

CITY OF VINCENT
ANIMAL LOCAL LAW 2021

DOG ACT 1976
CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

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Under the powers conferred by the *Dog Act 1976*, the *Cat Act 2011*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Vincent* resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Short Title

This local law may be cited as the *City of Vincent Animal Local Law 2021*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of the keeping of dogs, cats, other animals and bees within the district.
- (2) The effect of this local law is to establish the requirements that owners and occupiers of premises within the district must comply with in order to keep dogs, cats, other animals, and bees and provide the means of enforcing the local law.

1.4 Application

This local law applies throughout the district of the City.

1.5 Repeal

- (1) The City's Dogs Local Law 2007 published in the *Government Gazette* on 21 November 2007 and all amendments thereto are hereby repealed on the day this local law comes into operation.
- (2) Divisions 2, 3, 4 and 6 of Part 5 of the City's Health Local Law 2004 published in the *Government Gazette* on 8 December 2004 is repealed on the day this local law comes into operation.

1.6 Terms used

- (1) In this local law unless the context otherwise requires -

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the City;

City means the City of Vincent;

district means the district of the City;

licence means a licence issued by the City;

licence holder means a person who holds a valid licence;

lot has the same meaning given to it in the *Planning and Development Act 2005*;

Schedule means a schedule in this local law;

thoroughfare has the meaning given to it in section 1.4 of the Act;

local planning scheme has the meaning given in section 4(1) the *Planning and Development Act 2005* which applies throughout the whole or a part of the district; and

vermin means rats, mice, flies, fleas, mites, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions.

PART 2 - DOGS

2.1 Terms used

(1) In this Part -

Authorised Person has the meaning given in section 3(1) of the Dog Act;

dangerous dog has the meaning given in section 3(1) of the Dog Act;

Dog Act means the *Dog Act 1976*;

Dog Regulations means the *Dog Regulations 2013*;

kennel establishment means the kennel, yards and premises used to house a dog for commercial purposes, gain or reward;

land has the meaning given in section 7 of the Property Law Act 1969;

occupier has the meaning given in the *Local Government Act 1995*;

owner in relation to a dog, has the meaning given in section 3(1) of the Dog Act;

person liable for the control of the dog has the meaning given in section 3(1) of the Dog Act;

pound means a dog management facility established under section 11 of the Dog Act and used for the purposes of keeping dogs seized or impounded under the Dog Act or this local law;

premises has the meaning given in section 3(1) of the Dog Act; and

public place has the meaning given in section 3(1) of the Dog Act.

Other words and expressions used in this part have the meanings respectively given to them in and for the purpose of the Dog Act and Dog Regulations.

Division 1 – Impounding of Dogs

2.2 Impounding of Dogs

- (1) An authorised person shall be in attendance at the pound to facilitate the return of a dog that has been seized pursuant to section 29 of the Dog Act, at the times and on the days of the week as determined by the CEO.
- (2) Where a dog that has been seized is to be returned to an owner, the owner must provide to an authorised person:
 - (a) proof of ownership of the dog;
 - (b) proof of registration of the dog in accordance with the Dog Act;
 - (c) payment of any moneys due to the City in relation to the dog; and
 - (d) if another person other than the owner is to take delivery of the dog on the owner's behalf, a written authority authorising that person to do so.

2.3 No breaking into or destruction of pound

- (1) A person shall not release or attempt to release a dog from a pound.
- (2) A person shall not destroy, break into, damage or in any way interfere with or render ineffective—
 - (a) any pound; or
 - (b) any vehicle or container used for the purpose of catching, holding or conveying a seized dog.

Division 2 – Dogs in Public Places

2.4 Dog exercise areas

- (1) For the purposes of sections 31 and 32 of the Dog Act, the public places within the district that are dog exercise areas are those areas so determined by the City under section 1.9 of the Act.
- (2) A dog exercise area must not be used if the area is:
 - (a) being used for an organised function, sporting activity or event attended by people;
 - (b) land which has been set apart as a children's playground; or
 - (c) a thoroughfare.

