

HEALTH ACT 1911

CITY OF KALGOORLIE-
BOULDER

HEALTH (KEEPING OF
HORSES AND STABLES)
CONSOLIDATED
LOCAL LAWS 2001

PRESENTED AT THE CITY OF KALGOORLIE-BOULDER
ORDINARY COUNCIL MEETING HELD 22 JANUARY 2001

HEALTH ACT 1911

That Council under the powers conferred upon it by the Health Act 1911, the Council of the City of Kalgoorlie-Boulder resolved on 29 May 1995 to make and submit for confirmation by the Executive Director of Public health and approval by His Excellency the Govern-nor, the following Local Laws.

CITY OF KALGOORLIE-BOULDER HEALTH (KEEPING OF HORSES AND STABLES)
LOCAL LAWS 1995

Made by the Council of the City of Kalgoorlie-Boulder.

Citation

1. These Local Laws may be cited as the *City of Kalgoorlie-Boulder Health (Keeping of Horses and Stables) Local Laws 1995*.

Repeal

2. The *Shire of Boulder Stables Local Laws**(as amended) and the *Town of Kalgoorlie Stables Local Laws*** (as amended) are repealed.
[*Published in the Gazette of 5 March 1971 pp. 699-702; **Published in the Gazette of 9 March 1972 pp. 535-537.]

Interpretation

3. In these Local Laws, unless the context otherwise requires-
“certificate of registration” or “certificate” means a certificate of registration under these Local Laws;
“City” means the district of the City of Kalgoorlie-Boulder;
“Council” means the Council of the City;
“environmental health officer” means an environmental health officer appointed by the Council;
“horse” means a stallion, mare, gelding, pony, colt, ass, or mule and any other animal used for burden, draught, or for riding on;
“shelter” means a building in a yard used for the temporary protection of a horse or a number of horses from inclement weather;
“stable” means a building used for stabling a horse or a number of horses;
“stall” means a compartment within a stable in which a single horse is kept;
“yard” means an area that is fenced in for the purpose of confining a horse or a number of horses.

Keeping of horses prohibited

4. (1) A person shall not keep a horse on any premises-
 - (a) situated in any of the areas within the City specified in Schedule 1; or
 - (b) in contravention of a provision of the City of Kalgoorlie-Boulder Town Planning Scheme (as amended).
- (2) A person who contravenes sub-clause (1) commits an offence.

Keeping of horses

5. Deleted

Stables to be provided

6. (1) A person shall not keep a horse of horses on any premises unless-
 - (a) a stable is provided for each horse kept on the premises; or
 - (b) a stall is provided for each horse kept on the premises.
- (2) A person who contravenes sub-clause (1) commits an offence.

Erection of stables and shelters

7. (1) A person who desires to erect a stable or a shelter shall make written application to do so to the Council.
- (2) An application made under sub-clause (1) is to be accompanied by-
 - (a) such plans; specification and other particulars of the stables as may be required by the Council; and
 - (b) if the premises on which a stable is to be erected is situated in a part of the City, other than a part specified in Schedule 2, shall, if any dwelling house on an ad-joining premises is located within 80 metres of the proposed site of the stable, lodge with the application written notice from each owner or occupier of those premises stating whether or not they have any objection to the stable being erected

- (3) A person who objects to the erection of a stable shall, in the written notice given under sub-clause (2) (b), state the grounds on which such objection is made.
- (4) The Council, upon being satisfied that there are no grounds on which the application ought to be refused, shall approve the application.
- (5) A person who erects or commences to erect a stable or a shelter without the approval of the Council commits an offence.

Stables to be registered

8. (1) A person shall not keep a horse in a stable unless the stable has been registered by the Council.
- (2) An application for the registration of a stable is to be made to the Council in the form of Form 1 in Schedule 3 and accompanied with the required fee as fixed from time to time by Council under Section 344C of the Act.
- (3) The Council, upon being satisfied that the stable has been erected in compliance with the requirements of these Local Laws, shall approve the application and issue the applicant with a certificate of registration in the form of Form 2 in Schedule 3.
- (4) A certificate of registration shall, unless it is sooner suspended or cancelled by the Council, remain in force until 31 July next following its issue.
- (5) A certificate of registration may be renewed annually in the month of July in the manner specified in sub-clause (2).
- (6) The Council shall renew a certificate of registration upon being satisfied that the stable has been maintained in compliance with these Local Laws.
- (7) A person who contravenes sub-clause (1) commits an offence.

