



Animal Management Plan

2012 - 2017

Prepared by: Lynne Phillips-Rees
Team Leader
General Inspectorate

Table of Contents

| | | |
|-------|--|-------------------------------------|
| 1. | Executive Summary | 2 |
| 2. | Policy Context and Links to the City of Marion's Draft Strategic Plan | 3 |
| 3. | Overview of the City of Marion | 4 |
| 4. | Mission Statement | 4 |
| 5. | Aims and Objectives | 4 |
| 6. | Animal Management Strategy | 5 |
| 6.1 | Introduction | 5 |
| 6.2 | Objective 1: To provide effective animal management within the City of Marion..... | 5 |
| | Dogs | 7 |
| 6.3 | Objective 2: To encourage and promote responsible dog ownership within the City of Marion community..... | 7 |
| 6.4 | Objective 3: Ensure public safety, health and amenity in relation to dogs. | 10 |
| | Cats | 12 |
| 6.5 | Objective 4: To encourage and promote responsible cat ownership within the City of Marion community..... | 12 |
| 6.6 | Objective 5: Ensure public safety, health and amenity in relation to cats... | 13 |
| 7. | Birds and Poultry | Error! Bookmark not defined. |
| 7.1 | Objective 6: Encourage and promote responsible bird and poultry ownership within the City of Marion | 16 |
| 7.2 | Objective 7: Ensure public safety, health and amenity in relation to the keeping of birds and poultry | 16 |
| 8. | Other animals | 17 |
| 8.1 | Bees | 17 |
| 8.2 | Stock | 17 |
| 8.3 | Horses | 17 |
| 8.4 | Native birds and native animals | 18 |
| 8.5 | Foxes | 19 |
| 9. | Implementation of the Animal Management Plan | 19 |
| 10. | The Law..... | 19 |
| 10.1 | Objectives of the Act..... | 20 |
| 10.2 | Council responsibility for the management of dogs. | 20 |
| 10.3 | Prescribed breeds..... | 21 |
| 10.4 | Greyhounds | 22 |
| 10.5 | Exemptions..... | 22 |
| 10.6 | Plans of management relating to dogs and cats..... | 22 |
| 10.7 | Key aspects of the Dog And Cat Management Act..... | 23 |
| 10.8 | Seizure of dog..... | 23 |
| 10.9 | Orders..... | 23 |
| 10.10 | Legal age to register a dog. | 23 |
| 10.11 | Dogs must be registered and identified | 24 |
| 10.12 | Concessions for dog registration..... | 24 |
| 10.13 | Guide Dogs and Hearing Dogs | 24 |
| 10.14 | Disability dogs..... | 24 |
| 10.15 | Dogs on leads..... | 24 |
| 10.16 | Effective Control | 24 |
| 10.17 | Report of dog attacks by Medical Practitioners | 24 |
| 10.18 | Dogs on utes and tray top vehicles | 24 |
| 10.19 | By-Laws..... | 25 |
| | 10.19A Dogs..... | 24 |
| | 10.19B Cats..... | 27 |

1. Executive Summary

The City of Marion recognises that companion animals are a valued part of the community, contributing to people's quality of life. The City of Marion endeavours to ensure that the needs of animals and their owners are accommodated while recognising the differing needs of all members of the community.

The first Animal Management Plan was created in 2006 in response to Section 26A of the Dog and Cat Management Act 1995 (SA), as amended which requires every council to prepare a plan relating to the management of dogs and cats within its area. The Animal Management Plan (The Plan) has been developed after consultation with a broad range of stakeholders, including input from the community, various focus groups, key stakeholders and Council. The Plan will be effective for the next 5 year period from 2012 – 2017 and will set the strategic direction for dog and cat management in the City of Marion during that time.

The objectives of the Dog and Cat Management Act 1995 are to:

- Encourage responsible dog and cat ownership
- Reduce public and environmental nuisance caused by dogs and cats, and
- To promote the effective management of dogs and cats (including through the encouragement of de-sexing of dogs and cats)

While the Dog and Cat Management Act provides the legal framework for the City of Marion's responsibilities regarding the management of dogs and cats, this Plan seeks to maintain a balanced approach that caters to everyone's needs including domestic pets and their owners, the wider community and those responsible for animal management.

The City of Marion aims to maintain a sustainable, strategic approach to the management of dogs and cats in the City of Marion that encompasses the needs of both dog and cat owners and other residents who are not dog and cat owners. The Animal Management Plan will be implemented within the context of creating a safe public environment and enhancing the amenity and environment of the City of Marion while considering the importance of pet ownership. The Plan will also take into account social and regulatory issues and identify strategies and actions to implement the City of Marion's mission, aims and objectives for domestic animal management. The Plan will then relate these policies and actions back to the wider policy context.

The Plan aims to:

- Promote responsible dog and cat ownership;
- Provide for the welfare and safety of dogs and cats;
- Provide community education on aspects of responsible dog and cat ownership;
- Ensure public safety and enhance the amenity and environment;
- Harness the benefits of dog and cat ownership;
- Ensure that the expenditure of registration fees addresses the management of dogs; and
- Consider other animals and birds as part of the Plan.

The Plan focuses on the legitimate needs of pets and their owners, while respecting the rights of other members of the community and protecting the environment. The City of Marion recognises that enforcement of legislation will not on its own result in lasting, voluntary behavioural change regarding the appropriate management of

animals in the community. Enforcement needs to be partnered with public education and promotion.

There is now considerable evidence to show the benefits of owning pets so it is essential that Council take a strategic approach to managing domestic pets to ensure community outcomes are achieved. The Plan will provide the basis for a strategy that will provide Council with direction from which it can plan, co-ordinate and make future decisions to meet the needs of the community over the next five years.

The Plan will be implemented for a five-year period from 2012 – 2017 and at the end of that time, the effectiveness and relevance of the Plan will be reviewed against the strategies and objectives identified in the Plan. That information will then be incorporated into future plans each of which will cover a five year period in accordance with Section 26A of the Dog and Cat Management Act.

Policy Context and Links to the City of Marion's Strategic Plan

This Animal Management Plan links to the City of Marion's Strategic Plan 2010-2020 which is Council's principal strategic planning document. It sets the overall direction to be pursued by Council as well as more specific goals and key actions in relation to animal management. Other strategies and policies are relevant where they impact on strategy development in the domestic animals area.

The Animal Management Plan fits within the overall planning and direction of the Strategic Plan 2010 – 2020 which guides the City's development and council's contribution to the Community Vision.

