

**CITY OF MARION****ANIMAL MANAGEMENT BY-LAW 2021****By-law No. 7 of 2021**

A By-law to manage and regulate the keeping of certain animals on residential premises, including for the prevention of nuisances.

PART 1 – PRELIMINARY**1. Title**

This by-law may be cited as the *Animal Management By-law 2021* and is By-law No. 7 of the City of Marion.

2. Authorising law

This By-law is made under section 246 of the Act.

3. Objectives

The objectives of this By-law are to manage the keeping of certain animals in the Council area:

- 3.1. to promote responsible animal management;
- 3.2. to reduce the incidence of public and environmental nuisance caused by the keeping of those animals;
- 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 and expiry

4.1 This By-law will come into operation four months after the day on which it is published in the Gazette in accordance with Section 249(5) of the Act¹.

4.2 This By-law will expire on 1 January 2029.²

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: 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.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2. This By-law applies throughout the Council's area.

6. Definitions

In this By-law:

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **Council** means the City of Marion;
- 6.3. **keep** in relation to a prescribed animal includes to care, feed, provide shelter for, control or possess that animal, whether on a temporary or permanent basis;
- 6.4. **prescribed animal** means either a rooster or peacock that is 2 months or older;
- 6.5. **premises** includes any land, (whether used or occupied for domestic or non-domestic purposes); and
- 6.6. **residential premises** means premises with a residential land use category within the meaning of the *Local Government (General) Regulations 2013*.

PART 2 – DOMESTIC ANIMAL MANAGEMENT

7. Permission required to keep prescribed animal

- 7.1. As and from 1 January 2023, a person must not, without the permission of the Council, keep or cause suffer or permit to be kept, a prescribed animal on any premises that abuts, on any boundary, residential premises.
- 7.2. The Council (or its delegate) may require that the premises, which are the subject of an application for permission to keep a prescribed animal, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for keeping a prescribed animal.
- 7.3. The Council must consider the following matters in determining whether or not to grant permission under subclause 7.1:
 - 7.3.1 whether an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
 - 7.3.2 whether a nuisance is caused or has been caused to any neighbour as a result of the keeping of the animal on the premises or is likely to be caused;
 - 7.3.3 the nature and size of the premises and whether the animal can be adequately contained thereon;
 - 7.3.4 any other matters the Council (or its delegate) considers should be taken into account.

PART 4 – EXEMPTIONS**8. Council may grant exemptions**

- 8.1. 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.
- 8.2. An exemption—
- 8.2.1 may be granted or refused at the discretion of the Council; and
 - 8.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 8.2.3 is subject to any conditions specified in the instrument of exemption.
- 8.3. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 8.4. 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**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 seek to recover its costs of any action so taken from the person to whom the order was directed.

Note-

For example, an authorised person may order a person to cease keeping a prescribed animal on that person's premises.

This By-law was duly made and passed at a meeting of the City of Marion held on **9 August 2021** 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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TONY HARRISON
Chief Executive Officer