2.5 Offence to excrete

- (1) A dog must not excrete on:
 - (a) any public place; or
 - (b) any land without the consent of the occupier.
- (2) Subject to sub-clause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at the time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excrement is removed immediately by that person.

Division 3 – Requirements and Limitations of the Keeping of Dogs

2.6 Maximum Number of Dogs

The owner or occupier of premises must not keep or permit to be kept on the premises more than 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are licensed as an approved kennel establishment or have been granted an exemption pursuant to section 26(3) of the Dog Act.

2.7 Fencing Requirements

- (1) An owner or occupier of premises on which a dog is kept must—
 - (a) cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion;
 - (b) ensure the fence used to confine a dog and every gate or door in the fence is of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence;
 - (c) ensure that every gate or door in a 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);
 - (d) ensure that every gate or door in a fence is fitted with an effective and operative latching mechanism or system;
 - (e) maintain the fence, gates and doors in good working order and condition; and
 - (f) where no part of the premises consists of open space, yard or garden, or there is no open space, yard or garden to which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than tethering the dog) for effectively confining the dog within the premises.

Division 4 – Dog Kennel Establishments

2.8 Approved Kennel Establishment Licence

A person must not keep a kennel establishment without having first obtained a licence under this local law and planning approval under the local planning scheme.

2.9 Notice of Application for Kennel Establishment Licence

An applicant for a licence to keep an approved kennel establishment must—

- (a) publish in a newspaper circulating in the district a notice of their intention to submit an application for a licence being in the form determined by the City, specifying that any interested person may within 21 days after the date of such publication object to the application in writing to the City; and
- (b) forward a copy of the notice, being in the form determined by the City, to the owners and occupiers of all land within a radius of 500 metres of the boundaries of the land upon which it is proposed to establish the kennel.

2.10 Notice of Application for Kennel Establishment Licence

An application for a licence to keep an approved kennel establishment must be in the form of that in Schedule 1 and must be accompanied by—

- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 2.9;
- (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the City may require;
- (c) a report of an acoustic consultant verifying that the operational noise levels (including from any plant and machinery) will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*; and
- (d) payment of fees and charges as determined by the City.

2.11 Determination of Application

- (1) In determining an application for a licence, the City is to have regard to—
 - (a) the matters referred to in clause 2.10;
 - (b) any written submissions received within the specified period in accordance with clause 2.9; and
 - (c) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under the local planning scheme.

- (2) The City may, in respect of an application for a licence—
 - (a) refuse the application; or
 - (b) approve the application subject to the conditions in Schedule 4 or any other conditions the City considers appropriate.

2.12 Licence and Fees

- (1) A licence to keep an approved kennel establishment, and the application to renew or transfer such licence, must be in the form determined by the City.
- (2) A licence must be valid commencing on the date of its issue and expire on 30 June the following year, or on cancellation of the licence by the City.
- (3) Fees and charges as determined by the City must be payable for licence applications, renewals and transfers.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

2.13 Duties of Licence Holder

- (1) The holder of a licence to keep an approved kennel establishment must—
 - (a) maintain the establishment in a clean, sanitary and tidy condition;
 - (b) dispose of all refuse, excrement and food waste daily in a manner approved by the City; and
 - (c) take all practical measures for the destruction of fleas, flies and other vermin.
- (2) A licence holder who fails to comply with a condition of a licence commits an offence.

2.14 Limit on Number and Breed of Dogs

A person who conducts an approved kennel establishment must not keep or permit to be kept thereon, more than the number of dogs specified in the licence, or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of the City.

