

## CERTIFICATE OF VALIDITY

### UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, KATE EMILY OLIVER of Norman Waterhouse Lawyers, Level 15, 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the District Council of Peterborough intends to make, and do certify that in my opinion:

- (a) the said Council has the power to make the by-law by virtue of the following statutory provisions:

Dog and Cat Management Act 1995, Sections 90(1) and 90(3);

Local Government Act 1999, Sections 246(1)(a), 246(3)(a), 246(3)(c) and 246(3)(e);

- (b) the by-law is not in conflict with the Local Government Act 1999.

DATED the 17th day of November 2010

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Kate Emily Oliver, Legal Practitioner

### DISTRICT COUNCIL OF PETERBOROUGH

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

#### **By-law No. 5 – Dogs and Cats**

To limit the number of dogs that can be kept on premises and to provide for the control and management of dogs in the Council's area.

#### **1. Definitions**

In this by-law:

- 1.1 'Approved Kennel Establishment' means a building, structure, premises or area approved by the relevant authority pursuant to the Development Act 1993 or otherwise lawfully established for the keeping of dogs or cats on a temporary or permanent basis;
- 1.2 'Assistant Dog' means a hearing dog, a guide dog or a disability dog as defined in Section 4 of the Dog and Cat Management Act 1995;
- 1.3 'Cat' means an animal of the species *felis catus*;
- 1.4 'Dog' has the same meaning as in the Dog and Cat Management Act;
- 1.5 'Local Government Land' means land owned by the Council or under the Council's care, control and management;
- 1.6 'Township' has the same definition as in the Local Government Act 1999;
- 1.7 'Premises' includes land and a part of any premises or land whether used or occupied for domestic or non-domestic purposes except an Approved Kennel Establishment.

**2. Limit on dog numbers**

- 2.1 The limit on the number of Dogs kept on any Premises in a Township shall be two (2) Dogs.
- 2.2 The limit on the number of Dogs kept on any Premises outside a Township shall be three (3) Dogs.
- 2.3 No person shall, without obtaining the written permission of the Council or such other person as the Council may by resolution authorise for that purpose, keep any Dog on any Premises where the number of Dogs on those Premises exceeds the limit unless the Premises are an Approved Kennel Establishment.

**3. Limit on cat numbers**

- 3.1 The limit on the number of cats kept on any Premises shall be two (2).
- 3.2 No person shall without obtaining the written permission of the Council or such other person as the Council may by resolution authorise for that purpose, keep any Cat on any Premises where the number of Cats on those Premises exceeds the limit unless the Premises are an Approved Kennel Establishment.

**4. Dog free areas**

A person must not on Local Government Land to which this paragraph applies cause, suffer or permit any dog under that person's control, charge or authority (except an Assistant Dog), to be under that person's control, charge or authority or remain in that place.

**5. Dogs on leash areas**

A person must not on Local Government Land to which this paragraph applies, cause, suffer or permit any dog under that person's control, charge or authority (except an Assistant Dog), to be or remain in that place unless such dog is restrained by a strong chain, cord or leash not exceeding two metres in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or danger to other persons.

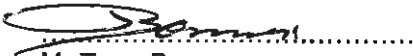
**6. Dog exercise areas**

- 6.1 A person must not enter any part of Local Government Land to exercise a dog under that person's control except on Local Government Land to which this paragraph applies.
- 6.2 Where a person enters upon any such part of Local Government Land for the purpose of exercising a dog under that person's control, that person must ensure that the dog or dogs remain under effective control either by means of a physical restraint or by command, the dog being in close proximity to the person and the person being able to see the dog at all times while on that land.

**7. Application of paragraphs**

Paragraphs 4, 5 and 6 of this by-law shall apply only in such portion or portions of the Council's area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the District Council of Peterborough held on *17th DECEMBER 20 10* by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mr Terry Barnes  
Chief Executive Officer