

MUNICIPAL COUNCIL OF ROXBY DOWNS

*By-law made under the Dog and Cat Management Act 1995 and
the Local Government Act 1999*

BY-LAW NO 2 – DOGS AND CATS

For the management of dogs and cats in the Council area.

1. Definitions

In this by-law:

- 1.1 **'the Act'** means the *Dog and Cat Management Act 1995*.
- 1.2 **'cat'** means an animal of the species *Felis catus*;
- 1.3 **'Cat Management Officer'** means a person appointed by the Council as a Cat Management Officer under section 68 of the *Dog and Cat Management Act 1995*;
- 1.4 **'dog'** means an animal of the species *Canis familiaris* but does not include a dingo or cross of a dingo;
- 1.5 **'Dog Management Officer'** means a person appointed by the Council as a Dog Management Officer under section 27 of the *Dog and Cat Management Act 1995*;
- 1.6 **'effective control'** of a dog or cat by a person is to be either –
 - 1.6.1 by means of physical restraint; or
 - 1.6.2 by command, the dog or cat being in close proximity to the person and the person being able to see the dog or cat at all times;
- 1.7 **'identified cat'** has the same meaning as defined in the *Dog and Cat Management Regulations 1995*;
- 1.8 A person is exercising **'effective control of a dog or cat by means of physical restraint'** if -
 - 1.8.1 the person is exercising effective control of the dog or cat by means of a chain, cord or leash that does not exceed two (2) metres in length restraining the dog or cat; or
 - 1.8.2 the person has effectively secured the dog or cat –

1.7.2.1 by placing it in a cage, vehicle or other object or structure;
or

1.7.2.2 by tethering it to a fixed object by means of a chain, cord or leash that does not exceed two (2) metres in length.

1.9 **'microchipped'** means –

1.9.1 the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat and has the letter "M" tattooed on the inside of either of its ears;

1.10 **'keep'** includes the provision of food or shelter;

1.11 **'owner of a cat'** means the person in whose name the cat was last registered or a person who is shown to have been habitually the apparent owner of the cat;

1.12 **'park'** means a park, garden, reserve or other similar public open space within the area of the Council;

1.13 **'premises'** means any premises except a kennel or cattery in respect of which a development authorisation is in force under the *Development Act* 1993;

1.14 **'public place'** means a place to which the public has access (whether an admission fee is charged or not);

1.15 a person is **'responsible for the control of a cat'** –

1.15.1 while the person has possession or control of the cat; or

1.15.2 if immediately before the alleged breach of the by-law the cat was in company with or had been seen continuously and closely following the person;

1.15.3 if the person is an occupier of premises in which a cat was kept at the time of the alleged breach of the by-law;

1.16 a cat will be taken to be **'wandering at large'** while –

1.16.1 the cat is in a public place or a private place without the consent of the occupier, and no person is exercising effective control of the cat by means of physical restraint.

2. **Management of Cats**

2.1 The Council will administer and enforce the provisions of this by-law relating to cats within its area and for that purpose will –

- 2.1.1 maintain a register of cats that will be readily available for public inspection; and
 - 2.1.2 appoint a suitable person to be the Registrar; and
 - 2.1.3 make satisfactory arrangements for issuing and replacing certificates of registration.
- 2.2 The Council may by resolution set or amend a fee for –
- 2.2.1 cat registration;
 - 2.2.2 late payment of registration;
 - 2.2.3 the provision of extracts from the Register.

3. Registration, Identification and Desexing of Cats

- 3.1 No person may, without permission, keep a cat of or over 3 months of age in the Council area unless the cat is -
- 3.1.1 registered; and
 - 3.1.2 microchipped; and
 - 3.1.3 desexed.
- 3.2 Proof that the cat –
- 3.2.1 has been desexed; and
 - 3.2.2 has been microchipped; and
 - 3.2.3 the information contained in the microchip is up to date
- will be required for registration.
- 3.3 During the first six (6) months of operation of this by-law a rebate of up to 100% of the registration fee for a cat will be provided upon satisfactory proof that the cat has been microchipped and desexed during this period but only to the value of the microchipping and desexing costs incurred.
- 3.4 Clause 3.1 does not apply if less than 14 days has elapsed since the person first owned or became responsible for the control of the cat (but a person may not rely on this provision unless he or she has produced, at the request of the Council, satisfactory evidence of the matters specified in this clause).

