

Local Law Relating to Dogs 2007

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Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Murray resolved on the 19 December 2007 to adopt the following Local Law.

Part 1 - Preliminary

1.1 Citation

This Local Law may be cited as the *Shire of Murray Local Law relating to Dogs 2007*.

1.2 Repeal

The Shire of Murray Dog Local Laws published in the *Government Gazette* on the 30th December 1999 and the Dog Local Laws Amendment published in the *Government Gazette* on June 12, 2001 are repealed.

1.3 Commencement

This Local Law comes into effect fourteen (14) days after the date it is published in the *Government Gazette*.

1.4 Definitions

In this Local Law unless the context otherwise requires:

“**Act**” means the *Dog Act 1976* (as amended).

“**Authorised person**” has the meaning given to it in the Act. (*Amended by s4 of No 173 of 2011*)

“**CEO**” means the Chief Executive Officer of the Local Government.

“**Council**” means the Council of the Local Government.

“**District**” means the district of the Local Government of the Shire of Murray.

“**Food premises**” means any premises or vehicle in which a food business, as defined in section 10 of the Food Act 2008, is being carried on. (*Inserted by s4 of No.173 of 2011*)

“**Food transport vehicle**” has the meaning given to it in the Food Act 2008. (*Inserted by s4 of No.173 of 2011*)

“**Leash**” includes a chain, cord or harness no greater than two (2) metres in length and of sufficient strength to restrain a dog in all circumstances. (*Amended by No 173 of 2011*)

“**Local Government**” means the Shire of Murray.

“**Owner**” has the meaning given to it in the Act. (*Inserted by s4 of No.173 of 2011*)

“**Person liable for the control of a dog**” has the meaning given to it in the Act.

“**Pound**” means any land, including any enclosures or structures thereon, established or maintained by the local government pursuant to the Act.

“**Pound-keeper**” has the same meaning as Authorised Person.

“**Premises**” has the meaning given to it by the Act;

“**Public Place**” has the meaning given to it in the Act. (*Inserted by s4 of No.173 of 2011*)

“**Public buildings**” means churches, community centres, licensed premises, public swimming pools and schools.

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

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

“**Town Planning Scheme**” means a town planning scheme made by the local government under the *Planning and Development Act 2005* and which applies throughout the whole or a part of the district.

1.5 Terms and expressions used

The terms and expressions used shall have the meanings given in subsection 1.4 of this Local Law, but in the event of any inconsistency, the definitions provided in the Act shall apply.

1.6 Application

This local law applies throughout the district.

Part 2 – Impounding of Dogs

2.1 Pound

(Deleted by s5 of No.173 of 2011)

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 Notification

(Deleted by s6 of No.173 of 2011)

2.4 Release of impounded dog

If the owner or person apparently acting on behalf of the owner of a dog seized or impounded claims a dog, then the dog shall be released to that person by prior payment to the local government or an authorised person:

- (a) the fees determined by the local government under sections 6.16-6.19 of the *Local Government Act 1995* relating to the impounding and sustenance of the dog, together with;
- (b) any veterinary costs which may have been incurred by the local government in relation to treatment of that dog; and,
- (c) any fees in relation to the registration of the dog, if the dog is not registered pursuant to the Act.

2.5 Proof of ownership/authority to collect

A person applying for the release of an impounded dog shall prove to the satisfaction of the pound-keeper the ownership of the dog and their authority to take possession of the dog. A pound-keeper may accept such proof as is deemed necessary. No person shall have any right of action against a pound-keeper or the local government in respect of the release of a dog in good faith.

2.6 Disposal of dogs

If an impounded dog is not claimed and said fees paid within seventy-two (72) hours of it being impounded a pound-keeper may sell, destroy or otherwise dispose of a dog.

2.7 Proceeds of sale

Upon the sale of a dog the proceeds of sale shall be the property of the local government. The owner of a dog sold pursuant to this local law or the Act shall have no claim against the local government in respect of the proceeds of the sale.

