

Local Government Act 1995

Dog Act 1976

**CITY OF GREATER GERALDTON
DOGS LOCAL LAW 2020**

CONSOLIDATED

Dogs amendment Local Law 2021

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SCHEDULE 1 - APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

SCHEDULE 2 - CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

SCHEDULE 3 - OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

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- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition;
- (Clause 2.1(1)(e) deleted Dogs Amendment Local Law 2021)*
- (f) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

(3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
 - (a) licensed under Part 3 as an approved kennel establishment;
 - (b)
-

-
- (a) evidence of planning approval obtained from the local government;
 - (b) plans and specifications of the kennel establishment, including a site plan;
 - (c) copies of the notices to be given under clause 3.3;
 - (d) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
 - (e) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
 - (f) the fee for the application for a licence referred to in clause 3.10.

3.3 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that -
 - (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
 - (b) the application and plans and specifications may be inspected at the offices of the local government.
- (3) Where –
 - (a) the notices given under subclause (1) do not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

3.4 Exemption from notice requirements

- (1) Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -
 - (a) permitted use; or
 - (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 3.2(c), 3.3 and 3.5(c) do not apply in respect of the application for a licence.

- (2) The local government may require advertising of an application as part of the planning process.

3.5 When application can be determined

An application for a licence is not to be determined by the local government until –

- (a) planning approval has been given by the local government;
 - (b) the applicant has complied with clause 3.2;
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- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.15 - 6.19 of the *Local Government Act 1995*.

3.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

3.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 3.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

3.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
- (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or th TJ4 0 0 1 161.66 485.95 T/7a breach

SCHEDULE 1 -

**SCHEDULE 2 - CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL
ESTABLISHMENT**
(clause 3.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

(a)

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- (i) 2m; or
 - (ii) 4 times4 tti

**SCHEDULE 3 - OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY
APPLIES
(clause 5.3)**

Offence	Nature of offence	Modified penalty \$
2.1	Failing to provide means for effectively confining a dog	100
6.1(2)	Dog excreting in prohibited place	100

Date: 2023-08-23 10:00:00