

CITY OF HOLDFAST BAY

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

By-Law No 5 - Dogs

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

1. Definitions

In this by-law unless the context otherwise requires:

- 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 and/or cats on a temporary or permanent basis;
- 1.2 'assistant dog' means an accredited hearing dog, guide dog or disability dog as defined in the Dog and Cat Management Act 1995;
- 1.3 'local government land' has the same meaning as in the Local Government Act 1999;
- 1.4 'premises' includes land and part of any premises or land whether used or occupied for domestic or non-domestic purposes;
- 1.5 'small dwelling' means a self-contained dwelling commonly known as a flat, service flat, home unit or the like.

2. Limit On Dog Numbers

A person must not, without the Council's permission, keep more than:

- 2.1 one dog in a small dwelling; and
- 2.2 two dogs in any premises other than a small dwelling.

3. Exemptions

The limits set out in paragraph 2 of this by-law do not apply:

- 3.1 to an approved kennel establishment operating in accordance with all required approvals and consents; or
- 3.2 to any business involving dogs which is registered in accordance with the Dog and Cat Management Act 1995; or
- 3.3 where the Council otherwise grants permission.

4. Dog Free Areas

A person must not, on any local government land to which this paragraph applies, cause, suffer or permit any dog (except an assistant dog) under that person's control, charge or authority to be or remain in that place.

5. Dog On Leash Areas

A person must not, on any local government land to which this paragraph applies, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that place unless such dog is restrained by a strong chain, cord or 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.

6. Dog Exercise Areas

Subject to paragraphs 4 and 5 of this by-law,

6.1 any person may enter upon any part of local government land for the purpose of exercising a dog under that person's control; and

6.2 where a person enters upon such part of local government land for that purpose, he or she shall ensure that the dog or dogs remain under effective control either by means of physical restraint or by command, the dog or dogs being in close proximity to the person and the person being able to see the dog or dogs at all times.

7. Dog Faeces

A person must not, on any local government land, while in control or charge of a dog, fail to carry a bag or other suitable receptacle for the purpose of picking up and lawfully disposing of any faeces that the dog deposits on local government land.

8. Application Of Paragraphs

Paragraphs 4 and 5 of this by-law shall apply only in such portion or portions of the Council's area as the Council may by resolution direct 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 City of Holdfast Bay held on the 14th day of February 2012 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 Justin Lynch
Chief Executive Officer