



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

CATS BY-LAW 2019

By-law No. 6 of 2019

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 2019*.

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

3.1 In this by-law:

3.1.1 **authorised person** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.1.2 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;

3.1.3 **cat** means an animal of the species *Felis catus* over 3 months of age;

3.1.4 **effective control by means of physical restraint** means:

3.1.4.1 the person is exercising effective control of the cat by means of a chain, cord or leash that does not exceed 2 metres in length restraining the cat;

3.1.4.2 the person has effectively secured the cat:

(a) by placing it in a cage, vehicle or other object or structure; or

(b) by tethering it to a fixed object by means of a chain, cord or leash that does not exceed 2 metres in length;

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

- 3.1.6 **premises** includes:
- 3.1.6.1 land;
 - 3.1.6.2 a part of any premises or land;
- 3.1.7 **prescribed premises** means:
- 3.1.7.1 a cattery;
 - 3.1.7.2 a veterinary practice;
 - 3.1.7.3 a pet shop; or
 - 3.1.7.4 any premises for which the Council has granted an exemption;
- 3.1.8 **public notice** has the same meaning as in Section 4(1aa) of the *Local Government Act 1999*;
- 3.1.9 **responsible for the control** means a person who has possession or control of the cat;
- 3.1.10 **wander at large** means the cat is in a public place or a private place without the consent of the occupier, and no person is exercising effective control of the cat by means of physical restraint.
- 3.2 For the purposes of this by-law:
- 3.2.1 the **prescribed limit**, in respect of the number of cats to be kept on premises, is two cats;
 - 3.2.2 the **prescribed manner** in which a cat is to be identified at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier is by means of a collar around its neck to which a tag is attached legibly setting out:
 - 3.2.2.1 the name of the owner of the cat, or of a person entitled to possession of the cat; and
 - 3.2.2.2 either:
 - (a) the address of the owner or other person; or
 - (b) the telephone number of the owner or other person.

Part 2 – Registration and Identification of Cats

4. Cats Must be Registered

- 4.1 Every cat must be registered under this by-law.
- 4.2 If a cat is unregistered, any person who owns or is responsible for the control of the cat is guilty of an offence.

- 4.3 If a person is guilty of an offence by reason of a cat being unregistered, the person is guilty of a continuing offence for each day that the cat remains unregistered.
- 4.4 A person is not guilty of an offence by reason of the fact that the cat is unregistered if:
- 4.4.1 less than 14 days has elapsed since the person first owned or became responsible for the control of the cat; or
 - 4.4.2 the cat:
 - 4.4.2.1 is travelling with the person; and
 - 4.4.2.2 is not usually kept within the area of the Council; or
 - 4.4.3 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises.
- 5. Registration Procedure for Cats**
- 5.1 An application for registration of a cat must:
- 5.1.1 be made to the Council in the manner and form approved by the Council; and
 - 5.1.2 nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and
 - 5.1.3 nominate, with reference to an address of premises, the place at which the cat will usually be kept; and
 - 5.1.4 include the unique identification number assigned to the microchip implanted in the cat; and
 - 5.1.5 be accompanied by the registration fee and, if applicable, any late payment fee set by resolution of the Council for the cat.
- 5.2 Subject to subparagraph 5.3, on application and payment of the registration fee and any fee for late payment of the registration fee, the Council must register the cat in the name of the person nominated and issue to that person a certificate of registration in the form approved by Council.
- 5.3 The Council may refuse to register a cat under this by-law if:
- 5.3.1 the number of cats kept or proposed to be kept at premises exceeds the prescribed limit;
 - 5.3.2 keeping a cat at the proposed premises would be contrary to any Act, Regulation or By-law.
- 5.4 A cat registered in the name of a particular person must, on application to the Council, be registered in the name of some other person who is of or over 16 years of age and consents to the cat being registered in his or her name.

6. Duration and Renewal of Registration

- 6.1 Registration under this by-law remains in force until 30 June next ensuing after registration was granted and may be renewed from time to time for further periods of 12 months.
- 6.2 If an application for renewal of registration is made before 31 August of the year in which the registration expired, the renewal operates retrospectively from the date of expiry.

