

City of Albany
Local Law

LOCAL GOVERNMENT ACT 1995

City of Albany

ANIMALS LOCAL LAW 2001

Contents

| | |
|--|-----------|
| ARRANGEMENT | 4 |
| PART 1 - PRELIMINARY | 4 |
| Citation | 4 |
| Commencement | 4 |
| Repeal | 4 |
| Application of Local Law | 5 |
| Definitions | 5 |
| PART 2 - DOGS | 7 |
| Pound | 7 |
| Impounding Dogs | 7 |
| Pound Fees | 7 |
| Prohibited Areas | 8 |
| Dog Exercise Areas | 8 |
| Fouling of Streets and Public Places | 8 |
| Fencing Requirements | 9 |
| Limitation on Number of Dogs | 9 |
| PART 3 - APPROVED KENNEL ESTABLISHMENT | 9 |
| Approved Kennel Establishment Licence | 9 |
| Notice of Application for Kennel Establishment Licence | 10 |
| Application for Kennel Establishment Licence | 10 |
| Determination of Application | 10 |
| Licence and Fees | 10 |
| Duties of Licence Holder | 11 |
| Limit on Number and Breed of Dogs | 11 |
| Kennel Establishment Requirements | 11 |
| PART 4 - LIVESTOCK | 12 |
| Livestock Not to Stray | 12 |
| Property to be Fenced | 12 |
| Livestock may be Impounded | 12 |
| Horse Exercise area | 12 |
| Fouling of Public Places | 13 |
| PART 5 - PIGEONS | 13 |
| Certificate of Registration | 13 |
| Application for Certificate of Registration | 13 |
| Adjoining Owners to be Consulted | 13 |
| Approval Limitations | 13 |
| Duties of Certificate Holder | 14 |
| Limit on the Number of Pigeons | 14 |
| Cage, Enclosure or Loft requirements | 14 |
| Exercise of Pigeons | 15 |
| Alteration, Cancellation or Refusal of Certificate of Registration | 15 |
| PART 6 - KEEPING OF BEES | 15 |

| | |
|---|----|
| PART 7 - ANIMALS, BIRDS AND POULTRY | 15 |
| General | 15 |
| Keeping of Large Animals..... | 16 |
| Keeping of Pigs | 16 |
| Stables | 16 |
| Stable hand Room..... | 17 |
| Manure Receptacle | 17 |
| Keeping of Cats..... | 17 |
| Burial of Animals | 18 |
| Keeping of Ostrich or Emu..... | 18 |
| Keeping Poultry in Residential Areas..... | 19 |
| Keeping of Poultry in Special Rural Areas | 19 |
| Keeping of Poultry in Rural Areas..... | 19 |
| PART 8 - MISCELLANEOUS | 20 |
| False or Misleading Statement | 20 |
| Licence Fees and Charges..... | 20 |
| Limit on Liability | 20 |
| PART 9 - PENALTIES..... | 20 |
| Offences..... | 20 |
| Infringement and Infringement Withdrawal Notices..... | 20 |
| Offence Description and Modified Penalty | 20 |
| Prosecution for Offences | 21 |
| Records to be Kept..... | 21 |
| Right of Appeal..... | 21 |
| | 21 |
| First Schedule..... | 22 |
| OFFENCES AND MODIFIED PENALTIES..... | 22 |
| Part 2-Dogs..... | 22 |
| Part 3 - Approved Kennel Establishments | 22 |
| Part 4 - Livestock | 22 |
| Part 5 - Pigeons | 23 |
| Part 6 - Keeping of Bees | 23 |
| Part 7- Animals, Birds and Poultry | 23 |
| Miscellaneous | 24 |
| Second Schedule..... | 25 |
| PROHIBITED DOG EXERCISE AREAS..... | 25 |
| Third Schedule..... | 26 |
| CITY OF ALBANY | 26 |
| ANIMALS LOCAL LAW 2001 | 26 |
| DOG EXERCISE AREAS | 26 |
| Fourth Schedule..... | 27 |
| HORSE EXERCISE AREA | 27 |
| Restricted Dog Exercise Area..... | 27 |

LOCAL GOVERNMENT ACT 1995

City of Albany

ANIMALS LOCAL LAW 2001

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on 18th December 2001 to make the following local law.

ARRANGEMENT

| | |
|--|---------------|
| PART 1 - PRELIMINARY | CLAUSES 1-5 |
| PART 2 - DOGS | CLAUSES 6-13 |
| PART 3 - APPROVED DOG KENNEL ESTABLISHMENT | CLAUSES 14-21 |
| PART 4 - LIVESTOCK | CLAUSES 22-26 |
| PART 5 - PIGEONS..... | CLAUSES 27-35 |
| PART 6 - BEES..... | CLAUSES 36 |
| PART 7 - ANIMALS, BIRDS & POULTRY..... | CLAUSES 37-49 |
| PART 8 - MISCELLANEOUS..... | CLAUSES 50-52 |
| PART 9 - PENALTIES | CLAUSES 53-57 |
| SCHEDULES 1 - 4 | |

PART 1 - PRELIMINARY

Citation

1. This local law may be cited as the *City of Albany Animals Local Law 2001*.

Commencement

2. This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Repeal

3. (1) The Local Laws of the Shire of Albany described as "*Local Laws Relating to Keeping of Bees*" and published in the *Government Gazette* on 4 August 1965 and amended from time to time, are repealed;

(2) The Local Laws of the Shire of Albany described as "*Local Laws Relating to Dogs and Dog Kennels*" and published in the *Government Gazette* on 21 May 1982 and amended from time to time, are repealed;

(3) The Local Laws of the Town of Albany described as "*Local Laws Relating to Dogs (No 25)*" and published in the *Government Gazette* on 28 July 1989 and amended from time to time, are repealed.

