

DOG ACT 1976

MUNICIPALITY OF THE SHIRE OF BROOME

LOCAL LAWS RELATING TO THE CONTROL OF DOGS

In pursuance of the power conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 17th December 1991 to make and submit for confirmation by the Governor the following Local Laws and revoke the Dog Local Laws as published in *Government Gazette* on 2nd July 1982.

Citation

1. These Local Laws may be cited as the Shire of Broome Local Laws relating to Dogs.

2. In these Local Laws, unless the context otherwise requires-

“Act” means the Dog Act 1976

“Authorised Person” means a person who is authorised by or under section 29 of the Dog Act.

“Beach Foreshore” means the land in the Shire of Broome which lies between the high water mark and the low water mark of the Indian Ocean.

“Council” means the Council of the Shire of Broome.

“District” means the district of the municipality of the Shire of Broome.

“Public Building” means a public building defined in section 173 of the Health Act 1911.

“Regulations” means the Dog Act Regulations 1976

All other words and expressions have the same meaning as they have in the Act.

Pound

3. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provision of the Act or these Local Laws.

4. The pound used by the Council is established on Lot 1642 Port Drive, Broome.

Fees

5. The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29 (4) of the Act are those determined by the Council from time to time.

6. The fee payable by the owner of a dog which has been destroyed pursuant to the provisions of the Act is that determined by the Council from time to time.

Prohibited Places

7. Except in the case of a *bona fide* guide dog or hearing dog a person liable for the control of a dog shall prevent that dog from entering or being in any of the following places:
- (a) a public building;
 - (b) a theatre or picture garden;
 - (c) a place of worship;
 - (d) any shop, not being a pet shop or premise used for the purpose of the practice of a registered veterinary surgeon;
 - (e) a public swimming pool, including the area enclosed within the fencing of the pool grounds;
 - (f) The beach foreshore area, bounded by the high and low water marks and from a line created by the westerly prolongation of the northern boundary of Lot 981 as it intersects the high and low water marks of the Indian Ocean to a parallel line 750 metres South of the same line, specified hereunder.
 - (i) Reserve Nos 17132, 1643 – 1327, 313480 – 848 and Lot 1328 Robinson Street, collectively known as Town Beach.
 - (g) The beach foreshore area, bounded by the high and low water marks and from a line created by the westerly prolongation of the northern boundary of Lot 981 as it intersects the high and low water marks of the Indian Ocean to a parallel line 1,000 metres North of that same line.
 - (h) Reserve No 36477, known as Cable Beach Reserve,

Dog Exercise Areas

8. The lands specified in the Second Schedule to these Local Laws are designated Dog Exercise Areas for the purpose of the Act. The exercising of dogs in the dog exercise areas are subject to provisions of the Act.

Fencing

9. (1) The owner or occupier of premises within the district in which 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 that portion and in accordance with the provisions of this Local Law.
- (2) The fence used to confine the 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 or through the fence.
- (3) If there is a gate in the fence the gate shall
- (a) be kept closed at all times except when the dog is not kept on the premises; and
 - (b) be fitted with –
 - (i) an efficient self-closing mechanism;
 - (ii) an efficient self-latching mechanism attached to the inside of the gate; and
 - (iii) a mechanism which enables the gate to be permanently locked.
- (4) In this Local Law the term 'fence' includes a wall.

Fouling of Streets and Public Places

10. Any person liable for the control of a dog who permits the dog to excrete on any thoroughfare or public place or on any land within the district without the consent of the occupier commits an offence unless the excreta are removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the Council may approve.

Adopted	17 December 1991
Gazetted	15 December 1992, Government Gazette Pg 6030
Amended	28 July 1998, Government Gazette Pg 3919
	23 September 2003, Government Gazette Pg 4165

Keeping of Dogs

11. The occupier of premises shall not unless the premises are licenced as an approved kennel establishment or have been granted exemption pursuant to section 26 of the Act keep or permit to be kept on those premises more than two dogs over the age of three months and the young of those dogs under that age if the premises are situated within the district.
12. (1) An application for a licence to keep an approved kennel establishment shall be in writing and shall be in or substantially in the form contained in the Fourth Schedule and shall be accompanied by evidence that due notice of the proposed use of the land has been given to persons in the locality.

(2) Unless the Council shall otherwise decide, an applicant for a licence shall give notice of the proposed use of the land by -
 - (a) not less than one advertisement in a newspaper circulating in the district; and
 - (b) giving written notice to the owners and occupiers of all adjoining properties at least 30 days before the application is made to the Council.
13. The fee payable for the issue of a licence to keep an approved kennel establishment is that determined by the Council from time to time.
14. A licence to keep an approved kennel establishment shall be in or substantially in the form contained in the Fifth Schedule.
15. The fee payable for the renewal of a licence to keep an approved kennel establishment is that determined by the Council from time to time.
16. A person shall not erect an approved kennel establishment unless it complies with the provisions of these Local Laws and until plans and specifications and a location plan showing the proposed site for the kennel of the yard appurtenant thereto have been approved by the Council and the fee for the licence determined by the Council from time to time has been paid.
17. the owner or occupier of premises which have been licenced as an approved kennel establishment shall provide a kennel of kennels which comply with the following specifications -
 - (a) Each kennel shall have a yard appurtenance thereto;
 - (b) Each kennel and each yard and every part thereto shall not be any less distance than 30 metres from the boundaries of the land in occupation of the occupier;
 - (c) Each kennel and each yard and every part thereto shall not be any less distance than 30 metres from any road or street.
 - (d) Each kennel and each yard and every part thereto shall not be any less distance than 20 metres from any dwelling house, or factory;
 - (e) The wall shall be rigid, impervious and structurally sound;
 - (f) The roof shall be constructed of impervious material or other material approved by Council;
 - (g) All untreated external surfaces of kennels shall be painted and kept painted with good quality paint;
 - (h) The lowest internal height shall be at least two metres from the floor;
 - (i) Each yard shall be securely fenced with a fence not less than two metres in height constructed of galvanised iron, wood, galvanised link mesh or netting; iron, link mesh or other materials approved by Council;
 - (j) All gates shall be proved with proper catches or means of fastening.;
 - (k) The upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding kennel ground and shall be constructed of granolithic cement finished with a smooth surface and shall be drained in accordance with the health requirements of Council;
 - (l) The floor of a yard shall be constructed in the same manner as the floor of a kennel;
 - (m) For each dog kept therein every kennel shall have not less than two square metres of floor space and the floor of every yard not less than 2.5 square metres.

