

**LG301\***

**LOCAL GOVERNMENT ACT 1995**

**DOG ACT 1976**

*Shire of Murray*

**DOG 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 Murray resolved on 25 August 2011 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Murray Dog Amendment Local Law 2011*.

**2. Commencement**

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

**3. Principal Local Law**

In this local law, the Shire of Murray Local Law relating to Dogs 2007, published in the *Government Gazette* on 18 February 2008, as amended is referred to as the principal local law. The principal local law is amended—

**4. Clause 1.4 amended**

In clause 1.4—

- (a) delete the definition of authorised person and insert “has the meaning given to it by the Act;”;
- (b) in the definition for leash delete the words, “leash”; and
- (c) insert the following definitions in alphabetical order—
  - “**food premises**” means any premises or vehicle in which a food business, as defined in section 10 of the *Food Act 2008*, is being carried on;
  - “**food transport vehicle**” has the meaning given to it in the *Food Act 2008*;
  - “**owner**” has the meaning given to it by the Act;
  - “**premises**” has the meaning given to it by the Act;

**5. Clause 2.1 delete**

Clause 2.1 is deleted.

**6. Clause 2.3 delete**

Clause 2.3 is deleted.

**7. Clause 2.8 delete**

Clause 2.8 is deleted.

**8. Clause 2.9 delete**

Clause 2.9 is deleted.

**9. Clause 2.10 delete**

Clause 2.10 is deleted.

**10. Clause 4.17 delete**

Clause 4.17 is deleted.

**11. Clause 7.2 delete**

Clause 7.2 is deleted

**12. Clause 3.2 amended**

- (a) delete subclause (2)(a) and insert—
  - (a) The limit on the number of dogs which may be kept on the premises is, for the purposes of section 26(2) of the Act—
    - (i) 2 dogs over the age of 3 months and the young of those dogs under that age on any land within the district; or
    - (ii) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are located on a lot with an area greater than ten hectares not situated within a townsite.
- (b) delete subclause (3) and insert—
  - (3) A person may make application for an exemption under section 26 of the Act in the form prescribed in Schedule 3.
    - (a) On lodging an application the applicant is to pay the local government an application fee.
- (c) delete subclause (4) and insert—
  - (4) In determining any application made under subclause (3), the local government may—
    - (a) refuse the application;

- (b) approve the application; or
- (c) approve the application subject to conditions as the local government considers appropriate.
- (d) delete subclause (5).

**13. Part 3 amended**

After clause 3.3 insert—

**3.4 Compliance with conditions of exemption**

A person who has been granted an exception under clause 3.2(4) who does not comply with the conditions of the exemption commits an offence.

Penalty: \$1000 and a daily penalty of \$100

**14. Clause 4.1 amended**

In clause 4.1 insert in alphabetical order—

kennel establishment means a building, structure, kennel or area approved by the local government under this local law for the keeping of dogs on a temporary or permanent basis;

**15. Clause 4.8 amended**

In subclauses (1) and (2) delete “Fifth Schedule” and substitute where required “Schedule 5”.

**16. Clause 4.9 amended**

In clause 4.9 delete “\$1000” and insert “Where the dog is a dangerous dog, \$2000 and a daily penalty of \$200, otherwise \$1000”.

**17. Clause 4.10 amended**

Clause 4.10 is deleted and the following is inserted—

- (1) On lodging an application for a licence, the applicant is to pay to the local government an application fee and the registration fee prescribed by the Regulations.
- (2) On the renewal of a licence, the licensee is to pay to the local government the registration fee prescribed in the Regulations.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a transfer fee to the local government

**18. Clause 4.11 amended**

In clause 4.11 delete “determined by the local government and is to be issued to the licensee” and insert “provided in Schedule 6”.

**19. Clause 4.12 amended**

(1) In clause 4.12(1) delete the words “twelve (12) months from July 1st to June 30th the following year.” and insert “that provided in the Act.”

(2) Clause 4.12(2) is deleted and the following is inserted:

An application for a kennel establishment licence may be lodged with the local government in the form prescribed in Schedule 2, accompanied by the fee required under clause 4.10.

**20. Clause 5.1 amended**

(1) In clause 5.1(1) delete “Dogs, except a dog referred to in section 6(4) or 8 of the Act,” and insert “Subject to section 8 of the Act and section 66J of the Equal Opportunity Act 1984, dogs”.

(2) In clause 5.1(1)(c) delete “all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993” and insert “all food premises and food transport vehicles.”

**21. Clause 5.2 amended**

In clause 5.2 delete the words “of the Act”

**22. Clause 5.3 amended**

Clause 5.3 is deleted and the following is inserted—

- (1) Subject to clause 5.1 and subclause (2), for the purposes of sections 31 and 32 of the Act, the areas listed in Schedule 1 are dog exercise areas.
- (2) Subclause (1) does not apply to—
  - (a) land which has been set apart as a children's playground;
  - (b) an area being used for sporting or other activities as permitted by the local government.

**23. Clause 7.3 amended**

In clause 7.3 delete the words “Fourth Schedule” where they appear and insert “Schedule 4”.

**24. First schedule amended**

The first schedule is amended and the following is inserted—

Schedule 1—Dog exercise areas  
Clause 5.3

<b>Reserve No. or Street Location</b>	<b>Location</b>	<b>Suburb</b>
Reserve 35250	Corner Tonkin Drive and North Yunderup Road,	North Yunderup
Reserve 24091	Corner Smith and York Street,	Furnissdale
Reserve 32989	Lot 250 Forrest Street	Dwellingup
Lot 3	Southern portion of Lot 3 Wandoo Drive	Pinjarra
Lot 102	Lakes Road	North Dandalup

**25. Third schedule amended**

The third schedule is amended by deleting “Third Schedule” and substituting in its place “Schedule 3”.

