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DOG ACT 1976

CITY OF BUNBURY

LOCAL LAW RELATING TO
DOGS

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LOCAL LAW RELATING TO DOGS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality, hereby records having resolved on the 5th February 2002, to amend the Local Law Relating to Dogs published in the *Government Gazette* on the 24th Day of March 1998.

Repeal

All other Local Laws relating to Dogs are hereby repealed.

Citation

This Local Law shall be cited as the City of Bunbury Dog Local Law.

Definitions

In this Local Law unless the context otherwise requires—

“**Act**” shall mean the Dog Act 1976 and any amendments and regulations appurtenant thereto.

“**Authorised Person**” shall mean a person authorised by the Council to perform duties in accordance with this Local Law, and includes a “Ranger” or “Poundkeeper”.

“**Clause**” shall mean a clause of this Local Law.

“**Council**” shall mean the Bunbury City Council.

“**District**” shall mean the District of the City of Bunbury.

“**Pound**” shall mean any land including any enclosures or structures thereon, established or maintained by Council pursuant to the Dog Act 1976.

“**Schedule**” shall mean a schedule of this Local Law.

Impounding Dogs

(1) The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act 1976 or this Local Law.

(2) The pound to be used by Council is established on part of Bunbury Lot 521, Robertson Drive, Bunbury and is an approved pound situated within the Council district.

(3) A dog seized by a Police Officer or by an Authorised Person of the Council may be placed in the pound.

(4) An Authorised Person shall be in attendance at the pound for the release of dogs at such time on such days of the week as shall from time to time be determined by the Council.

(5) Where a dog has been seized or placed in a pound, an Authorised Person shall in accordance with section 29(8)(a) of the Act, if the dog is wearing a registration tag or the owner is otherwise readily identifiable, forthwith notify such person that the dog has been impounded.

(6) Any person applying for the release of a dog seized or impounded shall provide to the satisfaction of an Authorised Person, evidence of the ownership of the dog and his authority to take delivery of it. An Authorised Person may accept such proof as he considers satisfactory and no persons shall have any right of action against him or the Council in respect of the delivery of a dog in good faith.

(7) If the owner or person apparently acting on behalf of the owner of a dog impounded shall claim such dog, then upon payment of the fees specified in the First Schedule hereto (“the said fees”) the dog shall be released to such person.

(8) If the Council arranges destruction of a dog at the request of its owner, then whether such dog shall have been seized or not, the owner shall pay to Council the fees specified in the First Schedule hereto.

(9) If a dog shall not be claimed and the said fees paid within 72 hours of its being seized, or if a dog having a collar around its neck with a registration label for the current year affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the registered owner, an Authorised Person may sell such dog.

(10) Upon sale of a dog the proceeds of sale shall be the property of the Council and may be disposed of in such a manner as the Council thinks fit. The owner of a dog sold pursuant to this Local Law shall have no claim against the Council in respect of the proceeds thereof.

(11) If within the times mentioned in clause (9) hereof or at any time before the destruction of a dog, the dog has not been claimed as aforesaid, and the said fees paid, and if no offer has been received for its purchase, the dog may be destroyed.

(12) Notwithstanding anything herein contained, but subject to the provisions of section 29(12) of the Act, any dog seized or impounded, which is, in the opinion of an Authorised Person suffering from injury, disease or sickness to such an extent that it is impracticable to maintain the dog, may be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner or health surveyor.

(13) The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to a penalty under the Dog Act Regulations or this Local Law.

(14) No person shall—

- (a) unless an Authorised Person, release or attempt to release a dog from a pound;
- (b) destroy, break into, damage, or in any way interfere with or render not dog-proof any pound;
- (c) destroy, break into, damage, or in any way interfere with or render not dog-proof any vehicle or container used for the purpose of catching, holding or conveying dogs which have been seized.

(15) Any person who shall commit a breach of clause (14) shall, upon conviction, be liable to a penalty not exceeding the maximum set down in section 43(1) of the Act.

