



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

DOGS BY-LAW 2018

By-law No. 5 of 2018

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

Part 1 - Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Interpretation

In this by-law, unless the contrary intention appears:

- 3.1 **approved kennel establishment** means a building, structure, premises or area approved by the relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Dog and Cat Management Board for assistance dogs;
- 3.3 **authorised person** means a person appointed as an authorised person under the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within three metres of such devices if there is no enclosed area);

- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
- 3.7.1 by means of a physical restraint;
 - 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **leash** includes any chain, cord or leash;
- 3.10 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.12 **premises** includes:
- 3.12.1 land;
 - 3.12.2 a part of any premises or land;
- 3.13 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.14 **reserve** means land reserved or dedicated as a reserve or designated by the Council as a reserve;
- 3.15 **small dwelling** means a self-contained residence that is:
- 3.15.1 a residential flat building; or
 - 3.15.2 contained in a separate strata unit; or
 - 3.15.3 on an allotment less than 500 square metres in area; or
 - 3.15.4 without a secure yard of at least 100 square metres in area;
- 3.16 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.17 **working livestock dog** means a dog:
- 3.17.1 usually kept, proposed to be kept or worked on rural land by a person who is:

- 3.17.1.1 a primary producer; or
- 3.17.1.2 engaged or employed by a primary producer; and
- 3.17.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Part 2 – Limits on Dog Numbers

4. Limits on Dog Numbers in Private Premises

- 4.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.
- 4.2 Subject to subparagraph 7.3, the **prescribed limit** on the number of dogs to be kept on premises:
 - 4.2.1 within a township on small dwelling is two dogs;
 - 4.2.2 outside a township is three dogs.
- 4.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
 - 4.3.1 any dog that is under three months of age; and
 - 4.3.2 up to five working livestock dogs kept on premises outside a township.
- 4.4 The prescribed limit does not apply to:
 - 4.4.1 an approved kennel establishment;
 - 4.4.2 a veterinary practice;
 - 4.4.3 a pet shop;
 - 4.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
 - 4.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.
- 4.5 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by a authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 4.6 If an Authorised Person forms the opinion that there is no secure area where a dog may be effectively confined on any premises, the authorised person may direct that no dog is to be kept on the premises.
- 4.7 A person must comply with any direction under paragraph 4.6.

Part 3 – Dog Controls

5. Dog Exercise Areas

- 5.1 Subject to paragraphs 6 and 7, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.
- 5.2 For the purposes of this paragraph, a **dog exercise area** is any:
- 5.2.1 park; or
 - 5.2.2 local government land that the Council has resolved is a dog exercise area.
- 5.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

6. Dog on Leash Areas

- 6.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:
- 6.1.1 tethered securely to a fixed object capable of securing the dog; or
 - 6.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.2 For the purposes of this paragraph, a **dog on leash area** is any:
- 6.2.1 local government land or public place to which the Council has resolved that this paragraph applies; or
 - 6.2.2 park when organised sport is being played.

7. Dog Free Areas

- 7.1 A person must not allow a dog under that persons control to be in, enter or remain in any dog free area.
- 7.2 For the purposes of this paragraph, a **dog free area** is any:
- 7.2.1 children's playground on local government land; or
 - 7.2.2 local government land or public place to which the Council has resolved this paragraph applies.
- 7.3 The restrictions in subparagraph 7.1 do not apply to any assistance dog.

8. Application of Paragraphs

- 8.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 5.2.2 of this by-law.


- 8.2 Any of subparagraphs 6.2.1 and 7 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
- 8.3.1 the area is denoted by signs erected by the Council; and
- 8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

Part 4 – Miscellaneous

9. Revocation

Council's *By-law No. 5 – Dogs*, published in the *Gazette* on 13 January 2011, is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Peterborough held on the 27th November 2018 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 Peter McGuinness
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, Paul St Leger Kelly of 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 District Council of Peterborough intends to make, being *Dogs By-law 2018* and do certify that in my opinion:

- (a) the said Council has power to make by 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), 246(2) and 246(3);

Acts Interpretation Act 1915, Section 39;

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

DATED 21 November 2018


.....
Paul St Leger Kelly, Legal Practitioner