

**TATIARA DISTRICT COUNCIL****CATS BY- LAW 2016****By-law No. 6 of 2016**

A by-law for the control and management of cats within the Council's area.

PART 1 – PRELIMINARY**1. Title**

This by-law may be cited as the *Cats By-law 2016*.

2. Objects

The object of this by-law is to control and manage cats in the Council area:

- 2.1 to promote responsible cat ownership;
- 2.2 to reduce the incidence of the public and environmental nuisance caused by cats;
- 2.3 to protect the comfort and safety of members of the public; and
- 2.4 for the good rule and government of the Council area.

3. Commencement

This by-law comes into operation four months after the day on which it is published in the *South Australian Government Gazette*.

4. Application

- 4.1 The Council's *Permits and Penalties By-law 2016* operates in respect of:
 - 4.1.1 permissions required or given under this by-law; and
 - 4.1.2 penalties for breach of this by-law.
- 4.2 This by-law applies throughout the Council area.

5. Definitions

- 5.1 In this by-law:
 - 5.1.1 **Act** means the *Local Government Act 1999*;
 - 5.1.2 **cat** means an animal of the species "felis catus" which is at least 3 months of age or has lost its juvenile canine teeth;

- 5.1.3 **Council** means the Tatiara District Council;
- 5.1.4 **keep** includes the provision of food or shelter;
- 5.1.5 **nuisance** means:
- (a) unreasonably interfering with the peace, comfort or convenience of a person;
 - (b) causing injury to a person's real or personal property; or
 - (c) being obnoxious, offensive or hazardous to health; and
- 5.1.6 **premises** includes land and a part of any land whether used or occupied for domestic or other purposes except land that is used for an approved cattery operating in accordance with all required approvals and consents.

5.2 This by-law is to be interpreted as being subject to the Act, other Acts and the general law of South Australia.

PART 2 – LIMIT ON CAT NUMBERS

6. Limit on cat numbers

- 6.1 Subject to clause 6.2, a person must not keep more than 3 cats on any premises without Council's permission.
- 6.2 Clause 6.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

7. Cats not to be a nuisance

An owner or occupier of premises is guilty of an offence if a cat kept or allowed to remain on the premises causes a nuisance by reason of:

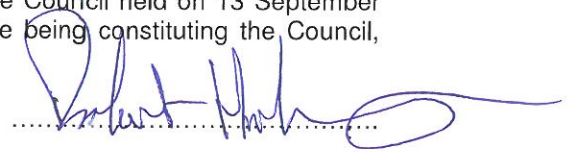
- 7.1 noise or odour created by the cat;
- 7.2 wandering from the land; or
- 7.3 the aggressive nature of the cat.

PART 3 - ENFORCEMENT

8. Recovery of expenses

If a person breaches this by-law and does not comply with an order made against them by an authorised person pursuant to section 262(1) of the Act, the Council may recover expenses incurred in carrying out the order under section 262(3) of the Act from the person who failed to comply with the order as a debt 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 Council held on 13 September 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.



Robert J Harkness
Chief Executive Officer