By 2020 Marion Council will be:

A leader in the delivery of the Community Vision – 'Broad Horizons Bright Future'

The themes for achieving the Community Vision are:

- Foster community wellbeing
- Create cultural vitality
- Build a dynamic economy
- Grow a healthy environment.

An organisation of excellence:

- Recognised for excellence in governance
- Recognised for service quality
- An employer of choice

This Plan directly links to the following Community Wellbeing Strategies:

- Strategy CW 1.2: Encourage an inclusive community that values diversity and engagement.
- Strategy CW4.1: Develop open spaces and recreation facilities that support active communities and healthy environments.
- Strategy CW4.2: Increase opportunities to improve the community's physical, mental and spiritual health and wellbeing.
- Strategy CW4.3: Support healthy and safe environments for people to live and work.

3. Overview of the City of Marion

The City of Marion covers an area of approximately 55 square km, from the Glenelg tramline in the north, to Hallett Cove in the south.

The following suburbs are located within the City of Marion region.

| | | |
|---------------|-----------------|------------------|
| Ascot Park | Marino | Seacombe Gardens |
| Bedford Park | Marion | Seacombe Heights |
| Clovelly Park | Mitchell Park | Seaview Downs |
| Darlington | Morphettville | Sheidow Park |
| Dover Gardens | Oaklands Park | South Plympton |
| Edwardstown | O'Halloran Hill | Sturt |
| Glandore | Park Holme | Trott Park |
| Glengowrie | Plympton Park | Warradale |
| Hallett Cove | Seacliff Park | |

The population of the City of Marion as estimated by the Australian Bureau of Statistics (ABS) in 2009 is 84,000 residents.

The City of Marion includes a mix of residential and industrial areas, with Westfield Marion as the key regional shopping centre and the State Aquatic and Leisure centre as the premium swimming centre in the state.

4. Mission Statement

To recognise that companion animals are part of the community, contributing to its quality of life, and to ensure that the needs of animals and their owners are accommodated while recognising the differing needs of all members of the community.

5. Aims and Objectives

This Plan aims to:

1. Provide effective animal management within the City of Marion.
2. Provide community education in relation to the responsible ownership of dogs, cats and other animals.
3. Encourage and promote responsible dog ownership.
4. Encourage and promote responsible cat ownership.
5. Encourage and promote responsible bird and poultry ownership
6. Ensure public safety, health and amenity in relation to dogs.
7. Ensure public safety, health and amenity in relation to cats.
8. Ensure public safety, health and amenity in relation to birds and poultry.

6. Animal Management Strategy

6.1 Introduction

The City of Marion will use a combination of the administration of the Dog and Cat Management Act and Council By-laws; and community education/promotion to implement many of the Animal Management Strategies.

Some changes will require a By-law to enable the change to become operative.

Education and promotion will incorporate a range of strategies including:

- Distribution of information via Council's website, pet information kits, Council's "City Limits" magazine, "What's On" which is a fortnightly advertisement in the Messenger Press, information and displays at the Customer Service Centre, Community and Neighbourhood Centres, Youth Centres and Libraries including the mobile library.
- Distribution of educational material at Veterinary Clinics and Pet Shops.
- Contribution to animal and dog obedience club newsletters.
- Promotion to residents of publications from the Dog and Cat Management Board.
- Provision of information to community clubs and community groups.
- Conducting school education programs regarding responsible dog and cat ownership and general safety issues regarding domestic animals.
- Inclusion of relevant educational material with the issue of annual dog registration renewal notices.

The Aims and Objectives of the Animal Management Plan will be achieved by the following strategies.

6.2 Objective 1: To provide effective animal management within the City of Marion

6.2.1 Strategy 1: Operate in accordance with the Dog and Cat Management Act and Council By-Laws

Actions:

- Undertake a proactive approach of education and promotion, in order to prevent breaches of the Dog and Cat Management Act and Council By-Laws.
- Ensure that the expenditure of dog registration fees are used in keeping with the Dog and Cat Management Act.
- Provide for the welfare and safety of dogs and cats.

6.2.2 Strategy 2: Ensure systems, processes and training is in place to support Animal Management Officers

Animal Management Officers will be supported in their role in animal management by a mix of education, promotion and enforcement.

Actions:

The City of Marion will:

- Ensure Animal Management Officers are informed and provided with training regarding amendments to the Dog and Cat Management Act and Council By-laws.

- Ensure Animal Management Officers are kept up to date with new or emerging practices, as well as best practice identified by other councils.
- Identify issues and resources required for education and regulatory services regarding animal management.
- Support Animal Management Officers to attend in-house training, conferences and external training events where possible, including the Urban Animal Management conferences.
- Increase involvement with Animal Management Officer Networks through membership of the Authorised Persons Association.
- Promote the role of Animal Management Officers, both within Council and in the wider community.
- As a continuous improvement process, regularly review Standard Operating Procedures to ensure systems and processes support Animal Management Officers to fulfill their roles.
- Continue to develop communication and negotiation skills for all Animal Management Officers.

6.2.3 Strategy 3: Provision for dogs being exercised in parks

Pursuant to Section 26A(2) of the Dog and Cat Management Act 1995, (SA) as amended, the City of Marion has included in its Animal Management Plan:

- Provision for areas where dogs may be exercised off-leash.
- Provision for parks where dogs must be under effective control by means of physical restraint.
- The consideration of the provision for parks where dogs are prohibited.
- Provision for an investigation to be undertaken regarding the creation of purpose built dog parks.

In early 2011, the City of Marion undertook comprehensive community consultation to ascertain whether designate areas should be set aside for dogs to be exercised off leash. As a result of this community consultation, the City of Marion decided to remain in keeping with the Dog and Cat Management Act, 1995 (SA), where dogs must be on a leash in a public place, except for a park.

The City of Marion has decided to retain the right of dog owners to exercise their dog off leash in any park within the City of Marion, provided the dog remained under the effective control of the owner or person responsible for the dog. If an owner or person responsible for a dog is not able to keep the dog under effective control without a physical restraint, then the dog must be kept under effective control by means of a physical restraint.

In addition, the City of Marion will investigate the creation of dog park/s during the life of this plan.

Actions:

The City of Marion will:

- Maintain the current system where dogs can be exercised in any park on a leash or under effective control.
- Investigate the introduction of dog parks in the council area during the life of the Animal Management Plan 2012 – 2017. That investigation to include the identification of:
 - The optimal number of dog park/s for the City of Marion council area
 - Suitable locations for any dog park/s.

