

GLAMORGAN SPRING BAY COUNCIL
ENVIRONMENTAL HEALTH BY-LAW
BY-LAW 1 OF 2008
BY-LAW MADE UNDER SECTION 145
OF THE LOCAL GOVERNMENT ACT 1993
FOR THE PURPOSE OF
REGULATING MATTERS OF ENVIRONMENTAL HEALTH WITHIN THE
MUNICIPAL AREA

PART 1 - PRELIMINARY

Short Title

1. This by-law may be cited as the Environmental Health By-Law.

Interpretation

2. In this by-law:-

"**approved container**" in relation to the disposal of sharps, means any container which is impervious, rigid, durable, tamper resistant, clearly labelled and which is able to be securely fastened;

"**animal**" means;

- a) any animal or bird kept for farming, breeding or other commercial purposes;
- b) any domestic animal; or
- c) any native bird or native animal

"**authorised officer**" is the General Manager of the Council. The General Manager may also delegate other officers for the purposes of this by-law;

"**barbecue**" means any device, structure, or equipment used, designed or adapted for cooking food in the open air for human consumption;

"**builder**" in relation to a building site, means the person who is employed to carry out building operations on the site or if there is no-one employed in that capacity, the owner of the site;

"**building operations**" means the erection, construction, alteration, repair, or demolition of a building, or any addition to a building;

"building site" means a place where building operations are being carried on;

"building surveyor" means a person appointed as a building surveyor under the *Building Act 2000*;

"caravan" any structure, moveable or not, that is primarily designed for temporary or permanent residence of persons and which are not prescribed building works as defined in Regulation 5 of the Building Regulations.

"Council" means the Glamorgan Spring Bay Council;

"domestic refuse" means all domestic garbage, rubbish and disposable garbage bags arising from human habitation;

"General Manager" means the General Manager appointed by the Council or an employee of the Council with the written delegation of the General Manager to act on behalf of the General Manager for the purposes of this by-law;

"hazardous waste" means waste which by itself or in combination with other materials may be infectious, explosive, poisonous, toxic or otherwise dangerous or injurious to human, animal or plant life;

"municipal area" means the area of land under the control of the Glamorgan Spring Bay Council and defined in column 1, schedule 3 of the *Local Government Act 1993*;

"on site aerated wastewater treatment and disposal system" means a system within the meaning of section 59 of the *Building Act 2000*;

"occupy" includes reside or live in or use any caravan for entertainment, sleeping, resting, cooking, eating, commercial or retail activities or for any similar use;

"owner" includes the occupier or other person having the control and management of any land;

"poultry" includes ducks, fowl, geese, guinea fowl, peacocks, pheasants and pigeons, or any other birds kept in an aviary;

"recycling centre" means an area set aside by Council for receiving materials that are recyclable;

"refuse" means any domestic refuse, rubbish, hazardous waste, trade refuse or any other similar materials, articles or things;

"refuse disposal site" means any area set apart by the Council for the disposal of refuse and includes refuse disposal area, waste transfer station, resource recovery facility, recycling centre, or tip;

"Environmental Health Officer" means an Environmental Health Officer appointed by the General Manager as an employee of Council;

"sharps" means objects or devices having acute rigid corners, edges, points or protuberances capable of cutting or penetrating the skin and includes medical objects or devices capable of cutting or penetrating the skin, hypodermic needles, intravenous sets, pasteur pipettes, lancets and scalpel blades, and other similar medical objects or devices;

"tenant" means a person who is received into an accommodation house for payments;

"toilet" includes a facility which has a seat and a removable pan, a water closet or a portable toilet;

"transfer station" means a facility established by the Council for the purpose of receiving refuse for transfer to a refuse disposal site.

"nuisance" a thing, circumstance, something harmful or offensive causing trouble or annoyance to another..

PART 2 - DISPOSAL OF REFUSE

Off-Loading Refuse at Refuse Disposal Site

3. (1) A person must not:

- (a) deposit any refuse outside the boundaries of any refuse disposal site;
- (b) deposit or cause to be deposited any refuse, noxious or offensive matter or liquid waste or rubbish of any kind on any refuse disposal site except in accordance with signs or directions given by an authorised officer.

