Removal of Refuse, Rubbish and Disused Materials Local Law

CITY OF Armadale

Local Government Act 1995

Council Adopted – 15 September 1997
Government Gazette - 27 October 1997 No. 185
Effective Date – 10 November 1997

Amendments

Council Adoption	Government Gazette	Effective Date
29 September 2015 CS80/9/15	23 October 2015 No. 160	6 November 2015

LOCAL GOVERNMENT ACT 1995
City of Armadale
Local Laws Relating to the Removal of Refuse, Rubbish and Disused Materials

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the City of Armadale hereby records having resolved on 15 September 1997 to make the Local Laws as follows:-

CITATION

1. The Local Laws may be cited as "The City of Armadale Removal of Refuse, Rubbish and Disused Materials Local Laws.

2. The City of Armadale Removal of Refuse, Rubbish and Disused Materials By-Laws as adopted by publication in the Government Gazette of 24th July 1981 and as amended from time to time are repealed.

INTERPRETATION

3. (1) In these Local Laws, unless the context otherwise requires:-

"Act" means the Local Government Act 1995;

"Council" means the Council of the City of Armadale;

"District" means the District of the City of Armadale;

"refuse, rubbish or disused material" includes:

(i) any material which is abandoned or unwanted by its owner or the person in possession of it;

(ii) any material which is not being used for its original intended purpose and which has been deposited or stored upon any property for no current purpose other than the deposit or storage;

(iii) any motor vehicle, motor vehicle part or machinery which has been deposited or stored upon any property for the purpose of dismantling or breaking up;

(iv) any motor vehicle that is registered or unregistered and is deemed to be in a state that it is unable to be used for its original purpose and has been deposited upon any property for no current purpose other than the deposit, storage, breaking up and/or for the sale of parts;

(v) any wood, timber, lumber; or cuttings, logs or remnants of trees; or chopped, split or chipped wood, deposited, stored, located or placed on property.

And any material may be refuse, rubbish or disused material notwithstanding that it may have a commercial value to its owner or the person in possession of it or to the owner or occupier of any property upon which it is deposited or stored;

"served" has the same meaning as defined in section 75 and 76 of the Interpretations Act 1994.

(2) Where in these Local Laws a duty of liability is imposed on an owner or occupier of land, the duty or liability is imposed jointly and severally on each of the owner or occupier.

CLEARING OF REFUSE, RUBBISH OR DISUSED MATERIAL

4. If there is:-

(a) on any vacant property within the District, any refuse, rubbish or disused material or any trees, scrub or undergrowth; or

(b) on any property within the District other than vacant property any refuse, rubbish or disused material or any trees, scrub or undergrowth which, in the opinion of the Council-

(i) is likely to adversely affect the value of any adjoining property;

(ii) is likely to adversely affect the health, comfort or convenience of the inhabitants of that property or any adjoining property; or

(iii) results in that property having an appearance which does not conform with the general appearance of other property in the locality,

the Council may cause a Notice under the hand of the Chief Executive Officer to be served on the owner or occupier of that property requiring that owner or occupier as the case may be to clear the property of the trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice with the time specified in the Notice.

5. Any owner or occupier who is served with a Notice under Law 4 of these Local Laws and who fails to comply with the terms of the Notice commits an offence.

PENALTY:

(a) five thousand dollars and $5000

(b) a daily penalty of five hundred $500

6. Where an owner or occupier who is served with a Notice under Law 4 of these Laws fails to comply with the terms of the Notice, the Council is authorised:-

(a) to clear or remove from the property the trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice, and dispose of the same, without payment of any compensation; and

(b) to recover in a court of competent jurisdiction the amount of the Council's expenses in so doing from the owner or occupier who was served with the Notice.

MODIFIED PENALTIES

7. An offence against clause 5 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

8. The amount of the modified penalty for an offence under clause 5 is $500.

9. For the purpose of this local law, the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Dated this _____ day of _____ 2014.

The Common Seal of the
City of Armadale was
hereunder affixed in the
presence of:-

_____
H ZELONES JP
MAYOR

_____
R TAME
CHIEF EXECUTIVE OFFICER