Prohibited Areas

(16) The owner or person liable for the control of a dog, other than a person accompanied by a guide dog, shall prevent that dog from entering or being in any of the following places—

- (1) (a) A public building
- (b) A theatre or picture gardens
- (c) A house of worship
- (d) A shop or other public business premises
- (e) The land specified in the Fourth Schedule to this Local Law is designated as dog prohibited areas for the purposes of the Act.

Dog Exercise Areas

(17) The land specified in the Third Schedule to this Local Law is designated as dog exercise areas for the purposes of the Act. The exercising of dogs in dog exercise areas shall be subject to the provisions of the Act.

Limitations—Number of Dogs

(18) The owner or occupier of any premises within the district shall not keep, permit or suffer to remain thereon more than two dogs over the age of three months unless such premises are situated within that area of the district where kennels are permitted under the City of Bunbury Town Planning Scheme as amended and unless such premises are licensed as an approved kennel establishment.

(19) A person wishing to keep more than two dogs but not more than six dogs on any premises may seek, upon application to Council, exemption for those provisions under section 26(3) of the Act.

General

(20) The owner or occupier of premises within the district on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to the portion and in accordance with the provisions of this Local Law. Any owner or occupier failing to comply with this requirement commits an offence—

- (a) The fence used to confine a dog and every part of the fence shall be 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, around or through the fence.
- (b) If there is a gate in the fence the gate shall be kept closed at all times except when the dog is not kept on the premises, but nothing in this sub-clause prevents a person from opening the gate, in order to enter or leave the premises.

(21) A person liable for the control of a dog which excretes on any street or public place or on private property within the district without the consent of the owner or occupier commits an offence unless the excreta is removed forthwith and disposed of on private land with the consent of the owner or occupier.

(22) No person shall obstruct or hinder an Authorised Person or a member of the Police Force in the performance of anything authorised by the provisions of the Act or this Local Law.

Penalties Etc

(23) (1) Any person who commits a breach of any of the provisions of this Local Law commits an offence and shall upon conviction in a court of competent jurisdiction be liable to a penalty not exceeding \$1000.00.

- (2) (a) The offences described in column two of the Second Schedule are prescribed pursuant to the respective clause as offences in relation to which modified penalties apply and the amount appearing in column three of that Schedule directly opposite an offence is the modified penalty payable in respect of that offence if dealt with pursuant to section 45a of the Act.
- (b) Infringement notices issued pursuant to this Local Law shall be substantially in the form depicted Form (1) Second Schedule of this Local Law and a record of the infringement notice shall be substantially in the form depicted Form (2) Second Schedule of this Local Law.
- (c) Where an Authorised Person has reason to believe, upon reasonable grounds, that a person has committed any such offence against this Local Law as is prescribed by this Local Law, he may serve on that person an infringement notice informing the person that if he does not

wish to have a complaint of the alleged offence heard and determined by a Court, he may pay to the Council, within the time therein specified, the amount prescribed as the modified penalty.

- (d) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by Council pursuant to the Act.
- (e) Where a person who received an infringement notice fails to pay the prescribed penalty within the specified time in the notice, or within such further time as may in any particular case be allowed, he is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (f) All alleged offenders on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon issue an acknowledgment accordingly.
- (g) Withdrawal of infringement notices issued under this Local Law shall be in the form depicted in Form 8 of the First Schedule to the Dog Act Regulations 1976.