- The financial and human resource implications of the introduction of dog park/s
 - Investigation into the financial implications will include the cost of:
 - Any additional Animal Management Officers that may be required
 - Any requirement for additional vehicles for the Animal Management fleet
 - Parking availability at sites identified for dog park/s
 - Cost of play and other equipment e.g. seats, provision of drinking water and so on for the parks
 - Fencing of the park/s
 - Installation costs of park/s.
 - Resource implications for other teams involved in installation and maintenance of the parks.
- Review the current zones within Hazelmere Reserve, (which is not a designated “dog park”), and the possible creation of dog free zones.

Dogs

6.3 Objective 2: To encourage and promote responsible dog ownership within the City of Marion community.

The aim is to promote responsible dog ownership in identified public places.

The areas of change that have been identified include:

- Wetland areas be declared as dog on leash areas. This change has been identified as having a three-fold benefit:
 - To protect animal and birdlife attracted to the wetland areas
 - To protect student and other groups who attend tours at Warriparinga
 - Allow dog owners to enjoy the wetland areas while exercising their dogs in a responsible fashion.
- Areas containing children’s play equipment be declared as dog on leash areas. This change has been identified to promote the safety of children using playground equipment in the City of Marion.
- That the City of Marion investigate and determine the most valid parameters by which to limit the number of dogs permitted per residence during the life of this Plan e.g. by property size, breed of dog or maintain the current system. This change has been identified to manage the keeping of dogs in various dwellings and to promote their wellbeing while contributing to the reduction of nuisance complaints that may occur when a dog does not have the required space to play and exercise.

Actions:

The City of Marion will:

- Amend the existing By-law No. 4 - Dogs, to:
 - Declare wetland areas as dog on leash areas
 - Declare areas that contain children’s playground equipment dog on leash areas
- Investigate the most valid parameters by which to limit the number of dogs per property to ensure the animal’s welfare and to reduce the number of complaints relating to nuisance.
- Continue to educate dog owners about responsible pet ownership and the management of their dogs within the property at which they reside.

6.3.1 Strategy 1: The City of Marion will develop and implement an education program regarding responsible dog ownership.

Preamble

There are three factors which contribute to the successful ownership of dogs. They are:

1. *The Owner:*

The owner or potential owner of any dog, needs to be aware that there are financial and time responsibilities and commitments that relate to pet ownership.

The owner of a dog must ensure the dog is registered. The owner is also responsible to ensure that the dog is trained, and to be aware of the dog's behaviour at all times, including when the owner is away from the home such as at work. The owner is also responsible to ensure that the dog has adequate food, water and shelter and that the dog is regularly exercised. It is highly advisable to have the dog immunised and desexed. The owner of a dog needs to be mindful that the keeping of their dog does not adversely affect neighbours, e.g. by noise or odour.

2. *The Breed of dog:*

The breed of a dog determines the size and often the temperament of the dog and its susceptibility to genetic defects. When selecting a dog, it is important to seek appropriate advice on the soundness of the animal being considered and its suitability to the home environment e.g. the yard that the dog will be kept in and the family that the dog will be joining. This is particularly relevant if there are small children in the family.

3. *The Home Environment:*

All dogs require adequate shelter, food and water and consideration should be given to whether there are children who will have access to the dog and the closeness of neighbours. Dogs must be confined to the yard, so they are not "wandering at large". All dogs also require regular exercise and the capacity of owners to provide that exercise is also an important consideration in selecting a dog.

Feedback in 2011 from key stakeholders has identified another area for future investigation regarding responsible pet ownership. This is to investigate how to prevent dogs from the Heron Way Reserve and Hallett Cove beach areas entering the Hallett Cove Conservation Park.

The City of Marion will continue to educate users of these areas about responsible pet ownership and also investigate the use of signage.

Actions:

The City of Marion will:

- Develop an education program, including the development of an information kit, to encourage responsible dog ownership.
- Educate and encourage residents to consider the factors affecting the selection of the right pet to suit the lifestyle and circumstances of the individual or family. This will include promoting:
 - www.goodownersa.com which is a user friendly site to assist in the selection of a suitable dog.

- www.gooddogsa.com for those who are already dog owners.
- Encourage pet owners to undertake routine preventative measures such as vaccination and parasite control of their pet.
- Continue to attend community and professional events to promote responsible dog ownership within the City of Marion.
- Forward information regarding responsible pet ownership to the community in the form of an information leaflet, or other educational material, to be inserted in the annual dog registration renewal notices.
- Investigate the appropriateness and effectiveness of signage at all reserves, parks and near the Hallett Cove Conservation Park near Heron Way Reserve and Hallett Cove Beach and the Noarlunga Rail Line Greenway.
- Continue to educate the community about the responsible usage of areas such as the Noarlunga Rail Line Greenway and the Hallett Cove Conservation Park.

6.3.2 Strategy 2: The City of Marion will promote the registration and identification of dogs.

The Dog and Cat Management Act requires dogs be identified by means of a collar and registration disc. Identification tags are also regarded as a support method of identification. Identification results in the:

- Increased likelihood of pets being re-united with their owners.
- Dog owner being contacted in the event of the dog being involved in an accident which may result in veterinary treatment.
- Reduced likelihood of a dog having to be re-homed at an animal shelter.

Actions:

The City of Marion will aim to have the maximum number of dogs registered by:

1. Promoting information on Council's policy and legislative requirements regarding dog registration to the community.
2. Conducting a follow up to identify any dogs that have not been re-registered each year and educate owners on the requirements and benefits of dog registration.
3. Continuing to offer a range of registration concessions.
4. Promoting Council's various registration payment options.
5. Returning as many dogs as possible to owners by:
 - Promoting dog registration and identification
 - Promoting microchipping of dogs
 - Ensuring a microchip scanner is in every Animal Management Officer's vehicle.
 - Ensuring a microchip scanner is used at the point where a dog is collected.
 - Continuing to offer a concession for dogs that are microchipped.

6.3.3 Strategy 3: The City of Marion will promote desexing of dogs.

Desexing of dogs has the following benefits:

- Reduction of excessive, unnecessary and unplanned breeding.
- Reduction of the likelihood of aggressive behaviour, predominantly in male dogs that have not been desexed.
- Reduction of dogs wandering at large.
- Improved temperament and significant reduction of life threatening diseases in both male and female dogs.

Actions:

The City of Marion will:

- Promote the benefits of having a dog desexed and dog owners will be encouraged to have their dogs desexed, irrespective of whether the dog is a male or female.
- Promote Council's various registration concessions payment options, in an endeavour to encourage desexing of dogs.