Penalty: 5 penalty units

- (2) For the purposes of this Part, an "authorised officer" includes the Environmental Health Officer, the Council's Engineer or any other person employed or contracted by the Council as a Refuse Disposal Attendant and any other person authorised by the Council for the purpose of this Part.

Normal Hours of Refuse Disposal Site Operation

4. A person must not, without the written permission of the General Manager, deposit, place or drop or allow any person to deposit, place or drop any refuse in or on any refuse disposal site except on the days and within the periods of time fixed by the Council as shown on signs at the entrance to the site.

Penalty: 5 penalty units

Lighting of Fires

5. Unless otherwise authorised by an authorised officer, a person must not at a refuse disposal site:

- (a) deposit hot ashes, embers, or coals;
- (b) light any fire or feed or extend any fire which is already burning.

Penalty: 5 penalty units

Scavenging and Recycling

6. (1) A person unless otherwise authorised must not enter a refuse disposal site for any other purpose other than the depositing of garbage, rubbish or refuse.
- (2) A person must not, without the written permission of an authorised officer, remove any article or thing deposited as refuse at the refuse disposal site or interfere with any material, plant or equipment.

Penalty: 5 penalty units

Disposal of loose paper

7. A person must not deposit any paper, cardboard, plastic bag or shopping bag without securing it from being scattered by the wind. This is required for disposal of this material at Council disposal sites which are open 40m³ bins.

Penalty: 5 penalty units

Refusal to accept refuse at a disposal site

8. An authorised officer may refuse to accept any refuse at a disposal site which, in the opinion of the authorised officer, is:
 - (a) likely to pose a substantive and unacceptable hazard to Council employees, the public, or the environment; or
 - (b) excluded by the Department of Primary Industries, Water and Environment's permit conditions for the disposal site.

Cartage of refuse

9. A person must not carry or cause to be carried any noxious matter on a public highway unless in a way that prevents it from:
 - (a) being accessed by flies; or
 - (b) emitting any odours which are offensive to users of the highway.

Penalty: 2 penalty units

Disposal of Hazardous Waste

10. A person must not deposit, place or drop or allow any person to deposit, place or drop any hazardous waste at a refuse disposal site except with the prior written approval of an authorised officer.

Penalty: 5 penalty units

Disposal of sharps

11. A person must not deposit, place or drop or allow any person to deposit, place or drop any sharps in or on any refuse disposal site except with the prior written approval of an authorised officer and in an approved container for burial.

Penalty: 2 penalty units

PART 3 – HOUSEHOLD REFUSE

Kerbside refuse collection

12. (1) The Council will provide a kerbside collection service for domestic waste only within a designated area.
- (2) The General Manager may determine by notice classes of materials as being recyclables for the purpose of kerbside collection.
- (3) The General Manager may determine by notice the management and control of the storage, collection, transport and disposal of refuse within the municipal area.
- (4) For the purposes of this Part, "notice" means a Council notice displayed in a daily newspaper circulated in the municipal area and forwarded by Council or authorised officer to a person to whom this by-law applies.
- (5) Every tenement within a designated kerbside collection area will, upon request, be provided with a mobile garbage bin (red) for the storage and collection of household refuse and a mobile garbage bin (yellow) for the storage and collection of recyclables.
- (6) Receptacles provided in accordance with sub-clause (5) remain the property of the Council.
- (7) Council may impose a charge for the replacement, repair or renewal of any mobile garbage bin.
- (8) The Council or its authorised contractors will only collect household refuse that is contained within a mobile garbage bin with the lid closed provided by or purchased from the Council for that purpose, or nominated recyclables that are wholly contained within a recycling mobile garbage bin provided by or purchased from the Council for that purpose.
- (9) A person other than the Council or its authorised contractor must not collect recyclables placed in a recycling bin for collection by Council's recycling collection service.