Transfer of certificate

9. (1) The holder of a certificate of registration may apply to the Council in the form of Form 3 in Schedule 3, together with the required fee as fixed from time to time by Council under Section 344C of the Act, for the transfer of that registration to the person named in the application.
- (2) The Council, upon being satisfied that there are no grounds on which the application ought to be refused; shall approve the application and issue to the person named in the application a new certificate of registration in the form of Form 2 in Schedule 3.

Council may cancel, suspend, refuse to renew

10. (1) Subject to this clause, the Council may cancel, suspend for a fixed period or refuse to renew a certificate on the grounds that the holder has been convicted of an offence against these Local Laws.
- (2) If the Council proposes to cancel, suspend or refuse to renew a certificate the Council is to give to the holder of the certificate notice in writing of the proposal and the Council's reasons for the proposal.
- (3) A notice given under sub-clause (2) is to state that within 14 days after the notice is given, the person to whom it is given may make representations in writing to the Council concerning the matter, and the Council is not to determine the matter without considering any representation received within that period of 14 days.
- (4) If the Council cancels, suspends or refuses to renew a certificate the Council is to give to the holder of the certificate notice in writing of the cancellation, suspension or refusal to renew.

Siting or stables, shelters and yards

11. (1) A stable or shelter shall not be sited within 15 metres of a dwelling house; milking shed; milk-room, or other building used for the preparation or storage of food for human consumption.
- (2) No part of the perimeter fence of a yard shall be sited within 6 metres of a dwelling house; milking shed; milk-room, or other building used for the preparation or storage of food for human consumption.
- (3) A person who contravenes any of the provisions of this clause commits an offence.

Construction of stables and shelters

12. (1) Every stable and shelter shall be constructed, ventilated, drained, paved, and be sited on the premises in accordance with the provisions of this clause.
- (2) Every stable-
 - (a) shall have each wall and roof constructed of an impervious material of a type approved by the Council;
 - (b) shall on all sides of the building between the top of the wall and the roof a clear opening of at least 150 millimetre in height;
 - (c) shall have a floor, the upper surface of which-
 - (i) is to be raised at least 75 millimetres above the surface of the ground;

- (ii) is to be constructed of cement, concrete or other similar impervious finish; and
- (iii) has a fall of 1 in 100 to a drain;
- (d) shall have a floor area of not less than 11 square metres.
- (3) Every stall shall have a floor area of not less than 11 square metres and the walls of each stall shall not be less than 3 metres in both height and width.
- (4) Every shelter-
 - (a) shall have each wall and roof constructed of an impervious material of a type approved by the Council;
 - (b) shall be of a height of not less than 2.5 metres;
 - (c) shall have at least one side which is completely open and which is not capable of being closed off by any means; and
 - (d) shall have a floor area of not less than 9 square metres.
- (5) A person who contravenes any of the provisions of this clause commits an offence.

Maintenance of stables

- 13. (1) The holder of a certificate of registration issued under these Local Laws shall ensure that every stable to which such registration applies is-
 - (a) maintained in a clean condition and when ordered to do so by an environmental health officer shall clean; wash; and disinfect every stable to which the order AP-plies in accordance with the directions contained in the order;
 - (b) so far as possible, kept free from flies and other insects by spraying all parts of every stable with a residual insecticide or by use of some other effective means and when ordered to do so by an environmental health officer shall spray every stable to which the order applies with a residual insecticide in accordance with the directions contained in the order;
 - (c) provided with a receptacle for manure that is-
 - (i) constructed of impervious material of a type approved by the Council;
 - (ii) provided with a tight-fitting cover which shall remain securely fitted to the receptacle at all times, other than when manure is being deposited or re-moved or for maintenance purposes;
 - (iii) located outside the stable in a position convenient to the stable; and
 - (d) kept free of manure by causing all manure produced in the stable to be collected daily and placed in the receptacle provided for such purpose.
- (2) The holder of a certificate of registration issued under these Local Laws shall ensure that each receptacle for manure-
 - (a) is emptied at least once a week or as often as is necessary to prevent it from becoming offensive; and
 - (b) is kept, so far as possible, free from flies and other insects by spraying with a residual insecticide or by some other effective means.
- (3) A holder of a certificate of registration who contravenes any of the provisions of sub-clause (1) or (2) commits an offence.

