



DISTRICT COUNCIL OF ROBE

CATS BY-LAW 2009

By-law No. 6 of 2009

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

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PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Cats By-law 2009* and is By-law No. 6 of the District Council of Robe.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, section 246 of the Act and sections 667(1), 4.I and 9.XVI of the *Local Government Act 1934*.

3. Purpose

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

- 3.1. to promote responsible cat ownership;
- 3.2. to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3. to protect the 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 expire on 1 January 2017.¹

Note-

1. 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.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2009*.
- 5.2. This By-law applies throughout the Council area.

6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **approved cattery** means a building, structure or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of cats on a temporary or permanent basis;
- 6.3. **Council** means the District Council of Robe;
- 6.4. **identified cat** means a cat identified in the manner set out in regulation 9 of the *Dog and Cat Management Regulations 1995*;
- 6.5. **keep** includes the provision of food or shelter;
- 6.6. **nuisance** means:

- 6.6.1 unreasonably interfering with the peace, comfort or convenience of a person;
- 6.6.2 injurious to a person's real or personal property; or
- 6.6.3 obnoxious, offensive or hazardous to health;
- 6.7. **premises** includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

Note-

Section 14 of the *Interpretation Act 1915* 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-law is made.

PART 2 – LIMITS ON CAT NUMBERS

7. Limits on cat numbers

- 7.1. Subject to clause 7.2, a person must not, without the Council's permission keep in any premises:
 - 7.1.1 more than 2 cats; or
 - 7.1.2 a cat of or over the age of 3 months, or which has lost its juvenile canine teeth, unless the cat is an identified cat.
- 7.2. Clause 7.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

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 by reason of:
 - 8.1.1 noise or odour created by the cat or cats; or
 - 8.1.2 wandering from the land; or
 - 8.1.3 the aggressive nature of the cat or cats.

PART 3 – ENFORCEMENT

9. Orders

- 9.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
 - 9.1.1 if the conduct is still continuing – to stop the conduct; and
 - 9.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 9.2. A person must comply with an order under this clause.
- 9.3. If a person does not comply with an order, 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.

9.4. However, an authorised person may not use force against a person under this section.

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
- take the necessary steps to mitigate a nuisance caused by howling cats.

This By-law was duly made and passed at a meeting of the District Council of Robe held on the **13 October 2009** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Bill Hender
Chief Executive Officer