

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William Street, Adelaide, South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

By-law No 5 – Dogs

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

and do certify that in my opinion the Corporation of the City of Unley has power to make the by-law by virtue of the following statutory provisions:


Dog and Cat Management Act 1995, sections 90(1), 90(2) and 90(3);

Local Government Act 1934, sections 667(1).3.LiV, 4.i and 667(1).9.XVI.

Local Government Act 1999, sections 144, 238(1), 246(1)(a), 246(3)(a), 246(3)(c), 246(3)(e) and 262,

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 23rd day of July 2015


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Carolyn Jane Hillman Vigar, Legal Practitioner

CORPORATION OF THE CITY OF UNLEY

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 5 - Dogs

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

PART 1 – PRELIMINARY

1. Title

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

2. Objectives

The objectives of this by-law are:

- 2.1 to control and manage dogs in the Council area;
- 2.2 to reduce the incidence of environmental nuisance caused by dogs;
- 2.3 to promote responsible dog ownership;
- 2.4 to protect the convenience, comfort and safety of members of the public; and

2.5 for the good rule and government of the Council area.

3. Commencement

This by-law comes into operation on 1 January 2016.

4. Application

4.1 This by-law operates subject to the Council's *Permits and Penalties By-law 2015*.

4.2 This by-law applies throughout the Council area.

5. Interpretation

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

5.1 **Act** means the *Local Government Act 1999*;

5.2 **approved kennel establishment** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;

5.3 **Council** means the Corporation of the City of Unley;

5.4 **dog** (except for in clause 6.1) has the same meaning as in the *Dog and Cat Management Act 1995*;

5.5 **effective control** has the meaning stated in the *Dog and Cat Management Act 1995*;

5.6 **keep** includes the provision of food or shelter;

5.7 **organised community or sporting event** means a public event (including an event for which an attendance fee is payable) which the Council has permitted on local government land; and

5.8 **premises** includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment.

PART 2 – LIMITS ON DOG NUMBERS

6. Limits on dog numbers in private premises

6.1 A person must not, without the Council's permission, keep more than two dogs on premises.

6.2 For the purpose of clause 6.1, 'dog' means a dog that is three months of age or older or a dog that has lost its juvenile teeth.

6.3 Clause 6.1 does not apply to:

6.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

6.3.2 any business involving dogs, provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

- 6.4 A dog kept on any premises must be effectively confined in a secure and appropriate area.

PART 3 – DOG CONTROLS

7. Responsibility for dog

A person must not allow a dog within his or her possession or control to be a nuisance or danger to any other person or to interfere with or hinder an organised community or sporting event.

8. Dog exercise areas

A person may enter a public place or part of local government land identified by Council as a dog exercise area during the hours permitted by the Council for the purpose of exercising a dog, provided that the dog is under his or her effective control.

9. Dog on leash areas

A person must not, without Council permission, allow a dog under that person's control, charge or authority (except a guide dog, hearing dog or disability dog) to be or remain:

- 9.1 at an organised community or sporting event; or
- 9.2 on local government land or public place to which the Council has resolved that this subclause applies,

unless the dog is secured by a strong leash not exceeding 2 metres in length which:

- 9.3 is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog; and
- 9.4 prevents the dog from being a nuisance or a danger to other persons.

10. Dog prohibited areas

A person must not allow a dog under that person's control, charge or authority (except a guide dog, hearing dog or disability dog) to enter or remain:

- 10.1 within any enclosed area on local government land where there is children's play equipment;
- 10.2 within 3 metres of children's play equipment on local government land which is not enclosed; or
- 10.3 on any other local government land or public place to which the Council has determined that this subclause applies.

11. Dog faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on local government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*.

PART 4 – ENFORCEMENT

12. Recovery of expenses

Where the Council incurs expenses by action taken under section 262(3) of the Act to carry out an order issued for the breach of a by-law under section 262(1) of the Act, the Council may recover those expenses as a debt from the person who failed to comply with the order by an action in a court of competent jurisdiction pursuant to section 144(1) of the Act.

This by-law was duly made and passed at a meeting of the Corporation of the City of Unley held on 27 July 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.


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Peter Tsokas
Chief Executive Officer