False statements

- 14. A person who makes a false statement in connection with an application made under Clause 7, 8, or 9 commits an offence.

Savings

- 15. (1) Every registration granted by the Council under the former provisions and in force immediately before the commencement of these Local Laws, has effect as if granted under these Local Laws and notwithstanding any of the provisions in these Local Laws, may be renewed or transferred, on application made under these Local Laws, at the discretion of the Council subject to such conditions or restrictions, if any, that the Council may deem necessary to impose.
- (2) In this clause “former provisions” means the *Shire of Boulder Stables Local Laws* and the *Town of Kalgoorlie Stable Local Laws* as repealed by Local Law (2).

Penalty

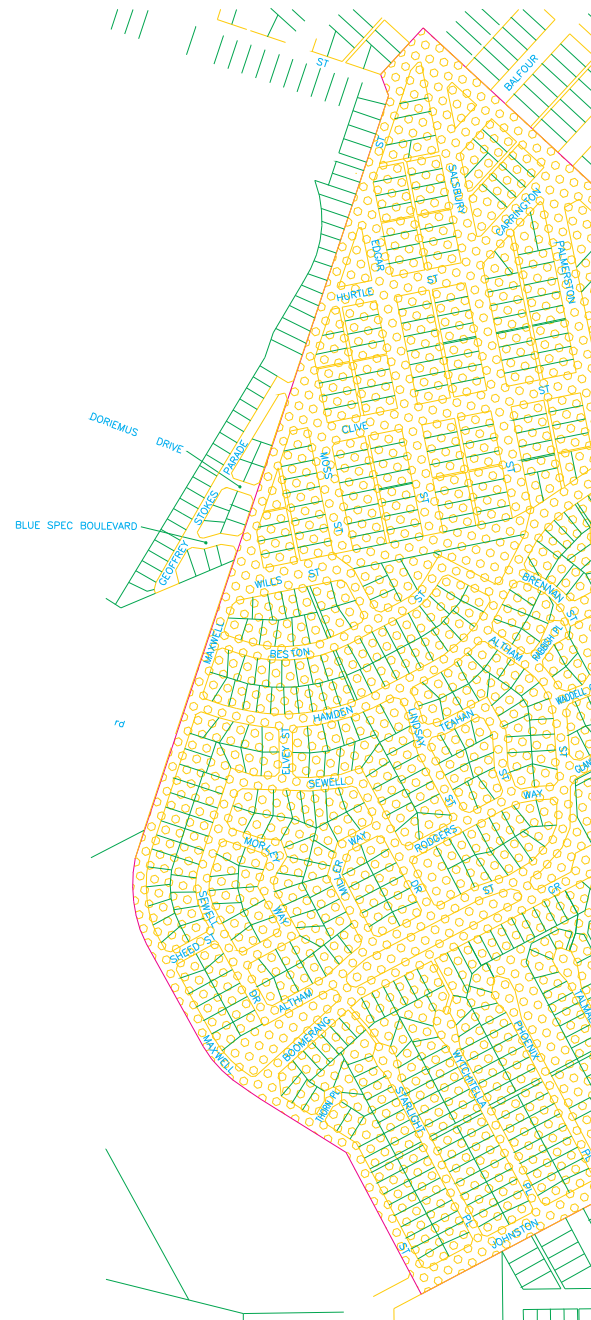
- 16. A person who contravenes or fails to comply with these Local Laws is guilty of an offence and is liable to a penalty not exceeding \$100.00 and if the offence is a continuing offence to a penalty of \$10.00 for each day that the offence continues.

