

CENTRAL COAST COUNCIL
ANIMAL CONTROL BY-LAW
BY-LAW 1 of 2018
BY-LAW MADE UNDER SECTION 145
OF THE *LOCAL GOVERNMENT ACT 1993*
FOR THE PURPOSE OF
REGULATING AND CONTROLLING ANIMALS WITHIN RESIDENTIAL AREAS

PART 1 - PRELIMINARY

Short Title

- 1 This by-law may be cited as the Animal Control By-law.

Interpretation

- 2 In this by-law:

"**the Act**" means the *Local Government Act 1993*;

"**animal**" means an animal referred to in section 3 of the *Animal Welfare Act 1993*;

"**assistance animal**" means an animal referred to in section 9 of the *Disability Discrimination Act 1992*;

"**approved**" means given the appropriate approvals by the Council;

"**authorised officer**" means an employee of the Council authorised by the General Manager for the purposes of this by-law;

"**Council**" means the Central Coast Council;

"**Fowls**" means hens

"**General Manager**" means the General Manager of the Council appointed pursuant to section 61 of the Act;

"**owner**" includes the occupier or other person having the control and management of any land or premises;

"**person**" means an individual, corporation, business or any other legal entity;

"**poultry**" includes ducks, geese, guinea fowl, peacocks, pheasants, pigeons and domestic birds including caged birds.

Application

- 3 This by-law only applies to the areas zoned as Residential.
- 4 This by-law will apply from 1 November 2018.

PART 2 - CONTROL OF ANIMALS

Division 1 - Keeping Animals

Prohibition on keeping certain animals in the prescribed areas

- 5 A person must not have or keep, on a temporary or permanent basis, any of the following in the prescribed district without a permit:
 - (a) horses, cattle, other farm animals or stock, including:
 - (i) sheep,
 - (ii) goats,
 - (iii) pigs,
 - (iv) donkeys
 - (iv) roosters;
 - (b) bees (in excess of 2 hives);
 - (c) poultry, excluding fowls.

Penalty: 1 penalty unit

- 6 The General Manager may issue a permit to keep pigs, horses or other livestock, roosters, bees and poultry, excluding fowls, upon such terms and conditions as the General Manager may determine.
- 7 An application for a permit is to be accompanied by the appropriate fee as determined by the Council.
- 8 The one-off fee, which is to be paid for the lifetime of the permit and is personal to the licence holder, will be first set at \$25 and thereafter will be reviewed as part of Council's annual review of Fees and Charges.
- 9 A person must comply with the terms and conditions of any permit issued.

Penalty: 1 penalty unit

Animals not to be in or have access to food businesses

- 10 A person must not keep any animal, except for assistance animals, in any food business or loose in any paddock, yard or open space so that it has access to any food business.

Penalty: 2 penalty units

Keeping of fowls and poultry

- 11 A person must not keep any fowls or poultry within 6 metres of any neighbouring dwelling-house, or construct a chicken coop within 1 metre of any fence line or boundary or allow any fowls or poultry to have access to any area within 6 metres of a neighbouring dwelling-house except if the sale of live fowls and poultry is part of the usual business of any shop and the fowls and poultry are in properly maintained cages.

Penalty: 1 penalty unit

- 12 Up to 6 adult standard hens, 10 adult bantam hens, or 8 adult mixed size hens can be kept without the requirement of a permit.
- 13 The keeping of chickens under the age of 6 months is exempt from the need for a permit.
- 14 A permit is required for the keeping of additional fowls within the prescribed district.
- 15 A permit is required for the keeping of any roosters within the prescribed district.
- 16 An application for a permit is to be accompanied by the appropriate fee as determined by the Council.
- 17 A person must comply with the terms and conditions of any permit issued.

Penalty: 1 penalty unit

Keeping of bee hives

- 18 A person may keep a maximum of 2 bee hives without a permit.

Penalty: 1 penalty unit

- 19 The keeping of bees must be in accordance with the Code of Practice for Urban Beekeeping in Tasmania.
- 20 A person must not keep bees within 25 metres of a street or road and 25 metres of any other building in the occupation of any other person.

Penalty: 1 penalty unit

- 21 A person must not keep bees within 4 metres of an adjoining boundary.

Penalty: 1 penalty unit

- 22 Bees should be kept in accordance with the Code of Practice for Urban Beekeeping in Tasmania.