First Schedule

FEES

| | |
|--|---------|
| For the seizure and/or impounding of a dog | \$50.00 |
| For the sustenance and maintenance of a dog in the pound per day | \$20.00 |
| For the destruction of a dog | \$60.00 |

Second Schedule

MODIFIED PENALTIES

| Clause Column 1 | Nature of Offence Column 2 | Modified Penalty Column 3 |
|--------------------|--|------------------------------|
| (16) | Permitting a dog to be in a prohibited area | \$100.00 |
| (20) | Failure of an owner/occupier to provide fencing capable of confining a dog | \$100.00 |
| (21) | Permitting a dog to excrete on a street or public place or other land and failing to remove and dispose of such excreta in an approved manner without the written consent of the occupier of that land | \$100.00 |

Second Schedule

Form (1)

INFRINGEMENT NOTICE

CITY OF BUNBURY

INFRINGEMENT NOTICE

**FAILURE TO PAY IN 28 DAYS WILL
INCUR ADDITIONAL COSTS.**

**PLEASE MAKE CHEQUES PAYABLE
TO THE CITY OF BUNBURY.**

It is alleged that an offence was committed in
Accordance with the details indicated below.

Dog Act 1976

Dog Infringement

INFRINGEMENT NO—

TIME:

DATE:

OFFICER ID:

LOC:

OFFENCE:

CITY OF BUNBURY DOG LOCAL LAW

PENALTY:

DATE DUE:

OFFENDER:

ANIMAL:

OFF TIME:

OFF DATE:

Officer's Signature

If you intend paying the penalty WITHIN 28 DAYS, of the date of this notice, payment, whether posted or delivered, must reach the Chief Executive Officer, City of Bunbury, PO Box 21, Bunbury, 6231.

(Back of Form 1)

CITY OF BUNBURY**Infringement Notice**

You may dispose of this matter either—

- (a) By payment of the penalty as shown within 28 days of the date of this notice to the City of Bunbury Council between the hours of 8.30am and 4.30pm. Monday to Friday.
- (b) By having it dealt with by a Court.

IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY AFTER WHICH YOUR DRIVER'S LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS REGISTERED WITH THE REGISTRY ADDITIONAL COSTS WILL ALSO BE PAYABLE.

IF YOU CHANGE ADDRESS it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Date

Signature

Address

.....

Second Schedule

Form (2)

Bunbury City Council

Dog Infringement Hard Copy Print Out...generated on (date) at (time)

Dog Act 1976

Dog Infringement

INFRINGEMENT NO:

TIME:

DATE:

OFFICER ID:

LOC:

OFFENCE:

CITY OF BUNBURY DOG LOCAL LAW

PENALTY:

DATE DUE:

OFFENDER:

ANIMAL:

OFF TIME:

OFF DATE:

—NON-PRINTED FIELDS—

Officer:

Area:

Offence:

Note 1:

Note 2:

Between:

And
 Side of Street:
 Dist from (meters):
 Traffic Conditions:
 Mark Time:
 Time To:
 Sign Time From:
 Sign Time To:
 Letters Covered:
 Reg Cat:
 Sign:
 Sign Exemption:
 Issue Mode:

Third Schedule

BUNBURY TOWNSITE—DOG EXERCISE AREAS

| | |
|---------------------|---|
| Reserve 32722 | Armanta Drive except those areas set aside as children's playgrounds |
| Reserve 40573 | Pennant Road |
| Reserve 26975 | Melaleuca Park except those areas set aside as a children's playground |
| Reserve 24093 | Steere Crescent |
| Reserve 27794 | Hartley Anderson Park |
| Pt Reserve 25362 | Kelly Park except that part leased by the City of Bunbury to the Carey Park Football Club as identified in the lease documents and only between the hours of 6.00pm to 8.00am except when the area is being used for sporting or other activities as authorised by Council from time to time. |
| Pt Lot 3 | Big Swamp Park location bounded by Carob and Constitution Streets and Prince Phillip Drive |
| Lot 56 | Cantwell Court |
| Reserve 27961 | Richmond Street |
| Pt Reserve 9997 | The area of public beach delineated by the high water mark in the east and 200 metres seaward from the low water mark in the west, northerly to the prolongation of the northern boundary of Haydock Street, and southerly to the prolongation of the southern boundary of Clifton Street. |
| Hands Memorial Oval | Except that part leased by the City of Bunbury to the South Bunbury Football Club as identified in the lease documents and only between the hours of 6.00pm and 8.00am except when the area is being used for sporting or other activities as authorised by Council from time to time. |
| Payne Park | Except that part leased by the City of Bunbury to the Bunbury Football Club as identified in lease documents and only between the hours of 6.00pm and 8.00am except when the area is being used for sporting or other activities as authorised by Council from time to time. |
| Forrest Park | Except that part leased by the City of Bunbury to the various clubs and organisations as identified in lease documents and only between the hours of 6.00pm and 8.00am except when the area is being used for sporting or other activities as authorised by Council from time to time. |
| Hay Park | Except that part known as the "South West Sports Centre" and all car parks and roads appurtenant to the area. Except those parts leased by the City of Bunbury to various clubs and organisations as identified in lease documents and only between the hours of 6.00pm and 8.00am except when the area is being used for sporting or other activities as authorised by Council from time to time. |
| Lot 655 and 608 | Poinciana Place/Hester Place except those areas set aside as children's playgrounds. |
| Pt Reserve 18574 | The area of public beach delineated by the high water mark in the east and 200 metres seaward from the low water mark of the Indian Ocean to the west, northerly to the prolongation of the northern boundary of William Street, and southerly to the prolongation of the most northern boundary of Lot 446. |
| Pt Lot 670 | The area of public beach delineated by the high water mark in the east and 200 metres seaward from the low water mark of the Indian Ocean to the west, northerly to a point 150 metres south of the northern boundary of Hastie Street, and southerly to the southern boundary of the district. |
| Endowment Land | |

| | |
|---------------------------------|---|
| Shoalhaven Reserve PT Lot 26 | The area of public land delineated by southern boundary of PT Lot 26, northerly 330 metres from the southern boundary of Lot 26, westerly to the low water mark of Leschenault Inlet and easterly to the western boundary of Estuary Drive. |
| Trinity Rise | Lot 743 except those areas set aside as a children's playground. |

Fourth Schedule

BUNBURY TOWNSITE—DOG PROHIBITED AREAS

| | |
|--|--|
| PT Reserve 9997. | The area of public beach delineated by the high water mark in the east and 200 metres seaward from the low water mark of the Indian Ocean to the west, northerly to the prolongation of the southern boundary of Clifton Street, and southerly to the prolongation of the northern boundary of William Street; from 1 October to 30 April each year. |
| PT Reserves 9997, Reserve 18574, PT Lot 670 Endowment Land | The area of public beach delineated by the high water mark in the east, 200 metres seaward from the low water mark of the Indian Ocean to the west, northerly to the prolongation of the most northern boundary of Lot 446, and southerly to a point 150 metres from the northern boundary of Hastie Street, from 1 October to 30 April each year. |
| PT Reserve 28032 | That portion of Koombana Bay public beach delineated by the high water mark in the south, 200 metres seaward from the low water mark in the north, from the western boundary of Reserve 28032, extending easterly to the prolongation of the western boundary of Reserve 42506, from 1 October to 30 April each year. |
| PT Reserve 41411 and Pt Reserve 28032. | That portion of Koombana Bay public beach delineated by the high water mark to the south, 200 metres seaward from the low water mark in the north, to the prolongation of the western boundary of Reserve 42506, extending easterly to the prolongation of the eastern boundary of Reserve 41411. |
| PT Lot 797 | The area of land and public beach delineated by Casuarina Drive to the south, 200 metres seaward from the low water mark to the north, westerly to the prolongation of the northern boundary of Samuel Wright Street and easterly to the boundary of Lot 797. |
| Big Swamp | The area of land bounded by Prince Phillip Drive in the north, south and west and Tuart Street to the east, including all internal boardwalks, tracks and paths appurtenant to the area of land, excluding the main perimeter walk track. |

Dated 26th day of March 2002.

The Common Seal of the City of Bunbury was herein affixed in the presence of—

Mr JOHN CASTRILLI, Mayor.

Mr GREG TREVASKIS, Chief Executive Officer.



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