

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

**The Flinders Ranges Council**

**By-law No 6 – Cats 2014**

*A by-law to limit the number of cats kept on premises and for the management and control of cats in the Council area, including by way of establishing a registration scheme for cats;*

and do certify that in my opinion:

The Flinders Ranges Council

has the power to make the by-law by virtue of the following statutory provisions:

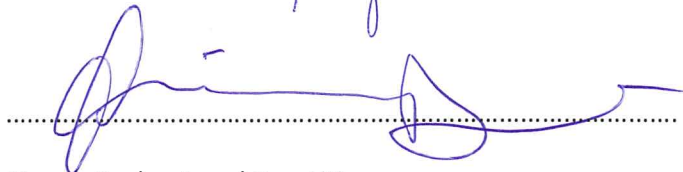
*Local Government Act 1999*: sections 238, 246(1)(a), 246(3)(a), 246(3)(c) and 246(3)(e);  
and

*Dog and Cat Management 1995*: section 90; and

*Local Government Act 1934*: section 667(1) 4.1 and 9.XVI;

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 6 day of May 2014



Cimon Burke, Legal Practitioner



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**THE FLINDERS RANGES COUNCIL**

**CATS BY-LAW 2014**

**By-law No. 6 of 2014**

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

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**PART 1 – PRELIMINARY**

**1. Title**

This By-law may be cited as the *Cats By-law 2014* and is By-law No. 6 of The Flinders Ranges Council.

**2. Authorising law**

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, section 246 of the Act and sections 667(1), 4.I and 9.XVI of the *Local Government Act 1934*.

**3. Purpose**

The objects of this By-law are to control and manage cats in the Council area:

- 3.1. to promote responsible cat ownership;
- 3.2. to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3. to protect the comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council area.

**4. Commencement, revocation and expiry**

- 4.1. This By-law will expire on 1 January 2022.<sup>1</sup>

**Note-**

1. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2014*.
- 5.2. This By-law applies throughout the Council area.

**6. Interpretation**

In this By-law, unless the contrary intention appears;

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **approved cattery** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of cats on a temporary or permanent basis;
- 6.3. **cat** means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.4. **Council** means The Flinders Ranges Council;
- 6.5. **identified cat** means a cat that has:



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- 6.5.1 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
- 6.5.2 has the letter M tattooed on the inside of either of its ears.
- 6.6. **keep** includes the provision of food or shelter;
- 6.7. **nuisance** means:
- 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person;
- 6.7.2 injurious to a person's real or personal property; or
- 6.7.3 obnoxious, offensive or hazardous to health;
- 6.8. **premises** includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

**Note-**

Section 14 of the *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

**PART 2 – LIMITS ON CAT NUMBERS & CAT CONTROLS**

**7. Limits on cat numbers**

- 7.1. Subject to clause 7.2, a person must not, without the Council's permission, keep in any premises more than 2 cats.
- 7.2. Clause 7.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

**8. Cats to be identified by way of microchip**

- 8.1. Subject to clause 8.2, a person must not, without the Council's permission, keep in any premises a cat unless the cat is an identified cat.
- 8.2. Clause 8.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

**9. Cats to be Desexed**

- 9.1. Subject to clause 9.2 and 9.3, a person must not, without the Council's permission, keep in any premises a cat over the age of 5 months as determined by the presence of fully emerged adult teeth unless the cat is desexed.
- 9.2. Clause 9.1 does not apply in respect of cats owned by a person who carries on a business as a cat breeder provided that the person is lawfully operating such business in accordance with all relevant approvals and any conditions reasonably imposed by the Council.
- 9.3. The Council may grant permission for a cat that is not desexed and is over the age of 5 months to be kept at a premises where it is satisfied, having regard to advice is writing from a veterinary practitioner, that the cat cannot be desexed due to medical reasons.

## 10. Cats not to be a nuisance

- 10.1. An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance by reason of:
- 10.1.1 noise or odour created by the cat or cats; or
  - 10.1.2 wandering from the premises; or
  - 10.1.3 the aggressive nature of the cat or cats.
- 10.2. For the safety of both the cat and the environment, a person that owns or is responsible for the control of a cat must ensure that the cat is effectively confined to the premises occupied by that person between the hours of 9:00pm and 7:00am.
- 10.3. For the purposes of clause 10.1 and 10.2 'cat' means an animal of the species *felis catus*.

## 11. Registration of cats

- 11.1. 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.
- 11.2. An application for registration of a cat must:
- 11.2.1 be made to the Council in the manner and form prescribed by Council (if any); and
  - 11.2.2 be accompanied by the fee (if any) prescribed by the Council; and
  - 11.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
  - 11.2.4 identify with reference to an address the Premises at which the cat is kept.
- 11.3. Registration under this By-law remains in force until the next 30 June following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

## PART 3 – ENFORCEMENT

### 12. Orders

- 12.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 12.1.1 if the conduct is still continuing – to stop the conduct; and
  - 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2. A person must comply with an order under this clause.



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12.3. 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 recover its costs of any action so taken from the person to whom the order was directed.

12.4. 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 Flinders Ranges Council held on the 13 May 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.

.....  
Colin Davies  
Chief Executive Officer