Maintenance of premises used by animals

- 23 The occupier of any premises where an animal as described in clause 4, is kept must:

- (a) keep any structures, buildings, enclosures or areas which the animal has access to clean and sanitary; and
- (b) dispose of bedding or floor covering, or waste food or store until disposed in a waterproof and tightly covered container; and
- (c) keep manure in a waterproof and/or tightly covered container when requested to do so by an authorised officer; and
- (d) not permit any build-up of manure such that there is any nuisance or run-off into rivers, drains or stormwater; and
- (e) empty any container used for keeping used bedding or floor covering, waste food, or manure regularly and keep the container hygienic; and
- (f) not allow the animal to cause any nuisance through smell, noise, rodents, flies or drainage; and
- (g) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal; and
- (h) maintain fencing or other structures, buildings or enclosures housing the animal to an adequate standard, as may be determined by an authorised officer, so as to prevent the escape of the animal onto a highway or another person's property.

Penalty: 1 penalty unit

Proper location of animals

- 24 The owner or person in charge of an animal must ensure that it does not:
- (a) enter or remain on any property, without the consent of the owner or occupier of the property; or
 - (b) enter any public land unless there is a sign displayed on that land authorising the entry of that kind of animal.

Penalty: 1 penalty unit

- 25 The owner or person in charge of a farm animal must ensure that the farm animal is confined to:
- (a) the owner's property; or
 - (b) a property on which the owner or occupier has consented that the farm animal maybe kept.

Penalty: 1 penalty unit

- 26 Clause 25 does not apply when the farm animal is on a road and is under the effective control of the owner or another competent person.

- 27 Any animal found straying or at large on any highway or on any land under the control of the Council shall be dealt with in accordance with Part 12, Division 5 of the *Local Government Act 1993* (Tas.).

Animal nuisance

- 28 The owner or person in charge of an animal must ensure it does not foul another person's property without that other person's consent.

Penalty: 1 penalty unit

- 29 The owner or person in charge of an animal that fouls any public land or road must immediately clean up and dispose of the deposit in a lawful manner.

Penalty: 1 penalty unit

- 30 The owner or person in charge of an animal must ensure it does not attack any person, or any other animal.

Penalty: 2 penalty unit

- 31 An owner or occupier of premises must ensure that a nuisance is not created by an animal on those premises, or by the manner in which it is kept.

Penalty: 1 penalty unit

- 32 The General Manager, if satisfied that a nuisance is caused, or contributed to, by the number or type of animals kept on any premises, may serve a notice under this by-law, instructing the reduction in specified animal numbers and/or type of animals being kept.

- 33 The owner or occupier of premises must ensure that the carcass of any animal on those premises is suitably disposed of within a reasonable time after which the carcass has been discovered.

Penalty: 1 penalty unit

- 34 For clause 33 suitable disposal means:

- (a) disposal at an authorised local government waste management site; or
- (b) subject to any other relevant legislation complete cremation of the entire carcass; or
- (c) burial of the entire carcass in accordance with the following conditions:
 - (i) the top of the carcass must not be within 600mm of the surface of the ground; and
 - (ii) the carcass must be covered with lime to a depth no less than 50mm; and
 - (iii) burial must not be within 100 metres of any watercourse or building, or subject to any overflow from any watercourse; and

- (iv) the grave must be protected from scavenging animals.

Penalty: 1 penalty unit

Refusal of application to keep animals

- 35 The General Manager may refuse an application for a permit to keep an animal where the General Manager is of the opinion that:
- (a) the premises to which the application relates are not fit for the purpose proposed in the application; or
 - (b) it is in the public interest to refuse the application.

Division 2 - Seizure, Detention and Impounding of Animals

Seizure, detention and impounding animals

- 36 An authorised officer may:
- (a) in accordance with section 194 of the *Local Government Act 1993*, seize, detain and impound any animal found straying or at large; and
 - (b) seize, detain and impound an animal where the authorised officer believes an offence has been committed under Part 2 of this by-law.

Notice of impounding

- 37 If an animal has not been claimed by its owner or a person on behalf of the owner within 48 hours of it being impounded, the General Manager is to give notice to the owner of the animal in accordance with section 195 of the *Local Government Act 1993*.
- 38 If the owner of an impounded animal cannot be ascertained or found, the General Manager is to publish notice of the impounding of the animal in accordance with section 195 of the *Local Government Act 1993*.

Fees, costs and charges

- 39 The owner of an impounded animal must pay any fees, costs and charges in respect of the impounding, maintenance and treatment of the animal, as notified by the General Manager.
- 40 The General Manager may detain an impounded animal until any fees, costs and charges specified in a notice are paid.

Sale or destruction of animals

- 41 The General Manager may:
- (a) sell, give away free of charge or destroy any impounded animal, in accordance with section 197 of the *Local Government Act 1993*, if:

- (i) no one has claimed the animal within 14 days of impounding; or
- (ii) any fees, costs and charges specified by notice have not been paid within the time specified in that notice; and
- (b) arrange for an impounded animal to be destroyed, in accordance with section 198 of the *Local Government Act 1993*, if, in the opinion of a qualified veterinary surgeon, the animal is:
 - (i) seriously diseased; or
 - (ii) so injured or disabled as to be apparently in continual pain.

