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

DOGS BY-LAW 2022

By-law No. 5 of 2022

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 2022*.

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 **children's playground** means any area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices);

3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;

3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995* but does not include a dog that is under 3 months of age;

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

3.6.1 by means of a physical restraint;

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 **keep** includes the provision of food or shelter;

3.8 **leash** includes any chain, cord or leash;

3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;

3.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.11 **premises** includes:

3.11.1 land;

3.11.2 a part of any premises or land;

3.12 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.13 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. **Dog Prohibited Areas**

4.1 A person must not allow a dog in that person's control to be in, or remain in a dog prohibited area.

4.2 For the purposes of this paragraph, a **dog prohibited area** is any:

4.2.1 local government land or public place to which the Council has resolved this sub-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 sub-paragraph applies;

5.2.2 park, or portion of a park, when organised sport is being played; or

5.2.3 wetland area.

6. **Dog Off Leash Areas**

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

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

6.2.1 park, or portion of a park; or

6.2.2 local government land or public place that the Council has resolved is a dog off leash area.

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

7. **Limit on Dog Numbers**

7.1 The limit on the number of dogs kept on any premises is two dogs.

7.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless the premises is:

7.2.1 an approved kennel establishment;

7.2.2 a veterinary practice;

7.2.3 a pet shop;

7.2.4 any premises that the Council has exempted from the requirements of this paragraph; or

7.2.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

Part 3 – Miscellaneous

8. **Application**

8.1 The Council may from time to time, by resolution, identify local government land or a portion thereof as a dog off leash area in accordance with subparagraph 6.2.2 of this by-law.

8.2 Any of paragraphs 4.2.1 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*.

8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:

8.3.1 the area is denoted by signs erected by the Council; and

8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

9. **Revocation**

Council's *Dogs By-law 2015*, published in the *Gazette* on 3 September 2015, 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 Council of the City of Prospect held on the 23rd day of August 2022 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 Chris White
Chief Executive Officer