



District Council of Coober Pedy

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

DOGS BY-LAW 2021

By-law No. 5 of 2021

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 2021*.

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 unless the context otherwise requires:

3.1 **Act** means the *Dog and Cat Management Act 1995*;

3.2 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Planning Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;

3.3 **assistance dog** means a hearing dog, guide dog or a disability dog as defined in the Act;

3.4 **authorised person** means a person appointed as an authorised person pursuant to Section 25A of the Act and an authorised person under Section 260 of the *Local Government Act 1999*;

3.5 **dog** has the same meaning as in the Act;

3.6 **effective control** means a person exercising effective control of a dog either:

3.6.1 by means of a physical restraint; or

- 3.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 3.7 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **premises** means any domestic and non-domestic premises, except an approved kennel establishment in respect of which a development authorisation is in force under the *Planning Development and Infrastructure Act 2016*;
- 3.9 **small dwelling** means a flat, serviced flat, home unit, strata unit, community lot or suite of rooms which is wholly occupied, or designed or intended to be occupied, as a separate dwelling.

Part 2 – Dog Management and Control

4. Dog Free Areas

A person must not on any local government land to which this paragraph applies, cause suffer or permit any dog (other than an assistance dog) under that person's control, charge or authority to be, or remain in that place.

5. Dogs on Leash Areas

A person must not on any local government 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 public unless such dog is restrained by a strong leash not exceeding two 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 a danger to other persons.

6. Dog Exercise Areas

- 6.1 Any person may enter upon any part of local government land to which this paragraph applies in accordance with paragraph 9 of this by-law, for the purpose of exercising a dog under his or her effective control;
- 6.2 Where a person enters upon such part of local government land for that purpose, that person must ensure that the dog or dogs under his or her control remain under effective control while on the land;
- 6.3 The council will erect signs to denote the land to which this paragraph applies, and information shall be provided to the public in a manner determined by the Council's Chief Executive Officer to inform the public about such land.

7. Limit on Dog Numbers

- 7.1 The limit on the number of dogs kept in a small dwelling is one dog.
- 7.2 The limit on the number of dogs kept in premises other than a small dwelling is two dogs.
- 7.3 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:

7.3.1 the Council, or such person authorised by the Council, has exempted the premises from compliance with this paragraph; or

7.3.2 the premises is an approved kennel establishment.

8. Orders

8.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:

8.1.1 if the conduct is still continuing – to stop the conduct; and

8.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

8.2 A person must comply with an order under this clause.

8.3 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.

8.4 However, an authorised person may not use force against a person under this clause.

Part 3 – Miscellaneous

9. Application of Paragraphs

9.1 Any of paragraphs 4, 5 and subparagraph 6.1 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*.

9.2 The limits prescribed in paragraph 7 of this by-law do not include any dog that is under three months of age.

The foregoing by-law was duly made and passed at a meeting of the District Council of Coober Pedy held on the 25th day of May 2021.



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Mr Dean Miller
Chief Executive Officer