Application of Local Law

4. This local law applies throughout the district.

Definitions

5. In this local law unless the context otherwise requires-

"**Act**" means the *Local Government Act 1995*;

"**animal**" includes cats dogs, rabbits and ferrets or the like;

"**application**" means the completed form lodged by an applicant as required by this local law;

"**applicant**" means a person who has lodged an application for an approval, certificate or licence required for an activity by this local law;

"**approved fees**" means the fees and charges determined by Council from time to time for putting into effect the provisions of this local law;

"**authorised person**" means a person authorised by Council under Section 9.10 of the Act, to carry into effect the provisions of this local law;

"**beehive**" means a moveable or fixed structure, container or object in which a colony of bees is kept;

"**bird**" includes galahs, parrots, budgerigars, finches, pigeons and doves or the like;

"**caravan park**" means an area of land on which caravans or caravans and camps are situated for habitation;

"**catteries**" are premises registered for the breeding or caring of cats;

"**cattery keeper**" means a person registered to keep a cattery;

"**certificate of registration**" means a certificate of registration to keep pigeons issued pursuant to this local law;

"**CEO**" means the Chief Executive Officer of the local government;

"**City**" means the City of Albany;

"**Code of Practice**" means the Code of Practice-Pigeon Keeping and Pigeon Racing, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994 as amended from time to time and approved by the Pigeon Racing federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;

"**Council**" means the council of the City of Albany;

"**cow**" includes an ox, calf or bull;

"**district**" means the district of the City of Albany and includes any area placed under the jurisdiction of the City pursuant to any Act or Regulation;

"**Dog Act**" means the Dog Act 1976;

"**environmental health officer**" means an environmental health officer *appointed by the City of Albany under the Health Act 1911 and includes an acting or assistant environmental health officer*;

"**food premises**" means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public;

"**grouped dwelling**" means a dwelling which is one of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise;

"**horse**" includes an ass, mule, donkey, Shetland pony, pony or miniature horse;

"**land**" means land in the district and includes houses, buildings, works and structures, in or upon the land;

"**large animal**" includes a sheep, cow, goat, horse, deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government;

"**livestock**" means any horse, cattle, sheep, goat, swine, buffalo, deer, camel, llama and alpaca;

"**lot**" means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

"**multiple dwelling**" means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other;

"**nuisance**" means-

- (a) Injurious or dangerous to the health of another person of normal susceptibility, or any activity, thing, condition, circumstances or state of affairs caused or contributed to by a person which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) **any thing** a person does or permits or causes to be done which interferes with the enjoyment or safe use by another person of any public place; or
- (c) **any thing** a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

"**pigeon**" includes homing pigeon and racing pigeon;

"**poultry**" means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;

"**pound**" means a building or yard established by Council or an authorised person for the impounding of dogs or animals for the purposes of this local law;

"**public place**" means any place to which the public has access;

"**reserve**" means any land-

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1979; or
- (c) which is an "**otherwise unvested facility**" within section 3.53 of the Act.

"**residential area**" means any land situated within a residential zone as classified by the town planning scheme and includes land predominantly used for residential purposes;

"**rural area**" means any land situated within a rural zone as classified by the town planning scheme;

"**special residential**" means any land situated within a special residential zone as classified by the town planning scheme;

"**special rural zone**" means any land situated within a special rural zone as classified by the town planning scheme;

"**stablehand room**" means a room or rooms used for occasional overnight occupation to facilitate husbandry to pregnant or sick animals;

"**town planning scheme**" means a town planning scheme made by Council under the Town Planning and Development Act 1928 which applies throughout the whole or a part of the district;

"**townsite**" means the townsite of Cuthbert, Elleker, Kalgan, Manypeaks, Redmond, South Stirling, Torbay, Wellstead and Youngs Siding which are-

- (a) constituted under section 26(2) of the Land Administration Act 1997; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act

"**young birds**" means any pigeons under 24 days of age and, unless the contrary can be shown, a pigeon shall be deemed under this local law to be a young bird if it is without feathers on the flesh under the wings.

PART 2 - DOGS

Pound

- 6. Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act or this local law.

Impounding Dogs

- 7. A dog seized by the Police or by a person authorised by Council may be placed in a pound.

Pound Fees

- 8. The following are to be imposed and determined by Council under sections 6.16-6.19 of the Local Government Act 1995-

- (a) The charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) The additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) The costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

Prohibited Areas

9. (1) The owner or person liable for the control of a dog, other than a person with vision impairment or who is a trainer accompanied by a bona fide guide dog, shall prevent the dog from entering or being in or on any of the following places-

- (a) A public building;
- (b) A theatre, picture garden or recreation hall;
- (c) A house of worship;
- (d) A shop or other business premises (excluding a pet shop or veterinary clinic);
- (e) A construction, building or demolition site; or
- (f) The land specified in the Second Schedule to this local law.

Dog Exercise Areas

10. (1) Subject to clause 9, the land specified in the Third Schedule to this local law is designated as Dog Exercise Areas for the purposes of the Act.

(2) Any person bringing a dog on to a dog exercise area shall keep that dog under control so that it does not-

- (a) endanger any person or other dog; or
- (b) Unreasonably disturb or interrupt the reasonable use of the dog exercise area by any person or other dog.

(3) Subclause (1) does not apply to-

- (a) Land which has been set apart as a children's playground;
- (b) An area being used for sporting or other activities, as permitted by Council, during the times of such use; or
- (c) A car park.

