

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, KATE EMILY OLIVER of 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners' Act, 1981, declare that I have examined the following by-law which the Campbelltown City Council intends to make, and do certify that in my opinion:

- (a) the said Council has power to make by the by-law by virtue of the following statutory provisions:

Dog and Cat Management Act 1995, Section 90;

Local Government Act 1999, Section 246(3)(g);

Acts Interpretation Act, 1915, Section 39;

- (b) the by-law is not in conflict with the Local Government Act 1999 or any other Act.

DATED the 16th day of March 2009



.....
Kate Emily Oliver, Legal Practitioner

THE CAMPBELLTOWN CITY COUNCIL

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

BY-LAW NO. 5 - DOGS

For the management and control of dogs within the Council's area.

1. DEFINITIONS

In this by-law unless the context otherwise requires:

- 1.1 "Act" means the Dog and Cat Management Act 1995.
- 1.2 "Approved Kennel Establishment" means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis.
- 1.3 "Disability Dog" has the same meaning as in the Dog and Cat Management Act 1995.
- 1.4 "Dog" has the same meaning as in the Dog and Cat Management Act 1995.
- 1.5 "Effective Control" means a person exercising control of a dog by command, the dog being in close proximity to the person and the person being able to see the dog at all times.
- 1.6 "Guide Dog" has the same meaning as in the Dog and Cat Management Act 1995.
- 1.7 "Hearing Dog" has the same meaning as in the Dog and Cat Management Act 1995.
- 1.8 "Local Government Land" means land owned by the Council or under the Council's care, control and management.

1.9 "Premises" means any domestic and non-domestic premises, except an Approved Kennel Establishment in respect of which a development authorisation is in force under the Development Act 1993.

2. DOG FREE AREAS

No person shall, without the permission of the Council, or such other person authorised by resolution of the Council for that purpose, on any Local Government Land to which this paragraph applies, cause, suffer or permit any Dog under that person's control, charge or authority to be or remain in that place (except a Disability Dog, Guide Dog or Hearing Dog).

3. DOGS ON LEASH AREAS

No person shall, without the permission of the Council, or such other person authorised by resolution of the Council for that purpose, on any Local Government Land to which this paragraph applies, cause, suffer or permit any Dog under that person's control, charge or authority to be or remain in that place unless such Dog is restrained by a strong chain, cord or leash not exceeding two (2) metres in length and either tethered securely to a fixed object or held by a person capable of controlling the Dog and preventing it from being a nuisance or a danger to other persons.

4. DOG EXERCISE AREAS

4.1 Subject to paragraphs 2 and 3 of this by-law, any person may enter upon any part of Local Government Land for the purpose of exercising a Dog under his or her Effective Control.

4.2 Where a person enters upon such part of Local Government Land for that purpose, he or she shall ensure that the Dog or Dogs under his or her control remain under Effective Control while on that Land.

5. LIMIT ON DOG NUMBERS


5.1 The limit on the number of Dogs to be kept on any Premises shall be two.

5.2 No person shall, without obtaining the permission, of the Council, or such other person authorised by resolution of the Council for that purpose, keep any Dog on any Premises where the number of Dogs on those Premises exceeds the limit unless the Premises are an Approved Kennel Establishment.

6. APPLICATION OF PARAGRAPHS

Any of paragraphs 2 and 3 of this by-law shall apply only in such portion or portions of Local Government Land as the Council may by resolution direct in accordance with Section 246(3)(e) of the Local Government Act, 1999.

The foregoing by-law was duly made and passed at a meeting of the Campbelltown City Council held on the 7 day of APRIL 2009 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 Paul Di Iulio
Chief Executive Officer