



*Shire of
Exmouth*

Local Law

Cat Control



LOCAL GOVERNMENT ACT 1995

Shire of Exmouth

LOCAL LAW - CAT CONTROL

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the abovementioned Local Government hereby records having resolved on the July 17, 1997 to adopt the following Local Law.

Citation:

1. This Local Law may be cited as the *Shire of Exmouth Local Law Cat Control*.

Objects:

2. The object of this Local Law is:-
 - (a) to encourage responsible cat ownership.
 - (b) to reduce public and environmental nuisance caused by cats.
 - (c) to promote the effective management of cats.

Interpretation:

3. In this Local Law:-
 - (a) "Act" means the Local Government Act 1995.
 - (c) "Authorised Person" means a person authorised by the Council to administer the provisions of this Local Law.
 - (c) "Council" means the Council of the Shire of Exmouth.
 - (c) "District" means the Local Government district of the Shire of Exmouth.
 - (e) "Identified Cat" means a cat identified in the manner of having a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat.
 - (c) "Premises" shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is intended to be occupied as a separate residence from any adjacent tenement.
 - (g) "Unidentified Cat" means a cat that is not identified in the manner as defined in sub-clause (e).

Cats Not To Be A Nuisance:

4. No person shall keep or allow to remain on any Premises of which he or she is the owner or occupier, any cat or cats so as to be a nuisance to another person or injurious to the health of another person by reason of:-
 - (a) the number of cats;
 - (b) the noise or odour generated by the presence of the cat or cats;
 - (c) the aggressive nature of the cat or cats;
 - (d) the wandering of the cat or cats.

Limit of Cat Numbers:

5. (a) Subject to sub-clause (b) the limit on the number of cats kept on any premises shall be three.
- (b) No person shall keep any cat on the premises where the number of cats being kept upon the Premises exceeds the limit without the permission of the Council.

Identified Cats:

6. No person shall without permission of the Council keep a cat over the age of three months on any Premises unless the cat is an identified cat.

Authorised Persons:

7. (a) The Council may appoint suitable persons to be Authorised Persons for the purpose of administering this Local Law.
- (b) An Authorised Person may exercise powers conferred by this Local Law on an Authorised Person within the district.

Penalties:

8. (a) A person who contravenes or fails to comply with any provision of this Local Law is, upon conviction, liable to a penalty of \$200 for each offence.

Modified Penalties:

9. (a) The offences described in the table set out in the First Schedule to this Local Law are prescribed pursuant to Section 3.10 and 9.17 of the Act as an offence to which a modified penalty applies and the amount appearing in that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this sub-clause.
- (b) Where an authorised person has reason to believe that a person has committed an offence of the kind described in the First Schedule a notice may be served on that person in the form contained in the Second Schedule (in this clause referred to as “an Infringement Notice”) informing the person that if the person does not wish to have a complaint of the alleged offence heard and determined by a Court the person may pay to Council, within the time therein specified, the amount prescribed as the modified penalty.
- (c) An Infringement Notice may be served on an alleged offender personally or by posting it to that person’s address as ascertained from that person at the time of or immediately following the occurrence giving rise to the allegation of the offence.
- (d) Where a person who received an Infringement Notice fails to pay the prescribed penalty within the time specified in the Notice, or within any further time as in any particular case is allowed by the Council, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (e) An alleged offender on whom an Infringement Notice has been served may, within the time specified in the Notice or further time as in any particular case is allowed by the Council, 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:-
- (i) appropriate that amount in satisfaction of the penalty and issue an acknowledgment;
- or
- (ii) withdraw the Infringement Notice and refund the amount so paid.

- (f) An Infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending of a Notice in the form contained in the Third Schedule to the alleged offender at the address specified in the Notice or to the person's last known place of residence or business and in that event any amount received by way of modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purpose of any proceedings in respect of the alleged offence be deemed not to have been issued.
- (g) Where a person does not contest an allegation that the person committed an offence of the kind to which this clause applies, the production of an acknowledgment from the Council that the modified penalty has been paid to the Council is a defence to a charge of the offence in respect of which the modified penalty was paid.

First Schedule

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Item	Clause	Nature of Offence	Modified Penalty
1.	4	Keeping a cat so to be a nuisance or injurious to health	\$20
2.	5(b)	Keeping more than the approved limit on the number of cats	\$20
3.	6	Keeping an unidentified cat over the age of three months	\$20

Second Schedule
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INFRINGEMENT NOTICE

No.
Date

To

..... It
is alleged that at on the day
of 19 you committed an offence that you

.....
(Authorised Person)

You may dispose of this matter:

- (a) By payment of a penalty of \$..... within twenty-eight days of this Notice to the Council at Maidstone Crescent, Exmouth, or;
- (b) By having it dealt with by a Court.

If this modified penalty is not paid within the time specified, Court proceedings may be taken against you.

Third Schedule
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WITHDRAWAL OF INFRINGEMENT NOTICE

No.
Date

To

Infringement Notice No. dated/...../..... for

.....
Penalty \$ is hereby withdrawn.
No further action will be taken / It is proposed to institute Court proceedings for the alleged offence.

.....
(to be signed by an Authorised Person)