Fouling of Streets and Public Places

11. Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the district without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as Council may approve.

Fencing Requirements

12. The owner or occupier of premises within the district on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion, and in particular shall ensure that-

- (1) Any fence or wall used to confine the dog shall be of the type, height and construction which, having regard to the species, age, size and physical condition of the dog prevents the dog from passing over, under or through the fence;
- (2) Any gate or door within the fence is kept closed at all times except when the dog is not on the premises, however nothing in this section shall prevent a person from opening the gate, in order to immediately enter or leave the premises; and
- (3) Every gate or door within a fence has been fitted with a self-closing/self-latching and/or permanently locking mechanism and the gate or door is maintained in good order and condition.

Sub-clauses (1), (2) and (3) shall not apply to any rural area.

Limitation on Number of Dogs

13. A person shall not, without the approval of an authorised person, keep or permit to be kept on any premises more than-

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) 6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area

Unless the premises are licensed as an approved kennel establishment or have been granted an exemption pursuant to Section 26(3) of the Dog Act and have planning approval under the town planning scheme.

Footnote:

The provisions of Section 29 of the Dog Act will apply to dogs seized and placed in a pound in relation to-

- Notification of Owner;
- Release of dogs from the pound;
- Sale of dogs; and
- Destruction of dogs.

PART 3 - APPROVED KENNEL ESTABLISHMENT

Approved Kennel Establishment Licence

14. A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the town planning scheme.

Notice of Application for Kennel Establishment Licence

15. An applicant for a licence to keep an approved kennel establishment shall-
- (a) Publish in a newspaper circulating in the district a notice of his or her intention to submit an application for a licence, in the form approved by Council from time to time, specifying that any interested person may within 21 days after the date of the publication object to or make representations in respect of the application in writing directly to the CEO; and
 - (b) Forward notice as prescribed in paragraph (a) to the owners and occupiers of all land within a radius of 200 metres of the boundaries of the land upon which it is proposed to establish the kennel.

Application for Kennel Establishment Licence

16. An application for a licence to keep an approved kennel establishment shall be on the form approved by the Council from time to time and should be accompanied by-
- (a) Evidence that notice of the proposed use of the land has been given in accordance with clause 15;
 - (b) Three (3) copies of a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land subject of the application and all buildings on the land together with such additional information as Council or an authorised person requires.

Determination of Application

17. (1) Council or an authorised person may refuse an application for a licence-
- (a) That does not comply with the requirements of clause 16;
 - (b) For which the processes required by clause 15 have not been completed;
 - (c) After considering any submissions or representations received within the specified period in accordance with clause 15 (a);
 - (d) Where planning approval for use of the land as an approved dog kennel establishment has not been first obtained under any relevant town planning scheme.
- (2) Council or an authorised person may, in respect of an application for a licence-
- (a) Refuse the application; or
 - (b) Approve the application on such terms and conditions, if any, as it sees fit.

Licence and Fees

18. A licence to keep an approved kennel establishment shall be in the form approved by the Council from time to time and on issue thereof pay the approved fees and renewal of such licence shall be as approved by Council or an authorised person.

Duties of Licence Holder

19. The holder of a licence to keep an approved kennel establishment shall-
- (a) Maintain the establishment in a clean, sanitary and tidy condition;
 - (b) Dispose of all refuse, faeces and food waste daily in a manner approved by Council; and
 - (c) Take all practical measures for the destruction of fleas, flies and other vermin.

Limit on Number and Breed of Dogs

20. A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of Council or an authorised person.

Kennel Establishment Requirements

21. Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following-

- (a) Each kennel shall have an adjacent yard;
- (b) Each kennel and each yard and every part thereof shall be at a distance not less than eighteen (18) metres from the boundaries of the land in the occupation of the occupier;
- (c) Each kennel and each yard and every part thereof shall be at a distance of not less than eighteen (18) metres from any road reserve boundary;
- (d) Each kennel and yard and every part thereof shall be at a distance of not less than ten (10) metres from any dwelling house, church, schoolroom, hall or factory and no less than fifteen (15) metres from any premises wherein food is manufactured, prepared, packed or stored for human consumption;
- (e) Each kennel shall have walls constructed of concrete, brick, stone or such other materials as the Council or an authorised person shall approve;
- (f) The roof shall be constructed of an impervious material;
- (g) All untreated external surfaces of kennels shall be painted and kept painted with good quality paint unless the local government grants an exemption from this clause;
- (h) Each yard shall be secured with a fence not less than 1.8 metres in height;
- (i) All gates shall be provided with proper catches or means of secure fastening;
- (j) The upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated

and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;

- (k) The floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (j);
- (l) For each dog kept therein every kennel shall have not less than 1.8m² of floor space and every yard not less than 2.5m²;
- (m) All kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by an authorised person.

PART 4 - LIVESTOCK

Livestock Not to Stray

22. The owner or person in charge of livestock shall not permit that livestock to stray or be at large in a street, public place or upon private property without the consent of the property owner.

Property to be Fenced

23. (1) The owner or occupier of a property on which livestock is kept shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept;

(2) The minimum fencing requirements to confine livestock in a rural or special rural area, shall be a fence of posts and wire construction.

Livestock may be Impounded

24. (1) An authorised person may impound livestock found straying in contravention of clause 22.

(2) Livestock being impounded shall be placed in-

- (a) A pound established and maintained by Council; or
- (b) A secured portion of private property with the consent of the property owner.

Horse Exercise area

25. (1) Council may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse.

(2) A person shall not ride, drive or bring a horse onto a reserve or foreshore or any part thereof that has not been set aside for that purpose.

