

T A S M A N I A.

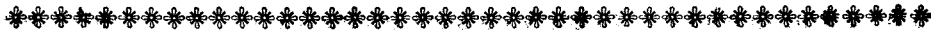


1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 20.



AN ACT to make temporary provision for the carrying on of offensive or noxious Trades or Businesses within the Town of *Launceston*.

A.D. 1874.

[18 September, 1874.]

WHEREAS it is expedient to repeal the 49th Section of the 18th *Victoria*, No. 18, and substitute other temporary provisions in lieu thereof, in manner hereinafter provided :

PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows ;

1 In referring to this Act it shall be sufficient to use the expression "The *Launceston* Offensive or Noxious Trade or Business Act, 1874."

Short title.

2 In the construction and for the purposes of the Act, and all proceedings under the same, the following words shall bear the meanings hereunder assigned to them, unless there is something in the context repugnant to such construction :—

Interpretation of certain terms in this Act.

"Municipal Council" shall mean the Municipal Council of the Town of *Launceston* :

Municipal Council.

"Town Surveyor" shall mean and include the Town Surveyor, Inspector of Nuisances of the Town of *Launceston*, or any other officer duly appointed by the Municipal Council of the Town of *Launceston* to act under the provisions of the Act :

Town Surveyor.

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Town Clerk.

“Town Clerk” shall mean and include the Town Clerk of the Town of *Launceston*, or any other officer duly appointed by the Municipal Council of the Town of *Launceston* to perform the duties of such office :

Trade or business.

“Trade or Business” shall include the plural as well as the singular number.

49 s. of 18 Vict.
No. 18, repealed.

3 From and after the commencement of this Act, the said recited 49th Section of the 18th *Victoria*, No. 18, shall be and is hereby repealed.

Regulation of
offensive or
noxious trades
or businesses.

4 With regard to the following trades or businesses; that is to say,—Blood-boiler, bone-boiler, fellmonger, tanner, parchment maker, slaughterer of cattle, sheep, horses, or pigs, soap-boiler, tallow-melter, tripe-boiler, boiler down of sheep or cattle, and any other like business offensive or noxious, so far as relates to the carrying on of any such businesses or any of them in the neighbourhood of any public way or dwelling-house, it shall not be lawful hereafter for any person to establish or newly carry on any such businesses or any of them, either in any building or vault or in the open air, at a less distance than Forty feet from any public way, or than Fifty feet from any dwelling-house; and if any such businesses or any of them be now carried on in any situation within such distances, then from the expiration of the period of Two years next after the commencement of this Act it shall cease to be lawful to continue to carry on such businesses or any of them in such situation; and if any person establish anew any such businesses or carry on any such businesses contrary to this Act, then on conviction thereof before Two Justices of the Peace such person is hereby made liable to forfeit for every day during which such business shall be carried on a sum not exceeding Fifty Pounds as the said Justices shall determine.

Provision for
inspection.

5 It shall be lawful for the Town Surveyor in the day-time to enter into and upon any lands or buildings within the said Town wherein any one of the above trades or businesses is carried on for the purpose of inspecting the drainage and cleansing of such lands and buildings, the manner in which such buildings are erected, and the trade or business therein conducted as respects sanitary and nuisance purposes; and upon inspection as aforesaid being had, it shall be lawful for the Municipal Council, by notice in writing given by the Town Clerk to the occupier or owner of such lands and buildings, to require such occupier or owner to cause such lands and buildings to be drained and cleansed, such chimney stacks and such walls around the premises to be built or added to or reduced, and generally the whole of such buildings to be constructed, and the trade or business therein conducted, in such manner to all intents and purposes as shall prevent the same being either injurious to the public health or causing a nuisance to the inhabitants of the said Town; and in case such occupier or owner does not, within the time mentioned in such notice as aforesaid, fully comply with the directions therein contained, such occupier or owner shall, upon conviction before Two Justices of the Peace for *Tasmania*, pay a penalty not exceeding Five Pounds for each and every day such notice remains uncomplied with.

Service of
Notices.

6 Any notice under this Act shall be served by serving the same

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personally on the person liable, or by leaving the same at his usual or last known place of abode, or by forwarding the same by post addressed to his usual or last known place of abode. A.D. 1874. —

7 In all prosecutions under this Act it shall be lawful for the Justices also to award to the prosecutor such costs as shall be deemed reasonable. Costs of prosecution.

8 In any case where the offender either neglects or refuses to pay the penalty and costs imposed immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted, or if there be no such distress, then such person shall be committed to the common Gaol or House of Correction for any time not exceeding Six months at the discretion of the presiding Justices, and that by Warrant under the hands and seals of Two or more Justices of the Peace. Recovery of penalties and costs.