2.8 Cost of euthanasia

(Deleted by s7 of No.173 of 2011)

2.9 Euthanasia of a dog in other circumstances

(Deleted by s8 of No.173 of 2011)

2.10 Liability not waived

(Deleted by s9 of No.173 of 2011)

2.11 No breaking into or destruction of pound

A person who:

- (a) unless he or she is the pound keeper or a person authorized 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 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 in a manner capable of confining the dog.
 - (b) Ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction capable of preventing the dog from passing over, under or through it, at all times, given the age, size and physical characteristic of the dog kept.
 - (c) Ensure that every gate or door in the fence 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 and all gates and doors in the fence 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 is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises, which have:
 - (a) A current license under Part 4 of this local law, as an approved kennel establishment or;
 - (b) Have been granted an exemption under section 26(3) of the Act.
- (2) (a) The limit on the number of dogs which may be kept on the premises is, for the purposes of section 26(2) of the Act—
 - (i) 2 dogs over the age of 3 months and the young of those dogs under that age on any land within the district; or
 - (ii) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are located on a lot with an area greater than ten hectares not situated within a townsite.
- (b) A person who contravenes clause 3.2 (2) (a) commits an offence. Penalty: \$1,000.
- (3) A person may make application for an exemption under section 26 of the Act in the form prescribed in Schedule 3.
 - (a) On lodging an application the applicant is to pay the local government an application fee.
- (4) In determining any application made under subclause (3), the local government may—
 - (a) refuse the application;
 - (b) approve the application; or
 - (c) approve the application subject to conditions as the local government considers appropriate.

(Clause 3.2 amended by s12 of No. 173 of 2011)

3.3 Fees

- (1) On lodging an application for an exemption, the applicant is to pay a fee to the local government.
- (2) The fee referred to in subclause (1) is to be determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

3.4 Compliance with conditions of exemption

A person who has been granted an exception under clause 3.2(4) who does not comply with the conditions of the exemption commits an offence.

Penalty: \$1000 and a daily penalty of \$100

(Clause 3.4 Inserted by s13 of No. 173 of 2011)

Part 4 – Approved Kennel Establishments

4.1 Interpretation

In this Part and in the Fifth Schedule:

“**exercise yards**” means a fenced enclosure that is used for exercising dogs. “Day runs” and “puppy runs” have the same meaning.

“**kennel**” means an individual enclosure of a specified size, where one dog is kept, in the case of a whelping dog where that dog’s progeny may be kept with that dog for a specified period.

“**kennel establishment**” means a building, structure, kennel or area approved by the local government under this local law for the keeping of dogs on a temporary or permanent basis. *(Inserted by s14 of No.173 of 2011)*

“**kennel building**” means a building used to house individual kennels.

“**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 Act, means the premises described in the application for a licence;

“**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 Form 1 of the Second Schedule, and must be lodged with the local government, together with:

- (a) Two copies of the 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.
- (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 land adjoining the proposed kennel 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 fourteen (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

- (1) 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 town 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 cannot be approved

The local government cannot approve an application for a licence where:

- (a) An approved kennel establishment cannot be permitted by the local government on the premises under a town 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 the Schedule 5 and to such other conditions as the local government considers appropriate. *(Amended by s15 of No.173 of 2011)*
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in the Schedule 5. *(Amended by s15 of No.173 of 2011)*

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence. Penalty: Where the dog is a dangerous dog, \$2000 and a daily penalty of \$200, otherwise \$1000". *(Amended by s16 of No.173 of 2011)*

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay to the local government an application fee and the registration fee prescribed by the Regulations.
- (2) On the renewal of a licence, the licensee is to pay to the local government the registration fee prescribed in the Regulations.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a transfer fee to the local government.

(Clause 4.10 amended by s17 of No.173 of 2011)

4.11 Form of licence

The licence is to be in the form provided in Schedule 6.

