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DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

SHIRE OF KALAMUNDA

DOGS LOCAL LAW 2010

DOG ACT 1976**LOCAL GOVERNMENT ACT 1995**

SHIRE OF KALAMUNDA

DOGS LOCAL LAW 2010

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**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF KALAMUNDA

DOGS LOCAL LAW 2010

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Kalamunda resolved on 19 April 2010 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Kalamunda Dogs Local Law 2010*.

1.2 Application

This local law applies throughout the district of the Shire of Kalamunda.

1.3 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.4 Repeal

The *Shire of Kalamunda Dogs Local Law* published in the *Government Gazette* on 19 September 2001, as amended and published in the *Government Gazette* of 5 April 2002, is repealed.

1.5 Interpretation

In this local law unless the context otherwise requires—

“**Dog 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;

“**dangerous dog**” has the meaning given to it in the *Dog Act*;

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

“**local planning scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*;

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

“**Regulations**” means the *Dog Regulations 1976*;

“**restricted breed dog**” has the meaning given to it in regulation 3 of the *Dog (Restricted Breeds) Regulations (No. 2) 2002*; and

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

PART 2—IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the *Dog Act* relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the *Dog Act* where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the *Dog Act*.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the Chief Executive Officer.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the Chief Executive Officer.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,

commits an offence.

Penalty: Where the dog is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

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

- (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;
- (b) ensure that the fence or wall used to confine the dog and every gate or door in the fence or wall 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 or wall is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
- (e) 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.

Penalty: Where the dog kept is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

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

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Dog Act.

(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 Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

“**licence**” means a licence to keep an approved kennel establishment on premises;

“**licensee**” means the holder of a licence;

“**premises**”, in addition to the meaning given to it in section 3 of the Dog Act, means the premises described in the application for a licence; and

“**transferee**” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;

- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application can not be approved

The local government can not approve an application for a licence where—

- (a) an approved kennel establishment can not be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous or restricted breed dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Dog Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Dog Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Dog Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Dog Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

(1) Subject to section 8 of the Dog Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places—

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
- (d) a public swimming pool; and
- (e) the following reserves—
 - (i) Stirk Park, being Canning Locations 205 and 101, Lot 8 and Reserve No. 41268, bordered by Kalamunda Road, Headingly Road and Elizabeth Street, Kalamunda;
 - (ii) Scott Reserve, being Reserve No. 34946 in Wycombe Road, High Wycombe;
 - (iii) Hartfield Park, being Reserve No. 17098—
Dogs are prohibited on all turf grassed areas, with the exception of the area known as the Federation Gardens which is bounded by Morrison Road to the west, Hartfield Park Golf Course to the south, Forrestfield Tennis Club and Hartfield Road to the north and the Darling Range Horse and Pony Club to the east.
 - (iv) Kostera Oval, being Reserve No. 2935 and portion of the Reserve no 37639—
Dogs are prohibited on the turf grassed area which forms the playing field of 2.2 hectares, contained within a steel post and rail, chain mesh fence. That post and rail fence is an internal fence of the reserve.
 - (v) Pioneer Park, being Reserve No. 41156—
Dogs are prohibited on the rectangular turf grassed area of 7 hectares which is on the northern aspect of the reserve.
 - (vi) Maida Vale Reserve, being Reserve No. 14088—
Dogs are prohibited on the turf grassed areas which form 2 rectangular playing fields of 11 hectares in size.
- (f) An application for temporary dispensation to allow dogs on the aforementioned reserves for a special event may be made to the local government for consideration and approval on a case by case basis.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

5.2 Places which are dog exercise areas

(1) Subject to clause 5.1, and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Dog Act, the following are dog exercise areas—