SCHEDULE 1
AREAS WITHIN CITY IN WHICH HORSES ARE PROHIBITED TO BE KEPT

[Clause 4]

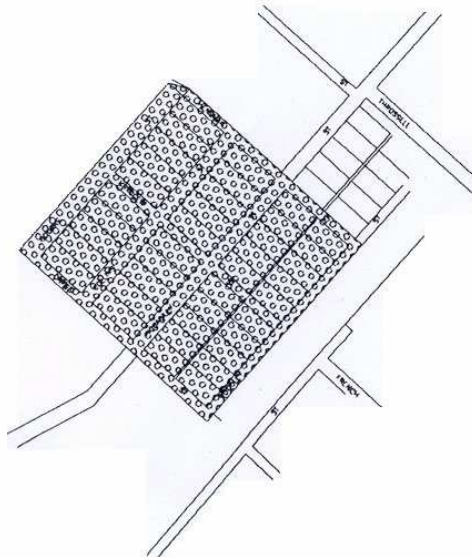
AREA: "All that area bounded by a line commencing at a point on the north western boundary line of the Adeline location subdivision where a prolongation of the centreline of Maxwell Street intersects the boundary line of Lionel Street, then in a south easterly direction along the centreline of Lionel Street until it intersects the centreline of Johnston Street on the south eastern boundary of the Adeline location subdivision, then in a south westerly direction along that boundary to the centreline of Johnston and Maxwell Streets, then in a north westerly direction continuing along the boundary of the subdivision until it connects with that point first mentioned as the commencement point of this boundary line."

TOWN CLERK.



Hampton Location Victory Heights, and known as Lot 308 Turich Way, Lot 307 District Hampton Location Victory Heights, and known as Lot 307 Turich Way, Lot 306 District Hampton Location Victory Heights, and known as Lot 306 Turich Way, Lot 305 District Hampton Location Victory Heights, and known as Lot 305 Turich Way, Lot 304 District Hampton Location Victory Heights, and known as Lot 304 Turich Way, Lot 303 District Hampton Location Victory Heights, and known as Lot 303 Turich Way, Lot 302 District Hampton Location Victory Heights, and known as Lot 302 Turich Way, Lot 301 District Hampton Location Victory Heights, and known as Lot 301 Turich Way, Lot 324 District Hampton Location Victory Heights, and known as Lot 324 Turich Way, Lot 325 District Hampton Location Victory Heights, and known as Lot 325 Turich Way, Lot 326 District Hampton Location Victory Heights, and known as Lot 326 Turich Way, Lot 327 District Hampton Location Victory Heights, and known as Lot 327 Turich Way, Lot 328 District Hampton Location Victory Heights, and known as Lot 328 Turich Way, Lot 329 District Hampton Location Victory Heights, and known as Lot 329 Turich Way, Lot 330 District Hampton Location Victory Heights, and known as Lot 330 Turich Way, Lot 319 District Hampton Location Victory Heights, and known as Lot 319 Turich Way, Lot 320 District Hampton Location Victory Heights, and known as Lot 320 Nanson Street, Lot 321 District Hampton Location Victory Heights, and known as Lot 321 Nanson Street, Lot 322 District Hampton Location Victory Heights, and known as Lot 322 Nanson Street, Lot 323 District Hampton Location Victory Heights, and known as Lot 323 Nanson Street”

TOWN CLERK.



SCHEDULE 3
FORM 1
[Clause 8(2)]

APPLICATION FOR REGISTRATION OF STABLES

I, the undersigned, hereby apply to have the undermentioned premises registered as a stable:-

Name in
Full.....
Address.....
Situation or
premises.....

Owner's name and address if tenant
Name:.....
Address:.....
Distance of stable from nearest adjacent
building.....
Number of stalls.....
Number of horses intended to be stabled.....
Area of land in square metres.....

Signature:.....
Date:.....

SCHEDULE 3
FORM 2
[Clause 8(3)]

CERTIFICATION OF *REGISTRATION/*RENEWAL OF REGISTRATION
OF

.....
.....

The Council of the City of Kalgoorlie-Boulder, in pursuance of the powers vested in it by the Health Act, 1911, doth hereby *register/*renew the registration of the premises as depicted in lodged plan and situated at

.....
.....

and *now used as/desired to be used as
.....
.....

