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LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

**LOCAL LAW RELATING TO
THE KEEPING OF PIGEONS**

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

LOCAL LAW RELATING TO THE KEEPING OF PIGEONS

In pursuance of the powers conferred upon it by the abovementioned Act, the Joint Commissioners of the City of Wanneroo hereby record having resolved on the twenty-third day of December 1997, to make the following Local Law:

LOCAL LAW RELATING TO THE KEEPING OF PIGEONS

1 In this Local Law:

- “**Applicant**” means a person who lodged an Application for a Certificate of Registration.
- “**Application**” means an application to register the use of land for the keeping of Pigeons.
- “**Caravan Park**” has the meaning attributed to it in the Town Planning Scheme.
- “**Certificate of Registration**” means a Certificate of Registration to keep Pigeons issued pursuant to this Local Law.
- “**City**” means the City of Wanneroo.
- “**Code of Practice**” means the Code of Practice - Pigeon Keeping and Pigeon Racing, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994 as amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc.
- “**Council**” means the Council of the City of Wanneroo.
- “**District**” means the Health District of the City of Wanneroo.
- “**Food Premises**” means Food Premises as defined by the Part VIII Section 246G of the Health Act 1911.
- “**Grouped Dwelling**” means Grouped Dwelling as defined in the Residential Planning Codes.
- “**Land**” means land in the District and includes houses, buildings, works and structures, in or upon the land.
- “**Multiple Dwellings**” means Grouped Dwelling as defined in the Residential Planning Codes.
- “**Pigeon**” includes homing Pigeons and racing Pigeons.
- “**Residential Planning Codes**” means Statement of Planning Policy 1 as amended from time to time issued pursuant to S5AA of the Town Planning and Development Act 1928.
- “**Town Planning Scheme**” means the City of Wanneroo Town Planning Scheme Number One as published in the *Government Gazette* of 13 September 1972 and as updated from time to time.
- “**Young Birds**” means any pigeon under 24 days of age and, unless the contrary can be shown, a Pigeon shall be deemed under this Local Law to be a young bird if it is without feathers on the flesh under the wings.

Application for Certificate of Registration

2.1 No person shall keep Pigeons on any Land within the District without:

- 2.1.1 lodging an Application in the form set out in Schedule 2;
- 2.1.2 paying the registration fee as prescribed in Schedule 1 of this Local Law; and
- 2.1.3 obtaining a Certificate of Registration from the City in the form of Schedule 3.

2.2 Prior to granting any Certificate of Registration, the City shall seek the written opinion of all owners and occupiers whose Land is contiguous with the Land owned by the Applicant.

2.3 A Certificate of Registration shall be valid from its date of issue until 30 June following 30 June each year.

2.4 Save for Land on which Two Grouped Dwellings are permitted, Pigeons shall not be kept within a Caravan Park or on any land which is classified as Grouped Dwellings or Multiple Dwellings.

2.5 Unless previously approved by the Council of the City prior to this Local Law coming into effect, Pigeons shall not be kept on any Land which has an area of less than 600 square metres.

Keeping of Pigeons

3. All Pigeons shall be kept confined continuously in approved cages, enclosures and lofts approved by the City except that homing Pigeons and racing Pigeons registered in accordance with this Local Law may be released in accordance with this Local Law.

4 No cage, enclosure or loft shall be located nearer than:

- 4.1 1.2 metres from the boundary of any land adjacent to the Land, the subject of an Application;

4.2 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or

4.3 9 metres from any road reserve or street.

5 An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be initially constructed of new materials and shall be constructed to the following minimum requirements:

5.1 The base floor of any loft shall be of 50mm thick concrete;

5.2 In the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice.

5.3 Cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;

5.4.1 Except as provided in Clause 5.4.2 of this Local Law, a loft height shall not exceed 2.4 metres at any point when measured from ground level.

5.4.2 Where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.

6 All cages, enclosures, lofts and their immediate surrounds shall be kept clean and maintained in good order and condition at all times and the minimum standard to be adhered to by Applicants shall be that which is specified in the Code of Practice.

7 All loft litter shall be disposed of by immediate burial or by being bagged and deposited in a household rubbish bin to ensure no nuisance occurs within the meaning of the Health Act 1911.

8 The maximum number of Pigeons which shall be kept on Land the subject of a Certificate of Registration pursuant to each Certificate of Registration shall not exceed 20, excluding Young Birds, except:

8.1 A person who on or before 30 June each year produces to the City, satisfactory proof that they are a current financial member of a recognised incorporated Racing Pigeon body, or who are a registered Pigeon Fancier, may be permitted to keep up to 150 Pigeons, excluding Young Birds, on any land zoned in the Town Planning Scheme, Residential, Special Residential, Special Rural or Rural.

9 A person who is approved to keep Registered homing Pigeons or racing Pigeons may only release such homing Pigeons or racing Pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by the City.

10 Not more than 60 registered homing or racing Pigeons may be released for exercise or training at any one time.

Alteration, Cancellation Or Refusal Of Certificate Of Registration

11 At any time the City may amend the conditions contained in or relating to a Certificate of Registration and without limiting the generality of the same, where any complaint of a nuisance is received, the City may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity.

12 The City may cancel, refuse to approve or refuse to renew a Certificate of Registration for any one or more of the following reasons:

12.1 That the Land is not maintained in accordance with the Local Law.

12.2 That the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease.

12.3 That the Pigeons are being released outside the times permitted in Clause 9 of this Local Law.

12.4 That a condition imposed pursuant to the Local Law or a Certificate of Registration has not been complied within the time limits set out for doing so.

12.5 The Applicant or Holder of the Certificate of Registration as the case may be, has two or more convictions under this Local Law.

12.6 Non payment of Registration fees.

Offences

13 Any person who makes a false statement in connection with any Application under this Local Law shall be guilty of an offence.

14 Any person who fails to comply with this Local Law commits an offence and shall upon conviction in a Court of Petty Sessions be liable to:

14.1 A penalty which is not more than \$1,000 and not less than—

(i) In the case of a first such offence \$250

(ii) In the case of a second such offence \$500

(iii) In the case of a third or subsequent offence \$750

and

(iv) If an offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50 shall apply; or

14.2 The amount appearing in the final column of the Fourth Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence if dealt with under Section 9.16 of the Local Government Act 1995.

Schedule 1

CITY OF WANNEROO

Local Government Act 1995

Registration fee payable on or before 30 June each year

Keeping of up to 20 Pigeons (excluding Young Birds)	\$15.00
Keeping of more than 20 and up to 150 Pigeons (excludes Young Birds)	\$25.00

Schedule 2

CITY OF WANNEROO

Local Government Act 1995

Application for Registration of Premises for the Keeping of Pigeons

TO: The Chief Executive Officer
City of Wanneroo
PO Box 21
JOONDALUP WA 6919

I
(Full Name In Block Letters)

.....
(Full Residential Address)

being the owner/occupier (delete one) of the premises situated at

hereby make application for approval to keep up to

Pigeons excluding the Young Birds of those Pigeons on the above premises. Plans and specifications are attached in accordance with Clause (2) (iii) of the Local Law.

- The premises are zoned as:
- * commercial
 - * residential
 - * special residential
 - * special rural
 - * rural

* I am a member of the following racing pigeon association
Membership number

* I am a registered pigeon fancier Registration number
Organisation (Name)

(*delete those not applicable)

DATED this day of19....

Signature of Applicant

Schedule 3

CITY OF WANNEROO

Local Government Act 1995

Certificate of Registration to Keep Pigeons

This is to certify that the Land situated at
and occupied by

is registered as Land upon which Pigeons may be kept until the 30th day of June next following the date of issue of this certificate unless this Certificate of Registration is previously cancelled.

The maximum number of Pigeons excluding Young Birds to be kept on the Land at any one time is

DATED this day of19....

SIGNATURE OF AUTHORISED OFFICER

Schedule 4
CITY OF WANNEROO
Local Government Act 1995

ITEM NO	CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY
1	2.1	Keeping of Pigeons Without Council Approval	\$100
2	2.4	Keeping of Pigeons within:	
		(i) A caravan park	\$50
		(ii) a grouped dwelling (not being one of only two grouped dwellings)	\$50
		(iii) a premises classified as part of a "multiple dwelling" ...	\$50
3	9 or 10	Releasing Registered Pigeons Contrary to the Local Law ...	\$50

Schedule 5

THIS ACCOUNT MUST BE PRESENTED INTACT WHEN MAKING PAYMENT

City of Wanneroo
PO Box 21, JOONDALUP WA 6919
Telephone: (08) 9400 4000
(08) 9300 1383

Must bear imprint of cash register to be valid

PART A

City of Wanneroo
PO Box 21
JOONDALUP WA 6919
ADMINISTRATION CENTRE
BOAS AVENUE
JOONDALUP

CITY OF WANNEROO
INFRINGEMENT NOTICE
Local Government Act 1995

Local Law Relating To The Keeping Of Pigeons

Date...../...../.....

TO:

OF:

It is alleged that on/...../..... at

..... you committed the offence indicated below.

	CLAUSE	OFFENCE	PENALTY
<input type="checkbox"/>	2.1	Keeping of Pigeons Without Council Approval	\$100
<input type="checkbox"/>	2.4	Keeping of Pigeons within:	
		(i) A caravan park	\$50
		(ii) a grouped dwelling (not being one of only two grouped dwellings)	\$50
		(iii) a premises classified as part of a "multiple dwelling" ...	\$50
<input type="checkbox"/>	9 or 10	Releasing Registered Pigeons Contrary to the Local Law ...	\$50

If you do not wish to have a complaint of the above offence heard and determined by a Court, you may pay the modified penalty within twenty-one (21) days of the date of the service of this Notice. Payment may be made either by posting this form, together with the amount mentioned above, to the Chief Executive Officer, City of Wanneroo or by delivering this form and paying that amount at the Administration Centre, Boas Avenue, Joondalup between 8.45am to 4.00pm Mondays to Fridays.

.....
Authorised Officer

Dated this 19th day of January 1998.

The Common Seal of the City of Wanneroo was hereunto affixed by authority of a resolution of the Joint Commissioners in the presence of:

C. T. ANSELL, Chairman of Commissioners.
L. O. DELAHAUNTY, Chief Executive Officer.



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