- (a) Jorgensen Park, Kalamunda—bordered by Spring and Crescent Roads;
- (b) Reserve adjacent to Alpine and Bird Roads, Kalamunda;
- (c) Old Railway Reserve—bordered by Collins Road and Lesmurdie Road East, Kalamunda;
- (d) Old Railway Reserve—bordered by Williams, Elizabeth and Tella Streets and Railway Road, Kalamunda and Gooseberry Hill;
- (e) Ledger Road Reserve—bordered by Ledger Road, Huntley Street and Longfellow Road, Gooseberry Hill;
- (f) Reserves 27946 and 27589, The Boulevard, Gooseberry Hill;
- (g) Seaton Park—bordered by Fletcher and Lesmurdie Roads, Lesmurdie;
- (h) Flora Terrace Park—bordered by Orangedale Road and Walyunga Street, Lesmurdie;
- (i) Hugh Sanderson Reserve—Reserve 34183, between Warlingham Drive and Chislehurst Road, Lesmurdie;
- (j) Ray Owen Reserve, Lesmurdie—Reserve 26127. The designated area is the south western corner with the starting point at the corner of Gladys and Willoughby Roads. Proceed in an easterly direction adjacent to Willoughby Road for 238 metres to the boundary of reserve 26126 then proceed along the boundary of this reserve in a northerly direction 203 metres, then a westerly direction of 174 metres to Gladys Road then south west 203 metres to the point of commencement;
- (k) Old Railway Reserve—Reserve 27800, Lesmurdie Road East to Kennedya Road, Walliston;
- (l) Western Power Easement—Lot 5 Lawnbrook Road West, bordered by Lawnbrook Road West, Palmateer Drive and Halleendale Road, Walliston;
- (m) Alan Anderson Park—Lot 300 Pomeroy Road, Walliston;

- (n) Western Power Easement—Lot 120 Stringybark Drive between Holmes Road and Passiflora Drive, Forrestfield;
 - (o) Reserve adjoining and running parallel to Tonkin Highway west of Hale Road intersection, Forrestfield;
 - (p) Federation Gardens, Hartfield Park—Reserve 17098, Forrestfield. Designated area is south of Hartfield Road and the eastern side of Morrison Road. Point of commencement is 160 metres south east of the intersection of Morrison and Hartfield Roads then proceed 140 metres south east along Hartfield Road to the boundary of Darling Range Pony Club, then in a south west direction 400 metres, then in a north west direction 400 metres to Morrison Road, then east 145 metres then north east 110 metres then south east 123 metres, then north east 66 metres, then south east 40 metres, then 120 metres north east to the point of commencement;
 - (q) Progress Park—Reserve 31571, bordered by Cyril Road and Bandalong Way, High Wycombe;
 - (r) McKenzie Park—Reserve 29104, bordered by Netherwood Road and Albermarle Way, High Wycombe;
 - (s) Ollie Worrell Reserve—Reserve 43068, bordered by Worrell Avenue and Abernethy Road, High Wycombe;
 - (t) Western Power Easement—Lot 3 Kalamunda Road, eastern side of Roe Highway between Kalamunda and Maida Vale Roads, Maida Vale;
 - (u) Reserve 32613, between Booralie Way and Tambulan Road, Maida Vale;
 - (v) Reserve 22502—bordered by Hawtin Road, Norwood Road and Hewson Place, Maida Vale;
 - (w) Reserve bordered by Lenihan Corner, St John Road and The Promenade, Wattle Grove.
- (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, during the times of such use; or
 - (c) a car park.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

- (1) A dog must not excrete on—
- (a) any thoroughfare 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.

Penalty: \$200

- (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 7—ENFORCEMENT

7.1 Interpretation

In this Part—

“**infringement notice**” means the notice referred to in clause 7.3; and

“**notice of withdrawal**” means the notice referred to in clause 7.6(1).

7.2 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—
- (a) the dog is not a dangerous or restricted breed dog; or
 - (b) the dog is a dangerous or restricted breed dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous or restricted breed dog.

7.3 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 7 of the First Schedule of the Regulations.

7.4 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.

7.5 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 local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Dog Act, or as ascertained from inquiries made by the local government.

Schedule 1

Form

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[Clause 4.2]

I/we (full name)

of (postal address)

(telephone number)

(facsimile number)

(Email address)

Apply for a licence for an approved kennel establishment at (address of premises)

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare)

at (insert address of residence)

on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

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 applicant

Date

*delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the *Dog Act 1976*.

OFFICE USE ONLY

Application fee paid on [insert date].

*Schedule 2***CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

[Clause 4.8(1)]

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

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25 m from the front boundary of the premises and 5 m from any other boundary of the premises;
 - (ii) 10 m from any dwelling; and
 - (iii) 25 m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100 mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75 mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50 mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2 m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zinalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) 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.

**Schedule 3
OFFENCES**

[Clause 7.2]

Offence	Nature of offence	Modified penalty \$	Dangerous or Restricted Breed Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorised release of a dog from a pound	200	400
2.4(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
4.9	Failing to comply with the conditions of a licence	100 and a daily penalty of 10	200 and a daily penalty of 20
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	40	

Dated: 4 May 2010.

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

DONALD McKECHNIE, Shire President.
JAMES TRAIL, Chief Executive Officer.