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive
Council on 11 July 1989.

D. G. BLIGHT,
Clerk of Council.