



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

## **DOGS BY-LAW 2019**

### **By-law No. 5 of 2019**

*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 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**

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 enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 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*;
- 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 **small premises** means a self-contained residence that is:
- 3.13.1 a residential flat building;
  - 3.13.2 contained in a separate strata unit;
  - 3.13.3 on an allotment less than 600 square metres in area; or
  - 3.13.4 without a secure yard of at least 100 square metres in area;
- 3.14 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland;
- 3.15 **working livestock dog** means a dog:
- 3.15.1 usually kept, proposed to be kept or worked on rural land by a person who is:
    - 3.15.1.1 a primary producer; or
    - 3.15.1.2 engaged or employed by a primary producer; and
  - 3.15.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

## 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 paragraph applies; or

4.2.2 children's playground.

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 paragraph applies;

5.2.2 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

6.2.2 local government land 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 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.

7.2 Subject to subparagraph 7.3, the **prescribed limit** on the number of dogs to be kept on premises:

7.2.1 constituting a small premises is one dog;

7.2.2 within a township on premises other than a small premises is two dogs;

- 7.2.3 outside a township on premises other than a small premises is three dogs.
- 7.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
  - 7.3.1 any dog that is under three months of age; and
  - 7.3.2 up to two working livestock dogs kept on premises outside a township.
- 7.4 The prescribed limit does not apply to:
  - 7.4.1 an approved kennel establishment;
  - 7.4.2 a veterinary practice;
  - 7.4.3 a pet shop;
  - 7.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
  - 7.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

### **Part 3 – Miscellaneous**

#### **8. Dog Faeces**

A person must not allow a dog under that person's control to be in a public place or on local government land unless the person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit.

#### **9. Application**

- 9.1 The Council may from time to time, by resolution, identify local government land as a dog off leash area in accordance with subparagraph 6.2.2 of this by-law.
- 9.2 Any of paragraphs 4 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*.
- 9.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
  - 9.3.1 the area is denoted by signs erected by the Council; and
  - 9.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

**10. Revocation**

Council's *By-law No. 5 – Dogs*, published in the *Gazette* on 13 September 2012, 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 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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