2.15 Kennel Establishment requirements

Dogs in an approved kennel establishment must be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following—

- (a) each kennel must have an adjacent yard;
- (b) each kennel and each yard and every part thereof must be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;

- (c) each kennel and each yard and every part thereof must be at a distance of not less than 25 metres from the front road or street;
- (d) each kennel and each yard and every part thereof must be at a distance of not less than 20 metres from any dwelling house;
- (e) each yard must be secured with a fence not less than 1.8 metres in height;
- (f) the upper surface of the floor of each kennel must be set at least 100mm above the surface of the surrounding ground and must be constructed of granolithic cement finished to a smooth surface and must have a fall of not less than 1 in 100. The entire yard must be surrounded by a drain which must be properly laid, ventilated and trapped. Floor washing must pass through this drain and must be disposed of in accordance with the health requirements of the City;
- (g) the floor of any yard must be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
- (h) for each dog kept therein every kennel must have not less than 1.8m² of floor space and every yard not less than 2.5 square metres; and
- (i) all kennels and yards, and all feeding and drinking vessels, must be maintained in a clean condition and cleaned and disinfected when so ordered by an authorised person.

2.16 Inspection of Kennel Establishments

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 3 - CATS

3.1 Interpretation

In this Part -

Cat Act means the *Cat Act 2011*;

Cat Regulations means the *Cat Regulations 2012*;

cat has the meaning given in section 3(1) of the Cat Act;

cat management facility has the meaning given in section 3(1) of the Cat Act;

cat prohibited area means a public place, or class of public place that is under the care, control or management of the City as determined under section 1.9 of the Act;

cattery means any premises where more than 3 cats are boarded, bred housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary keeper of the cats;

effective control in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

nuisance in relation to a cat means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of their ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

owner in relation to a cat, has the meaning given in section 4 of the Cat Act;

premises has the meaning given in section 3(1) of the Cat Act; and

vehicle has the meaning given in section 3(1) of the Cat Act.

Other words and expressions used in this part have the meanings respectively given to them in and for the purpose of the Cat Act and Cat Regulations.

3.2 Keeping of Cats for which a licence is required

- (1) Subject to subclause (3), a person is required to have a licence to—
 - (a) keep more than 3 cats at a premises; or
 - (b) use any premises as a cattery or cat management facility.
- (2) A person who breeds cats may, with the written approval of the City, keep up to 6 adult breeding cats on any premises in the district, subject to—
 - (a) each cat being permanently confined in an effective cage system on the premises; and
 - (b) the terms and conditions in Schedule 3 or any conditions the City considers appropriate.
- (3) A licence is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia or any other incorporated animal welfare organisation;
 - (b) a veterinary surgery; or
 - (c) a pet shop.

3.3 Application for licence

An application for a licence under clause 3.2 must be—

- (a) made in writing, by an occupier of premises in relation to those premises;
- (b) in a form approved by the City, describing and specifying the number of cats to be kept on the premises;
- (c) accompanied by brief reasons for the request;
- (d) accompanied by the plans of the premises to which the application relates, to the specification and satisfaction of the City;
- (e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates; and
- (f) accompanied by the application fee for the licence determined by the City from time to time.

3.4 Refusal to determine application

The City may refuse to determine an application for a licence if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

- (1) In determining an application for a licence the City may have regard to—
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under the local planning scheme;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the owners and occupiers of adjoining premises;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and

- (j) such other factors which the City may consider to be relevant in the circumstances of the particular case.
- (2) The City may require an applicant to—
 - (a) subject to subclause (3) consult with adjoining occupiers and owners; and
 - (b) notify other adjoining occupiers and owners that they may make submissions to the City on the application within 14 days of receiving that notice.
- (3) The City may direct the nature and extent of consultation required with adjoining occupiers and owners.

3.6 Decision on application

- (1) Upon receiving an application for a licence, the City may—
 - (a) approve the application for a licence subject to the conditions in clause 3.7 and any other conditions the City considers appropriate; or
 - (b) refuse the application for a licence.
- (2) If the City approves an application under subclause (1), then it shall issue to the applicant a licence in the form determined by the City.
- (3) If the City refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

3.7 Conditions

- (1) Every licence is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the licence relates must comply with the requirements of the Cat Act;
 - (b) each cat must be contained on the premises unless under the effective control of a person;
 - (c) the licence holder will provide adequate space for the exercise of the cats;
 - (d) the premises must be maintained in good order and in a clean and sanitary condition; and
 - (e) the conditions contained in Schedule 3.
- (2) A licence holder who fails to comply with a condition of a licence commits an offence.