Interference with animals in pounds

42 A person must not:

- (a) remove or interfere with any animal seized under this Division; or
- (b) destroy or damage any structure, enclosure or pound in which animals seized under this Division are detained.

Penalty: 5 penalty units

43 An authorised officer may:

- (a) seize an animal that is illegally removed; and
- (b) detain the animal until the fees and costs arising from its detention and retrieval are paid.

Division 3 - Powers of Entry

Entering private premises

44 An authorised officer may enter and remain in or on any private premises to determine:

- (a) the number of animals on those premises; and
- (b) whether or not any animal on those premises is authorised under a permit, licence or other authority; and
- (c) any other matter relating to any permit, licence or authority, or any application for a permit, licence or written authority.

45 An authorised officer may require the occupier of the premises to produce for inspection by the authorised officer on the premises:

- (a) all animals of which the occupier is the owner; and
- (b) any other animals kept on those premises; and
- (c) evidence of authorisation to keep those animals on those premises.

Entering land

- 46 An authorised officer who has reason to believe that the owner or person in charge of an animal has committed an offence under this by-law may:
- (a) enter onto land owned or occupied by that person; or
 - (b) search for and seize any animal on that land.

PART 3 - PERMITS AND LICENCES

- 47 Any application for a licence or permit pursuant to this by-law is to be in accordance with the relevant form in the Schedule 1.
- 48 Permits issued under this by-law are in the form as appearing in the Schedule 2 to this by-law.
- 49 The holder of a licence issued pursuant to this Division must comply with the terms and conditions thereof.
- 50 The licence will be issued pursuant to this by-law subject to such conditions as the General Manager may consider necessary.

PART 4 - INFRINGEMENT NOTICES AND EXPENSES

Infringement notices

- 51 In this clause - "specified offence" means an offence against the clause specified in Column 1 of Schedule 3.
- 52 An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 3 is the penalty payable under the infringement notice for that offence.
- 53 An authorised officer may:
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- 54 The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

Recovery of costs

- 55 Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this by-law is recoverable by the Council as a debt due to it from the person failing to comply or contravening the by-law.

SCHEDULE

1. APPLICATIONS

APPLICATION FOR PERMIT TO KEEP HORSE, PIG, LIVESTOCK BEES OR
POULTRY

Full name of Applicant

Full residential address of Applicant

.....
.....

Animal/animals to be kept

.....

Full details and address of where animal/animals is to be kept (i.e sty, stable, open paddock)

.....
.....
.....

Dated thisday of 20

I have read the Council By-Law relevant to this application and agree to abide by the
conditions therein

.....

Applicant Signature

Note: This permit is a one off fee and not an annual payment

2. PERMITS

PERMIT TO KEEP A HORSE, PIG, LIVESTOCK, BEES OR POULTRY

Full name of permit holder.....

Full residential address of permit holder

.....
.....

This is to certify that the permit holder is permitted to keep the following animal/animals

.....

At

.....
.....

Dated thisday of 20

.....

GENERAL MANAGER

This permit is valid only for the number of animals named above.

Should a nuisance be reported in relation to the keeping of the said animals then this permit may be reviewed.

3 INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty units)
5	Prohibition on keeping certain animals in the prescribed areas	1
9	Non-compliance with permit	1
10	Animal accessing food premises	2
11	Keeping of fowls/poultry near premises and fences	1
17	Non-compliance with permit	1
18	Keeping of more than 2 hives	1
20	Keeping bees too close to roads or buildings	1
21	Keeping bees too close to boundary	1
23	Maintenance of premises used by animals	1
24	Animals wandering from premises	1
25	Farm animals wandering from premises	1
28	Animal fouling another persons property	1
29	Failure to clean up after animal fouls on public land or road	1
30	Animal attacking person or other animal	2
31	Animal creating a nuisance	1
33	Removal of carcass of deceased animal	1
42	Interference with impounded animals	5

Certified that the provisions of the By-Law are in accordance with the law by

.....

G Williams

Barrister and Solicitor

Dated this day of 2018

At Ulverstone

Certified that the By-law is made in accordance with the *Local Government Act 1993* by

.....

S Ayton

General Manager

Dated thisday of 2018

At Ulverstone

The Common Seal of the CENTRAL COAST

COUNCIL, Tasmania has been hereunto affixed

pursuant to delegated power for and on behalf of the

CENTRAL COAST COUNCIL in the presence of:

Signature

Sandra Ayton

General Manager

Witness Signature.....

Witness Full Name:

Witness Full Address: