

**TATIARA DISTRICT COUNCIL****DOGS BY-LAW 2016****By-law No. 5 of 2016**

A by-law 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 2016*.

**2. Objectives**

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

- 2.1 to reduce the incidence of environmental nuisance caused by dogs;
- 2.2 to promote responsible dog ownership;
- 2.3 to protect the convenience, 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 by or given under this by-law; and
  - 4.1.2 penalties for breach of this by-law.
- 4.2 Subject to clause 4.3, this by-law applies throughout the Council area.
- 4.3 Clauses 8.1 and 9.2, of this by-law only apply in such part or parts of the Council area as the Council may, by resolution determine in accordance with section 246(3)(e) of the Act.

**5. Interpretation**

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

- 5.1.1 **Act** means the *Local Government Act 1999*;

- 5.1.2 **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;
- 5.1.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 5.1.4 **children's playground** means an enclosed area in which equipment (such as slides, swings or similar devices) is installed for the purpose of children's play or, within 5 metres of such equipment if it is not in an enclosed area;
- 5.1.5 **Council** means the Tatiara District Council;
- 5.1.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 5.1.7 **effective control** means a person exercising effective control of a dog either:
- (a) by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
  - (b) by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 5.1.8 **keep** includes the provision of food or shelter;
- 5.1.9 **premises** includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;
- 5.1.10 **small dwelling** means a self-contained residence that is:
- (a) a residential flat;
  - (b) a strata unit;
  - (c) on an allotment less than 450 square metres in area;
  - (d) a community title; or
  - (e) without a secure yard of at least 100 square metres in area;
- 5.1.11 **working dog** means a dog used principally for droving or tending livestock.
- 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 – LIMITS ON DOG NUMBERS

### 6. Limits on dog numbers in private premises

- 6.1 Subject to clause 6.3, a person must not, without the Council's permission keep:
- 6.1.1 in a township, more than one dog in a small dwelling;

- 6.1.2 more than two dogs in any premises other than a small dwelling in any township; and
- 6.1.3 more than three dogs in any premises outside any township (other than working dogs);
- 6.2 For the purposes 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 any approved kennel establishment provided it is operating in accordance with all required approvals and consents; or
  - 6.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and is operating in accordance with all required approvals and consents.
- 6.4 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

### **PART 3 – DOG CONTROLS**

#### **7. Dog exercise areas**

- 7.1 Subject to clauses 8 and 9 of this by-law, a person may for the purpose of exercising a dog enter:
  - 7.1.1 a park in the Council area; or
  - 7.1.2 any other area of local government land designated by the Council as a dog exercise area.
- 7.2 Where a person enters a park or other area of local government land designated as a dog exercise area for the purpose of exercising a dog, he or she must ensure that the dog is under his or her effective control at all times.

#### **8. Dog on leash areas**

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 8.1 on local government land or a public place to which the Council has determined that this clause applies; or
- 8.2 on any park or reserve during times when organised sport is being played,

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.

9. **Dog prohibited areas**

A person must not allow a dog under that person's control, charge or authority (except an accredited assistance dog) to enter or remain:

- 9.1 on any children's playground on local government land; or
- 9.2 on any other local government land or public place to which the Council has determined that this clause applies.

10. **Dog faeces**

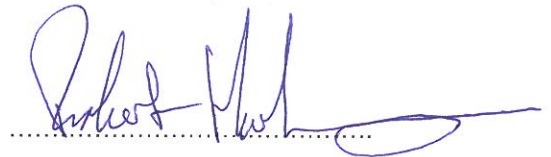
No person is to allow a dog under that person's control, charge or authority to be in a public place or on local government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose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

**PART 4 – ENFORCEMENT**

11. **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 Office