3.8 Duration of licence

- (1) Unless otherwise specified, in a condition on a licence, a licence commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—
 - (a) it is revoked; or
 - (b) the licence holder ceases to occupy the premises to which the licence relates.

3.9 Revocation

The City may revoke a licence if the licence holder fails to observe any provision of this under this Part 3 or a condition of a licence.

3.10 Licence not transferable

A licence is not transferable either in relation to the licence holder or the premises.

3.11 Licence to be kept at the premises and available for view

A licence issued by the City must be kept at the premises to which it applies and must be provided to an authorised person on demand. In the case of a registered cattery, the licence must be displayed in a prominent place within the premises.

3.12 Cat not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where in the opinion of an authorised person, a cat is creating a nuisance, the City may give written notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the City in the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

3.13 Cat prohibited areas

- (1) Unless in accordance with written authorisation from the City, a cat must not be in a cat prohibited area at any time.
- (2) If a cat is in a cat prohibited area contrary to subclause (1), the owner of the cat commits an offence.
- (3) An authorised person may seize and remove, or direct the seizure and removal of a cat from a cat prohibited area, pursuant to the Cat Act.

PART 4 - ANIMALS

4.1 Interpretation

In this Part -

Affiliated Person means a person who is a member of a properly constituted Pigeon Club;

animal includes a fish, bird, cat, dog, reptile, cow, cattle, goat, horse, miniature horse, pig, miniature pig, poultry, peacock, peahen, llama, alpaca, deer, sheep, ostrich, emu or the like;

approved animal means a large animal the subject of an approval by the City under clause 4.6;

aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;

authorised person means a person appointed by the local government, under section 9.10 of the Act to perform all or any of the functions conferred on an authorised person under this Part 4;

bees means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

beekeeper has the meaning given in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

bee hive means a moveable or fixed structure, container or object in which a colony of bees is kept;

bird includes galahs, parrots, budgerigars, finches, pigeons and doves and the like;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey, shetland pony or pony;

large animal includes a sheep, cow, goat, horse (including a miniature horse), deer, camel, llama, kangaroo, alpaca, pig (including a miniature pig), emu, ostrich or any other animal so classified by the City;

livestock means any horse, cattle, sheep, goat, swine, buffalo, deer, camel, emu, ostrich, llama and alpaca;

miniature horse means a horse that does not exceed 870mm in height as an adult and is classified as a miniature by the Miniature Horse Association of Australia;

miniature pig means a pig that does not exceed 650mm in height and does not exceed 55 kilograms in weight as an adult;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;

- (b) an unreasonable interference with the use and enjoyment of a person of their ownership or occupation of premises;
- (c) interference which causes material damage to premises or other property on the premises affected by the nuisance; or
- (d) in relation to a dog, any of the behaviours described in section 38(1) of the Dog Act;
premises has the meaning given to it in section 4 of the *Public Health Act 2016*;

pigeon means birds of the species *columba livia* and includes homing pigeon, racing pigeon and dove; and

poultry means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peafowl and other birds kept for the production of eggs or meat for domestic consumption.

Division 1 – Keeping of Animals

4.2 Cleanliness

- (1) An owner or occupier of premises in or on which an animal is kept shall—
 - (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract vermin;
 - (b) when so directed by an authorised person, clean and disinfect the premises; and
 - (c) keep the premises, so far as possible, free from insect, pests or vermin by spraying with a residual insecticide or other effective means.

4.3 Nuisance Animals

- (1) An owner or occupier of premises in or on which an animal is kept shall ensure the keeping of the animal does not cause or create a nuisance.
- (2) If an authorised person considers that a person has contravened subclause (1), the City may give the owner and/or occupier of the premises a written notice requiring them to abate the nuisance within the time specified in the notice.

4.4 Animal Enclosures

- (1) A person shall not keep or cause or permit to be kept any animal on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The City may give written notice to the owner or occupier of premises where an animal is kept to pave, grade or drain the ground surface or floor of a structure or enclosure in which animals are kept.