(Clause 4.11 amended by s18 of No.173 of 2011)

4.12 Period of licence

- (1) The period of effect of a kennel establishment licence is that provided in the Act.
- (2) An application for a kennel establishment licence may be lodged with the local government in the form prescribed in Schedule 2, accompanied by the fee required under clause 4.10.
- (3) On the renewal of a licence the conditions of the licence at the time of its issue continue to have effect, unless the conditions are varied by the local government in accordance with clause 4.13 of this local law.
- (4) A licence not renewed within twenty-one (21) calendar days after expiry will not be renewed upon payment of the kennel establishment licence fee, and a new application for a kennel establishment licence must be submitted to the local government in accordance with this local law.

(Clause 4.12 amended by s19 of No.173 of 2011)

4.13 Variation of licence conditions

- (1) The local government may vary the conditions of a licence:
 - (a) During the renewal process for an kennel establishment licence, or;
 - (b) During the transfer process of a kennel licence.
- (2) The local government may cancel a licence:
 - (a) On the request of the licensee;
 - (b) Following a breach of the 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 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 –

written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
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:

- An applicant for a licence of the local government's decision on her or his application;
- A transferee of the local government's decision on her or his application for the transfer of a valid licence;
- A licensee of any variation made under clause 4.13(1);
- A licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- A licensee when her or his licence is renewed;
- A licensee of the cancellation of a licence under clause 4.13(2)(a); and
- 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 Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person:

- (a) May inspect an approved kennel establishment at any time;
- (b) May inspect the premises prior to the renewal of a kennel establishment licence.

4.17 Appeals

(Deleted by s10 of No. 173 of 2011)

Part 5 – Dogs in Public Places

5.1 Places where dogs are prohibited absolutely

- (1) Subject to section 8 of the 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) Where so indicated by a sign
 - (b) Any public building.
 - (c) All food premises and food transport vehicles.
 - (d) Pinjarra Cemetery, Reserve No. 8109, Pinjarra sub-lots 47, 48 and 49.
 - (e) Dwellingup Cemetery Reserve No. 15228, Development Lot 152.

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 dog, \$2,000; otherwise \$1,000.

(Clause 5.1 (1) and 5.1 (1) (c) amended by s20 of No. 173 of 2011)

5.2 Dogs in Public Places

- (1) The owner or person liable for control of a dog shall ensure that if a dog is in any public place throughout the entire district it is held on a leash by a person capable of controlling the dog in all circumstances.
- (2) A dog is exempt from the requirements of this clause of this Local Law, if—
 - (a) It is in an area specified in Section 5.3 of this Local Law; or
 - (b) It is in a place or being used in accordance with the exemptions provided in Section 31 (2), subsection (c), (d), (e), (f), (g), or (h) of the Act.

If a dog is not held by a leash in accordance with subclause (1), every person liable for the control of the dog at that time commits an offence. Penalty: Where the dog is a dangerous dog, \$4,000; otherwise \$1,000.

(Clause 5.2 amended by s21 of No.173 of 2011)

5.3 Places which are dog exercise areas

- (1) Subject to clause 5.1 and subclause (2), for the purposes of sections 31 and 32 of the Act, the areas listed in Schedule 1 are dog exercise areas.
- (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.

(Clause 5.3 amended by s22 of No.173 of 2011)

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 7.4; and

“**notice of withdrawal**” means the notice referred to in clause 7.7(1).

7.2 Authorised persons extent of authority

(Deleted by s11 of No.173 of 2011)

7.3 Modified penalties

- (1) The offences contained in the Schedule 4 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of the Schedule 4 directly opposite an offence is the modified penalty payable in respect of that offence if:

- (a) The dog is not a dangerous dog; or
 - (b) The dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of the Schedule 4 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

(Clause 7.3 amended by s23 of No.173 of 2011)

7.4 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.

7.5 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 local government, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 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 local government, 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.

7.7 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 7.4 cannot sign or send a notice of withdrawal.

7.8 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 Act, or as ascertained from inquiries made by the local government.

