

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, KATE EMILY OLIVER of Norman Waterhouse Lawyers, Level 15, 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the City of Victor Harbor intends to make, and do certify that in my opinion:

- (a) the said Council has the power to make the by-law by virtue of the following statutory provisions:
- Dog and Cat Management Act 1995, Sections 90(1) and 90(3);
 - Local Government Act 1999, Sections 246(1)(a), 246(3)(a), 246(3)(c), 246(3)(d) and 246(3)(f);
- (b) the by-law is not in conflict with the Local Government Act 1999.

DATED the 7th day of September 2009.



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Kate Emily Oliver, Legal Practitioner

CITY OF VICTOR HARBOR

By-law made under the Local Government Act 1999

By-Law No. 6 - Cats

For the control and management of cats within the Council's area.

1. Definitions

- 1.1 In this by-law:
- 1.2 'Boarding Kennel' means a building, structure, premises or area approved by the relevant authority pursuant to the Development Act 1993 for the keeping of cats on a temporary or permanent basis.
- 1.3 'Cat' has the same meaning as in the Dog and Cat Management Act 1995.
- 1.4 'Keep' includes the provision of food or shelter
- 1.5 'Premises' means a place (including a place on private land) to which the public has access but does not include any part of a community division under the Community Titles Act 1996.
- 1.6 'Identification' shall be in the form of an implanted microchip and the letter 'M' tattooed on the inside of its ears.

1.7 'Public Place' means all streets, roads, parklands, reserves, open space, jetties, bridges, foreshore and all other land in the ownership of the Council or under the care, control and management of Council.

2. Registration of Cats

2.1 A person must not keep a Cat over 3 months in age in the Council's area for more than 14 days unless the Cat is registered in accordance with this by-law.

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

2.2.1 be made to the Council in the manner, the form (if any) and accompanied by the fee (if any) as the Council may prescribe by resolution; and

2.2.2 nominate a person of or over sixteen years of age who consents to the cat being registered in his or her name; and

2.2.3 nominate Premises at which the Cat will be kept.

2.3 Registration under this by-law remains in force until 30 June next ensuing after registration was granted and may be renewed from time to time for further periods of twelve months.

3. Identification of Cats

A person must not without the Council's permission keep a Cat over 3 months in age on any Premises unless the Cat is identified by means of having a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the Cat and the Cat has the letter "M" tattooed on the inside of either of its ears.

4. Limit on Cat Numbers

4.1 A person must not on any Premises, without the Council's permission, Keep more than two Cats over 3 months in age.

4.2 The limit in subparagraph 4.1 of this by-law does not apply:

4.2.1 to those Cats being kept on Premises when this by-law comes into effect however the limit does apply if the number of Cats kept on those Premises increases after that time; or

4.2.2 to an Approved Kennel Establishment; or

4.2.3 where –

4.2.3.1 the Council is satisfied that no insanitary condition is being caused by Cats being kept on the Premises; and

4.2.3.2 the Council is satisfied that no nuisance is being caused to any neighbour by reason of odour from cat urine or by reason of any of the Cats wandering from the Premises; and

4.2.3.3 all the Cats over the age of 3 months (or such later age as is considered appropriate and advised in writing by a veterinary surgeon) kept on the Premises are desexed.

4.3 Clause 4.1 does not apply to Veterinary Practices and Pet Shops or Boarding Kennels In respect of which a development authorization is in force pursuant to the Development Act 1993.

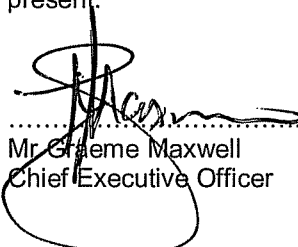
5. Effective Control of Cats

No person shall in any public place cause, suffer or permit any cat under that person's control, charge or authority to be or remain in that public place unless such cat is restrained by a leash not exceeding 2 metres in length and that person is capable of restraining the cat or has it enclosed in a lockable cat carry box to control the cat and in either situation, preventing it from being a nuisance or a danger to other persons.

6. Notices

- 6.1 The Council may serve a notice on the occupier of the premises or the owner of a cat requiring specific action to be taken to ensure compliance with this Bylaw.
- 6.2 The person to whom a notice is given pursuant to this Bylaw must comply with the requirements of the notice.
- 6.3 If the person to whom a notice is given fails to comply with the requirements of the notice, the Council may then carry out the requirements of the notice and recover its costs from that person.

This foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor held on the 22 day of SEPTEMBER 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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Mr Graeme Maxwell
Chief Executive Officer