4.5 Slaughter of Animals

- (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply where the slaughter of an animal is at premises approved for that purpose.

4.6 Disposal of Deceased Animals

- (1) An owner or occupier of premises on which there is a deceased animal shall immediately arrange for its removal and disposal at an approved disposal site.
- (2) An owner, or a person having the care, of any animal that dies in a public place shall immediately arrange for its removal and disposal at an approved disposal site.

Division 2 – Keeping of Large Animals

4.7 Approval Required to Keep a Large Animal

- (1) A large animal or animals in such numbers that may cause a nuisance as determined by the City shall not be kept on any premises within the district unless prior written approval has been given by the City.
- (2) The City may approve in exceptional temporary circumstances the keeping of a large animal and may impose any conditions it considers necessary to ensure that public health standards are not compromised.

4.8 Proximity of Animals to another Premises

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of another premises.

4.9 Manure Receptacle

An owner or occupier of premises on which an approved animal is kept shall—

- (a) provide in a position convenient to a stable a receptacle for manure, constructed of an impervious and durable material which has a smooth surface, provided with a tight-fitting hinged cover, and with no part of the base of the receptacle lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other insects;
- (d) keep the receptacle so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Division 3 – Keeping of Poultry, Pigeons and Aviary Birds

4.10 Limitation on Numbers of Poultry and Pigeons

- (1) Subject to subclause (5), an owner or occupier of premises—
 - (a) shall not keep more than the maximum number of poultry listed in the following table:

Residential premises (other than multi-residential premises, flat or unit)	Multi-residential premises, flat or unit
6	0

- (b) who is not an Affiliated Person, shall not keep a total of more than 12 pigeons; and
 - (c) who is an Affiliated Person, shall not keep a total of more than 50 pigeons,
- on any premises.
- (2) An owner or occupier of premises must not without the written approval of the City keep on any premises a rooster, turkey, goose, peafowl or more than the maximum number of poultry and pigeons detailed in subclause (1).
 - (3) The City may impose such conditions as to the number of poultry, pigeons, or aviary birds on any premises within the district as it considers appropriate.
 - (4) The City may prohibit the keeping of poultry, pigeons, or birds at a premises, if the conditions in this Part have not been complied with or if unreasonable noise or a nuisance is being caused.

4.11 Conditions on Keeping Poultry

A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) they provide a properly constructed and securely fastened structure or enclosure;
- (b) the enclosure or structures within which poultry are kept are maintained at all times in a clean and sanitary condition;
- (c) the poultry are confined to the structure or enclosure; and
- (d) all feed for poultry be stored in vermin proof containers.

4.12 Conditions for Keeping Pigeons or Doves

A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

- (a) none is able to approach within 15 metres of another premises where people are employed or where food is stored, prepared, manufactured or sold; and
- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed and securely fastened structure or enclosure that—
 - (i) is located so that no pigeon is able to approach within 1 metre of any boundary;
 - (ii) the structure or enclosure is kept in a clean and sanitary condition and good repair at all times; and
 - (iii) is in a yard having an otherwise unobstructed area of at least 30 square metres.

4.13 Conditions for Keeping Aviary Birds

A person who keeps, or permits to be kept, aviary birds shall ensure that –

- (a) the aviary or enclosure is kept in a clean condition and good repair at all times; and
- (b) the aviary or enclosure in which the birds are kept is located at least 1 metre from any boundary and at least 5 metres from a residential premises.

4.14 Non-Conforming Structure or Enclosure

The City may give written notice to an owner or occupier of premises directing them to take such actions as an authorised person considers necessary to remove or alter a structure or enclosure in which poultry, pigeons or doves are kept in order to comply with the requirements under this Part.

4.15 Restrictions on Pigeon Nesting or Perching

The City may give written notice to an owner or occupier of premises in or on which pigeons are, or are in the habit of, nesting, perching or habitually feeding to take adequate steps to prevent them continuing to do so.