6.3.4 Strategy 4: *The City of Marion will embrace the benefits of dog ownership*

Preamble

The City of Marion recognises that animals play an important role in the life of individuals and families contributing to improved emotional wellbeing

Actions:

The City of Marion will:

- Recognise that animals play an important role in community wellbeing by adding value to and enriching individuals' lives.
- Acknowledge and promote the importance, value and benefits of dog ownership.
- Recognise and promote the large percentage of responsible dog owners.

6.4 Objective 3: *Ensure public safety, health and amenity in relation to dogs.***6.4.1 Strategy 1: *The City Of Marion will endeavor to reduce the number of dog attacks.***

A Strategy to reduce the number of dog attacks to ensure public safety.

Actions:

The City of Marion will:

- Promote and encourage the reporting of all dog attacks whether in public places or on private property.
- Promote educational material including information on bite avoidance.
- Educate the community regarding the importance of adult supervision of children at all times while they are in contact with dogs.
- Use a variety of educational strategies to educate the community about preventative measures to minimise the risk of dog attacks.
- Promote the mandatory reporting of certain injuries resulting from dog attacks by Medical Practitioners to the Dog and Cat Management Board.

6.4.2 Strategy 2: *The City Of Marion will enhance the amenity and the environment by the management of dog faeces in public places.*

The management of dog faeces is an important environmental and community issue. Dog waste bag dispensers are provided in a number of parks in the City of Marion area.

Actions:

The City of Marion will:

- Continue to review the location and availability of dog waste bag dispensers in each park within the City of Marion, with a view to increase the installation and ongoing maintenance of dog waste bag dispensers.
- The City of Marion will educate and promote the legal requirement to pick up one's own dog's faeces in public. This will include appropriate signage at reserves.

6.4.3 Strategy 3: *The City Of Marion will endeavor to reduce the number of barking dogs.*

A Strategy to reduce the number of complaints regarding barking dogs, to manage the nuisance in the community caused by barking dogs.

Actions:

The City of Marion will:

- Review Barking Dog Procedures with a view to ongoing process improvement and best practice.
- Investigate options that allow neighbours to attempt to resolve barking dog issues before Council is involved.
- Promote training of dogs through education.
- Promote the reduced cost of the registration of trained dogs.
- Educate dog owners that some of the major reasons for a dog barking are boredom and lack of exercise.
- Educate dog owners regarding appropriate toys for dogs, especially dogs that are left on their own for extended periods of time.

6.4.4 Strategy 4: *The City Of Marion will endeavor to reduce the number of dogs wandering at large.*

A Strategy to reduce the number of dogs wandering at large, to increase public safety, reduce nuisance and to work in the interests of the welfare of dogs.

Actions:

The City of Marion will:

- Educate dog owners to securely confine their dogs, including ensuring that fencing is secure.
- Educate dog owners of the increased risk of dogs escaping and wandering at large during storms and fireworks.
- Promote desexing of dogs to assist with reduced instances of wandering at large.
- Ensure Council's dog registration database is up to date.

6.4.5 Strategy 5: *The City of Marion will promote the training and socialisation of dogs.***Actions:**

The City of Marion will:

- Promote training and socialisation of dogs to dog owners through distribution of information including the discount available for registration of a dog that has been trained.

- Display posters and information regarding the training of dogs in Council's Administration Centre foyer, through dog obedience clubs and veterinary surgeries.
- Investigate the creation of dog parks within the City of Marion to provide increased opportunities for the socialisation of dogs.

Cats

The City of Marion created a new By-law No. 6 – Cats in response to the Animal Management Plan 2006 - 2011. The By-Law includes that no person shall keep more than two cats on any premises without permission and that no person shall without permission keep a cat in the Council area unless the cat is desexed.

6.5 Objective 4: To encourage and promote responsible cat ownership within the City of Marion community.

6.5.1 Strategy 1: *The City of Marion will develop and implement an education program regarding responsible cat ownership.*

Preamble:

There are three factors which contribute to the successful ownership of cats. They are:

1. The Owner:

The owner or potential owner of any cat needs to be aware that there are financial and time responsibilities and commitments that relate to pet ownership.

The owner needs to be aware of the cat's behaviour at all times, including when the owner is away from the home, such as at work. The owner is also responsible to ensure that the cat has adequate food, water and shelter and that the cat has suitable toys and areas for exercise.

Cats should ideally be confined at night, to prevent them from being attacked by other cats, and to ensure that the cat does not damage native flora and fauna. The owner of a cat needs to be mindful that the keeping of their cat does not adversely affect neighbours or the environment, e.g. by noise or odour. It is also highly advisable to have the cat immunised. There is already a requirement that cats are desexed.

2. The Breed of cat:

The breed of a cat can determine the temperament of the cat and its susceptibility to genetic defects.

3. The Home Environment:

Educate residents about the desirability of confining cats to their yard, so as not to wander and cause nuisance in neighbour's yards and the wider environment.

Actions:

The City of Marion will:

- Develop an education program, including the development of an information kit, to encourage responsible cat ownership.
- Educate and encourage people to consider the factors affecting the suitability of successful cat ownership in their particular circumstances. This will include promoting:
 - www.goodownersa.com which is a user friendly site to assist in the selection of a suitable cat.
 - www.goodcatsa.com for those who are already cat owners.
- Provide information to assist residents to understand that feeding stray cats can contribute to the numbers of feral cats in the community and the associated environmental and social issues that feral cats can cause.

6.5.2 Strategy 2: The City of Marion will embrace the benefits of cat ownership.

Preamble

The City of Marion recognises that cats play an important role in community wellbeing by adding value and enriching individuals' lives.

Actions:

The City of Marion will:

- Acknowledge and promote the importance, value and benefits of cat ownership.
- Recognise and promote the large percentage of responsible cat owners.

6.6 Objective 5: Ensure public health and amenity in relation to cats.**6.6.1 Strategy 1: The City Of Marion will proactively manage cats in the community to reduce the negative effects of cats.**

Preamble:

In early 2011, the City of Marion undertook comprehensive community consultation to ascertain feedback on the preferred method of identification of cats and whether the community supported the investigation of the introduction of a cat curfew.

Identification of Cats

70% of respondents to the Animal Management Plan survey identified that it is very important to them that all cats should be microchipped, while 58% identified cat registration as very important and 51% identified a cat curfew as important.

There is currently a national database where the owner's information of any microchipped animal can be obtained by Animal Management Officers. The introduction of mandatory microchipping of cats will identify the cat and its owner in a cost effective and efficient fashion.