**26. Fourth schedule amended**

The fourth schedule is amended and the following is inserted—

Schedule 4—Modified penalties  
Clause 7.3

<b>Offence</b>	<b>Nature of offence</b>	<b>Modified penalty \$</b>	<b>Dangerous Dog Modified Penalty \$</b>
2.11(a)	Attempting to or causing the unauthorised release of a dog from a pound	200	400
2.11(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	100	200
3.2(2)(a)	Keeping more than the approved number of dogs	100	200
3.4	Failure to comply with conditions of an exemption	100	
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
5.2(3)	Dog not held on leash	100	200
6.1(2)	Dog excreting	50	

**27. Fifth schedule amended**

The fifth schedule is amended and the following is inserted—

Schedule 5—Conditions of licence for approved kennel establishment  
Clause 4.8

An application for a licence for an approved kennel establishment shall be approved subject to the following conditions—

- (1) Each dog shall have its own kennel, and each dog shall be kept confined in the kennel, other than in the case of a whelping dog where the offspring of that dog may reside in that dog's kennel for a period of up to 12 weeks;

- (2) Kennels must be constructed inside a kennel building;
- (3) All external gates or doors into a kennel building or an exercise yard must be fitted with self closing and latching mechanisms;
- (4) The external walls of a kennel building must be constructed of opaque durable material;
- (5) The upper surface of the kennel building floor must be kept clean and free of animal waste;
- (6) The roof of each kennel building must be constructed of impervious material;
- (7) The minimum setbacks for a kennel building and yards shall comply with the requirements of the Town Planning Scheme, if setbacks are not specified in the Town Planning Scheme the following applies—
  - (a) Kennel building—
    - (i) Thirty (30) metres from the front boundary of the land;
    - (ii) Ten (10) metres from the rear or a side boundary of the land.
  - (b) Exercise yards shall be—
    - (i) Five (5) metres from any external boundary of the land;
    - (ii) The setbacks for a dwelling and kennel building may be altered by the local government, except the distance determined by clause (b), if the shape of the land, the topography or the water table level makes it desirable to approved a lesser distance.
- (8) A kennel building or exercise yard shall be at least ten (10) metres from any residential dwelling, church, school, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (9) From the floor of the kennel building the lowest internal fixed height of an individual kennel shall be two (2) metres. A removable partition to reduce the fixed height of an individual kennel is permitted, however the minimum height of the partition shall be 1.2 metres from the floor;
- (10) The walls of each kennel must be constructed of durable material;
- (11) Bedding for dogs shall be maintained at a minimum 200 mm above the floor level;
- (12) The minimum size for a kennel for an individual dog is 2.5 square metres;
- (13) All kennel building and kennel floor washings must be drained via pipes to an apparatus approved for the treatment of waste by an authorised environmental health officer;
- (14) All faeces, rubbish, and other waste material shall be disposed of in accordance with the directions of an authorised environmental health officer;
- (15) Each kennel building shall have at least one exercise yard attached that is at least twice the floor area of the kennel building to which it is attached;
- (16) Exercise yards shall be kept securely fenced with wire link mesh, netting or other similar materials;
- (17) All gates into an exercise yard shall be fitted with self closing mechanisms;
- (18) Where a yard is to be paved, the paving surface shall be capable of being maintained consistent with that of the floor inside the kennel building; and
- (19) No permanent structures may be built within an exercise yard;
- (20) Where greyhounds are kept—
  - (a) a perimeter fence with self-locking gates shall be constructed around the kennel building and yards of link mesh or wire netting or other materials approved by the local government;
  - (b) The minimum height of the fence shall be 1.6 metres;
- (21) All external surfaces of kennel building shall be kept in good condition;
- (22) All kennels, yards and drinking vessels shall be maintained in a clean condition;
- (23) Noise, odours, fleas, flies and other vectors of disease shall be effectively controlled;
- (24) Reticulated water shall be available at the kennel building via a securely supported standpipe and hose;
- (25) All food for the kennelled dogs shall be stored in a room within the kennels. The food shall be stored in metal cabinets or refrigerators the underside of which is at least 50 mm above the floor level;

- (26) the licensee or the person nominated in the application for a licence, must, continue to reside—
- (a) at the premises; or
  - (b) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.”

**28. Schedule 6 inserted**

The following schedule is inserted after Schedule 5—

Schedule 6—Licence for a kennel establishment

Clause 4.11

This licence is issued to—

.....  
(Full Name)

of.....  
(Address)

This licence authorises you to establish a kennel at—

.....  
(as shown on the attached plan) for .....  
(maximum number of) dogs in compliance with the conditions attached to this licence and any provision of these Local Laws.

This licence is valid commencing on the date of issue shown below and expires at midnight on .....or on the sooner cancellation of this licence.

Issued this ..... day of .....20.....

Chief Executive Officer .....

The operation of the kennel establishment shall be in accordance with all special conditions imposed upon this licence by the Shire of Murray and in accordance with these local laws.

The licensee, shall, on demand by an authorised person, produce this licence for inspection within not more than 24 hours of the time when requested either verbally or in writing to do so.

(\*) 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 licensee.....

Date.....

\*delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 25.5 of the *Dog Act 1976*.

Dated: 5 September 2011.

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

DEAN UNSWORTH, Chief Executive Officer.  
NOEL H. NANCARROW, Shire President.