

**THE BAROSSA COUNCIL**

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

DOGS BY-LAW 2021**By-law No. 5 of 2021**

For the management and control of dogs within the Council's area and to limit the number of dogs kept in premises.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Dogs By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **Act** means the *Dog and Cat Management Act 1995*;
- 3.2 **approved kennel establishment** means a building, structure, premises or area approved by the relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016*, for the keeping of dogs on a temporary or permanent basis;
- 3.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **effective control** means a person exercising effective control of a dog either:
 - 3.5.1 by means of a physical restraint; or
 - 3.5.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.6 **local government land** has the same meaning as in the *Local Government Act 1999*;

- 3.7 **premises** includes any land and part of any premises or land whether used or occupied for domestic and non-domestic purposes, except an approved kennel establishment;
- 3.8 **small dwelling** means a self-contained dwelling commonly known as a flat, service flat, home unit or the like;
- 3.9 **working livestock dog** has the same meaning as in the Act.

Part 2 – Dog Management and Control

4. Limit on Dog Numbers

- 4.1 The limit on the number of dogs kept in any dwelling in a township (other than a small dwelling) shall be two dogs.
- 4.2 The limit on the number of dogs kept in any small dwelling in a township shall be one dog.
- 4.3 The limit on the number of dogs kept in any dwelling outside of a township shall be three dogs (other than any working livestock dog).
- 4.4 A person must not, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit unless the premises is an approved kennel establishment.

5. Dog Free Areas

A person must not cause, suffer or permit any dog under that person's control, charge or authority to be, or remain:

- 5.1 on any local government land to which this paragraph applies, in accordance with paragraph 9 of this by-law;
- 5.2 on any enclosed tennis, basketball or netball court;
- 5.3 on any synthetic sports playing surfaces;
- 5.4 in a children's playground or skate park.

6. Dogs on Leashes

A person must not allow a dog under that person's control to be or remain:

- 6.1 on local government land or public place to which the Council has resolved that this paragraph applies;
- 6.2 on any park or reserve during times when organised sport is being played;

unless the dog is secured by a strong leash not exceeding two metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

7. Dog Exercise Areas

- 7.1 Any person may enter upon any part of local government land to which this paragraph applies in accordance with paragraph 10 of this by-law for the purpose of exercising a dog under their effective control.
- 7.2 Where a person enters upon such part of local government land for that purpose, the person shall ensure that the dog or dogs under their control remain under effective control while on the land.
- 7.3 The Council must erect a sign or signs to denote the local government land or public places to which this paragraph applies, and information will be provided, in a manner determined by the Chief Executive Officer of the Council, to inform the public about such public places.

8. Dog Faeces

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in their possession, a bag or other suitable receptacle for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

9. Exemptions

- 9.1 Paragraph 4 does not apply where the dog is under three months of age.
- 9.2 Paragraphs 5 and 6 do not apply where the dog is an assistance dog.

Part 3 – Miscellaneous**10. Application**

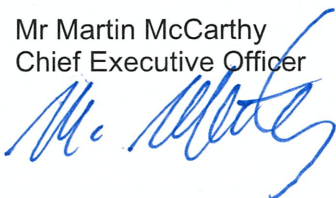
Paragraphs 5.1, 6.1 and 7 of this by-law shall apply only in such portion or portions of the area as the council may by resolution direct (in accordance with Section 246(3)(e) of the *Local Government Act 1999*).

11. Revocation

Council's *By-law No. 5 – Dogs*, published in the *Gazette* on 9 January 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of The Barossa Council held on the 19th day of October 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr Martin McCarthy
Chief Executive Officer



Legislative History

In this version, provisions that are uncommenced appear in italics.

Principal by-law and variations

Year	No	Reference	Commencement
2021	5	<i>Gazette 04.11.2021 p 3986</i>	04.03.2022: s 249(5)
2023	8	<i>Gazette 24.08.2023 p 3080</i>	24.12.2023: s 249(5)

Provisions varied

Provision	How varied	Commencement
cl. 5.4	varied by 8/2023 cl. 4	24.12.2023
cl. 7	varied by 8/2023 cl. 5.1	24.12.2023
cl. 7.2	varied by 8/2023 cl. 5.2	24.12.2023
cl. 8	varied by 8/2023 cl. 6	24.12.2023