7. Accuracy of Records

- 7.1 The person in whose name a cat is individually registered must inform the Council as soon as practicable after any of the following occurs:
- 7.1.1 the cat is removed from the place recorded in the register as the place at which the cat is usually kept with the intention that it will be usually kept at some other place (whether in the area of the Council, in a different Council area or outside the State);
 - 7.1.2 the cat dies;
 - 7.1.3 the cat has been missing for more than 72 hours;
 - 7.1.4 the residential address or telephone number of the owner of the cat change;
 - 7.1.5 the ownership of the cat is transferred to another person.
- 7.2 Information given to the Council under this paragraph must include such details as may be reasonably required for the purposes of ensuring the accuracy of records kept under the *Dog and Cat Management Act 1995* and this by-law.
- 7.3 If ownership of a cat is transferred from the person in whose name the cat is individually registered, the person must give to the new owner the certificate of registration last issued in respect of the cat.

8. Identification of Cats

- 8.1 Every cat must be identified in the prescribed manner at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier.
- 8.2 If a cat is not identified in the prescribed manner required by paragraph 8.1 any person who owns or is responsible for the control of the cat is guilty of an offence.
- 8.3 A person is not guilty of an offence by reason of the fact that the cat is not identified in the prescribed manner if:
- 8.3.1 the cat:
 - 8.3.1.1 is travelling with the person; and

- 8.3.1.2 is not usually kept within the area of the Council; or
- 8.3.2 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises; or
- 8.3.3 the Council has granted the owner of the cat an exemption from the requirements of this paragraph or an extension of time within which to comply with the requirements.

Part 3 – Cat Management and Control

9. Cats not to Wander at Large

- 9.1 A person who owns or is responsible for the control of a cat must not allow the cat to wander at large.
- 9.2 A person is not guilty of an offence by reason of the fact that a cat is wandering at large if the cat is wandering at large:
 - 9.2.1 before the designed day;
 - 9.2.2 within a designated span of hours;
 - 9.2.3 within a designated area.
- 9.3 In this paragraph:
 - 9.3.1 **designed day** means the day determined by the Council, by resolution for the purposes of the commencement of the requirements of this paragraph;
 - 9.3.2 **designated span of hours** means the span or spans of hours determined by the Council, by resolution, when the requirements of this paragraph will not apply;
 - 9.3.3 **designated area** means a part or parts of the Council that the Council may, by resolution, determine that the requirements of this paragraph will not apply.

10. Cats not to be a Nuisance

- 10.1 A person who owns or is responsible for the control of a cat must not allow the cat to cause a nuisance.
- 10.2 In this paragraph, a cat causes a nuisance if the cat, alone or together with other cats:
 - 10.2.1 creates or is responsible for noise; or
 - 10.2.2 creates or is responsible for odour,which persistently occurs or continues to such a degree that it unreasonably interferes with the peace, comfort and convenience of a person.

11. Limit on Cat Numbers

- 11.1 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the prescribed limit.
- 11.2 Permission under this paragraph may be given if the Council is satisfied that:
- 11.2.1 no insanitary condition exists on the premises as a result of the keeping of cats;
 - 11.2.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises; and
 - 11.2.3 all cats kept on the premises are desexed in accordance with any requirements of the *Dog and Cat Management Act 1995*.
- 11.3 The prescribed limit does not apply to prescribed premises.

12. Seizure, Detention and Destruction of Cats

- 12.1 An authorised person may seize and detain a cat if the cat is wandering at large in circumstances that would constitute an offence against this by-law.
- 12.2 If an unidentified cat is seized under this paragraph, it may be lawfully disposed of, destroyed or injured by the authorised person.
- 12.3 If an identified cat is seized under this paragraph:
- 12.3.1 the provisions of Section 61(1)-(3) of the *Dog and Cat Management Act 1995* apply to the cat as if it were a dog seized under Section 60 of the *Dog and Cat Management Act 1995*; and
 - 12.3.2 the cat may be destroyed or otherwise disposed of by an authorised person if:
 - 12.3.2.1 the cat is not claimed by a person entitled to the return of the cat within 72 hours from when notice of its detention is given under this by-law;
 - 12.3.2.2 a person who owns the cat declines to take possession of the cat; or
 - 12.3.2.3 all fees incurred by the Council in seizing and detaining the cat are not paid within 7 days after a request for payment.
- 12.4 Despite any other provision of this by-law, an authorised person may cause a cat detained under this by-law to be destroyed if the circumstances in Section 62(3) of the *Dog and Cat Management Act 1995* arise with respect to the cat, as if it were a dog detained under Section 60 of the *Dog and Cat Management Act 1995*.

Part 3 – Miscellaneous

13. Requirement to Publish Determinations

If the Council makes a determination under paragraph 9 of this by-law, the Council must give public notice of the making of that determination.

The foregoing by-law was duly made and passed at a meeting of the Town of Gawler held on the _____ day of _____ 2019 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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Henry Inat
Chief Executive Officer

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