

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995
Shire of York

DOGS AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of York resolved on 27 April 2011 to make the following local law.

1. Citation

This local law is cited as the *Shire of York Dogs Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *Shire of York Dogs Local Law* published in the *Government Gazette* on 17 January 2001 is referred to as the principal local law. The principal local law is amended.

4. Part 1 Clause 1.3 amended

(1) Delete Clause 1.3 and insert-

1.3 Interpretation

Act means the *Dog Act 1976*;

authorised person means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

CEO means the Chief Executive Officer or an acting Chief Executive Officer of the local government;

dangerous dog has the meaning given to it in the Act;

district means the district of the local government;

local government means the Shire of York;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*, which applies throughout the whole or a part of the district;

pound keeper means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

Regulations means the *Dog Regulations 1976*;

restricted breed dog has the meaning given to it in regulation 3 of the *Dog (Restricted Breeds) Regulations (No.2) 2002*;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

townsite means the townsites within the district 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 *Local Government Act 1995*.

5. Part 2 Clause 2.3 amended

In subclause (2)-

- (a) Delete the “-” and insert-
of her or his ownership of the dog or of her or his authority to take delivery of it.
- (b) Delete paragraphs (a) and (b).

6. Part 3 Clause 3.1 amended

In subclause (1)-

- (a) Insert “within a townsite” after “premises”
- (b) insert new paragraph (d)-
 - (d) ensure that every gate or door in the fence or wall is fitted with-
 - (i) A proper latch attached to the gate or door on the side of the fence or wall where the dog is normally kept;
 - (ii) an efficient self closing mechanism; and
 - (iii) a latch or other means which allows the gate to be locked;

7. Part 3 Clause 3.2 amended

In subclause (2) delete paragraphs (a) and (b) and substitute with–

- (a) on land, within a townsite, or zoned “rural residential” under a local planning scheme, 2 dogs over the age of 3 months and the young of those dogs under that age; and
- (b) On land zoned “rural” under the local planning scheme, 4 dogs over the age of 3 months and the young of those dogs under that age.

8. Part 4 Clause 4.7 amended

In paragraph (a) delete “town” and substitute-
local

9. Part 5 Clause 5.1 amended

In subclause (1)-

- (1) Delete “Dogs” and substitute-
Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*,
dogs
- (2) Delete paragraph (a) and substitute-
 - (a) a public building, unless permitted by a sign;
- (3) In paragraph (c) delete “*Health (Food Hygiene) Regulations 1993*” and substitute-
Food Act 2008
- (4) In paragraph (d) delete “.” and substitute “;”.
- (5) Insert, in the appropriate alphabetical order, new paragraphs (e) and (f)-
 - (e) a public toilet block or changing room; and
 - (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.”

10. Part 5 New Clause 5.2

Insert, in the appropriate numerical order, new clause 5.2–

5.2 Places which are dog exercise areas

- (1) Subject to clause 5.1 and subclause (1)(b) and (2), for the purposes of sections 31 and 32 of the Act, Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker and Ulster Roads and Henrietta Street) are dog exercise areas.
- (2) Subclause (1) does not apply to –
 - (a) an area set aside by a wall or fence as a children's playground, or where there is no wall or fence, an area within 10m of the edge of playing equipment or apparatus;
 - (b) an area within 10m of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a car park, thoroughfare, access way or right of way.

11. Schedule 1 amended

Delete-

I confirm that I have read and agree to comply with the Code of Practice known as in the keeping of dogs at the proposed kennel establishment.

12. Schedule 2 amended

In paragraph (c) insert “to a height of no less than 2m” after “government”.

13. Schedule 3 amended

- (1) In the first column of the second row delete “& (c)”.
- (2) In the third column of the third row, delete “50” and substitute “100”.
- (3) After the third row, insert a new row as follows –

3.2	Exceeding the number of dogs permitted to be kept at a premises	100	200
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- (4) In the third column of the fifth row, after “100”, insert “and a daily penalty of 10”.
- (5) In the fourth column of the fifth row, after “200”, insert “and a daily penalty of 20”.
- (6) In the third column of the seventh row, delete “40” and substitute “200”.

14. Various clauses amended

Amend the provisions listed in the Table as set out in the Table.

Part	Division	Clause	Delete	Insert
4		4.4	town	“local”
4		4.7	town	“local”

15. Redesignation of clauses

In clause 3.1 subclause (1) paragraphs “(d)” and “(e)” are redesignated “(e)” and “(f)” respectively.

Dated: 27 April 2011

The Common Seal of the Shire of York was affixed by the authority of a resolution of the Council in the presence of—

J P HOOPER, Shire President.

R P HOOPER, Chief Executive Officer.