(3) A person shall not ride, drive, exercise or train a horse on any part of a reserve or foreshore set aside under subsection (1) faster than walking pace or in a manner so as to create a danger or become a nuisance to the public, to any person or to any animal.

(4) Subclause (3) does not apply to-

- (a) The training of horses between dawn and 9.00am

(b) The wading or swimming of horses between-

(i) 9.00am and 11.00am; and

(ii) 1.00pm and 3.00pm.

(5) A person shall not ride, drive or bring a horse onto a reserve or foreshore or any part thereof that is set aside specifically for the exercise of dogs.

(6) A person may exercise a dog on an area of reserve or foreshore set aside as a horse exercise area provided the dog remains under full control on a leash at all times.

(7) All that section of Reserve No. 14789 (Middleton Beach) as shown delineated in black and stippled on the diagram in the Fourth Schedule is a designated horse exercise area.

Fouling of Public Places

26. Any person liable for the control of a horse who permits that horse to excrete on any public place or on any land within the district without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such a manner as Council or an authorised person may approve.

PART 5 - PIGEONS

Certificate of Registration

27. (1) A person shall not keep pigeons on any land in the district without having first obtained a certificate of registration from an authorised person.

(2) A certificate of registration shall be valid from its date of issue until the next 30th June.

Application for Certificate of Registration

28. An application for a certificate of registration shall be-

- (a) Lodged by the applicant on the form approved by Council from time to time;
- (b) Lodged with specifications, site and construction plans of proposed cages, enclosures or lofts; and
- (c) Lodged with the registration fees set by Council.

Clause 28(b) shall not apply to any person keeping pigeons before these local laws were made.

Adjoining Owners to be Consulted

29. Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

Approval Limitations

30. (1) Pigeons shall not be kept within a caravan park or on any land on which is situated a group dwelling or multiple dwellings except for land on which 2 group dwellings are permitted; and

(2) Unless previously approved by Council prior to this local law coming into effect, pigeons shall not be kept on any land which has an area of less than 600m².

Duties of Certificate Holder

31. The holder of a certificate of registration to keep pigeons shall-
- (a) Keep all pigeons confined continuously in cages, enclosures and lofts approved by an authorised person except that homing pigeons and racing pigeons registered in accordance with this local law may be released in accordance with this local law;
 - (b) Keep all cages, enclosures and lofts and their immediate surrounds clean and maintained in good order and condition at all times and the minimum standard to be adhered to shall be that which is specified in the Code of Practice; and
 - (c) Dispose of all loft litter by immediate burial or by being bagged and deposited in a household bin to ensure no nuisance occurs.

Limit on the Number of Pigeons

32. (1) Subject to subclause (2), the maximum number of pigeons which shall be kept on land the subject of a certificate of registration pursuant to each certificate of registration shall not exceed 20, excluding young birds.

(2) A person who on or before 30 June each year produces to an authorised person, satisfactory proof that the person is a current financial member of a recognised incorporated racing pigeon body, or of a registered pigeon fancier, may be permitted by an authorised person to keep up to 150 pigeons, excluding young birds, in any residential, rural or special rural area.

Cage, Enclosure or Loft requirements

33. (1) An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be constructed of new materials and shall be constructed to the following minimum requirements-

- (a) The base floor of any loft shall be of 50mm thick concrete;
 - (b) In the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice;
 - (c) Cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;
 - (d) Except as provided in paragraph (e), a loft height shall not exceed 2.4 metres at any point when measured from ground level; and
 - (e) Where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.
- (2) A cage, enclosure or loft shall not be located nearer than-
- (a) 1.2 metres from the boundary of any land adjacent to the land, subject of an application;
 - (b) 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or
 - (c) 9 metres from any road reserve or street.

Exercise of Pigeons

34. (1) A person who is approved to keep registered homing pigeons or racing pigeons may only release such homing pigeons or racing pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by Council or an authorised person.

(2) A person shall not release more than 60 registered homing or racing pigeons for exercise or training at any one time.

Alteration, Cancellation or Refusal of Certificate of Registration

35. (1) At any time an authorised person may amend the conditions contained in or relating to a certificate of registration and without limiting the generality of the same, where any complaint of a nuisance is received, the authorised person may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity

(2) An authorised person may cancel, refuse to approve or refuse to renew a certificate of registration for any one or more of the following reasons-

- (a) The land is not maintained in accordance with this local law;
- (b) The cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;
- (c) The pigeons are being released outside the times permitted in clause 34;
- (d) A condition imposed in accordance with this local law or a certificate of registration has not been complied with in the time limits set out for doing so;
- (e) The applicant or holder of the certificate of registration as the case may be, has two or more convictions under this local law; or
- (f) Non payment of registration fees.

PART 6 - KEEPING OF BEES

36. (1) A person shall not keep a beehive-

- (a) In a townsite or residential area;
- (b) In a special rural area without the written approval of council or an authorised person

(2) If, in the opinion of an authorised person, the approved beehives are causing a nuisance, the authorised person may direct any bees or beehives to be removed.

PART 7 - ANIMALS, BIRDS AND POULTRY

General

37. The owner or occupier of a premises, in or on which an animal or bird is kept shall-

- (a) Keep the premises free from excrement, filth, food waste and all other matter which is or likely to become offensive or injurious to health or to attract rats, vermin or insects;

- (b) When so directed by an environmental health officer, clean and disinfect the premises;
- (c) Keep the premises, so far as possible, free of flies and when directed by an environmental health officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies;
- (d) Ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

Keeping of Large Animals

38. An owner or occupier of a premises shall-

- (a) Not keep a large animal on any land less than 2020m² in area;
- (b) Not keep any large animal within 9 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

Keeping of Pigs

39. (1) Except for a miniature pig, no person shall keep a pig or pigs, in any residential area, special residential area, special rural area or on any land zoned commercial or industrial under the town planning scheme.

