

CERTIFICATE OF VALIDITY

SECTION 249 (4) OF THE LOCAL GOVERNMENT ACT 1999

I, TIMOTHY DAVID GRIFFIN of Norman Waterhouse Lawyer, Level 14, 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 Ceduna intends to make, 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, Section 90;

Local Government Act 1999, Section 246(3)(g);

Acts Interpretation Act, 1915, Section 39;

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

DATED the 23rd day of October 2006

.....
Timothy David Griffin, Legal Practitioner

DISTRICT COUNCIL OF CEDUNA

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

By-Law No. 4 – Dogs and Cats

For the control of dogs and cats within the area, to limit the number of dogs and cats kept in premises and for the management of dogs and cats in the Council's area.

1. Definitions

In this by-law unless the context otherwise requires:

- 1.1 "Act" means the Dog and Cat Management Act 1995;
- 1.2 "approved kennel establishment" means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993 for the keeping of cats and / or dogs on a temporary or permanent basis;
- 1.3 "cat" means an animal of the species felis catus;
- 1.4 "council land" means all land vested in or under the control of the Council;
- 1.5 "dog" means an animal of the species canis familiaris but does not include a dingo or cross of a dingo;
- 1.6 "effective control" has the same meaning as that contained within Section 8 of the Act and includes effective control by command providing the dog is in close proximity to the person responsible for control of the dog and that person is able to see the dog at all times;
- 1.7 "playground" means any enclosed area in which there is equipment or other installed devices for the purpose of children's play or within 15 metres of such devices if there is no enclosed area;

1.8 “premises” means any domestic and non-domestic premises, except a kennel establishment in respect of which a development authorisation is in force under the Development Act 1993;

1.9 “public place” has the same meaning as that contained in the Local Government Act 1999;

2. Dog Free Areas

2.1 No person shall on any Council land to which this paragraph applies, in accordance with paragraph 7 of this by-law, cause suffer or permit any dog under that person’s control, charge or authority to be, or remain, in that place.

2.2 No person shall cause, suffer or permit any dog under that person’s control, charge or authority to be, or remain, in any playground.

3. Dogs on Leash Areas

No person shall on any Council land to which this paragraph applies, in accordance with paragraph 7 of this by-law, cause, suffer or permit any dog under that person’s control, charge or authority to be, or remain, in that public place unless such dog is restrained by a strong leash not exceeding 2 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 a danger to other persons.

4. Dog Exercise Areas

4.1 Any person may enter upon any part of Council land to which this paragraph applies in accordance with paragraph 7 of this by-law, for the purpose of exercising a dog under his or her effective control;

4.2 Where a person enters upon such part of Council land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control while on the land;

4.3 Signs shall be erected to denote the land to which this paragraph applies, and information shall be provided to the public in a manner determined by the Council’s Chief Executive Officer to inform the public about such land.

5. Limit on Dog Numbers

5.1 The limit on the number of dogs kept on any premises within a township area of the Council shall be two dogs;

5.2 No person shall, without obtaining the written permission of the Council, 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.

6. Limit on Cat Numbers

6.1 The limit on the number of cats kept on a premises within a township area of the Council shall be two;

6.2 No person shall, without obtaining the written permission of the Council, 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.

7. Application of Paragraphs

Any of paragraphs 2, 3 and subparagraph 4.1 of this by-law shall apply only in such portion or portions of Council land as the Council may by resolution direct in accordance with Section 246(3)(e) of the Local Government Act, 1999.

8. **Construction**

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Ceduna held on the 24th day of Novemeber 2006 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Mr Anthony John Irvine
Chief Executive Officer