



## DISTRICT COUNCIL OF ELLISTON

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

### **By-Law No. 5 – Dogs**

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

#### **1. Definitions**

In this by-law:

- 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 dogs on a temporary or permanent basis;
- 1.3 **assistant dog** means a guide dog, hearing dog or disability dog as those terms are defined in the Act;
- 1.4 **authorised person** means a person appointed as a dog management officer under Section 27 of the Act and an authorised person under Section 260 of the *Local Government Act 1999*;
- 1.5 **council land** means all parklands, reserves, ornamental grounds, streets, roads, bridges, public places and other land owned or under the care, conduct and management of the Council;
- 1.6 **dog** has the same meaning as the Act;
- 1.7 **effective control** means a person exercising effective control of a dog either:
  - 1.7.1 by means of physical restraint; or
  - 1.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 1.8 **premises** means any domestic and non-domestic premises, except an approved kennel establishment;
- 1.9 **small dwelling** means a flat, a service flat, home unit, or a suite of rooms which is wholly occupied, or designed or intended or adapted to be occupied, as a separate dwelling, but does not include a detached, semi-detached or row dwelling house;
- 1.10 **working dog** means a dog used principally for the droving or tendering of stock.

#### **2. Limit on Dog Numbers**

- 2.1 The limit on the number of dogs shall be:

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- 2.1.1 in a small dwelling, one dog; and
  - 2.1.2 in premises other than a small dwelling, two dogs; and
  - 2.1.3 in any premises outside a township, three dogs.
- 2.2 No person shall, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit:
- 2.2.1 unless the premises is an approved kennel establishment; or
  - 2.2.2 unless the Council has exempted any premises from compliance with Clause 2 of this by-law by the granting of an exemption; or
  - 2.2.3 other than working dogs kept in rural areas.

### 3. **Dog Free Areas**

A person must not on any Council land to which this paragraph applies cause, suffer or permit any dog under that person's control, charge or authority to be in, or remain in that place.

### 4. **Dogs on Leashes**

A person must not on any Council 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 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 danger to other persons.

### 5. **Dog Exercise Areas**

- 5.1 Any person may enter upon any part of Council land to which this paragraph applies for the purpose of exercising a dog under his or her effective control;
- 5.2 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;
- 5.3 Signs shall be erected to denote land to which this paragraph applies.

### 6. **Orders**

- 6.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:
  - 6.1.1 if the conduct is still continuing – to stop the conduct; and
  - 6.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 6.2 A person must comply with an order under this clause.
- 6.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 6.4 However, an authorised person may not use force against a person under this clause.

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**7. Application of Paragraphs**

- 7.1 Any of paragraphs 3 and 4 and subparagraph 5.1 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*.
- 7.2 The restrictions prescribed in paragraphs 3 and 4 of this by-law shall not apply where the dog under the person's control, charge or authority is an assistant dog.
- 7.3 The limits prescribed in paragraph 2 of this by-law do not include any dog that is under three (3) months of age.

The foregoing by-law was duly made and passed at a meeting of District Council of Elliston held on the day of 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 Phil Cameron  
Chief Executive Officer