

TOWNSVILLE CITY COUNCIL

LOCAL LAW NO 6

NUISANCES, FILTH, RUBBISH, WEEDS, ETC.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 9.)

Subsection (ix.) Prohibiting, or regulating the interment of the dead elsewhere than in cemeteries.

264. No person shall, without the previous consent in writing of the Council, inter the dead, or cause the dead to be interred, in any place within the City elsewhere than in a cemetery lawfully established and for the time being actually used as a cemetery.

(Health Acts, 1900 to 1992 – Section 72.)

Subsection (v.) Preventing or regulating the deposit of filth, dust, ashes, rubbish, sludge, or other offensive matter upon streets and other lands and places under the control of the Local Authority.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 38.)

Subsection (i.) Prohibiting expectoration upon footways and the casting or deposit of waste food or peelings of fruit or other vegetable substances, or of any offensive, obnoxious, or dangerous matter or thing, on any road, footway, or land under the control of the Local Authority.

Deposit of offensive matter on road

265. No person shall expectorate on the footway of any road, or drop, throw, or deposit, or cause to be dropped, thrown, or deposited on the footway of any road any lighted cigar or cigarette or lighted match, or on any part of any road any refuse food or any fruit skin, rind, peel, vegetable, or other offensive matter.

Offensive matter on roads, &c.

266. (1) No filthy or offensive unwholesome matter or fluid, and no garbage, house sweepings, or other refuse matter or thing, shall be emptied, swept, thrown, discharged, or deposited into or upon any part whatever of any road or land or place under the control of the Council.

(2) No person shall throw, cast, or lay or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, soot, rubbish, broken glass, offal, dung, soil, dead animals, blood, or other filth or annoyance, or any offensive, obnoxious, or dangerous matter or thing, in or upon any part of any road, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb,

or other animal in or so near to any road as that any blood or filth shall run or flow upon or over, or be on, any part of any road.

- (3) Nothing herein shall be construed to limit the sweeping or cleansing of footways or water-channels in compliance with the By-laws, or the removal or deposit of rubbish or filth in places set apart for that purpose by the Council.
- 266A. (1) If any goods or materials, while being conveyed in or on any vehicle or container upon any road or place under the control of the Council, or while being in or on or being loaded or unloaded in or on or from any vehicle or container upon any road or place as aforesaid, fall or drop or otherwise escape from such vehicle or container onto the said road or place, the person in charge of such vehicle or container shall forthwith pick up or remove the said goods or materials, or the fragments thereof if broken. If he fails to do so, he shall be guilty of an offence, and the Council may pick up or remove the said goods or materials or fragments thereof, and recover from him the costs and expenses thereby incurred; and the goods, materials, or fragments shall be deemed to have been abandoned.
- (2) Provided, however, that it shall be a defence to a charge under this By-law, to show that the goods or materials or fragments were of such a nature as not to be reasonably capable of being picked up or removed.
- 266B. (1) It shall be the duty of any person who, upon any road or place under the control of the council, by himself or his servant, carts, carries, or conveys, or has in or on any dray, cart, lorry, truck, or other vehicle, any water, liquid, sludge, slime, manure, earth, gravel, sand, stone, coal, coke, breeze, clinker, ashes, firewood, sawdust, shavings, packing, rubbish, or any other material of such a nature that, if not properly protected, water or other liquid is likely to drip or leak therefrom, or any of the material is likely to fall or drop or be thrown or blown therefrom, to have the vehicle so constructed or loaded, or the load so covered or protected, or take such other measures as will ensure, that no water or other liquid drips or leaks therefrom, and that none of the said goods or materials falls or drops or is thrown or blown, or otherwise escapes therefrom.
- (2) If any water or other liquid drips or leaks, or any of the goods or materials of the description referred to in the preceding paragraph falls or drops or is thrown or blown or otherwise escapes from any vehicle whilst in or upon any road or place under the control of the Council, the person using such vehicle shall be guilty of an offence, unless it is shown that no reasonable precautions could have prevented such dripping, leaking, falling, dropping, throwing, blowing, or other escape.
- 266C. (1) When upon any premises there is, within sign of any road or place under the control of the Council, any aggregation or accumulation of –
- (i) Discarded or disused machinery, goods, or wares (whether permanently or temporarily disused) or of