Penalty: 2 penalty units

General Provisions

13. A person within the designated kerbside collection service area as determined by Council resolution and is entitled to receive the kerbside collection service is to:
 - (a) store the mobile garbage bins wholly within the property boundaries unless otherwise authorised by an authorised officer, except when placed on the kerbside for collection in accordance with Council's notice relating to collections;

- (b) use the red mobile garbage bin for household refuse, and the yellow mobile garbage bin for recyclable material, which is produced on the premises;
- (c) keep the mobile garbage bins in good repair and thoroughly clean and sanitary;
- (d) clean and disinfect the mobile garbage bins if required to do so by the authorised officer;
- (e) keep the lid of the mobile garbage bins closed except when matter is being placed therein; and
- (f) leave the mobile garbage bins for collection on a day and in the manner and location approved by the authorised officer at least once per fortnight, or empty the mobile garbage bin at least once per fortnight, or whenever required to do so by the authorised officer, at a Council refuse disposal site;
- (g) ensure that the contents of the mobile garbage bin do not exceed 50 kilograms;
- (h) not place in the designated recycling bin (yellow mobile garbage bin) any matter except nominated recyclables;
- (i) remove the mobile garbage bins from the kerbside as soon as practicable after collection.

Penalty: 2 penalty units

Trade refuse exception

14. Clause 13 does not apply to refuse which is noxious, prejudicial to health, a nuisance or which is being collected by a registered waste disposal contractor.

Dangerous substances

15. The occupier of any premises must not place in any mobile garbage bin which is placed for Council collection any thing or substance which:
- (a) is hot, or is likely to become hot;
 - (b) may, or is likely to explode;
 - (c) may interact with other substances in the bin and generate toxic or poisonous gases or fumes;
 - (d) is corrosive;
 - (e) contains sharps, hazardous waste or potentially infectious waste; or
 - (f) is in any other way dangerous.

Penalty: 5 penalty units

PART 4 - CONTROL OF ANIMALS

Maintenance of premises used by animals or poultry

16. The occupier of any premises where an animal or poultry is kept must:
- (a) keep any structures, buildings, enclosures or areas which the animal or poultry has access to, clean and sanitary;
 - (b) not allow the animal or poultry to cause any nuisance through smell, noise, rodents, flies or drainage;
 - (c) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal or poultry.

Power to issue instruction to carry out works

An authorised officer may issue an instruction to carry out works to abate any environmental nuisance as defined under the *Environmental Management and Pollution Act 1994*. Failure to comply with an instruction will be a contravention of this By-law and may result in the imposition of a penalty.

Penalty: 5 penalty units

PART 5 – CARAVANS

Application

17. This Part applies to caravans in the municipal area, but does not apply to those:
- (a) occupied on Council land appointed as a caravan park; or
 - (b) occupied on private land licensed by the Council as a caravan park; or
 - (c) caravans used by travelling showpersons in the ordinary course of their business; or
 - (d) caravans used by the Council work gangs or contractors involved in construction work for the Council; or
 - (e) Situated on land designated by Council resolution for overnight parking of caravans.

Application for Caravan Licence

18. A person may apply in writing for a licence to occupy a caravan under this by-law by completing and returning to the Council an application in accordance with Form 1 in the first schedule.

Licence necessary to occupy a Caravan

19. A person must not have a caravan situated on land within the municipal area without a current licence issued by Council unless the caravan is situated at the person's principal place of residence solely for the purpose of storage.

Penalty: 5 penalty units.

Method of disposal of nightsoil and sullage water to be approved

20. A licence to occupy a caravan is not to be granted unless the proposed method for the disposal of nightsoil and sullage water has been approved by the Environmental Health Officer.

Cessation of occupation

21. When the holder of a licence issued by the Council ceases to occupy a caravan before the expiry of their licence the holder is to inform the Council within ten days of the cessation of occupation.

Licences

22. (1) On receipt of an application, an authorised officer may grant or refuse to grant a licence in accordance with Form 2 in the first schedule.

(2) A licence may be granted subject to terms and conditions.

(3) A licence if issued will be current to the 1st July of the proceeding year and must be renewed by the applicant annually on the 1st July each year.

(4) A person who breaches any licence condition imposed by the Council commits an offence.

Penalty: 5 penalty units.

Power to dispense with compliance

23. (1) Council by resolution may dispense with the compliance by any person with any provision of this Part on such terms and for such period as it thinks proper.

(2) A dispensation is not valid unless it is in writing and signed by the General Manager.

(3) Council may revoke a dispensation granted under this section at any time on giving notice to the person affected.

Disallowance of occupation in public places

24. A person must not occupy, erect or place a caravan on any road, public reserve or other public place.

Penalty: 5 penalty units.

Disallowance of occupation in exchange for rent

25. An owner or occupier of land must not authorise or permit any person to occupy a caravan situated on that land in exchange for the payment of rent whether the rent is paid to the owner or occupier of that land or to some other person.

Occupation during house construction

26. (1) A person who is constructing a house as a principal residence on land owned by them, must apply for a licence to occupy a caravan sited on that land.

- (2) The duration of a licence issued under this clause is subject to the Council's Building Surveyor being satisfied that reasonable progress is being made on the construction of the house, but in any event the duration is to be no more than two (2) years.

Entry onto land

27. If an authorised officer of Council has reasonable cause to suspect that there has been a breach of this by-law, that officer may enter the premises on which it is suspected the breach has occurred after giving the owner or occupier of the premises notice of an intention to do so.

Cancellation of Licence

28. Council may cancel the licence of a person who is in breach of this Part or who breaches a condition imposed under the licence.

Refusal of certificate of approval

29. A certificate of approval may be refused if, in the opinion of the General Manager:-
- (a) the use of the caravan will adversely affect or is likely to adversely affect the amenities of the neighbourhood in which the caravan is to be set up;
 - (b) the caravan does not contain satisfactory facilities for the supply of water or the disposal of sewage;
 - (c) the caravan does not have sufficient or satisfactory facilities for the supply of water or disposal of sewage available to the occupants; or
 - (d) the occupation of the caravan is likely to cause a health hazard.

Fee for occupation of a caravan

30. A person must not accept any fee or reward from any person in return for the occupation of any caravan set up on private property unless the property has a planning permit as a caravan park under the provisions of the *Glamorgan Spring Bay Planning Scheme 1994*.

Penalty: 2 penalty units

Permit not required for caravan park

31. A permit is not required for setting up a caravan in a caravan park which has a planning permit as a caravan park under the provisions of the *Glamorgan Spring Bay Planning Scheme 1994*

PART 6 – SEWAGE TREATMENT

Maintenance

32. (1) An on-site aerated wastewater treatment and disposal system installed within the municipal area that is installed on or after the day on which this By-law was made on land in the municipal area is subject to inspection and maintenance by the Council or its authorised agent in accordance with the specifications of the manufacturer and the requirements of Council.
- (2) For the purposes of sub-clause (1), an authorised officer or agent may enter upon the land upon which an on-site aerated wastewater treatment and disposal system is situated provided that prior notice of the intention to enter has been given to the owner or occupier of that land.
- (3) The Council may carry out in relation to an on-site aerated wastewater treatment and disposal system, any other inspection or maintenance operation, or other action, that is authorised by law, or in the opinion of the General Manager, is appropriate.
- (4) For the purposes of this Part, an "authorised agent" includes any person and any company by its servants or agents authorised or engaged by Council to inspect, monitor or maintain an on-site aerated wastewater treatment and disposal system.

PART 7 - PERMITS AND APPROVALS

Conditions of permit or approval

33. (1) The holder of a permit or approval issued pursuant to this By-Law must comply with the terms and conditions thereof.
- (2) The permit or approval under this by-law may be issued subject to such conditions as the General Manager may consider necessary.

Referral to Council

34. No provision of this by-law is to be construed as preventing the General Manager from referring any application for approval or a permit to the Council.

PART 8 - INFRINGEMENT NOTICES

Infringement Notices

(1) An authorised officer may –

- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence; and
 - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (2) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 4 to this by-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (3) An infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

Schedule 1 - Applications

**FORM 1
GLAMORGAN SPRING BAY COUNCIL
APPLICATION FOR CARAVAN LICENCE**

Mr/Mrs/Ms/Miss:

Given NameSurname

Residential Address.....
.....

Telephone Number: (Home) (Work)

About the Caravan

Registration Number: Size:

Model:Manufacturer:

Colour:

Address where caravan will be kept:
.....

Name of owner of land where caravan will be kept:

Address of owner of land:
.....

Type of water supply to caravan:

Method of disposal of sewage wastes (including water closet, bath, shower, handbasin
sink and laundry):
.....
.....

Number of people to occupy caravan:

Period proposed to remain on site:

Date:/...../.....
.....