The City of Marion will also continue the education of cat owners in the responsible ownership of their pets including:

- Their responsibility to consider others in the community who may not choose to own pets.
- Educate residents about the desirability of containing their cats at night to reduce the risk of other animals being killed for food or play and contributing to a reduction in the number of complaints received about cat nuisance including odour.

The City of Marion will continue to investigate and promote additional measures that may be implemented to identify and manage cat movements within the council area, e.g. currently there are products available commercially that restrict the ability of cats to jump fences.

Identification of cats under the Dog and cat Management Act Regulations 1995

Part 3, Section 8 of the Dog and Cat Management Regulations, 1995 (SA) lists when a cat will be taken to be identified.

For the purposes of the Act, a cat will be taken to be 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 has the letter M tattooed on the inside of either of its ears.

Actions:

The City of Marion will:

- Amend the existing By-law No. - 6 Cats, to include that all cats must be microchipped within the City of Marion.
- Educate and encourage residents to consider the factors affecting the selection of the right pet to suit the lifestyle and circumstances of the individual or family. This will include promoting:
 - www.goodownersa.com which is a user friendly site to assist in the selection of a suitable cat.
 - www.goodcatsa.com for those who are already cat owners.
- Continue to educate the community to increase awareness of the impacts that cats may cause to residents who do not choose to own pets
- Educate the community about cat behavior.
- Promote desexing and identification of cats.
- Promote desexing of cats through vets and opportunities such as C.A.T.S Inc. (Cats Assistance to Sterilise) or alternative organisations.
- Promote and encourage cat owners to keep their cats inside at night and to keep their cats confined to their property during the day.
- Encourage cat owners to undertake routine preventative measures such as vaccination and parasite control of their pet.

6.6.2 Strategy 2: The City Of Marion will proactively manage cats in the community to reduce the negative environmental effects of cats.

While cats play an important role in the community and in individuals lives they may also cause environmental harm or nuisance. They may cause environmental harm

through the killing of other species for food or play, or cause nuisance for those in the community who do not choose to own cats or other animals.

In this regard, it is important to consider the management of cats being kept near conservation parks. The management of cats in Conservation Parks rests with wardens under the National Parks and Wildlife Act 1972. The City of Marion's Animal Management Officers have no authority under which they may deal with cats in conservation parks, however they will continue to educate cat owners close to such areas.

Under Division 2, Section 72 of the Dog and Cat Management Act:

(1) A warden under the National Parks and Wildlife Act 1972, or a person authorised for the purpose by a warden, may lawfully seize, detain, destroy or otherwise dispose of any cat found in a reserve within the meaning of that Act.

Actions:

The City of Marion will:

- Continue to educate residents about the potential environmental impacts of cats through interactions with the community and through planned events and when responding to community complaints regarding cats.
- Include in the education process the damage that cats may cause to the environment including in Conservation parks.
- Develop and educational program for residents who own cats who live in close proximity to conservation parks.

7. Birds and Poultry

7.1 Objective 6: To encourage and promote responsible bird and poultry ownership within the City of Marion.

7.1.1 Strategy 1: The City of Marion will develop and implement an education program regarding responsible bird and poultry ownership.

Preamble:

There are 2 factors which contribute to the successful ownership of birds and poultry. They are:

1. The Owner:

The owner or potential owner of any birds or poultry should be aware of the responsibilities that the ownership of birds and poultry brings.

Birds and poultry need to have adequate food, water, space and shelter. It is important to be aware of the natural behaviour of birds and poultry, including noise that the birds make. Residents who give consideration to where aviaries and enclosures are located can positively contribute to the wellbeing of neighbouring residents, by preventing noise and odour nuisance.

2. *The Home Environment:*

All birds and poultry should be confined to the enclosure in which they are kept. This is for the welfare of the bird so they do not wander and also to prevent them causing nuisance in neighbouring yards and to the wider environment.

It is important that residents considering ownership of birds and poultry, consider the ongoing requirement to keep enclosures clean to avoid irritants such as mice, rats and odour.

In 2011, the City of Marion undertook comprehensive community consultation to ascertain whether the keeping of certain birds should be managed differently in the City of Marion. 54% of survey respondents identified that the keeping of roosters in the metropolitan area should be restricted. This is because roosters have a negative impact on the wellbeing of those living in close proximity to the bird and that one bird can impact a considerable number of residents.

Actions:

The City of Marion will:

- Create a By-law to include that a permit is required to keep roosters on residential blocks.
- Manage the keeping of all other birds and poultry through community education including the space required for each bird's physical welfare, any requirement for enclosures to be a certain distance from occupied dwellings and the requirement to keep cages clean and food stored in air tight containers to minimise nuisance.

7.2 Objective 7: Ensure public safety, health and amenity in relation to the keeping of birds and poultry.

7.2.1 Strategy 1: *The City Of Marion will proactively manage birds and poultry in the community to reduce the negative environmental and social effects of birds and poultry.*

Preamble:

The City of Marion will continue to deal with complaints relating to the keeping of birds and poultry under Section 254 of the Local Government Act 1995 (SA).

Actions:

The City of Marion will (the same actions apply as above):

- Require a permit to keep roosters on residential blocks.
- Develop an educational program for people who own birds or poultry.

8. Other Animals

After feedback from the community and key stakeholders, the City of Marion will continue to deal with other animals under the Local Government Act and City of Marion By-laws.

Where the City of Marion receives a complaint that an animal is a nuisance, this complaint will be investigated. Animal Management Officers will liaise with the owner of the animal and work towards achieving a solution where the animal no longer poses a nuisance to neighbours or the public. Where a solution can not be

negotiated an Order under the Local Government Act may be placed on the owner of that animal requiring that person to do or to refrain from doing certain things, to abate a nuisance or a hazard to health or safety associated the animal.

8.1 Bees

The City of Marion will continue to deal with bees under Section 254 of the Local Government Act. If bees are kept in close proximity to another property, then an Order under Section 254 of the Local Government Act can be placed on the owner of the bees, to either remove the bees or to modify how or where the bees are kept. The City of Marion arranges the removal of bees from Council owned land.

8.2 Stock

The City of Marion will continue to deal with stock under the Impounding Act, 1920. Section of 14 of the Act gives the City of Marion's Animal Management Officers the power to impound wandering "cattle". A range of animals is included in the definition of "Cattle".

This includes:

- ox
- cow
- steer
- heifer
- bull
- calf
- ewe
- sheep
- wether
- lamb
- ram
- mare
- gelding
- stallion
- colt
- filly
- foal
- mule
- ass
- camel
- deer
- goat
- pig

Wandering cattle is not a major issue of the City of Marion, but can occur mainly in the southern area of the City of Marion where there are farms and hobby farms.