4.16 Restriction on Feeding of Birds

A person shall not feed pigeons, doves, ibis, ravens, seagulls or other wild birds so as to cause a nuisance.

Division 4 – Bees

4.17 Conditions required to keep bees

A person who keeps bees or bee hives or permits bees or bee hives to be kept shall -

- (a) unless exempted under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*, be registered as a beekeeper;
- (b) keep bees and bee hives in accordance with the Western Australian Apiarists' Society Best-Practice Guidelines for Urban Beekeepers;
- (c) provide a good and sufficient water supply on the premises which is readily accessible by the bees;
- (d) in relation to all premises, not keep —
 - (i) more than two bee hives on premises of less than 400 m²;
 - (ii) more than four bee hives on premises 401m² or more; and
- (e) ensure bee flight paths do not affect adjoining premises.

4.18 Nuisance bees

- (1) A person must not keep or allow to be kept bees or bee hives, or both, on premises so as to create a nuisance.
- (2) If an authorised person considers that a person has contravened any provision of this local law which relates to the keeping of bees or bee hives, the City may give the owner and/or occupier of the premises a written notice requiring them to abate the nuisance or remove any bee hives from the premises within the time specified in the notice.

PART 5 - MISCELLANEOUS

5.1 Fees and Charges

All fees and charges applicable under this local law must be as determined by the City from time to time in accordance with sections 6.16 to 6.19 of the Act.

5.2 City may Undertake Requirements of Notice

Where a person fails to comply with a notice served under this local law, the City may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

5.3 Appeal and Review Rights

When the City makes a decision as to whether it will—

- (a) grant a person a licence or certificate of registration under this local law;
or
- (b) renew, vary, or cancel a licence or certificate of registration that a person has under this local law; or
- (c) give a person a notice,

the provisions of Division 1 of Part 9 of the Act and regulations 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

PART 6 - ENFORCEMENT

6.1 Offences and Penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under Part 2 of this local law may be liable, upon conviction, to a penalty not exceeding—
 - (a) \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding

\$100 for each day or part of a day during which the offence has continued; or

- (b) \$2,000, and if the offence is of a continuing nature, to an additional penalty not exceeding

\$200 for each day or part of a day during which the offence has continued in relation to a dangerous dog.
- (3) Any person who commits an offence under Parts 3 or 4 of this local law must be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

6.2 Modified Penalties and Offence Description

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence—
 - (a) in relation to Part 2, is the amount specified in—
 - (i) the fourth column of Schedule 4 if the dog is a dangerous dog;
 - (ii) the fifth column of Schedule 4 if the dog is not a dangerous dog;and
 - (b) in relation to Parts 3 or 4, is the amount specified in the fourth column of Schedule 4.
- (3) Where an authorised person as defined under any Part of this local law has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person an infringement notice in the form required.

6.3 Form of Notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is to be in or substantially in the form of Form 1 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (d) for the purposes of Part 3, the issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the *Cat Act 2011*;
- (e) for the purposes of Part 3, an infringement notice given under the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*;

- (f) for the purposes of Part 3, a notice sent under the *Cat Act 2011* withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

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

(clause 2.10)

I/we (full name)

of (postal address)

(telephone number)

(facsimile number)

(E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)

.....

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at .

..... (insert address of residence)

on and from (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

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.

Signature of applicant

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on *[insert date]*.

SCHEDULE 2
CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

(clause 2.11(2)(b))

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

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than -
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the City;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be –
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be

properly laid, ventilated and trapped in accordance with the health requirements of the City;

- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the City;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
 - (i) 2 metres; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the City;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
 - (i) at the premises; or
 - (ii) in the opinion of the City, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

**SCHEDULE 3
LICENCE TO USE PREMISES AS A CATTERY**

(clause 3.2(2)(b) and 3.7(1)(e))

Additional conditions—

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the City.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Wash basin with the minimum of cold water to be available.
- (7) The maximum number of cats to be kept on the premises stated on the licence is not to be exceeded.
- (8) A register is to be kept recording in respect of each cat the—
 - (a) date of admission;
 - (b) date of departure;
 - (c) breed, age, colour and sex; and
 - (d) the name and residential address of the owner.
- (9) The register is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing cat to be kept on the premises.
- (12) Any other matter which in the opinion of the City is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