(2) Except on a licensed piggery, no person shall keep more than 2 pigs in any rural area without prior written approval of Council.

(3) Council or an authorised person may prohibit the keeping of pigs, including a miniature pig, on any land or state the conditions under which they may be kept.

(4) A person may keep 1 miniature pig in any residential area, special residential or special rural area provided it is registered with Council and the approved annual registration fee is paid.

(5) The occupier of any premises where a miniature pig is kept shall-

- (a) Only keep a sterilised animal and retain written proof of its sterilisation;
- (b) Confine the animal on the property at all times;
- (c) Ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
- (d) Maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

Stables

40. (1) The owner or occupier of any land where a stable is erected shall-

- (a) Not permit a stable within 9 metres of a house or other building;
- (b) Have a minimum floor area of 12m² per animal;
- (c) Ensure the stable has walls and a roof, constructed of impervious material;
- (d) Have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and

- (e) Provide a floor, which shall have an upper surface at least 75 millimetres above ground level.
- (2) The owner or occupier of a premises where a stable is located shall-
- (a) Maintain the stable in a clean condition and when directed by an Environmental Health Officer, clean, wash and disinfect it;
 - (b) Keep all parts of the stable free from flies; and
 - (c) When directed by an environmental health officer, spray the stable, or such parts as may be indicated, with a residual insecticide.

Stable hand Room

41. The owner or occupier of a premises shall not permit a habitable room, including a stable hand's room, to open directly into a stable area.

Manure Receptacle

42. An owner or occupier of a premises where a large animal or miniature pig is kept shall-
- (a) Provide in a convenient position, a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;
 - (b) Keep the lid of the receptacle closed except when manure is being deposited or removed;
 - (c) Cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects;
 - (d) Keep the receptacle so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means; and
 - (e) Cause all manure produced on the premises to be collected, stored or removed as to not cause a nuisance or present a hazard.

This clause shall not apply to any rural or special rural area.

Keeping of Cats

43. (1) Subject to sub-clauses (2) and (3), a person shall not keep more than 3 cats over the age of 3 months.

(2) A person who breeds cats may, with the written approval of Council or an authorised person, keep up to 6 adult breeding cats on a property in the district, subject to-

- (a) Each cat being permanently confined in an effective cage system on the property; and
- (b) Under such terms and conditions that may be imposed by Council or an authorised person from time to time.

(3) A person may keep more than 3 cats over the age of 3 months in any rural area, commercial area or industrial area if the owner or occupier of such lot has-

- (a) Obtained written approval from Council or an authorised person to establish a cattery;
- (b) Paid to Council, the annual fee for registration and certification of the premises as a cattery; (The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)
- (c) Provided for each cat on the lot, a properly constructed shelter with an enclosure, which complies with the following specifications-
 - (i) A floor area of not less than 0.56m² for each cat;
 - (ii) The area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or group of shelters;
 - (iii) No shelter or enclosure shall be closer than 9 metres from the boundary of the lot of the keeper or any other building on the property of the keeper; and
 - (iv) All enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.

(4) A registration issued by Council or an authorised person shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to Council.

Burial of Animals

44. (1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

(2) The operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming shall not dispose of any dead animals or birds on their premises without written approval from Council or an authorised person.

(3) Owners and occupiers of properties in any rural or special rural area who occasionally need to bury an animal on their property, shall cover the carcass with lime before burial.

(4) Owners and occupiers of properties in a residential or special residential area, other than a veterinary practice, on which there is a dead animal shall immediately remove the carcass for its disposal at an approved disposal site.

Keeping of Ostrich or Emu

45. (1) A person shall not keep an ostrich or emu on any land in any residential area, or any land zoned commercial or industrial under the town planning scheme.

(2) A person shall not keep an ostrich or emu in any special rural area without the written approval of Council or an authorised person.

(3) A person shall not keep more than 3 adult pairs of ostrich or emu for each 2 hectares of land and no single pair shall be confined in any area less than 0.1 hectares.

(4) Council or an authorised person may prohibit the keeping of any ostrich and emu on any land or state the conditions under which they may be kept.

Keeping Poultry in Residential Areas

46. (1) A person shall not keep or suffer to remain within a town site or in any residential area a rooster, turkey, goose or geese, peacock or peahen.

(2) Notwithstanding sub-clause (1), the owner or occupier of premises situated within a townsite or any residential area shall not keep or permit to be kept any poultry otherwise than under the following conditions-

- (a) the maximum number of poultry permitted to be kept on a town site or residential property is twelve (including a maximum of 2 ducks);
- (b) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or 12 metres from where food for sale is stored, prepared, or manufactured, or within 1.2 metres from the boundary of land in another occupation;
- (c) all poultry is kept in a properly constructed and securely fastened structure or enclosure which is provided with a concrete floor trowelled to a smooth finish;
- (d) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (e) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an authorised person has approved a lesser distance; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way directed by an authorised person.

Keeping of Poultry in Special Rural Areas

47. The occupier of premises situated in any special rural area, shall not keep or permit to be kept thereon, poultry other than under the following conditions-

- (a) in a shed designed to permit the use of a deep litter system or in open yards with a shed that has a concrete floor at least 50 millimetres thick;
- (b) The shed shall be of sound construction and its yard shall be maintained in a clean condition at all times;
- (c) The shed must be between 1.5m to 1.8m in height to allow easy entry for cleaning;
- (d) The shed shall not be nearer than 1 metre from the boundary of land in other occupation or 15 metres from any dwelling house or 15 metres from a street; and
- (e) No more than 25 head of poultry without the written approval of an authorised person.