This certificate of *registration/*renewal of registration is granted to
.....
.....

and shall have effect to the said Act and Clauses made thereunder until and inclusive of the 31st day of July,

Dated attheday of

.....
Town Clerk.

*Strike out what is inapplicable

SCHEDULE 3
FORM 3
[Clause 9(1)]

APPLICATION FOR TRANSFER OF CERTIFICATE OF REGISTRATION

To the Council of the City of Kalgoorlie-Boulder

I,

.....
of
.....

the holder of Certificate of Registration of

.....
situated at

.....
hereby apply to have the registration of the said premises transferred to
.....

Dated at the day of

.....
Signature of Proposed Transferor

I, the abovementioned

do hereby apply for the said transfer.

Dated at the day of

.....
Signature of Proposed Transferor

.....
Town Clerk.

Dated this 31st day of May 1995.

The Common Seal of the City of Kalgoorlie-Boulder is hereunto affixed by authority of
a resolution of Council in the presence of-

R. S. YURYEVICH, Mayor.
L. P. STRUGNELL, Town Clerk.

Dated this 31st day of May 1995.

Confirmed-

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

Approved by His Excellency the Governor in Executive Council;
on this 1st day of August 1995.

J. PRITCHARD, Clerk of the Council.

HEALTH ACT 1911

The City of Kalgoorlie - Boulder Health (Keeping of Horses and Stables) Amendment Local Laws 2001

Made by the City of Kalgoorlie-Boulder under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the City of Kalgoorlie-Boulder Health (Keeping of Horses and Stables) Amendment Local Laws 2001.

Principal local laws

2. In these local laws, the City of Kalgoorlie-Boulder Health (Keeping of Horses and Stables) By-laws 1995 made under the *Health Act 1911* and passed by the Council of the City of Kalgoorlie-Boulder on 29 May 1995, by notice published in the Government Gazette on 22 August 1995, are referred to as the principal local laws.

Principal local laws amended

3. The principal local laws are amended as described in the following schedule -

Item	Clauses Affected	Description
1	General	Delete "these By-laws" and "these by-laws" wherever they occur and substitute "these Local Laws".
2	10(1), 11(3), 12(1), 12(5), 14, 15(2)	Delete "By-law" and "by-law" wherever it occurs and substitute "clause".
3	4(2), 6(2), 7(2), 7(3), 8(5), 8(7), 10(3), 13(3)	Delete "sub-by-law" wherever it occurs and substitute "subclause".
4	Schedule 1	Delete "[By-law 4]" and substitute "[Clause 4]"
5	Schedule 2	Delete in the title "By-laws 7(2)(b)" and substitute "Clause 7(2)(b)".
6	Schedule 3 - Form 1 Form 2 Form 3	Delete "[By-law 8(2)]" and substitute "[Clause 8(2)]" Delete "[By-law 8(3)]" and substitute "[Clause 8(3)]" Delete "[By-law 9(1)]" and substitute "[Clause 9(1)]"

Item	Clauses Affected	Description
7	4(1)	Delete paragraph (b) of subclause (1) and substitute - "(b) in contravention of a provision of the City of Kalgoorlie-Boulder Town Planning Scheme (as amended)."
8	5	Delete clause 5.
9	8(2)	Delete "specified in item 1 of Schedule 4" and substitute "fixed from time to time by Council under Section 344 C of the Act."
10	9(1)	Delete "specified in item 2 of Schedule 4" and substitute "fixed from time to time by Council under Section 344C of the Act".
11	Schedule 3, Form 2 and Form 3	In each form delete the prefix "19" in both places where it occurs in lines provided for entering the expiry of a registration or a date of signature.
12	Schedule 4	Delete Schedule 4.

Passed at an ordinary meeting of the Council of the City of Kalgoorlie-Boulder held on ...22nd January..... 2001.

The Common Seal of the)
City of Kalgoorlie-Boulder was)
placed here in the presence of:)

P Robson, Mayor

E W Piper, Acting Chief Executive Officer

on this ...22ndday of ...January.....2001.

Consented to **Dr Paul Psaila-Savona**
Executive Director Public Health

Dated this ...4th... day of ...April.....2001.