CITY OF ONKAPARINGA

CATS BY-LAW 2027

By-law No. 8 of 2027

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

PART 1 - PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2027* and is By-law No. 8 of the City of Onkaparinga.

2. Authorising law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995,* and sections 238 and 246 of the Act.

3. Purpose

The objects of this By-law are to control and manage cats in the Council area:

3.1 to reduce the incidence of environmental nuisance caused by cats; and

3.2 to promote responsible cat ownership; and

3.3 to protect the convenience, comfort and safety of members of the public; and

3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 This By-law will commence in accordance with the Act[1] and will expire on 1 January 2035.[2]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazette (section 249(5) of the Act).

2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

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5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2023.*

5.2 ~~T~~his By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 **Act** means the *Local Government Act 1999*;

6.2 ***Cat*** has the same meaning as in the *Dog and Cat Management Act 1995* unless stated otherwise;

6.3 ***Council*** means the City of Onkaparinga;

6.4 ***Effective control by means of physical restraint means:***

6.4.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and does not exceed 2 metres in length; or

6.4.2 a person has secured the cat in a cage, vehicle or other enclosed object or structure.

6.5 ***Keep*** includes the provision of food or shelter;

6.6 ***Owner*** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;

6.7 ***Premises*** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof; and

6.8 ***Person responsible for the control of a cat*** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*;

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMIT ON CAT NUMBERS

7. Limit on Cat Numbers

7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two (2) cats over the age of 3 months on any premises.

7.2 Subclause 7.1 does not apply to:

7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the Planning, Development and Infrastructure Act 2016 and provided the business is operating in accordance with all required approvals and consents;

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7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:

a) details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within three (3) months of the commencement of this By-law

b) all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*;

c) no insanitary condition is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or the keeping of the cats on the premises;

d) no nuisance is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or by the keeping of the cats on the premises; and

e) no additional cats are acquired or kept on the premises over and above those cats notified to the Council in accordance with subclause 7.2.2(a) after the By-law commences operation.

7.3 Permission under subclause 7.3 may be given if the Council is satisfied that:

7.3.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and

7.3.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS

8. Cats not to be a nuisance

8.1 An owner or occupier of Premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the Premises causes a nuisance.

8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.

8.3 For the purposes of clause 8.1 a Cat causes a ***nuisance*** where:

8.3.1 noise or odour created by the Cat unreasonably interferes with the peace, comfort or convenience of a person;

8.3.2 the Cat defecates or urinates on land without the consent of the owner or occupier of the land;

8.3.3 the Cat wanders onto land without the consent of the owner or occupier of the land; or

8.3.4 the Cat injures or harasses another animal owned by a person; or

8.3.5 the cat damages or adversely impacts another person's property.

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9. Effective confinement of Cats

9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law) (the **Confinement Date**) the owner or person responsible for the control of a cat must ensure that the cat is confined, at all times, to the premises occupied by that person unless the cat:

9.1.1 is under effective control by means of physical restraint; or

Note-

By way of example, a cat will be under effective supervision or control if, without limitation, it is being held or in close proximity to the person so it can be picked up.

9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2028 provided that:

9.2.1 the cat is registered with the Council and was registered with the Council on 1 January 2028; and

9.2.2 evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.

10. Registration of Cats

10.1 As and from 1 July 2027, a person must not keep a cat over 3 months of age in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.

10.2 An application for registration of a Cat over 3 months of age must:

10.2.1 be made to the Council in the manner and form prescribed by Council (if any); and

10.2.2 be accompanied by the fee (if any) prescribed by the Council; and

10.2.3 nominate a person of or over sixteen (16) years of age who consents to the Cat being registered in his or her name; and

10.2.4 identify with reference to an address the Premises at which the Cat is kept; and

10.2.5 otherwise comply with any other requirements determined by the Council

10.3 Registration under this By-law remains in force until the next 30 June following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

10.4 Subclause 10.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

PART 4 – EXEMPTIONS

11. Council May Grant Exemptions

11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

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11.2 An exemption—

11.2.1 may be granted or refused at the discretion of the Council;

11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

11.2.3 is subject to any conditions specified in the instrument of exemption.

11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

12. Orders

12.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:

12.1.1 if the conduct is still continuing - to stop the conduct; and

12.1.2 whether or not the conduct is still continuing - to take specified action to remedy the contravention.

12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act

12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.

12.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- keep a cat indoors.

This By-law was duly made and passed at a meeting of the City of Onkaparinga held on **[INSERT DATE],** by an absolute majority of the members constituting the Council, there being at least two-thirds of the members present.

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SHARON MASON
Chief Executive Officer

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