(ii) Parts of machinery, goods, or wares derived in the course of breaking up or dismantling of machinery, goods, or wares, whether or not discarded or intended so to be, or intended for use in assembling or reassembling or repairing any machinery or for sale of other disposal; or of

(iii) Scrap or second-hand materials of any description;

which in the opinion of a health inspector are unsightly, the Council may, by written notice to the occupier (or, where there is no occupier, the owner) of the premises, require him to show cause, in such manner and at such time and place as specified in the notice, why an order should not be made by the Council as in the next following clause mentioned. For the purpose of this By-law, "machinery" includes motor vehicles.

(2) The Council, if no cause be shown to the contrary, or after consideration of any submissions made by the occupier or owner, may make an order directing such occupier or owner, within a specified time, to remove the things concerned, or to rearrange them or otherwise so deal with them as to be no longer unsightly, or effectually to screen them by a screen of a type and construction to be approved by the Council, so as no longer to be visible from the road or place under the control of the Council.

(3) If the owner or occupier fails to comply with such order, he shall be guilty of an offence.

Covered places for sewage

266D. (1) The Council may include in any written notice given by it to the owner of premises pursuant to section 36(13) of the Local Government Act such directions as the Council thinks proper in relation to any one or more of the following matters:-

(i) The location on the premises of the covered place;

(ii) The design, size or capacity of the covered place, having regard to the probable quantities of discharge into it;

(iii) The materials and method of construction of the covered place;

(iv) The fittings and drains for carrying off of sewage from the premises and discharge thereof into the covered place;

(v) Facilities for removal of sewerage and cleansing;

(vi) Where the Council does not intend to execute the work of removal and disposal of sewerage:-

(a) The frequency with which such removal and disposal is to be effected.

- (b) The place of such disposal.
- (2) Every covered place on any premises shall be from time to time repaired and at all times maintained by the owner of the premises in good order, repair and condition. If in the opinion of the Council any covered place has become defective, the Council may by written notice require the owner of the premises within such time as is specified in such notice to do what is necessary, or such work as may be specified in the notice, to remedy the defect or put the covered place in a proper state of repair, and fully effective.
- (3) The occupier of any premises on which a covered place is provided shall use it for the discharge into it of all sewage originating in the premises, but for no other purpose, and shall not discharge into it any roof, rain, storm, surface, flood, sub-soil or seepage waters, nor any solid or insoluble matter of any description. He shall keep all drains and pipes leading into it free from offensive odours, and shall cleanse and disinfect them as often as may be required by a Health Inspector.
- (4) Where the Council executes the work of removing and disposing of sewage from covered places, the Council shall determine the frequency of such removal in respect of any such place.
- (5) The charge made and levied upon the owner of premises in respect of which the Council performs the work of removing and disposing of sewage from covered places shall be a quantity removal charge of twenty shillings (20s.) in respect of each 1,000 gallons of part thereof of sewage removed at each removal performed.
- (6) The said charge shall be payable by the owner within thirty (30) days after demand in respect thereof.

Subsection (ii.) Compelling owners or occupiers to keep their premises free from offensive or unwholesome matters.

Untidy allotments

267. (1) A person shall not cause, nor permit not suffer any land, house or other premises occupied or owned by him –
- (a) To be in an unclean, untidy, or unsightly condition;
- (b) To have scattered about thereon disused or waste materials, debris, scrap, rubbish, filth, refuse, unwholesome matter or offensive matter; or
- (c) To have thereon building materials, other materials, objects or things, unless they are tidily stacked to the satisfaction of a Health Inspector of the Council and kept free from grass, weeds, plants or other vegetable growth.

- (2) The Council may by written notice require the occupier or owner of any land, house or other premises which, in the opinion of a Health Inspector, offends against any of the provisions of clause 1 hereof, to carry out all work and do all such acts and things, within the time specified in such notice, as may be necessary to ensure that the provisions of the said clause (1) of this By-law are complied with.

268. No owner or occupier shall place, throw, or leave, or suffer to remain upon his premises within the City any refuse or waste matter or thing which would have a tendency to encourage rats or mice to visit or frequent such land or premises, or form or afford shelter or harbourage for rats or mice.

(Health Acts, 1900 to 1922 – Section 72.)

Harbourage for vermin

Subsection (vii.) The whitewashing, cleansing or purifying of any premises.

Cleansing of premises

269. The occupier, or, where there is no occupier the owner, of any building or premises, shall keep all cellars, stables, sheds, outbuildings and sanitary conveniences belonging thereto in a cleanly condition, and shall, when required by the Council, cause the same, or such of them as the Council may order, to be lime-washed, cleansed, or purified in the manner and within the time directed by a notice to be given to him by the Council.

In default of complying with such notice, he shall be guilty of an offence, and, in addition, the Council may cause the work to be done.

(Health Acts, 1900 to 1922 – Section 72.)

Subsection (iv.) The establishment, use, and control of receptacles for the deposit and collection of dust, ashes, rubbish, and other offensive matter, whether temporary or otherwise.

Rubbish boxes to be kept

270. It shall be the duty of the occupier of every premises within the City –

- (i) To provide upon such premises a proper bin or box, impervious to moisture, and with a close fitting lid, or other receptacle approved by the Council, for the reception of house refuse, dust, ashes, rubbish, and other offensive matter.
- (ii) To see that all house refuse, dust, ashes, rubbish, and other offensive matter not otherwise provided for in these By-laws, produced upon such premises, is deposited in such box, bin, or receptacle; but nothing in this clause shall be deemed to prohibit the destruction by fire of any such matters as aforesaid, capable of being so destroyed.

- (iii) To see that such bin or receptacle is kept covered so as to prevent the access of flies, and is so kept as not to be a nuisance or cause an offensive smell, or to be a cause of annoyance to occupiers of adjoining premises or persons passing along the public road; and that no liquid matter is deposited therein.

(Health Acts, 1900 to 1922 – Section 72.)

Subsection (vi.) Imposing upon the occupier of any premises the duties of the removal of house refuse from such premises when a Local Authority does not itself undertake or contract for such removal; or when a Local Authority itself undertakes or contracts for such removal so as to facilitate the work undertaken or contracted for.

Occupiers to facilitate removal

271. The occupier of any premises in any part of the City where the Council itself undertakes or contracts for the removal of house refuse, shall cause the receptacle referred to in By-law 270 to be kept in such a situation on the premises that the same may be conveniently accessible to the person engaged in the removal of house refuse; and shall, on receipt from the Council of notice of the days and times fixed for such removal, see that any gates giving access to the part of the premises where such receptacle may be kept are unlocked.

Where the council does not undertake removal

272. The occupier of any premises within any part of the City where the Council does not itself undertake or contract for the removal of house refuse shall, at least once in every fortnight, or oftener if the Council shall so direct, remove, or cause to be removed all house refuse from such premises, and shall convey to and deposit the same at such place as may be appointed by the Council for that purpose, or may at his option (unless specifically directed by the Council so to remove the same), instead of such removal, burn or destroy with fire such parts of the refuse as are capable of being burned or destroyed with fire, and the remainder bury on the premises to the satisfaction or approval of the Council.

(Health Acts, 1900 to 1922 – Sections 63 and 91.)

Subsection (8.) The prevention of nuisances arising from ashes, soot, filth, dust, and rubbish.

Council may establish rubbish dumps or depots

273. The Council may from time to time establish, on land under its control, dumps or depots for the deposit of rubbish.

Rubbish dumps on private land

274. No person shall permit any land owned by him, or under his control, to be used as a rubbish dump or depot, or cause or permit ashes, soot, filth, dust, or rubbish to be deposited thereon, without a permit from the Council to establish such place as a rubbish dump or depot. No fee shall be payable for such permit.

