

LOCAL GOVERNMENT ACT 1995

Shire of Broomehill-Tambellup

REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the local government of the Shire of Broomehill-Tambellup resolved on the 21st February 2013 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Interpretation

(1) In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

district means the district of the Shire of Broomehill-Tambellup;

local government means the Shire of Broomehill-Tambellup;

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 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 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 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 *Interpretation Act 1984*.

(2) Where in this local law 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.

4. Clearing of refuse, rubbish or disused material

(1) If there is—

- (a) on any vacant property within the district, any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth; or
- (b) on any property within the district other than vacant property any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth which, in the opinion of the local government—
 - (i) is likely to adversely affect the health, comfort or convenience of the inhabitants of that property or any adjoining property; or
 - (ii) results in that property having an appearance which does not conform with the general appearance of other property in the locality,

the local government 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 overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the notice within the time specified in the notice.

(2) Any owner or occupier who is served with a notice under clause 4(1) of this local law and who fails to comply with the terms of the notice commits an offence.

Penalty—

- (a) five thousand dollars (\$5,000); and
- (b) a daily penalty of five hundred dollars (\$500).

(3) Where an owner or occupier who is served with a notice under clause 4(1) of this local law fails to comply with the terms of the notice, the local government is authorised—

- (a) to clear or remove from the property the overgrown vegetation, 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 local government's expenses in doing so from the owner or occupier who was served the notice.

Dated: 21st February 2013.

The Common Seal of the Shire of Broomehill-Tambellup was affixed by the authority of a resolution of the local government in the presence of—

B. G. WEBSTER, President.
J. M. TREZONA, Chief Executive Officer.