Keeping of Poultry in Rural Areas

48. The occupier of premises in any rural area, shall not keep or permit to be kept thereon, more than 50 head of poultry, without the written approval of an authorised person.

PART 8 - MISCELLANEOUS

False or Misleading Statement

49. A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

Licence Fees and Charges

50. All licence fees and charges applicable under this local law shall be as determined by Council from time to time in accordance with sections 6.16 of the Act.

Limit on Liability

51. A person, owner, occupier or licensee is not entitled to make a claim by way of damages or otherwise, against an authorised person, Council employee, Council appointed subcontractor or other person authorised by Council; to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

PART 9 - PENALTIES

Offences

52. (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

53. For the purposes of this local law-

- (a) The form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the first schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

Offence Description and Modified Penalty

54. The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

55. A penalty for an offence against this local law (not being the modified penalty) may be recovered by Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

56. Council shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnote:

Right of Appeal

- (1) When Council or an authorised person makes a decision as to whether it will-
 - (a) Grant a person a licence or certificate of registration under this local law; or
 - (b) Renew, vary, or cancel a licence or certificate of registration that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

First Schedule

CITY OF ALBANY

ANIMALS LOCAL LAW 2001

OFFENCES AND MODIFIED PENALTIES

| Clause | Description | Modified Penalty \$ |
|--|---|---------------------|
| Part 2-Dogs | | |
| 9 | Permitting a dog to be in a public building, shop, business premises or other prohibited area | 100 |
| 10 | Failing to keep a dog under control in a dog exercise area | 100 |
| 11 | Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner | 100 |
| 12(1) | Fence not adequate to confine a dog of the species, age, size and physical condition of the dog | 100 |
| 12(2) | Failing to keep gate or door closed when the dog is at the premises | 100 |
| 12(3) | Failing to have a gate fitted with self-closing/self-latching and/or permanently locking mechanism | 100 |
| 13 | Keeping more than permitted number of dogs without approval | 100 |
| Part 3 - Approved Kennel Establishments | | |
| 14 | Keeping a kennel establishment without a licence | 100 |
| 19(a) | Failing to maintain a kennel establishment in a clean, sanitary and tidy condition | 100 |
| 19(b) | Failing to dispose of all refuse, faeces and food waste daily in an approved manner | 100 |
| 19(c) | Failing to take practical measures to destroy fleas, flies and other vermin | 100 |
| 20 | Keeping a greater number or breed of dogs than specified in the licence | 100 |

Part 4 - Livestock

| | | |
|-------|---|-----|
| 22 | Permitting livestock to stray or be at large in a street, public place or private property without consent | 100 |
| 23 | Failing to keep property fenced in a manner capable of confining livestock | 100 |
| 25(2) | Ride, drive or bring a horse onto a reserve or foreshore not set aside for the purpose | 100 |
| 25(3) | Ride, drive, exercise or train a horse on a reserve or foreshore so as to create a danger or nuisance | 100 |
| 25(5) | Ride, drive or bring a horse on to a reserve or foreshore set aside for the exercise of dogs | 100 |
| 26 | Permitting a horse to excrete on a street, public place or other land and failing to remove excreta in an approved manner | 100 |

| Clause | Description | Modified Penalty \$ |
|---|--|---------------------|
| Part 5 - Pigeons | | |
| 27 | Keeping pigeons without Council approval | 100 |
| 30(1) | Keeping of pigeons within - | |
| | A caravan park; | 100 |
| | A group dwelling (not being one or two grouped dwelling) | 100 |
| | A premises classified as part of a "multiple dwelling" | 100 |
| 31(b) | Failing to keep cages, enclosures and lofts maintained to minimum standards specified in Code of Practice | 100 |
| 31(c) | Failing to dispose of loft litter in approved manner to ensure no nuisance occurs | 100 |
| 32(1) | Keeping more than 20 pigeons for each Certificate of Registration | 100 |
| 32(2) | Keeping more than maximum number of birds approved | 100 |
| 34(1) | Releasing registered pigeons outside hours permitted | 100 |
| 34(2) | Releasing more than 60 pigeons for exercise or training at any one time | 100 |
| Part 6 - Keeping of Bees | | |
| 36(1)(a) | Keeping a beehive in a townsite or residential area | 100 |
| 36(1)(b) | Keeping a beehive in a special rural area without approval | 100 |
| 36(2) | Failing to remove bees or a beehive when directed | 100 |
| Part 7- Animals, Birds and Poultry | | |
| 37(a) | Fail to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects | 100 |
| 37(b) | Fail to clean and disinfect premises when directed by an environmental health officer | 100 |
| 37(c) | Fail to keep premises free of flies or when directed, spray premises with residual insecticide or use other means to kill or repel flies | 100 |
| 38(a) | Keeping a large animal on land less than 2020m ² in area | 100 |
| 38(b) | Permit large animal to approach within 9m of habitable room, shop, church, or any premises where food is stored, manufactured or sold | 100 |
| 39(1) | Keep a pig on land zoned residential, special residential, special rural, commercial or industrial area | 100 |
| 39(2) | Keep more than two pigs in rural area without written approval of the local government | 100 |
| 39(4) | Keep an unregistered miniature pig in a residential area, special residential or special rural area and/or not pay the registration fee | 100 |
| 39(5)(a) | Keep an unsterilised miniature pig or fail to retain written proof of its registration | 100 |
| 39(5)(b) | Fail to confine animal on the property at all times | 100 |
| 39(5)(c) | Fail to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour. | 100 |
| 39(5)(d) | Fail to maintain documentary evidence that an animal's veterinary treatment for roundworm and tapeworm is current | 100 |
| 40(1)(a) | Permit a stable within 9m of a house or other building | 100 |
| 40(1)(b) | Fail to have a stable floor area of 12m ² per animal | 100 |
| 40(1)(c) | Fail to have stable walls and or roof constructed of impervious material | 100 |
| 40(1)(d) | Fail to have on all sides of stable building a clear opening of 50mm in height between the walls and roof | 100 |