4. Registration Procedure for Cats

- 4.1 An application for registration of a cat –

4.1.1 must be made to the Registrar in the manner and form approved by the Council; and

4.1.2 must nominate a person of or over 16 years of age who consents to the cat being registered in his or her name.

4.2 On application and payment of the registration fee and any fee for late payment of the registration fee, the Registrar will register the cat in the name of the person nominated and issue to that person a certificate of registration conforming with the requirements of the Council.

4.3 A cat registered in the name of a particular person will, on application to the Registrar, be registered in the name of some other person who is of or over 16 years of age and consents to the cat being registered in his or her name.

5. Registration Procedure for Businesses Involving Cats

5.1 The owner or operator of a business consisting of or involving a cattery at which cats are bred may apply, in the manner and form approved by the Council, to the Registrar for registration of the business.

5.2 On application and payment of the registration fee and any fee for late payment of the registration fee, the Registrar will, if satisfied that the applicant genuinely owns or operates a business as referred to in clause 5.1, register the business and issue to the applicant a certificate of registration conforming with the requirements of the Council.

5.3 If a business is registered under this section, all cats bred at the cattery or used in connection with the business that are of or over three (3) months of age will, while kept at the cattery, be taken to be registered and desexed.

6. Duration and Renewal of Registration of Cats

6.1 Registration under this by-law remains in force until 30 June next ensuing after registration was granted and may be renewed from time to time for further periods of up to 12 months.

6.2 If an application for renewal of registration is made before 31 August of the year in which the registration expired, the renewal operates retrospectively from the date of expiry.

6.3 Registration of a cat under this by-law expires if the cat is removed from the Council area with the intention that it will be usually kept at a place outside the Council area and 14 days has elapsed since it was removed from the area.

7. Notification to Ensure Accuracy of Cat Register

7.1 The person in whose name a cat is individually registered must inform the Registrar as soon as practicable after any of the following occurs –

7.1.1 the cat is removed from the place recorded in the register as the place at which the cat is usually kept with the intention that it will be usually kept at some other place;

7.1.2 the cat dies;

7.1.3 the cat has been missing for more than 72 hours;

7.1.4 the ownership of the cat is transferred to another person.

7.2 The owner or operator of a business registered under this by-law must inform the Registrar of the area in which the business is registered as soon as practicable after any of the following occurs –

7.2.1 the business is transferred to another person; or

7.2.2 the owner or operator ceases to carry on the business.

7.3 Information given to the Registrar under this sub-clause must include such details as may be reasonably required for the purposes of ensuring the accuracy of the register kept under this by-law.

8. Transfer of Ownership of Cat

If ownership of a cat is transferred from the person in whose name the cat is individually registered, the person must give to the new owner the certificate of registration last issued in respect of the cat.

9. Rectification of Register

A person aggrieved by an entry in a register under this by-law may apply to the Council for the rectification of the register.

10. Records to be Kept by Approved Boarding Catteries

The operator of a boarding cattery approved by the Council must keep records of all cats kept at the cattery, and provide extracts from the records to the Council, as required by the Council.

11. Cats Wandering at Large

A person who owns or is responsible for the control of a cat is guilty of an offence if the cat is wandering at large.

12. Cat Faeces

A person who owns or is responsible for the control of a cat is guilty of an offence if the cat defecates in a public place and the person responsible for the control of the cat does not immediately remove the faeces and dispose of them in a lawful and suitable manner.

13. Seizure and Detention of Cats and Recovery of Costs

13.1. A Cat Management Officer may seize and detain any cat that is wandering at large in the Council area, or is delivered to the officer by another person.

