

CITY OF HOLDFAST BAY

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

By-law No 6 - Cats

To limit the number of cats that can be kept on premises and to provide for the management and control of cats in 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 cats and/or dogs on a temporary or permanent basis;
- 1.2 'cat' has the same meaning as in the Dog and Cat Management Act 1995;
- 1.3 'keep' includes the provision of food or shelter;
- 1.4 'identified cat' means a cat identified in the manner set out in Regulation 9 of the Dog and Cat Management Regulations 1995;
- 1.5 'premises' includes land and part of any premises or land whether used or occupied for domestic or non-domestic purposes;
- 1.6 'unidentified cat' means a cat that is not identified in the manner set out in Regulation 9 of the Dog and Cat Management Regulations 1995.

2. Cats Not to Be a Nuisance

No person shall keep or allow to remain on any premises of which he or she is the owner or occupier, any cat or cats so as to be a nuisance or injurious to health by reason of:

- 2.1 the noise or odour generated by the presence of the cat or cats;
- 2.2 the aggressive nature of the cat or cats; or
- 2.3 the cat or cats being allowed to wander from the land.

3. Limit on Cat Numbers

- 3.1 No person shall, without permission:
 - 3.1.1 keep a cat of or over the age of three months unless the cat is an identified cat;
 - 3.1.2 keep more than two cats on any premises.
- 3.2 The limit set out in subparagraph 3.1.2 of this by-law does not apply to a person who is keeping more than two cats on any premises at the time this by-law comes into effect provided that:

- 3.2.1 all the cats being kept on the premises are desexed;
 - 3.2.2 no insanitary condition is being caused by the cats or the keeping of the cats on the premises; and
 - 3.2.3 no nuisance is being caused by the cats or by the keeping of the cats on the premises.
- 3.3 Notwithstanding subparagraph 3.2 of this by-law, the limit set out in subparagraph 3.1.2 of this by-law will apply where the number of cats kept on any premises increases after the time this by-law comes into effect.
- 3.4 The limit set out in subparagraph 3.1.2 of this by-law does not apply to:
- 3.4.1 an approved kennel establishment operating in accordance with all approvals and consents; or
 - 3.4.2 where the Council otherwise grants permission.

4. Notice to Remedy

- 4.1 If the Council, or such other person as the Council may authorise for that purpose, is satisfied that any cat kept or allowed to remain on any premises is or is likely to become a nuisance or injurious to health, the Council, or such other person as the Council may authorise for that purpose, may by notice in writing require the owner or occupier of those premises, within the time stated in the notice, to take such measures as the Council, or such other person as the Council may authorise for that purpose, considers necessary to prevent the cat from being or continuing to be a nuisance or injurious to health.
- 4.2 Any person to whom notice is given shall comply with the requirements of the notice.
- 4.3 If any person to whom notice is given fails to comply with the requirements thereof, the Council, or such other person as the Council may authorise for that purpose, may carry out the requirements and recover the cost of so doing from the person who failed to comply with the notice.

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