**SCHEDULE 4
OFFENCES AND MODIFIED PENALTIES**

Item No.	Clause No.	Nature of offence	Modified penalty— Dangerous Dog \$	Modified Penalty \$
Dogs				
1.	2.3(1)	Attempting to or causing the unauthorised release of a dog from a pound	500	250
2.	2.3(2)(a)	Destroy, break into, damage or interfere with any pound	500	250
3.	2.3(2)(b)	Destroy, break into, damage or interfere with any vehicle or container used for the purpose of catching, holding or conveying dogs	500	250
4.	2.5	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	150	150
5.	2.6	Keeping more than the permitted number of dogs without approval	400	200
6.	2.7(1)(a)	Failing to install a fence capable of confining a dog to the premises or fence not adequate to confine	500	250
7.	2.7(1)(b)	Fence not adequate to confine to the premises a dog having regard to the species, age, size and physical condition of the dog	500	250
8.	2.7(1)(c)	Failing to keep gate or door closed when the dog is on the premises	400	200
9.	2.7(1)(d)	Failing to have a gate or door fitted with effective and operative latching mechanism or system	400	200
10.	2.7(1)(e)	Failing to maintain fences, gates and doors in good working order and condition.	400	200
11.	2.7(1)(f)	Failing to ensure other means exist for effectively confining a dog	400	200

Item No.	Clause No.	Nature of offence	Modified penalty— Dangerous Dog \$	Modified Penalty \$
		within premises		
12.	2.8	Keeping a kennel establishment without a licence		250
13.	2.13(1)(a)	Failing to maintain kennel establishment in a clean, sanitary and tidy condition		250
14.	2.13(1)(b)	Failing to dispose of refuse, excreta and food waste daily in approved manner		250
15.	2.13(1)(c)	Failing to take practical measures to destroy fleas, flies and other vermin		200
16.	2.14	Keeping a greater number or breed of dogs than specified in the licence		200

Item No.	Clause No.	Nature of offence	Modified Penalty \$
Cats			
17.	3.2(1)(a)	Keeping more than 3 cats over the age of 6 months	200
18.	3.2(1)(b)	Keeping a cattery without a licence	500
19.	3.2(2)(a)	Failing to confine cats in effective cage system on the premises	200
20.	3.2(2)(b)	Failing to comply with conditions imposed by a licence	250
21.	3.12(1)	Cat causing a nuisance	250
22.	3.12(4)	Failure to comply with an abatement notice	250
23.	3.13	Cat in cat prohibited area	250
Animals			
24.	4.2(1)(a)	Failing to keep premises free of excrement, filth, food waste and other matter which is likely to be offensive or injurious to health or attract vermin	200
25.	4.2(1)(b)	Failing to clean and disinfect premises when directed by an authorised person	200
26.	4.2(1)(c)	Failing to keep the premises, so far as possible, free from insects, pests or vermin by spraying with a residual insecticide or other effective means	200
27.	4.3(1)	Failing to keep an animal on premises so as to not cause or create a nuisance	200
28.	4.4(1)	Failing to keep or cause or permit to be kept any animal, on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building	200
29.	4.5(1)	Slaughtering any animal within the district	200
30.	4.6(1)	Where there is a deceased animal on premises, failing to immediately remove the carcass and arrange for its disposal at an approved disposal site	200
31.	4.6(2)	Where any animal that dies in a public place, failing to immediately remove the carcass and arrange for its disposal at an approved disposal site.	200
32.	4.7(1)	Keeping a large animal on any premises within the district without approval	200