13.2. An identified cat seized in accordance with this clause will be:

13.2.1 returned to the owner or person responsible for the control of the cat; or

13.2.2 detained in a facility approved by the Council for the purpose of detaining cats.

13.3. If an identified cat is detained in accordance with this clause the Council will take reasonable steps to cause notice of the detention to be given, as soon as practicable, to members of the public and to the owner or person responsible for the control of the cat, in the manner and form determined by the Council.

13.4. The Council may destroy or otherwise dispose of an identified cat which has been detained in accordance with this clause for in excess of 72 hours since notice of its detention was last given.

13.5. The Council or operator of a facility at which an identified cat is detained in accordance with this clause may cause the cat to be destroyed –

13.5.1 if satisfied on reasonable grounds -

13.5.1.1 the cat is suffering from injury, disease or sickness to the extent that it is impracticable to maintain the cat; or

13.5.1.2 the cat is suffering from a serious contagious or infectious disease or sickness; and

13.5.2 -

13.5.2.1 the destruction is authorised in writing by a registered veterinary surgeon; or

13.5.2.2 no registered veterinary surgeon is reasonably available and that urgent action is required in the circumstances

13.6. The Council or operator of a facility at which a cat has been detained in accordance with this clause may recover the reasonable costs associated

with the seizure, detention and destruction of the cat from a person who owns or is responsible for the control of the cat as a debt in a court of competent jurisdiction whether or not the cat has been returned to the person.

14. Limit on Dog and Cat Numbers

14.1. The limit on the number of dogs and cats which may be kept on any premises is two (2) of each animal unless –

14.1.1 the Council has granted permission to keep a greater number of dogs or cats (and then a limit on the number of dogs or cats kept in such a premises applies to the extent of that permission granted); or

14.1.2 the dog is a working dog used principally for the droving or tending of stock.

14.2. The Council may grant permission in accordance with clause 14.1 if it is satisfied that –

14.2.1 no insanitary condition exists on the premises as a result of keeping the dogs or cats;

14.2.2 the keeping of the dogs or cats is not contrary to the general interests of the neighbouring community;

14.2.3 the keeping of the dogs or cats does not cause, or is not likely to cause, a nuisance or a hazard to health or safety, or otherwise become a pest.

15. Dog Free Areas

15.1 No person will in the following locations permit any dog under that person's control, charge or authority (except a disability dog, hearing dog or guide dog) to be in, or remain in that place -

15.1.1 any area within fifteen (15) metres of public play equipment, unless the public play equipment is fenced, in which case, within such fenced area;

15.1.2 any area within fifteen (15) metres of public picnic or barbeque areas;

15.1.3 any other area stipulated by Council resolution.

16. Dogs On-Leash Areas

16.1. No person will permit a dog under that person's control, charge or authority to be:

16.1.1 in any public place that is not a dog free area or a dog exercise area;

16.1.2 any other area stipulated by Council resolution;

unless that person is exercising effective control of such dog by means of physical restraint and preventing it from being a nuisance or a danger to other persons or animals.

17. Dog Exercise Areas

Except for those areas specified in clauses 15 and 16 a person may enter any park (not being within the grounds of a school, kindergarten, childcare centre or preschool centre without the permission of the person in charge of that place) with a dog or dogs under that person's effective control.

18. Enforcement of By-Law

18.1. If a person engages in conduct that is a contravention of this by-law, a Dog Management Officer or Cat Management Officer may, by notice to that person, require them to stop the conduct and to take specified action to remedy the contravention.

18.2. A person must comply with an order contained in a notice under this by-law.

18.3. If a person does not comply with such an order, the Dog Management Officer or Cat Management Officer may take action reasonably required to have the order carried out.

18.4. However, a Dog Management Officer or Cat Management Officer may not use force against an offender under this by-law.

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The foregoing by-law was duly made and passed by resolution of the Administrator of the Municipal Council of Roxby Downs on the in accordance with section 12 of the Roxby Downs (Indenture Ratification) Act 1982 and section 246 of the Local Government Act 1999.

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Bill Boehm
Administrator