Schedule 1 – Dog exercise areas
Clause 5.3

Reserve No. or Street Location	Location	Suburb
Reserve 35250	Corner Tonkin Drive and North Yunderup Road	North Yunderup
Reserve 24091	Corner Smith and York Street	Furnissdale
Reserve 32989	Lot 250 Forrest Street	Dwellingup
Lot 3	Southern portion of Lot 3 Wandoo Drive	Pinjarra
Lot 102	Lakes Road	North Dandalup

(Schedule 1 - Amended by s24 of No.173 of 2011)

Schedule 2
Local Law relating to Dogs 2007
Schedule Index

Form 1: Application for Licence for an Approved Kennel Establishment.
Form 2: Renewal of a Licence for an Approved Kennel Establishment

Form 1

Application for a Licence for an Approved Kennel Establishment

I/we:

(full name)

Of:

(postal address)

Telephone:

Facsimile:

Email:

Apply for a licence for an approved kennel establishment at:

(Address of Premises)

For

(Number and breed of dogs)

*

----- will be residing at the premises

(insert name)

on and from

(insert date/s)

*

residing at

----- will be

(insert name)

(sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare)

on and from

(insert date/s)

* delete where not applicable.

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) two (2) copies of plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper, if applicable
- (d) copy of notice of proposed use to be given to adjoining premises, if applicable;
- (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/s

Date

Office Use Only

Application fee of \$100 paid on:

Receipt Number: Officer:

Schedule 2 – Form 2

Renewal of Licence for an Approved Kennel Establishment

I/we: _____
(full name)

Of: _____
(postal address)

Telephone: _____ Facsimile: _____ Email: _____

Apply for the renewal of a licence for an approved kennel establishment at:

(Address of Premises)

* _____ will be residing at the premises
(insert name)

on and from _____
(insert date/s)

* _____ will be residing at
(insert name)

(sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare)

on and from _____
(insert date/s)

Signature of Applicant: _____ Date: _____

* **delete where not applicable.**

Note 1: Licences not renewed within twenty one (21) days of the due date will be invalid.
Note 2: On the renewal of a licence the conditions of the licence at the time of its issue continue to have effect, unless the conditions are varied by the local government.

Office Use Only

Application fee paid on: _____

Receipt Number: _____ Officer: _____

Schedule 3

Exemption Application to Keep More Than Two Dogs

I/we _____
(full name)

of _____
(postal address)

Telephone: _____ Facsimile: _____

Email: _____

Apply for an exemption to keepdogs at:

(address of premises)

Locality: _____ Lot No: _____ Property Size: _____

Details and Numbers of Dogs to Be Kept

	Breed	Name	Age	Sex	Registration Details	Sterilised Yes / No
1.						
2.						
3.						
4.						
5.						

Signature of applicant: _____

Date: _____

Office Use Only

Application fee paid on: _____

Receipt Number: _____ Officer: _____

(Schedule 3 - Amended by s25 of No.173 of 2011)

Schedule 4 - Modified penalties

Clause 7.3

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.11(a)	Attempting to or causing the unauthorised release of a dog from a pound	200	400
2.11(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
3.2(2)(a)	Keeping more than the approved number of dogs	100	200
3.4	Failure to comply with conditions of an exemption	100	
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
5.2 (3)	Dog not held on leash	100	200
6.1(2)	Dog excreting in prohibited place	50	

(Schedule 4 - Amended by s26 of No. 173 of 2011)

Schedule 5

Conditions of a Licence for an Approved Kennel Establishment

An application for a licence for an approved kennel establishment shall be approved subject to the following conditions:

- (1) Each dog shall have its own kennel, and each dog shall be kept confined in the kennel, other than in the case of a whelping dog where the offspring of that dog may reside in that dog's kennel for a period of up to 12 weeks;
- (2) Kennels must be constructed inside a kennel building;
- (3) All external gates or doors into a kennel building or an exercise yard must be fitted with self closing and latching mechanisms;
- (4) The external walls of a kennel building must be constructed of opaque durable material;
- (5) The upper surface of the kennel building floor must be kept clean and free of animal waste;