| Clause | Description | Modified Penalty \$ |
|----------------------|--|----------------------------|
| 40(1)(e)(i) | Fail to have upper surface of stable floor at least 75mm above the ground | 100 |
| 40(2)(a) | Fail to maintain the stables in a clean condition | 100 |
| 40(2)(b) | Fail to keep the stable free from flies | 100 |
| 40(2)(c) | Fail to spray the stable with residual insecticide when directed by an environmental health surveyor | 100 |
| 41 | Permit a habitable room including a stablehand's room to open directly into a stable | 100 |
| 42(a) | Fail to provide, in a convenient position, a receptacle for manure that is smooth , impervious, durable, easily cleanable with a tight fitting lid | 100 |
| 42(b) | Fail to keep the lid of manure receptacle closed except when manure being deposited or removed | 100 |
| 42(c) | Fail to empty manure receptacle to prevent it becoming offensive or a breeding place for flies | 100 |
| 42(d) | Fail to keep the receptacle free from flies other insects | 100 |
| 42(e) | Fail to collect all manure produced on the premises and place in receptacle | 100 |
| 43(1) | Keep more than 3 cats over three months | 100 |
| 43(2) | Keep more than 3 adult cats for breeding without written approval of the local government | 100 |
| 43(2)(a) | Fail to confine cats in effective cage system on the property | 100 |
| 43(2)(b) | Fail to comply with conditions imposed by the local government | 100 |
| 43(3)(a) | Keep more than 3 cats over the age of 3 months in a rural area, commercial area or industrial area without approval to establish a cattery | 100 |
| 43(3)(b) | Fail to pay the annual registration and certification fee for a cattery | 100 |
| 43(3)(c) | Fail to provide for each cat a properly constructed shelter/enclosure to comply with the specifications | 100 |
| 44(1) | Fail to refrigerate animal carcass | 100 |
| 44(2) | Dispose of dead animals or birds without written approval of the local government | 100 |
| 44(3) | Fail to cover the carcass of dead animal with lime before burial on any rural or special rural area | 100 |
| 44(4) | Fail to dispose of dead animal at an approved disposal site | 100 |
| 45(1) | Keep an ostrich or emu on any land in residential area or land zoned commercial or industrial | 100 |
| 45(2) | Keep an ostrich or emu on any special rural area without written approval of the local government | 100 |
| 45(3) | Keep more than 3 adult pairs of ostrich or emu for each 2 hectares or single pair in less than 0.1 hectares | 100 |
| 46(1) | Keep or suffer to remain in a residential area a rooster, turkey, goose or geese, peacock or a peahen | 100 |
| 46(2) | Keep or permit to be kept in any residential area any poultry, not in accordance with conditions of this local law | 100 |
| 47 | Keep or permit to be kept in any special rural area any poultry, not in accordance with conditions | 100 |
| 48 | Keep or permit to be kept in any rural area more than 50 head of poultry without the written approval of the local government | 100 |
| Miscellaneous | | |
| | Other offences not specified | 100 |

Second Schedule

CITY OF ALBANY

ANIMALS LOCAL LAW 2001

PROHIBITED DOG EXERCISE AREAS

1. **Emu Beach and that area known as Emu Point** being portions of Reserve 14789 east of the prolongation of Griffith Street and Reserve 22698 south of the prolongation of Bedwell Street and for a distance of fifty (50) metres inland from the high water mark.
2. **Middleton Beach** and Ellen Cove being all that area of Reserve 14789 and Reserve 26149 bordered by the prolongation of the Ellen Cove Jetty to the South, the prolongation of the northern boundary of Lot 1340 Reserve 36320 (Middleton Beach Caravan Park) to the north.
3. **Cosy Corner** being that portion of Reserve 26221 from the low water mark in a foreshore corridor one hundred and ten (110) metres wide extending from the most northern point of Reserve 24547 to a westerly prolongation of the most northerly point of Migro Island.
4. **Frenchman Bay** being that portion of Reserve 26221 from the low water mark in a foreshore corridor seventy (70) metres wide extending from a parallel alignment twenty metres south of the prolongation of the most southern side boundary of Plantagenet Location 2104/2471, Lot 233 La Prouse Road to the prolongation of the eastern boundary of Plantagenet Location 2471, Lot 13 St Georges Crescent, Frenchman Bay.
5. **Cheyne Beach** being that portion of Reserve 878 from the low water mark in a foreshore corridor fifty (50) metres wide extending from the prolongation of the eastern boundary of Lot 12 Kybra Road of Reserve 878, Cheyne Beach to the most easterly boundary of Reserve 878.
6. **Cape Riche** being the whole of Reserves 1010 and 33850 together with the beach foreshore location defined by the low water mark and the northern boundary of Reserve 1010 and by the northern prolongations of the west and east boundaries of Reserve 1010.
7. **Nanarup Beach** being that portion of the beach foreshore defined by the low water mark and the southern boundary of Plantagenet Location 416, Lot 6 fronting Nanarup Road and by the prolongation south easterly of the southernmost southwestern boundary of Plantagenet Location 406, Lot A88 fronting Nanarup Road and the prolongation south easterly of the southernmost southwestern boundary of Plantagenet Location 416, Lot 6 fronting Nanarup Road.
8. **Whalers Beach** being that portion of Reserve 21337 from the low water mark in a foreshore corridor one hundred and ten (110) metres wide extending from the prolongation of the north eastern boundary of Plantagenet Location 7584, Lot 1 fronting Frenchman Bay Road, Frenchman Bay to the prolongation of the most western boundary of the same lot.