8.3 Horses

The issue of horses on roads and footpaths is dealt with by SAPOL (South Australia Police) under the South Australian Road Traffic Act.

The City of Marion's Environmental Health Officers have developed a "Horse Keeping Code of Practice" (the Code of Practice) in cooperation with the South Australian Jockey Club, the South Australian Trainers Association and local stable owners and horse trainers.

The Code of Practice is designed for the use of the horse keeping industry, residents and government and the intention is to provide an easy to use tool that increases understanding of the requirements and responsibilities of stable management, in order to comply with legislation. The aim is to reduce the impact of metropolitan horse keeping on the immediate surrounds and environment.

The Code of Practice covers such issues as:

- Stables and their surrounds
- Yards and Activities
- Feed sheds/Storage sheds
- Wastewater and stormwater management
- Environmental Health Issues

Included within the Code of Practice are details of how to manage manure on a footpath or in a public place. All manure that has been discharged onto the road, footpath, verge or beach should be collected immediately, or if the accompanying person is alone, after the horse is secure.

The City of Marion's Environmental Health Officers regularly inspect the stables at the Morphettville Racecourse and in Morphettville, to ensure activities are in keeping with the Code of Practice. Where there are complaints of horse manure in public, the Environmental Health Officers deal with this under the Horse Keeping Code of Practice and/or the Public and Environmental Health Act.

8.4 Native birds and native animals

All native mammals, birds and reptiles are protected throughout South Australia under the National Parks and Wildlife Act, 1972 (excluding unprotected species listed in Schedule 10 of that Act). That Act is administered by the Department of Environment and Natural Resources. Landholders can obtain a permit to destroy protected native animals that are causing environmental or economic damage to property or land or where there is a risk to public safety. There is an assessment process regarding the issuing of permits.

A permit is also required to destroy unprotected native birds and animals, where the destruction involves trapping and gassing. A permit is not required if destruction involves shooting. Shooting, however, is not permitted in a metropolitan area such as the City of Marion.

A permit must be obtained prior to trapping possums. A permit is required to place a possum trap in a roof space to capture and remove a possum and the trapped possum must be released within 24 hours of capture. A permit to trap and destroy possums may only be granted if the applicant has tried all other means of resolving the issue. Pest controllers providing a possum removal service require a permit to trap and release possums which grants approval for a pest controller to trap and release possums on behalf of a resident.

8.5 Rescue of Injured Birds and Animals

Should a native bird or animal be found injured there are agencies that will attend and assist. They are:

- Fauna Rescue of South Australia Inc. is South Australia's largest wildlife organisation caring for our sick, injured and orphaned wildlife.
<http://www.faunarescue.org.au/home.htm>
- Native Animal Network Inc rescue:
http://www.ntwc.org.au/html/carer-groups.htm#South_Australia_

8.6 Koalas

Koalas are wild animals that occur naturally within the metropolitan area. Any issues relating to Koalas are dealt with by the Department of Environment and Natural Resources who can be contacted if a koala is sick, orphaned or endangering human life.

The Department of Environment and Natural Resources currently have a duty Officer stationed at the Southern Lofty District office or residents can also contact Cleland Wildlife Park.

Additionally there is a Koala Hotline available that can be contacted for advice.

8.7 Foxes

There is no clear legal approach for the destruction of foxes within the metropolitan area. Private contractors are available to eradicate foxes where the actual location of the den is known.

8.8 Snakes

The City of Marion's Animal Management Officers are not authorised to deal with snakes in the council area. It is recommended that residents contact a professional snake catching service and monitor where the snake travels while waiting for that professional service to respond so that the snake can be captured and relocated.

It is very important to remain a safe distance from the snake.

Where a snake is on Council land contact the Customer Service Centre on 8375 6600 during business hours and 8375 6666 afterhours.

8.7 European Wasps

The City of Marion's Animal Management Officers do not handle the relocation or eradication of European Wasps as they are dangerous and require a professional service to deal with them.

Where the European Wasp nest is located on private property contact the European Wasp Hotline and provide the location of the nest, so the nest can be removed at no cost to the resident.

Where the nest is on Council land contact the Customer Service Centre on 8375 6600 during business hours or contact the European Wasp Hotline.

9. Implementation of the Animal Management Plan

The Animal Management Plan will be implemented for a five-year period, commencing in 2012.

At the completion of the five-year period, the effectiveness and relevance of this Animal Management Plan will be reviewed.

Further Animal Management Plans, each covering a five year period, will be developed, in accordance with Section 26A of the Dog and Cat Management Act.

10. The Law

State legislation and Council By-laws directly impact this Animal Management Plan. The key piece of legislation is the Dog and Cat Management Act 1995 and the Local Government Act 1999 (SA) is also relevant.

The Dog and Cat Management Act 1995 (as amended).

The City of Marion has responsibilities for dog and cat management within the boundaries of the City of Marion, under the Dog and Cat Management Act 1995 (as

amended). This includes administering and enforcing the provisions of the Act relating to dogs. Prescribed responsibilities include:

- The appointment of a Registrar of Dogs
- Maintenance of a Dog Register
- The appointment of a dog management officer
- Making arrangements for dogs that are seized

10.1 Objectives of the Act

Section 3 of the Dog and Cat Management Act 1995 (as amended) states the objectives of the Act. These are:

- (a) to encourage responsible dog and cat ownership;
- (b) to reduce public and environmental nuisance caused by dogs and cats;
- (c) to promote the effective management of dogs and cats (including through encouragement of desexing dogs and cats).

10.2 Council responsibility for the management of dogs.

Section 26 of the Dog and Cat Management Act sets out the responsibilities of councils within South Australia. These are:

- (1) Each Council is required to administer and enforce the provisions of this Act relating to dogs within its area and for that purpose must:
 - (a) maintain a register of dogs containing the information required by the Board (which may be kept in the form of a computer record) that is to be readily available for public inspection; and
 - (ab) ensure that the Board is provided with information contained in the register as required by the Board from time to time; and
 - (b) appoint a suitable person to be Registrar; and
 - (c) make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and
 - (d) appoint at least one full time animal management officer or make other satisfactory arrangements for the exercise of the functions and powers of dog management officers; and
 - (e) make satisfactory arrangements for the detention of dogs seized under this Act; and
 - (f) make satisfactory arrangements for fulfilling other obligations under this Act.
- (2) The arrangements made by a Council under this section must be satisfactory to the Board.
- (3) Money received by a Council under this Act must be expended in the administration and enforcement of the provisions of this Act relating to dogs.

