

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 City of Tea Tree Gully intends to make, being *Dogs By-law 2015* 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) and 246(3);

Local Government Act 1934, Section 667(1) paragraph 9.XVI;

Acts Interpretation Act 1915, Section 39;

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

DATED the 24th day of July 2015


Paul St Leger Kelly, Legal Practitioner



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

DOGS BY-LAW 2015

By-law No. 4 of 2015

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2015*.

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. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure 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 **assistant dog** means a guide dog, hearing dog or disability dog as those terms are defined in the *Dog and Cat Management Act 1995*;
- 3.3 **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 5 metres of such devices if there is no enclosed area);
- 3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **dog management officer** means a person appointed pursuant to Section 27 of 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 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **small property** means a property involving any self-contained dwelling where the property or part thereof (i.e. flat, home unit etc) contains a secured unobstructed yard area of less than 100 square metres;
- 3.11 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. Dog Free Areas

A person must not on any local government land to which this paragraph applies allow a dog in that person's control to be in, or remain in that place unless the dog is an assistant dog.

5. Dog on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 5.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 5.2 on any park or reserve during times when organised sport is being played;
- 5.3 within 5 metres of children's playground equipment;
- 5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog 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

- 6.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 9 for the purpose of exercising a dog under his or her control.
- 6.2 Where a person enters upon such part of local government land for that purpose, he or she must ensure that the dog under his or her control remain under effective control while on that land.

7. Limit on Dog Numbers

- 7.1 The limit on the number of dogs kept:

- 7.1.1 in a small property shall be one dog;
- 7.1.2 in premises other than a small property, the limit shall be two dogs.
- 7.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:
 - 7.2.1 the premises is an approved kennel establishment; or
 - 7.2.2 the Council has exempted the premises from compliance with this sub-paragraph.

Part 3 – Miscellaneous

8. Application

- 8.1 Any of paragraphs 4, 5.1 and 6.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the *Local Government Act 1999* and as are denoted by signs erected by the Council and information provided to the public in a manner determined by the Council's Chief Executive Officer.
- 8.2 The limits prescribed in paragraph 7 of this by-law do not include any dog that is under three months of age.

9. Revocation

Council's *By-law No. 4 – Dogs*, published in the *Gazette* on 18 September 2008, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Tea Tree Gully held on the 11th day of August 2015 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 John Moyle
Chief Executive Officer