Rubbish at dumps – How to be dealt with

275. Any person to whom a permit for a rubbish dump or depot is granted shall, if so required by the Council, from time to time as frequently as may be necessary, or as may be directed by the Council, cause to be destroyed by fire all such parts of matter there deposited as are of a nature capable of destruction by fire and as are likely or liable, if not so destroyed, to become or create a nuisance, and shall cause other matter there deposited to be buried or otherwise dealt with as may be necessary or as may be directed by the Council, so as to prevent the same becoming or creating a nuisance.

Rubbish to be deposited at rubbish dumps

276. No person shall deposit ashes, soot, filth, dust, or rubbish in any place not being a rubbish dump or depot established by the Council, or under permit from the Council; nor deposit in any such dump or depot any matters of a class of nature forbidden, by notice conspicuously posted at such dump or depot, to be deposited there.

(Health Acts, 1900 to 1922 – Section 72.)

Subsection (x.) Prescribing the times for the removal or carriage through the streets of any faecal or offensive or obnoxious matter or liquid, whether into or out of or through the Area; providing that the utensils, receptacles, and vehicles used therefore shall be properly constructed and covered, so as to prevent the escape of any such matter or liquid; and compelling the cleansing of any place whereon such matter or liquid has been dropped or split in such removal or carriage.

Removal of manure

277. No contractor or other person shall remove any manure from any premises within the City, or convey the same through any road within the City, except in a closely covered vehicle or vessel so constructed as to prevent any of the contents from being spilled: Provided that if the manure is in an entirely dry state, the cover may be dispensed with except in any case where the Council expressly requires the use of such cover. Such vehicle or vessel shall be maintained as to its external parts in a cleanly state and entirely free from any filth or offensive matter, and shall, so soon as its loading has been completed be driven or conveyed forthwith to its destination, and shall in no case be permitted to stand upon any road whilst being loaded or whilst containing any manure.

Removal of garbage

278. No person other than a servant of the Council or a contractor with the Council for the removal of garbage or house refuse, or servant of such contractor, shall remove any kitchen waste, or waste foodstuff, or any similar matter from any premises within the City except in accordance with the following conditions, that is to say:- He shall provide for use at each place or premises from which he removes such waste matters a sufficient number of metal receptacles provided with well fitting and overlapping covers (such receptacles to be subject to the approval of the Council), and shall at each visit remove such receptacles bodily with all their contents, and shall leave upon the

premises in lieu thereof a sufficient number of similar approved receptacles thoroughly cleansed and empty. He shall not at any visit empty or remove the contents of any one receptacle into any other receptacle or vehicle, nor, unless with the authority of the council given in writing, shall he suffer any full or partially filled receptacles or the contents thereof to be deposited or stored at any place within the City.

Removal of offal

279. It shall not be lawful for any person to remove any bones, fat, offal, or other refuse matter or by-product from any butcher's shop or other shop dealing in flesh meat or butcher's small goods, or from any fish or poultry shop, save in a vessel or vehicle so soundly constructed as to prevent any of the contents from leaking or being spilled, and so closely covered as to prevent any emission of offensive odour from the contents.

Times for removal

280. No person shall remove or convey, or cause to be removed or conveyed, any of the matters referred to in the two last preceding By-laws through any road within the City, except between the hours of eight o'clock p.m. and nine o'clock a.m. on the next following day; but this By-law shall not apply to any butcher or the servant of any butcher removing refuse from the shop of such butcher in the ordinary course of the business thereof.

Removal of office refuse, &c.

281. No person other than a servant of the Council, or a contractor with the Council for the removal of garbage or house refuse or a servant of such contractor, shall remove from any household, shop, or office within the City any garbage or refuse of any kind, unless in a vessel or vehicle soundly and well constructed and provided with substantial and well-fitting covers of wood or metal; such covers shall be kept closed during transit and at all times, save when required to be open. Any vessel or vehicle habitually used as aforesaid shall be subject to the approval of the Council.

Removal of faecal and other matter

282. No servant of the Council, contractor, or servant of such contractor or other person who removes or causes to be removed any offensive matter or liquid, or any filth, dust, ashes, or rubbish from any premises, shall, in the process of removal, deposit the same, or cause or allow the same to be deposited, upon any part of any road.