18. A person who pursuant to a kennel establishment licence issued under these Local Laws keeps or permits dogs to be kept in an approved kennel establishment shall -
- (a) keep dogs in kennels and yards appropriate to the breed and kind in question, sited and maintained in accordance with the requirements of Health Act 1911 (as amended) and these Local Laws, secured;
 - (b) not permit any dog to escape from the kennel or yard in which it is kept or wander at large except for the purpose of reasonable exercise whilst under effective control; and
 - (c) maintain all kennels and yards and all feeding and drinking vessels used by dogs therein in a clean condition and cleanse and disinfect them when required to do so by an authorised person.
19. A right of appeal to a local court is conferred by section 27 of the Act where the Council refuses the grant of a licence for a kennel establishment or gives notice of intentio to cancel the licence of an approved kennel establishment.

General

20. Any person who contravenes or fails to comply with any provision of these Local Laws commits an offence and shall upon conviction be liable to a penalty not exceeding \$2,000.
21. The offences prescribed in the Third Schedule are prescribed pursuant to section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing directly opposite each such offence is the prescribed modified penalty payable in respect of that offence.
22. (1) Where an authorised person has reason to believe that a person who has committed an offence against these Local Laws as prescribed in Local Law 20 he may serve on that person an infringement notice and the infringement notices issued under these Local Laws shall be in the form depicted in Form 7 of the First Schedule of the Regulations.
- (2) An infringement notice may be served on an alleged offender personally or by posting 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.
- (3) Where a person who received 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 -
- (a) appropriate that amount in satisfaction of the penalty and issues an acknowledgement; or
 - (b) withdraw the infringement notice and refund the amount so paid.
- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending a notice in the prescribed form to the alleged offender at the address specified in the notice or his last known place of residence or business.
- (6) The prescribed form of Withdrawal of Infringement Notice issued under these Local Laws shall be in the form depicted in Form 8 of the First Schedule of the Regulations.

First Schedule – deleted as per amendment gazetted 28 July 1998

Second Schedule
Dog Exercise Areas

The beach foreshore within the district with the exception of those specified in Local Law 7(f) (i), (ii) and (iii).

Third Schedule

Item	Local Law	Nature of Offence	Modified Penalty
1	7(a)&(d)	Permit dog to enter or be in or on a public building, shop or business premises	\$40
2	7(b)	Permit a dog to enter or be in a theatre or picture garden	\$40
3	7(c)	Permit a dog to enter or be in a house of worship	\$40
4	7(e)	Permit a dog to enter or be on any prohibited beach foreshore	\$40
6	7(f)	Permit a dog to enter or be on any prohibited beach foreshore	\$40
7	9(1)	Failure to keep premises fenced as required	\$40
8	10	Permit a dog to excrete on a street or public place and failure to dispose of excreta in an approved manner	\$20
9	18(c)	Failure to maintain a kennel establishment in a clean sanitary and tidy condition	\$20

Fourth Schedule
Shire of Broome
DOG ACT 1976

Application for Licence or Renewal of Licence to Keep Approved Kennel Establishment
I/We of
(full name) (address)

hereby apply for a licence/renewal of a licence to keep an approved kennel establishment situated at
.....
.....

Enclosed herewith are:-

- (a) a plan of premises showing kennel location and yards and all other buildings, structures and fences,
- (b) plans and specifications of the kennels,
- (c) evidence that notice of this application has been given to persons in the locality,
- (d) the fee of \$.....

Type of dogs to be kept:

Maximum number of dogs to be kept:

Dated the day of 19

.....
(Signature of Applicant)

NOTE: Items (a) (b) and (c) may be struck out if the application is for a renewal of licence and no change of circumstances has occurred since the previous application.

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Fifth Schedule
Shire of Broome
DOG ACT 1976
Kennel Establishment Licence

.....
(Full name and residential address)
is/are the holder(s) of a licence to keep an approved kennel establishment at premises situated at
.....

.....
This licence is effective for a period of twelve (12) months from the date thereof.
Dated this day of 19

.....
(Chief Executive Officer)

The Common Seal of the Shire of Broome was hereunto affixed by authority of a Resolution of the
Council in the presence of –

R J JOHNSON, President.
W LENYSZYN, Chief Executive Officer/Shire Clerk.

Recommended –

DAVID SMITH, Minister for Local Government

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D G BLIGHT, Clerk of the Council