- (4) Each council must keep separate accounts of money received under this Act and of money expended in the administration and enforcement of the provisions of this Act relating to dogs.
- (5) A Council must pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.
- (6) Councils may charge –
 - (a) fees for the provision of extracts from registers kept under this Act; and
 - (b) fees (which may be differential) approved by the Minister –
 - (i) for the registration of dogs or businesses under Part 5; and
 - (ii) for late payment of registration fees; and
 - (iii) for meeting any other requirement imposed on councils under this Act.
- (7) Without limiting the matters that may be taken into account when setting fees to be approved by the Minister, councils must provide for a percentage rebate of the fee that would otherwise be charged for the registration of a dog in the following cases:
 - (a) if the dog is desexed;
 - (b) if,
 - (i) the dog has been implanted with a microchip for the purposes of identification; and
 - (ii) the information contained in the microchip is up-to-date;
 - (c) if the dog has passed a specified training program accredited by the Board,

(and, if more than one rebate applies in respect of a particular dog, the rebates are to be aggregated and deducted from the registration fee that would otherwise be charged).

10.3 Prescribed breeds

There are a number of “Prescribed Breeds” of dogs. It is not unlawful to own a prescribed breed of dog, but special conditions apply to the keeping of a prescribed breed dog. Section 45B of the Dog and Cat Management Act sets out specific duties relating to dogs of a prescribed breed. These include:

- (1) A person who owns or is responsible for the control of a dog of a prescribed breed is guilty of an offence if, while not effectively confined to premises of which that person is the occupier, the dog—
 - (a) does not have a muzzle securely fixed on its mouth so as to prevent it from biting any person or animal; or
 - (b) is not under the effective control of a person by means of physical restraint.

(2) A person who owns or is responsible for the control of a dog of a prescribed breed is guilty of an offence if the dog is not desexed.

(3) It is a defence to a charge of an offence against subsection (2) if it is proved that the defendant believed on reasonable grounds that the dog was desexed.

(4) A person who sells or gives away, or advertises for sale or to give away, a dog of a prescribed breed is guilty of an offence.

The current Prescribed Breeds at the time of the printing of this Plan are:

- American Pit Bull Terrier
Fila Brasileiro
Japanese Tosa
Dog Argentinia
Presa Canario

New breeds of dogs may be added to this list by the Dog and Cat Management Board.

10.4 Greyhounds

Section 45C of the Dog and Cat Management Act sets out specific duties relating to greyhounds.

Greyhounds must remain muzzled and controlled on a leash when being exercised in a public place. Only those Greyhounds that are accredited by the Board, or those that have been delegated by the Board, will be allowed off-leash in a public area such as an off-leash park.

10.5 Exemptions

The above does not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or to the driver of an emergency vehicle when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules 1999.

10.6 Plans of management relating to dogs and cats

Section 26A of the Dog and Cat Management Act states:

- (1) Each council must, in accordance with this section, prepare a plan relating to the management of dogs and cats within its area.
- (2) A plan of management must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited.
- (3) A plan of management must be prepared and presented to the Board as follows:
 - (a) the first plan must cover a 5 year period and be prepared and presented within 3 years after the commencement of this section;
 - (b) subsequent plans must cover subsequent 5 year periods and

each plan must be prepared and presented at least 6 months before it is to take effect.

- (4) A plan of management must be approved by the Board before it takes effect.
- (5) A council may, with the approval of the Board, amend a plan of management at any time during the course of the 5 year period covered by the plan.

10.7 Key aspects of the Dog And Cat Management Act

General offences

Pursuant to a number of sections of the Dog And Cat Management Act, dogs are not allowed to:

- Wander at large.
- Attack, harass or chase a person or an animal or bird owned by or in charge of another person, (whether or not actual injury is caused).
- Cause injury to a person lawfully entering premises.
- Enter the grounds of a school, kindergarten, child care or preschool centre, except with the permission of the person in charge.
- Enter any shop unless it is a pet shop, grooming parlour or premises associated with a registered veterinary surgery (unless the dog is a Guide Dog).
- Rush at or chase vehicles in public places.
- Enter places where food or drink is prepared or sold.
- Cause nuisance, in particular barking nuisance.

The person who owns or is responsible for the dog in question, is responsible for the above.

10.8 Seizure of dog

Council's Animal Management Officers have powers to seize and detain dogs under the following circumstances:

- Where the dog is wandering at large in private or public places.
- To prevent a dog attacking, harassing or chasing a person or an animal or bird.
- Where dog is unduly dangerous.
- To carry out an Order.

Council's Animal Management Officers have the power to subdue a dog by any means necessary, which cannot be seized or detained because of its savagery or other sufficient cause.

10.9 Orders

Councils may issue Control Orders or Destruction Orders in certain circumstances whether on the Council's own initiative or on complaint.

10.10 Legal age to register a dog.

A person must be 16 years of age to lawfully register a dog.

10.11 Dogs must be registered and identified

Every dog three months of age or older must be registered and wear a collar with a registration disc attached. Registration expires on 30 June each year and must be renewed by 31 August in the same year.

10.12 Concessions for dog registration

There are a range of concessions to the full dog registration fee including for dogs that are desexed, microchipped, trained and for concession card holders.

10.13 Guide Dogs and Hearing Dogs

Any application received for guide dog and hearing dog status will require proof to Council in the first instance. In the event that Council is not satisfied with such proof the dog owner is to be referred to the Dog and Cat Management Board for assessment and accreditation eligibility. Guide dogs and hearing dogs are eligible for free dog registration.

10.14 Disability dogs

A dog will be eligible for free dog registration as a disability dog subject to meeting conditions set down by the Board and receiving appropriate accreditation prior to endorsement by Council's Registrar of Dogs.

10.15 Dogs on leads

All dogs must be on leads (no longer than 2 metres in length) in streets, roads and all public places (except parks unless otherwise specified by Council). In a park, a dog must be "under effective control".

10.16 Effective Control

Under the Dog and Cat Management Act, a dog must be on a leash in a public place, except for a park. In a park, the dog must be under the "effective control" of the handler, either by means of a physical restraint (ie a chain, cord or leash that does not exceed 2 metres in length) or the dog being in close proximity to the handler who is able to see the dog at all times, and the dog returns to the handler upon command.

10.17 Report of dog attacks by Medical Practitioners

The Dog And Cat Management Act requires the mandatory reporting of certain injuries resulting from dog attacks by Medical Practitioners to the Dog And Cat Management Board.

