



ADELAIDE HILLS COUNCIL

CATS' BY-LAW 2011

By-law No. 6 of 2011

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 2011* and is By-law No. 6 of the Adelaide Hills Council.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, section 246 of the Act and sections 667(1), 4.I and 9.XVI of the *Local Government Act 1934*.

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 the 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 operation:

4.1.1 By-Law No. 6 - Cats

4.2. This By-law will expire on 1st January 2019.

5. Application

5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2011*.

5.2. This By-law applies throughout the Council area.

6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **approved cattery** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of cats on a temporary or permanent basis;
- 6.3. **cat** means an animal of the species *felis cactus* which is three months of age or has lost its juvenile canine teeth;
- 6.4. **Council** means Adelaide Hills Council;
- 6.5. **identified cat** means a cat identified in the manner set out in regulation 8 of the *Dog and Cat Management Regulations 2010*.

- 6.6. **keep** includes the provision of food or shelter;
- 6.7. **nuisance** in relation to the keeping of cats means:
- 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person (including, but not limited to, the noise or odour created by a cat);
 - 6.7.2 injurious to a person's real or personal property; or
 - 6.7.3 obnoxious, offensive or hazardous to health; or
 - 6.7.4 failing to keep a cat under effective control such that the cat wanders onto public or private land without the consent to the owner or occupier of the land;
- 6.8. **premises** includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

PART 2 – LIMITS ON CAT NUMBERS

7. Limits on cat numbers

- 7.1. Subject to clauses 7.2 and 7.3 a person must not, without the Council's permission keep more than two (2) cats in any premises.
- 7.2. Clause 7.1 does not apply if the person has the permission of the Council in writing. Such permission may be given if the Council is satisfied that:
- 7.2.1 no insanitary condition exists on the premises as a result of the keeping of cats on the premises; and
 - 7.2.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises, and
 - 7.2.3 all cats kept on the premises over the age of 6 months are desexed unless the person obtains a letter signed by a veterinary surgeon indicating that the health of the cat will be jeopardised if it is desexed before a stated age. If such a letter is produced the owner of the cat will undertake to have an appropriately qualified person to desex the cat when it reaches the stated age.
- 7.3. Clause 7.1 does not apply to an approved cattery in respect of which a development authorisation is in force pursuant to the *Development Act 1993*.

PART 3 – ENFORCEMENT

8. Orders

- 8.1. If a person engages in conduct that is a 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 section.

This By-law was duly made and passed at a meeting of the Adelaide Hills Council held on the 23rd day of August 2011 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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PETER PEPPIN
Chief Executive Officer