Item No.	Clause No.	Nature of offence	Modified Penalty \$
33.	4.8	Allowing an approved animal to approach within 15 metres of another premises	200
34.	4.9(a)	For an approved animal, failing to provide a receptacle for manure, constructed of an impervious and durable material which has a smooth surface, provided with a tight-fitting hinged cover, and with no part of the base of the receptacle lower than the surface of the adjoining ground	200
35.	4.9(b)	For an approved animal, failing to keep the lid of the receptacle closed except when manure is being deposited or removed	200
36.	4.9(c)	For an approved animal, failing to cause the receptacle for manure to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other insects	200
37.	4.9(d)	For an approved animal, failing to keep the receptacle for manure so far as possible free from flies or other insects by spraying with a residual insecticide or other effective means	200
38.	4.9(e)	For an approved animal, failing to cause all manure produced on the premises to be collected daily and placed in the receptacle	200
Poultry, Pigeons and Aviary Birds			
39.	4.10(1)(a)	Keeping more than 6 poultry on residential (other than multi-residential premises, flat or unit) or keep any number of poultry on multi-residential premises, flat or unit	200
40.	4.10 (1)(b)	Keeping more than 12 pigeons if not an Affiliated Person	200
41.	4.10 (1)(c)	Keeping more than 50 pigeons if an Affiliated Person	200
42.	4.10(2)	Keeping a rooster, turkey, goose, peafowl or more than the maximum number of poultry and pigeons without approval	200
43.	4.11 (a)	Where poultry is kept, failing to provide a properly constructed and securely fastened structure or enclosure	200
44.	4.11 (b)	Where poultry is kept, failing to ensure the enclosure or structures within which poultry are kept are maintained at all times in a clean and sanitary condition	200
45.	4.11 (c)	Where poultry is kept, failing to ensure poultry are confined to the structure or enclosure	200

Item No.	Clause No.	Nature of offence	Modified Penalty \$
46.	4.11(d)	Where poultry is kept, failing to ensure all feed for poultry be stored in vermin proof containers	200
47.	4.12(a)	Where doves or pigeons are kept, failing to ensure none is able to approach within 15 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold	200
48.	4.12(b)(i)	Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is located so that no pigeon is able to approach within 1m of any boundary	200
49.	4.12(b)(ii)	Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is kept in a clean and sanitary condition and good repair at all times	200
50.	4.12(b)(iii)	Failing to, except where registered homing pigeons are freed for exercise, keep the pigeons or doves in a properly constructed and securely fastened structure or enclosure that is in a yard having an otherwise unobstructed area of at least 30 square metres	200
51.	4.13(a)	Failing to, where aviary birds are kept, ensure that the aviary or cage is kept in a clean condition and good repair at all times	200
52.	4.13(b)	Failing to, where aviary birds are kept, ensure that the aviary or cage in which the birds are kept is located at least 1 metre from any boundary and at least 5 metres from a residential building on any other lot	200
53.	4.16	Feeding pigeons, doves, ibis, ravens, seagulls or other wild birds so as to cause a nuisance	200
Bees			
54.	4.17(a)	Failing to be registered as a beekeeper, unless exempted under Regulation 13 of the <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i>	200
55.	4.17(b)	Failing to keep bees and bee hives in accordance with the WA Apiarist Society Best-Practice Guidelines for Urban Beekeepers	200
56.	4.17(c)	Failing to provide a good and sufficient water supply on the premises which is readily accessible by the bees	200
57.	4.17(d)(i)	Failing to, in relation to a premises, not keep more than	200

Item No.	Clause No.	Nature of offence	Modified Penalty \$
		two bee hives on premises of less than 400 m ²	
58.	4.17(d)(ii)	Failing to in relation to a premises, not keep more than four bee hives on premises 401m ² or more	200
59.	4.17(e)	Failing to ensure bee flight paths do not affect adjoining premises	200
60.	4.18(1)	Failing to keep bees or bee hives on premises so as to not create a nuisance	200
Other			
61.	6.1(1)	Failing to comply with a notice issued under this local law	200
62.		All other offences not specified	200

Dated..... 2021

The Common Seal of the)
City of Vincent)
was affixed by authority of a)
resolution of the Council in the)
presence of:)

**EMMA COLE,
MAYOR**

**DAVID MACLENNAN,
CHIEF EXECUTIVE OFFICER**