

CERTIFICATE OF VALIDITY

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

I, KATE EMILY OLIVER of Norman Waterhouse Lawyers, Level 15, 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 Mid Murray Council intends to make, and do certify that in my opinion:

- (a) the said Council has the 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 246(1)(a), 246(3)(a), 246(3)(c) and 246(3)(e);

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

DATED the *15th* day of *February* 2010



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Kate Emily Oliver, Legal Practitioner

MID MURRAY COUNCIL

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

By-law No. 5 - Dogs

To limit the number of dogs that can be kept on premises and to provide for the control and management of dogs in the Council's area.

1. Definitions

In this by-law:

- 1.1 'Approved Kennel Establishment' means a building, structure, premises or area approved by the relevant authority pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis.
- 1.2 'Assistant Dog' means an accredited hearing dog, guide dog or disability dog as defined in Section 4 of the Dog and Cat Management Act 1995.
- 1.3 'Local Government Land' has the same meaning as in the Local Government Act 1999.
- 1.4 'Premises' includes land and a part of any premises or land whether used or occupied for domestic or non-domestic purposes except an Approved Kennel Establishment.
- 1.5 'Small Dwelling' means a self-contained dwelling commonly known as a flat, service flat, home unit or the like.
- 1.6 'Township' has the same meaning as in the Local Government Act 1999.

1.7 'Working Dog' means a dog primarily used for the purposes of herding stock.

2. Limit On Dog Numbers

A person must not, without the Council's permission, keep:

- 2.1 more than one (1) dog in a Small Dwelling;
- 2.2 more than two (2) dogs on any Premises other than a Small Dwelling in a Township; and
- 2.3 more than three (3) dogs on any Premises outside a Township.

3. Exemptions

The limits set out in paragraph 2 of this by-law do not apply:

- 3.1 to an Approved Kennel Establishment operating in accordance with all required approvals and consents; or
- 3.2 to any business involving dogs which is registered in accordance with the Dog and Cat Management Act 1995; or
- 3.3 if the Council has exempted any Premises from compliance with paragraph 2 of this by-law by the granting of an exemption; or
- 3.4 to any dogs which are Working Dogs, provided that the number of Working Dogs kept on any Premises shall not exceed (5) unless permission of the Council is obtained.

4. Dog free areas

A person must not on Local Government Land to which this paragraph applies cause, suffer or permit any dog under that person's control, charge or authority (except an accredited Assistant Dog), to be under that person's control, charge or authority or remain in that place.

5. Dogs on leashes

A person must not on 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 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 danger to other persons.

6. Dog exercise areas

- 6.1 Subject to paragraphs 4 and 5 of this by-law, any person may enter any part of Local Government Land to exercise a dog under that person's control.
- 6.2 Where a person enters upon any such part of Local Government Land for the purpose of exercising a dog under that person's control, that person must ensure that the dog or dogs remain under effective control either by means of physical restraint or by command, the dog being in close proximity to the person and the person being able to see the dog at all times while on that land.

7. **Application of paragraphs**

Paragraphs 4 and 5 of this by-law shall apply only in such portion or portions of the Council's area as the Council may by resolution direct from time to time 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 Mid Murray Council held on the day of *March* 2010 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present. *9th*


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Mr Dean Gollan
Chief Executive Officer