

THE BERRI BARMERA COUNCIL

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

By-Law No. 6 – Cats

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

1. Definitions

In this by-law unless the contrary intention appears:

- 1.1 **authorised person** means a person appointed as such pursuant to Section 260 of the *Local Government Act 1999*;
- 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 except for the purposes of clauses 4 and 5, **cat**, means an animal of the species '*Felis catus*' that is over 3 months of age;
- 1.4 **Council** means the Berri Barmera Council;
- 1.5 **keep** includes the provision of food or shelter; and
- 1.6 for the purposes of clause 4, a cat (or cats) causes a **nuisance** if it:
 - 1.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour; or
 - 1.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or
 - 1.6.3 acts in a manner that is injurious to a person's real or personal property; or
 - 1.6.4 wanders onto land without the consent of the owner or occupier of that land; or
 - 1.6.5 defecates or urinates on land without the consent of the owner or occupier of that land; and
- 1.7 **premises** includes any land (whether or not it is used or occupied for domestic or non-domestic purposes) and any part of the land.

2. Limit on Cat Numbers

- 2.1 Subject to subclauses 2.3 - 2.5, the limit on the number of cats to be kept on any premises is two.
- 2.2 Subject to subclauses 2.3 - 2.5 (inclusive), a person must not without permission from the Council keep or cause, suffer or permit to be kept, more than two cats on any premises.
- 2.3 Permission under subclause 2.2 may be given if an authorised person is satisfied that:
 - 2.3.1 no insanitary condition exists on the premises as a result of cats being kept thereon; and
 - 2.3.2 a nuisance is not caused to any neighbour as a result of cats being kept on the premises.
- 2.4 The limit in subclause 2.1 and subclause 2.2 do not apply to:
 - 2.4.1 a cattery; or
 - 2.4.2 any other business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 2.5 The limit in subclause 2.1 and the requirement in subclause 2.2 do not apply to those cats being kept on premises on the date that this by-law comes into effect, however, the limit does apply if the number of cats kept on those premises increases after that date.

3. Registration

- 3.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 3.2 The requirement in subclause 3.1 of this by-law will commence 6 months after the date that the Council resolves to adopt a registration scheme for cats (if it chooses to do so) unless the Council resolves otherwise.
- 3.3 An application for registration of a cat:
 - 3.3.1 must be made to the Council in the manner and form (if any) and accompanied by the fee (if any) as prescribed by the Council; and
 - 3.3.2 must nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and
 - 3.3.3 must identify, with reference to an address, the premises at which the cat is kept.
- 3.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 3.5 This clause 3 does not apply to the owner or operator of a cattery.

4. Cats not to be a nuisance

- 4.1 An owner or occupier of premises is guilty of an offence under this By-law if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 4.2 Without limiting liability under clause 4.1, the owner or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 4.3 For the purposes of this clause 4, **cat** means an animal of the species *felis catus* (of any age).

5. Effective Containment of Cats

- 5.1 The owner or person responsible for the control of a cat must ensure that the cat is contained on the premises occupied by that person between the hours of 10pm and 6am daily.
- 5.2 For the purposes of this clause 5, **cat** means an animal of the species *felis catus* (of any age).

6. Orders

- 6.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 6.1.1 if the conduct is still continuing – to stop the conduct; and
- 6.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 6.2 A person to whom an order under this clause is directed must comply with that order.
- 6.3 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 seek to recover its costs of any action so taken from the person to whom the order was directed.
- 6.4 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 Berri Barmerra Council held on 27 March 2018 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 David Beaton
Chief Executive Officer