



PortAugusta

CITY COUNCIL

CATS BY-LAW 2012

BY-LAW NO. 7 OF 2012

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

CONTENTS

PART 1 – PRELIMINARY 2

1. Title 2

2. Authorising law 2

3. Purpose 2

4. Commencement, revocation and expiry 2

5. Application 2

6. Interpretation 2

PART 2 – LIMITS ON CAT NUMBERS 3

7. Limits on cat numbers 3

8. Cats not to be a nuisance 4

9. Effective Confinement 4

PART 3 - ENFORCEMENT 4

10. Orders 4

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2012* and is By-law No. 7 of the Port Augusta City 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 objectives 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 operation¹:

4.1.1 By-law No. 8 – Cats 2005.²

4.2. This By-law will expire on 1 January 2020.³

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 2011*.

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 catus* which is three months of age or has lost its juvenile canine teeth;
- 6.4. **Council** means Port Augusta City 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*, pursuant to which a cat is identified if –
- (a) the cat has a collar around its neck and 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
 - (b) the cat has 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 and had the letter M tattooed on the inside of either of its ears.
- 6.6. **keep** includes the provision of food or shelter;
- 6.7. **nuisance** means:
- 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person;
 - 6.7.2 injurious to a person's real or personal property; or
 - 6.7.3 obnoxious, offensive or hazardous to health;
- 6.8. **premises** includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

Note-

Section 14 of the *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 – LIMITS ON CAT NUMBERS

7. Limits on cat numbers

- 7.1. Subject to clause 7.2, a person must not, without the Council's permission keep in any premises:
- 7.1.1 more than 2 cats; or
 - 7.1.2 a cat of or over the age of 4 months, or which has lost its juvenile canine teeth, unless the cat is an identified cat.
- 7.2. Clause 7.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

- 7.3. 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:
- 7.3.1 no insanitary condition exists on the premises as a result of the keeping of cats; and
 - 7.3.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises; and
 - 7.3.3 all cats kept on the premises over the age of 4 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 either before reaching a stated age or at all.
 - 7.3.4 If such a letter is produced, where applicable, the owner of the cat will undertake to have an appropriately qualified person to desex the cat when it reaches the stated age; and
 - 7.3.5 the cats are effectively confined to the premises with the aid of a cat run.
- 7.4. The Council may require that premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.

8. **Cats not to be a nuisance**

- 8.1. 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 by reason of:
- 8.1.1 noise or odour created by the cat or cats; or
 - 8.1.2 wandering from the land; or
 - 8.1.3 the aggressive nature of the cat or cats.

PART 3 – ENFORCEMENT

9. **Orders**

- 9.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 9.1.1 if the conduct is still continuing – to stop the conduct; and
 - 9.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 9.2. A person must comply with an order under this clause.
- 9.3. 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.

9.4. 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 howling cats.

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on the **23rd day of April 2012** 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 Greg Perkin
City Manager