(Health Acts, 1900 to 1922 – Section 91.)

Subsection (vii.) Licensing and regulating noxious or offensive trades, businesses or manufactures.

Hide and skin merchants, &c., to be licensed

283. No person shall in or upon any land or premises within the City carry on the business of a hide and skin merchant, or buy, sell, store, convey, or in any manner deal with or

have in his possession or control for the purpose of any trade or business any untanned hides or skins, except in pursuance of a license from the Council. No fee shall be payable for such license.

Carriage and storage of offensive hides and skins

284. No person shall upon or in any road, land, premises, or place within the City convey or store, or cause or permit to be conveyed or stored, for the purpose of any trade or business any putrid or putrefying hides or skins emitting an offensive odour so as to be a nuisance or injurious to health.

Spreading out certain hides and skins

285. No person shall at or upon any premises or land within the City spread out or suspend, or cause or permit to be spread out or suspended, for the purpose of any trade or business, any hides or skins emitting an offensive odour so as to be a nuisance or injurious to health.

(Local Authorities Acts, 1902 to 1926 – Schedule IV.,
Subdivision 37.)

Declaring any weed or plant to be a noxious weed or plant within the meaning of this Act.

Declaring noxious weeds

286. The weeds or plant named hereunder are declared to be noxious weeds or plant, and to be a nuisance within the meaning of ‘*The Local Authorities Acts, 1902 to 1926,*’ that is to say:-

Systematic Name	Vernacular Name
Acanthospermum hispidum	Starr Burr
Ageratum conyzoides	Billy-goat Weed
Alternanthera achyrantha	Khaki weed
Amaranthus paniculatus and viridis	Wild amaranth
Argemone mexicana	Prickly Poppy
Asclepias curassavica	Red Head
Asphodelus fispulosus	Onion Weed
Bidens Pilosa	Black-seeded Cobbler’s Pegs
Bussia Birchii	Galvanised Burr
Cassia Laevigata	Arsenic Bush
Cassia occidentalis	Coffee Senna
Cassia sophera, var schinifolia	Arsenic Bush
Centaurea melitensis	Star Thistle
Chenopodium ambrosioides	Scented Goose-foot
Cnicus lanceolatus	Plumed Thistle
Crotalaria striata	Rattle-pod
Crotalaria Mitchelli	
Cryptostegia grandiflora	Rubber Vine
Datura stramonium	Thorn Apple
Eclipta alba	

Erigeron Canadensis	Canadian Fleabane
Erigeron Linifolius	Cobbler's Pegs
Jatropha curcas	Physic Nut
Jatropha gossypifolia	
Lactuca scariola	Prickly Lettuce
Lantana camara	Common Lantana
Malvastrum tricuspidatum	Three-pointed Mallow
Martynia diandra	Devil's Claw
Mimosa pudica	Sensitive Plant
Opuntia spp	Prickly-pears
Phytolacca octandra	Red Ink Plant
Pterocaulon cylindrostachyun	
Ricinus communis	Castor Oil Plant
Rumex spp	Docks
Sida Cordifolia	Flannel Weed
Sida Rhombifolia)
Sida acuta)
Sida spinosa) Sida Weed
Sida subspicata)
Silybum marianum	Virgin Mary's Thistle
Solanum aculeatissimum	Devil's Apple
Solanum aculeastrum	
Solanum nigrum	Black Currant or Black Nightshade
Solanum sodomaem	Apple of Sodom or Devil's Apple
Sorghum halepense	Johnson Grass
Tagetes glandulifera	Stinking Roger
Triumfetta rhomboida	Chinese Burr
Urema lobata	Chinese Burr or Pink Burr
Verbena bonariensis	Purple Top
Verbena Officinalis	Common Vervain
Vitex trifolia	Bathurst Burr
Xanthium spinosum	Noogoora Burr
Xanthium strumarium	China Apple or Common Jujube
Zizyphus Jujuba	Bindii