

DISTRICT COUNCIL OF
ORROROO CARRIETON

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CATS BY-LAW 2016

By-law No. 6 of 2016

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2016* and is By-law No. 6 of the District Council of Orroroo Carrieton

2. Authorising law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995*, section 246 of the Act.

3. Purpose

The objects of this By-law are to control and manage cats in the Council area:

- 3.1. to promote responsible cat ownership;
- 3.2. to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3. to protect the comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

4.1.1 By-law No. 6 – Cats.²

4.2. This By-law will expire on 1 January 2024.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2016*.

6. Interpretation

In this By-law, unless the contrary intention appears;

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **cat** (except for in clause 9) means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;

- 6.3. **Council** means District Council of Orroroo Carrieton;
- 6.4. **identified cat** means a cat identified as follows;
- 6.4.1 by having a collar around its neck where the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat; or
- 6.4.2 by means of a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat.
- 6.5. **keep** includes the provision of food or shelter;
- 6.6. **nuisance** means:
- 6.6.1 unreasonably interfering with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour;
- 6.6.2 injurious to a person's real or personal property; or
- 6.6.3 obnoxious, offensive or hazardous to health;
- 6.6.4 wandering onto land without the consent of the owner or occupier of the land.
- 6.7. **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.
- 6.8. **Township** has the same meaning as in the Act.

Note-

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 –CAT CONTROLS

7. Limits on cat numbers

- 7.1. Subject to clause 7.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two cats on any premises within the Townships of Orroroo, Carrieton, Pekina, Eurelia, Morchard, Yatina and Johnburgh.
- 7.2. Clause 7.1 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.

8. Cats to be identified

- 8.1. Subject to clause 8.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept a cat on any premises that is not an identified cat.

- 8.2. Clause 8.1 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.

9. Cats not to be a nuisance

- 9.1. An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 9.2. For the purpose of this clause cat means an animal of the species *felis catus*.

PART 4 – ENFORCEMENT

10. Orders


- 10.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 10.1.1 if the conduct is still continuing – to stop the conduct; and
- 10.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 10.2. A person must comply with an order under this clause.
- 10.3. 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 seek to recover its costs of any action so taken from the person to whom the order was directed.
- 10.4. However, an authorised person may not use force against a person under this section.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This By-law was duly made and passed at a meeting of the District Council of Orroroo Carrieton held on the 25th May 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.

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Stephen Rufus
Chief Executive Officer