



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

## **DOGS BY-LAW 2020**

### **By-Law No. 5 of 2020**

*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 2020*.

##### **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:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:

- 3.7.1 by means of a physical restraint;
- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **leash** includes any chain, cord or leash;
- 3.10 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.12 **premises** includes:
  - 3.12.1 land;
  - 3.12.2 a part of any premises or land;
- 3.13 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.14 **small premises** means a premises comprising any self-contained dwelling where the premises associated with the dwelling contains a secured unobstructed yard area of less than 100 square metres;
- 3.15 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.16 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland;
- 3.17 **working livestock dog** means a dog:
  - 3.17.1 usually kept, proposed to be kept or worked on rural land by a person who is:
    - 3.17.1.1 a primary producer; or
    - 3.17.1.2 engaged or employed by a primary producer; and
  - 3.17.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

## Part 2 – Dog Management and Control

### 4. Dog Free Areas

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog free area.
- 4.2 For the purposes of this paragraph, a **dog free area** is any:
  - 4.2.1 local government land; or

4.2.2 public place,

to which the Council has resolved this paragraph applies.

4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

## 5. **Dog on Leash Areas**

5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:

5.1.1 tethered securely to a fixed object capable of securing the dog; or

5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

5.2 For the purposes of this paragraph, a **dog on leash area** is any:

5.2.1 local government land or public place to which the Council has resolved that this paragraph applies;

5.2.2 park when organised sport is being played;

5.2.3 enclosed children's playground or if a children's playground is not enclosed land within five metres of children's playground equipment;  
or

5.2.4 wetland area.

## 6. **Dog Exercise Areas**

6.1 Subject to paragraphs 4 and 5, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.

6.2 For the purposes of this paragraph, a **dog exercise area** is any:

6.2.1 park; or

6.2.2 local government land that the Council has resolved is a dog exercise area.

6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

## 7. **Limit on Dog Numbers**

7.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.

7.2 Subject to subparagraph 7.3, the prescribed limit on the number of dogs to be kept on premises:

7.2.1 constituting a small premises in a township is one dog;



- 7.2.2 within a township on premises other than a small premises is two dogs;
- 7.2.3 outside a township on premises other than a small premises is three dogs.
- 7.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
  - 7.3.1 any dog that is under three months of age; and
  - 7.3.2 up to five working livestock dogs kept on premises outside a township.
- 7.4 The prescribed limit does not apply to:
  - 7.4.1 an approved kennel establishment;
  - 7.4.2 a veterinary practice;
  - 7.4.3 a pet shop;
  - 7.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
  - 7.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* provided the business complies with all other relevant legislative obligations.

## 8. Dog Faeces

A person must not allow a dog under that person's control to be in a public place or on local government land unless the 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.

## Part 3 – Miscellaneous

### 9. Application

- 9.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 6.2.2 of this bylaw.
- 9.2 Any of subparagraphs 4 and 5.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 9.3 Where the Council makes a resolution under either of subparagraphs 9.1 or 9.2, the Council's Chief Executive Officer must ensure that:
  - 9.3.1 the area is denoted by signs erected by the Council; and
  - 9.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

## 10. Revocation

Council's *By-law No 5 – Dogs and Cats*, published in the Gazette on 19 December 2013, is revoked on the day on which this By-law comes into operation.

The foregoing By-law was duly made and passed at a meeting of the Yorke Peninsula Council held on the 29<sup>th</sup> day of JULY 2020 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 Andrew Cameron  
Chief Executive Officer

**SECTION 249 LOCAL GOVERNMENT ACT 1999**

**CERTIFICATE OF VALIDITY**

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which Yorke Peninsula Council intends to make, being *Dogs By-law 2020* and do certify that in my opinion:

- (a) the said Council has power to make by the by-law by virtue of the following statutory provisions:

*Dog and Cat Management Act 1995*, Sections 90(1) and 90(3);

*Local Government Act 1999*, Sections 246(1), 246(2) and 246(3);

*Acts Interpretation Act 1915*, Section 39;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 26<sup>th</sup> day of June 2020.



**Paul St Leger Kelly, Legal Practitioner**