

**CERTIFICATE OF VALIDITY**

**UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999**

I, CAROLYN JANE HILLMAN VIGAR, of Wallmans Lawyers, Level 5, 400 King William 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:

**By-law No 5 – Dogs 2016**

*A by-law for the management and control of dogs within the Council area of the Corporation of the City of Campbelltown*


and do certify that in my opinion the Corporation of the City of Campbelltown has power to make the by-law by virtue of the following statutory provisions:

*Dog and Cat Management Act 1995*, sections 90(1) and 90(3)

*Local Government Act 1999*, sections 238(1), 246(1)(a), 246(2), 246(3)(a), 246(3)(c) and 246(3)(e),

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

**DATED** the 30<sup>th</sup> day of May 2016

  
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Carolyn Jane Hillman Vigar, Legal Practitioner

THE CORPORATION OF THE CITY OF CAMPBELLTOWN  
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999



**By-law No. 5 – Dogs**

A by-law for the management and control of dogs within the Council area.

**PART 1 – PRELIMINARY**

**1. Title**

This by-law may be cited as the *Dogs By-law 2016*.

**2. Objectives**

The objectives of this by-law are to:

- 2.1 promote responsible dog ownership;
  - 2.2 protect the convenience, comfort and safety of members of the public;
  - 2.3 control and manage dogs in the Council area; and
  - 2.4 reduce the incidence of environmental nuisance caused by dogs,
- for the good rule and government of the Council area.

**3. Commencement**

This by-law comes into operation on 1 January 2017.

**4. Application**

- 4.1 Subject to clauses 6.2 and 7, this by-law applies throughout the Council area.
- 4.2 The *Permits and Penalties By-law 2016* operates in respect of:
  - 4.2.1 permissions required by or given under this by-law; and
  - 4.2.2 penalties for breach of this by-law.

**5. Definitions**

In this by-law, unless the contrary intention appears:

- 5.1 **Act** means the *Local Government Act 1999*;

- 5.2 **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;
- 5.3 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purposes of children's play (or within 3 metres of such equipment or devices if there is no enclosed area);
- 5.4 **Council** means the Corporation of the City of Campbelltown;
- 5.5 **disability dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 5.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 5.7 **effective control** means a person exercising control of a dog either by:
- 5.7.1 means of a physical restraint; or
- 5.7.2 command where the dog is in close proximity to, and is able to be seen by, the person;
- 5.8 **guide dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 5.9 **hearing dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 5.10 **keep** includes the provision of food or shelter;
- 5.11 **local government land** has the same meaning as in the Act; and
- 5.12 **premises** means any domestic or non-domestic premises, except an approved kennel establishment.

## **PART 2 – DOG CONTROLS**

### **6. Dog prohibited areas**

A person must not allow a dog under that person's control, charge or authority (except a disability dog, guide dog or hearing dog) to enter or remain:

- 6.1 on any children's playground on local government land;
- 6.2 on any other local government land or public place to which the Council has determined that this clause applies.

### **7. Dog on leash areas**

No person shall, without the permission of the Council on any local government land to which this clause applies, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that place unless the dog is restrained by a strong chain, cord or leash not exceeding 2 metres in length which:

- 7.1 is either tethered securely to a fixed object or held by a person capable of controlling the dog; and

7.2 prevents it from being a nuisance or a danger to other persons.

**8. Dog exercise areas**

Subject to clauses 6 and 7 of this by-law, a person may enter upon any part of local government land for the purpose of exercising a dog, provided that the dog remains at all times under the person's effective control.

**9. Dog faeces**

No person is to allow a dog under that person's control, charge or authority to be in a public place or on local government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit for the purpose of complying with his or her obligation under section 45A(6) of the *Dog and Cat Management Act 1995*.

**PART 3 – LIMIT ON DOG NUMBERS**

**10. Limit on dog numbers**

10.1 A person must not, without the Council's permission, keep more than two dogs on any premises.

10.2 For the purpose of clause 10.1, 'dog' means a dog that is older than three months of age.

10.3 Clause 10.1 does not apply to:

10.3.1 approved kennel establishments operating in accordance with all required approvals and consents under the *Development Act 1993*; or

10.3.2 any business involving dogs, provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

10.4 A dog kept on any premises must be effectively confined in a secure and appropriate area.

**PART 4 – ENFORCEMENT**

**11. Recovery of expenses**

Where a person breaches this by-law and does not comply with an order made against them by Council pursuant to section 262(1) of the Act, the Council is able to recover from the person the expenses incurred in carrying out the order pursuant to section 262(3) of the Act as a debt by an action in a court of competent jurisdiction.

This by-law was duly made and passed at a meeting of the Corporation of the City of Campbelltown on 7 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.



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Paul Di Iulio  
Chief Executive Officer

