CITY OF MARION

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

CATS BY-LAW 2014

By-law No. 6 of 2014

For the management and control of cats within the Council's area.

Part 1 – Preliminary

1. **Short Title**

    This by-law may be cited as the *Cats By-law 2014*.

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 **cat management officer** means a person appointed pursuant to Section 68 of the *Dog and Cat Management Act 1995*;

    3.2 **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;

    3.3 **cat** means an animal of the species '*Felis catus*' over 4 months of age;

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

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

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

    3.7 **premises** includes:

        3.7.1 land;

        3.7.2 a part of any premises or land.

Part 2 – Cat Management and Control

4. **Limit on Cat Numbers**

    4.1   Subject to subparagraphs 4.3 and 4.4, the limit on the number of cats to be kept on any premises is two.

    4.2   A person must not, without permission, keep a cat on any premises where the number of cats being kept on those premises exceeds the limit.

    4.3   Permission under subparagraph 4.2 may be given if the Council is satisfied that:

        4.3.1   no insanitary condition exists on the premises as a result of the keeping of cats; and

        4.3.2   a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises.

    4.4   Subparagraph 4.1 does not apply to a cattery in respect of which a development authorisation is in force pursuant to the *Development Act 1993*.

5. **Cat Free Areas**

A person must not on any local government land to which this paragraph applies allow a cat in that person's control to be in, or remain in that place.

6. **Desexing of Cats**

    6.1   A person must not, without permission, keep a cat unless the cat is desexed.

    6.2   The Council may grant permission under subparagraph 6.1 if the person satisfies the Council (through the provision of a report from a registered veterinarian) that the desexing of the cat would jeopardise the health of the cat, or for any other legitimate reason.

7. **Requirement to Microchip Cat**

A person must not, without permission, keep a cat in the area of the Council unless the cat is microchipped.

Part 3 – Miscellaneous

8. **Notices**

    8.1   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.

    8.2   The person to whom notice is given must comply with the notice.

    8.3   If the person to whom notice was given does not comply with the notice, a cat management officer of the Council may carry out the terms of the notice and recover the costs of so doing from that person.

9.   **Application**

      Paragraph 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.

10.   **Revocation**

      Council's *By-law No. 6 – Cats*, published in the *Gazette* on 31 July 2008, 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 Corporation of the City of Marion held on the   26   day of   August 2014 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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Mr Mark Searle
Chief Executive Officer