Third Schedule

CITY OF ALBANY ANIMALS LOCAL LAW 2001

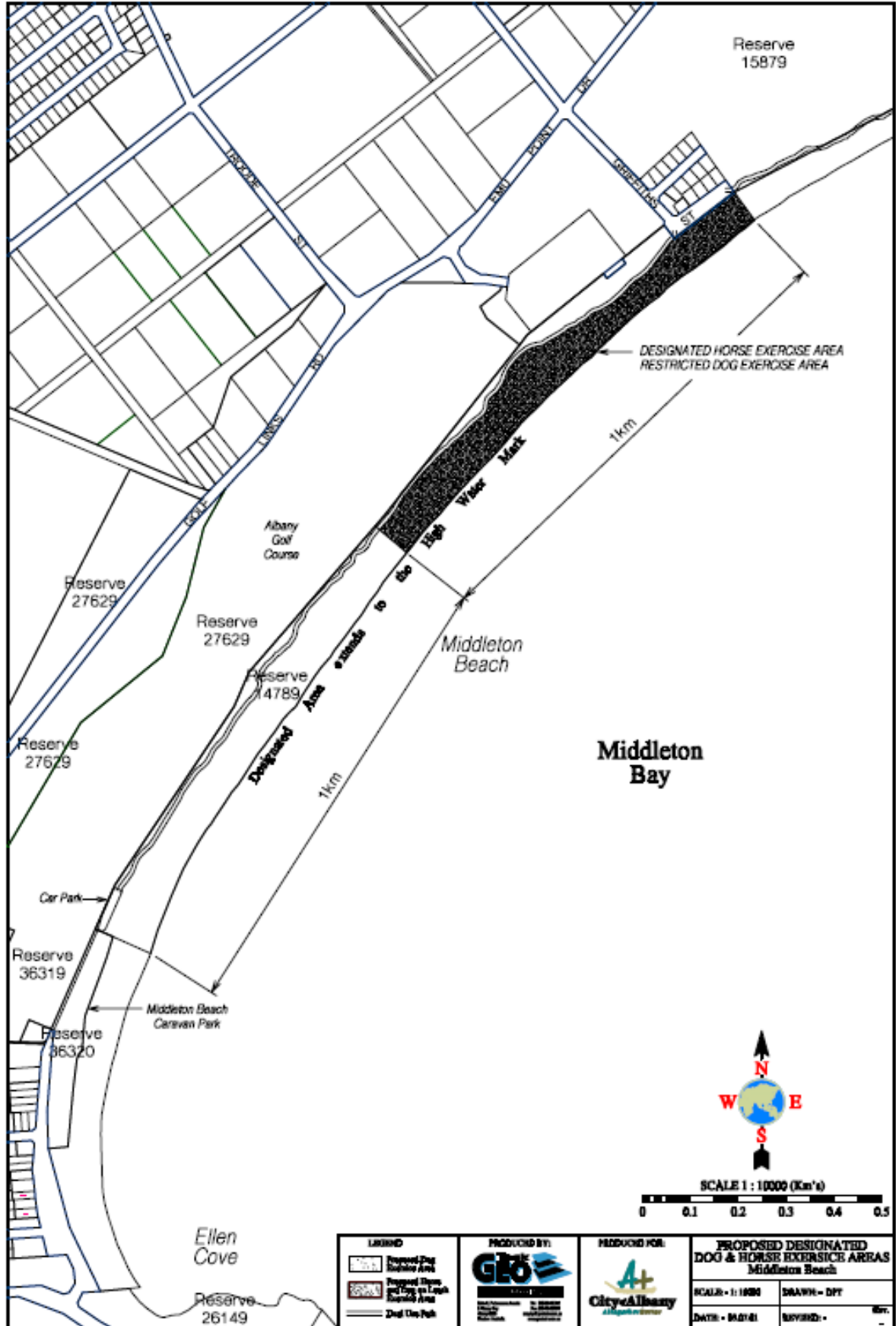
DOG EXERCISE AREAS

1. Reserve 36617, Lot 7457, Orana.
2. Reserve 25356, Clifton Street, Lockyer.
3. Reserve 25382, Apex Park (Place of Heritage Value), Lockyer.
4. Reserve 35088, Lot 7380 bordered by Barnesby Drive and Yakamia Creek, Yakamia.
5. Foundation Park, Parade Street.
6. Drain Reserve 7229 on Lots 312 and 315 Cockburn Road, Mira Mar.
7. All that section of Reserve 14789 (Middleton Beach) as shown delineated in black and stippled on the diagram in the following diagram-

Fourth Schedule
CITY OF ALBANY ANIMALS LOCAL LAW 2001
HORSE EXERCISE AREA

Restricted Dog Exercise Area

(Refer to clause 25(6) of this local law)



Dated this 7th day of January 2002. The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of -

ALISON GOODE JP, Mayor
ANDREW HAMMOND, Chief Executive Officer

| Document Approval | | | |
|--------------------------------------|---------------|---|-----------------------|
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