10.18 Dogs on utes and tray top vehicles

Dogs traveling in the back of utilities, trucks or similar vehicles, are required to be harnessed so that no part of the dog can extend itself beyond the tray of the vehicle. "Working dogs" are exempt from this, under certain conditions.

10.19 Relevant City Of Marion By-laws

10.19A Dogs

By virtue of the Dog and Cat Management Act, the City of Marion is able to make By-laws relating to the management of dogs within the council area.

Section 90 (1) of the existing Act reads as follows:-

- (1) A district or municipal council may make by-laws for the control or management of dogs or cats within its area.

The key Council By-Law is the City of Marion "By-law No. 4 - Dogs", but the City of Marion's By-law No. 3 - Government Land and By-law No. 5 - Streets and Roads, are also relevant.

By-Law No. 3 – Local Government Land

Section 2 (25) of By-law No. 3 deals with "Animals on Local Government Land".

Under Section 2 (25) A person must not do any of the following on any Local Government land, without permission of council:

2.25.1 ride, lead or drive any horse, cattle or sheep, except on any street, road or car park or where the Council has set aside a track or other area for the use by or in connection with an animal of that kind in accordance with paragraph 5;

2.25.2 allow or suffer any animal under his or her control to swim or bathe in the sea or any open public water to the inconvenience, annoyance or danger of any other person bathing or swimming;

2.25.3 being the person responsible for an animal, fail to ensure that the animal causes no damage to any Council property.

The above does not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or to the driver of an emergency vehicle when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules 1999.

By-law No. 4 - Dogs.

For limiting the number of dogs that can be kept on premises, and to provide for control of dogs on local government land.

Definitions

1. In this by-law –

1.2 "children's playground" means any enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);

1.5 "Local Government land" has the same meaning as in the Local Government Act 1999;

Under the Local Government Act 1999: "local government land" means land owned by a council or under a council's care, control and management;

1.6 “small property” means a property involving any self-contained dwelling where the property or part thereof (i.e. flat, home unit etc) contains a secured unobstructed yard area of less than 100 square metres.

Dogs

2. No person shall:

- 2.1 allow any dog other than a guide dog, hearing dog or accredited disability dog to be in any children’s playground; or
- 2.2 allow any unleashed dog within 3 metres of any unfenced children’s play equipment.

Dog free areas

3. No person shall in a place which is identified by the Council as a dog free area in accordance with paragraph 8 cause, suffer or permit any dog under that person’s control charge or authority to be or remain in that place.

Dog on leash areas

4. No person shall:

- 4.1 in a place which is identified by the Council as a dog on-leash area in accordance with paragraph 8, cause, suffer or permit any dog under that person’s control, charge or authority to be or remain in that place unless such dog is restrained by a strong leash not exceeding two metres in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons;
- 4.2 allow any dog to be unleashed on any ground where there is organised sport, during those times when organised sport is being played.

Dog exercise areas

5.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 8 for the purpose of exercising a dog under his or her control.

5.2 Where a person enters upon such part of local government land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control while on that land.

Limit on dog numbers

6.1 The limit on the number of dogs kept –

- 6.1.1 in a small property shall be one (1) dog;
- 6.1.2 in premises other than a small property where a dog can be effectively contained the limit shall be two (2) dogs;
- 6.1.3 no dogs shall be kept on any property where in the opinion of a Dog Management Officer, there is no secure or appropriate area where a dog may be effectively contained.

6.2 No person shall, without obtaining the written permission of Council, keep any dog on any premises where the number of dogs being kept on those premises exceeds the limit unless the premises are an approved kennel establishment.

Dog faeces

7. No person shall on local government land or on any road, street or footpath while walking or in charge of a dog, fail to carry a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog generates while on council land or the road.

Application

8. Any of paragraphs 3, 4 and 5 of this By-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the Local Government Act 1999 and as are denoted by signs erected by the Council and information provided to the public in a manner determined by the Council's Chief Executive Officer.

By-law No. 5 – Streets and Roads

Section 1.6 of By-law No 5 deals with "Animals on streets and roads.

Activities requiring permission

1. A person must not do any of the following on any street or road, without the permission of the Council:

Animals

1.6 ride, lead or drive any horse, cattle or sheep, except on any street, road or car park or where the Council has set aside a track or other area for the use by or in connection with an animal of that kind in accordance with paragraph 3;

Application

3. Paragraph 1.6 of this By-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the Local Government Act 1999.

Exemptions

2. The restrictions in this By-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the council and while acting under the supervision of a Council Officer, or to the driver of an emergency worker when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules.

Penalties

9. A person who breaches this By-law may incur penalties as outlined in By-law No. 1. The foregoing By-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the 22nd day of July 2008 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

10.19B Cats

By-law No. 6 – Cats

For the control and management of cats.

1. Definitions

In this By-Law:

- 1.1 "Cat Management Officer" means a person appointed pursuant to section 68 of the Dog and Cat Management Act 1995;
- 1.2 "Cattery" means a building, structure, premises or area approved by the relevant authority pursuant to the Development Act 1993 for the keeping of cats on a temporary or permanent basis;
- 1.3 "cat" means an animal of the species "Felis catus" over 3 months of age;
- 1.4 "keep" includes the provision of food or shelter; and
- 1.5 "premises" includes:
 - 1.5.1 land;
 - 1.5.2 a part of any premises or land.

2. Limit on cat numbers

- 2.1 Subject to clauses 2.3 and 2.4, the limit on the number of cats to be kept on any premises shall be two.
- 2.2 No person shall without permission given in writing by the Council keep a cat on any premises where the number of cats being kept on those premises exceeds the limit.
- 2.3 Permission under clause 2.2 may be given if the Council is satisfied that:
 - 2.3.1 no insanitary condition exists on the premises as a result of the keeping of cats; and
 - 2.3.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises.
- 2.4 Clause 2.1 does not apply to a cattery in respect of which a development authorisation is in force pursuant to the Development Act 1993.

3. Desexing of Cats

- 3.1 No person shall without permission keep a cat in the Council area unless the cat is desexed.

4. Notices

- 4.1 The Council may serve notice on the occupier of premises or the owner of a cat requiring action to be taken to ensure compliance with this By-law.
- 4.2 The person to whom notice is given shall comply.
- 4.3 If the person to whom notice was given does not comply, the Council may carry out the terms of the notice and recover the costs of so doing from that person.

5. Penalties

A person who breaches this By-law may incur penalties as outlined in By-law No. 1. The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the 22nd day of July 2008 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.