- (6) The roof of each kennel building must be constructed of impervious material;
- (7) The minimum setbacks for a kennel building and yards shall comply with the requirements of the Town Planning Scheme, if setbacks are not specified in the Town Planning Scheme the following applies:
 - (a) Kennel building—
 - (i) Thirty (30) metres from the front boundary of the land;
 - (ii) Ten (10) metres from the rear or a side boundary of the land.
 - (b) Exercise yards shall be—
 - (i) Five (5) metres from any external boundary of the land;
 - (ii) The setbacks for a dwelling and kennel building may be altered by the local government, except the distance determined by clause (b), if the shape of the land, the topography or the water table level makes it desirable to approved a lesser distance.
- (8) A kennel building or exercise yard shall be at least ten (10) metres from any residential dwelling, church, school, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (9) From the floor of the kennel building the lowest internal fixed height of an individual kennel shall be two (2) metres. A removable partition to reduce the fixed height of an individual kennel is permitted, however the minimum height of the partition shall be 1.2 metres from the floor;
- (10) The walls of each kennel must be constructed of durable material;
- (11) Bedding for dogs shall be maintained at a minimum 200 mm above the floor level;
- (12) The minimum size for a kennel for an individual dog is 2.5 square metres;
- (13) All kennel building and kennel floor washings must be drained via pipes to an apparatus approved for the treatment of waste by an authorised environmental health officer;
- (14) All faeces, rubbish, and other waste material shall be disposed of in accordance with the directions of an authorised environmental health officer;
- (15) Each kennel building shall have at least one exercise yard attached that is at least twice the floor area of the kennel building to which it is attached;
- (16) Exercise yards shall be kept securely fenced with wire link mesh, netting or other similar materials;
- (17) All gates into an exercise yard shall be fitted with self closing mechanisms;
- (18) Where a yard is to be paved, the paving surface shall be capable of being maintained consistent with that of the floor inside the kennel building; and
- (19) No permanent structures may be built within an exercise yard;
- (20) Where greyhounds are kept:
 - (a) a perimeter fence with self-locking gates shall be constructed around the kennel building and yards of link mesh or wire netting or other materials approved by the local government;
 - (b) The minimum height of the fence shall be 1.6 metres;
- (21) All external surfaces of kennel building shall be kept in good condition;
- (22) All kennels, yards and drinking vessels shall be maintained in a clean condition;
- (23) Noise, odours, fleas, flies and other vectors of disease shall be effectively controlled;
- (24) Reticulated water shall be available at the kennel building via a securely supported standpipe and hose;
- (25) All food for the kennelled dogs shall be stored in a room within the kennels. The food shall be stored in metal cabinets or refrigerators the underside of which is at least 50 mm above the floor level;
- (26) the licensee or the person nominated in the application for a licence, must, continue to reside—
 - (a) at the premises; or
 - (b) 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 5 - Inserted by s27 of No. 173 of 2011)

Schedule 6 – Licence for a kennel establishment
Clause 4.11

Kennel Establishment Licence

This licence is issued to—

.....
(Full Name)

of
(Address)

This licence authorises you to establish a kennel at—

.....
(as shown on the attached plan) for (maximum number of) dogs in compliance with the conditions attached to this licence and any provision of these Local Laws.

This licence is valid commencing on the date of issue shown below and expires at midnight onor on the sooner cancellation of this licence.

Issued this day of20.....

Chief Executive Officer

The operation of the kennel establishment shall be in accordance with all special conditions imposed upon this licence by the Shire of Murray and in accordance with these local laws.

The licensee, shall, on demand by an authorised person, produce this licence for inspection within not more than 24 hours of the time when requested either verbally or in writing to do so.

(*) 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 licensee.....

Date.....

*delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 25.5 of the *Dog Act 1976*.
(Schedule 6 - Inserted by s28 of No. 173 of 2011)