Signature of Applicant

Please attach a site plan to your application showing the outline of the property, the existing buildings, a photograph of the caravan the proposed location of the caravan.

Schedule 2 – Licences and Infringement Notices

**FORM 2
GLAMORGAN SPRING BAY COUNCIL
LICENCE TO OCCUPY A CARAVAN**

A licence to occupy a caravan being a
.....
of registration number , to be situated at
.....
on land owned by , for a period of
..... months, is hereby granted, subject to the following
.....
.....
.....

The proposed method for the disposal of night soil and sullage water has been approved.

A fee of \$ has been received by Council.

Date:/...../.....

.....
Environmental Health Officer

Schedule 3 – Notice

**FORM 3
INFRINGEMENT NOTICE**

Dog Control Act 2000
INFRINGEMENT NOTICE

To: of

Date of Birth -/...../..... (if known)

It is alleged that at/on or about am/pm on theday of 20.....
at in the Glamorgan Spring Bay municipal
area in Tasmania, you committed an offence(s) indicated in the Schedule below against the *Dog Control
Act 2000*.

SCHEDULE OF OFFENCES

SECTION /CLAUSE	OFFENCE PENALTY	UNITS	PENALTY
TOTAL AMOUNT PAYABLE \$			

Payment procedures and options for dealing with this infringement notice

You must within 28 days of the date of service of this notice do one of the following:

- pay the infringement notice in full at either Council Offices, 38 Vicary Street, Triabunna or Noyes Street, Swansea or alternatively by post to PO Box 6, Triabunna 7190;
- if you wish to have any of the offences to which this infringement notice relates heard and determined by a court you must lodge a notice of election with the General Manager (Notice of election forms are available from the Council Office at 38 Vicary Street, Triabunna);
- apply to the General Manager in writing for the withdrawal of the infringement notice; or
- apply to the General Manager in writing for a variation of payment conditions.

Deemed conviction & Enforcement

If you do not lodge a notice of election within 28 days of service of this infringement notice on you and the infringement notice has not been withdrawn, you will be taken to be convicted of the offence(s) set out in this notice and the monetary penalty may be enforced under the *Monetary Penalties Enforcement Act 2005*.

Dated the day of 20.....

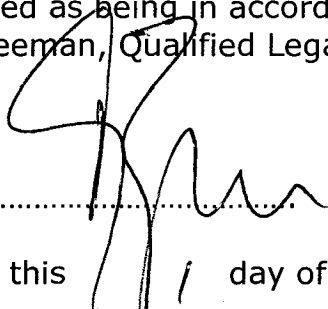
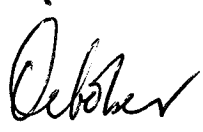
.....
ISSUING OFFICER

THIS NOTICE MUST ACCOMPANY PAYMENT
Glamorgan Spring Bay Council, PO Box 6, Triabunna 7190
Phone 6257 4777 Fax 6257 4774

Schedule 4
Infringement Notice Offences

Column 1	Column 2	Column 3
CLAUSE	OFFENCE	PENALTY (Penalty Units)
3(1)	Deposit of Refuse contrary to By-laws	2
4	Deposit of refuse at disposal site outside hours without permission	1
5	Unauthorised fire	1
6	Unauthorised scavenging and recycling	1
7	Unsecured loose paper etc	1
9	Cartage of noxious matter contrary to by-law	1
10	Disposal of hazardous waste without approval	1
11	Disposal of sharps without approval	1
13	Failure to comply with conditions of kerbside collection	.5
16	Failure to carry out imposed works for control of animal	2
19	Unlicenced occupation of a caravan	1
22	Breach of caravan licence conditions	1
24	Occupation of caravan in public place	.5
30	Fee for caravan occupancy	1

Certified as being in accordance with the law by:
P G Zeeman, Qualified Legal Practitioner

.....
Dated this  day of , 2008 at Hobart

Certified as being made in accordance with the Local *Government Act 1993*:

.....
General Manager

Dated this day of , 2008 at Hobart

The Common Seal of the Glamorgan Spring Bay Council was hereunto affixed
in the
presence of:

.....) Mayor

.....) Deputy Mayor

.....) General Manager

Confirmed by me this day of , 2008 at Hobart.

.....
Jim Cox
Minister for Local Government