

Dog Act 1976
SHIRE OF COOLGARDIE
DOGS LOCAL LAW 2019

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Coolgardie resolved on 12 November 2019 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Coolgardie Dogs Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

The *Municipality of the Shire of Coolgardie Dogs Local Law* published in the *Government Gazette* on 4 January 1985 and amended in the *Government Gazette* on 24 October 1997 is repealed.

1.4 Definitions

In this local law unless the context otherwise requires -

“**Act**” means the *Dog Act 1976*;

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

“**CEO**” means the Chief Executive Officer of the local government;

“**district**” means the district of the local government

“**local government**” means the Shire of Coolgardie;

“**local planning scheme**” means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

“**Regulations**” means the *Dog Regulations 2013*; and

“**thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

2.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must -

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- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the 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 the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition;
 - (e) ensure the fence is erected and maintained in accordance with the provisions of the *Shire of Coolgardie Fencing Local Law*; and
 - (f) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

(3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

2.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been -

- (a) licensed under the Act as an approved kennel establishment;
- (b) granted an exemption under section 26(3) of the Act; or
- (c) established as a veterinary hospital or a veterinary clinic.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated other than within a Rural Zone or Special Rural Zone as identified in a local planning scheme; or
- (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a Rural or Special Rural Zone as identified in a local planning scheme.

PART 3 – DOG EXCRETIA TO BE REMOVED

3.1 Offence to excrete

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

PART 4 - ENFORCEMENT

4.1 Interpretation

In this Part -

“**infringement notice**” means the notice referred to in clause 4.4; and

“**notice of withdrawal**” means the notice referred to in clause 4.7(1).

4.2 Offences and general penalty

- (1) A 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) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and 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.

4.3 Modified penalties

The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.

4.4 Issue of infringement notice

Where an authorised person 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 a notice in the form of Form 8 of the First Schedule of the Regulations.

4.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

4.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the

