

GLENORCHY CITY COUNCIL
ANIMAL MANAGEMENT BY-LAW

BY-LAW NO. 1 OF 2000

THIS COPY OF THE BY-LAW HAS BEEN UPDATED TO REFLECT THE CHANGES RESULTING FROM THE LOCAL GOVERNMENT (AMENDMENT OF BY-LAWS) ORDER 2009 THAT WAS GAZETTED ON 6th MAY 2009.

A by-law of the Glenorchy City Council made under the provisions of section 20 (1) and section 145 (1) of the *Local Government Act 1993* for the purpose of managing animals within the City.

PART 1 – PRELIMINARY

1 – Short Title

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

2 – Commencement

The provisions of this by-law commence on the day of publication in the Gazette.

PART 2 – INTERPRETATION

3 – What The Words In This By-law Mean

“**Act**” means the *Local Government Act 1993*;

“**animal**” includes any live companion animal, domestic animal, farm animal, poultry or native animal;

“**animal house**” includes a kennel, cattery, pen, poultry house, aviary, hive, building or structure used for the keeping of any animal, but does not include a stable for the keeping of horses or farm animals;

“**authorised officer**” means a person appointed as an authorised officer by the General Manager under section 64 of the *Local Government Act 1993*;

“**cat**” includes a cat of either sex (whether desexed or not);

“**cattle**” means a bull, cow, ox, steer, heifer, or calf;

“**Code of Practice**” means the Glenorchy City Council Code of Practice “Animal Keeping”;

“**companion animal**” means an animal kept as a companion pet;

“**Council**” means the Glenorchy City Council;

“**dog**” means a dog of either sex (whether desexed or not).

“**domestic animal**” includes an animal or bird which is –

- (a) kept by an owner or some other person who has charge of the animal; and
- (b) reliant upon human contact to satisfy its welfare requirements;

“**effective control**” means

- (a) confined by a cage or enclosure, or fence and closed gates; or
- (b) on a leash; or
- (c) under the direct supervision of a competent person; or

- (d) confined by such other appropriate method as prevents uncontrolled animal activity;
- “farm animal”** means a horse, stock or any other animal being farmed;
- “feral animal”** means any non-native animal living in a wild state and substantially independent of human contact;
- “fouling”** means depositing manure;
- “General Manager”** means the General Manager of the Council;
- “horse”** includes a stallion, mare, gelding, pony, filly, colt, foal, ass, donkey, mule or any other animal used for burden, draught or for carrying people;
- “licence”** means a written authority from Council issued to a person for the use of a stable in a residential zone of the Planning Scheme;
- “native animal”** means any animal native to Australia;
- “nuisance”** means circumstances relating to an animal that are offensive, or hazardous to health;
- “offensive”** means
- (a) injurious to any person’s real or personal property; or
 - (b) injurious to the comfort, privacy or well being of any person or animal; or
 - (c) noxious;
- “owner”** includes
- (a) the person who ordinarily keeps and is responsible for the welfare of any animal but does not mean an employee who keeps an animal on behalf of his or her employer; or
 - (b) in the case of a child’s pet, the child’s parent or guardian;
- “pest animal”** means a feral or stray animal or vermin;
- “permit”** means a written authority from Council issued to a person, pursuant to this by-law for the keeping of:
- (a) horses, farm animals or stock; or
 - (b) bees;
- “person”** includes a corporate entity;
- “Planning Scheme”** means the Planning Scheme from time to time;
- “poultry”** includes fowls, turkeys, ducks, geese, pheasants, quail or any other game bird;
- “prepared food”** includes
- (a) a product manufactured altered or modified for the purpose of animal consumption; or
 - (b) commercial products or household scraps used for the purpose of animal consumption -
but does not include hay or straw of any type;
- “property”** means any land, dwelling, flat or unit in separate occupation;
- “public land”** means land owned, vested in or managed by Council or any Government department, agency or instrumentality;
- “road”** means a public street as defined in the *Traffic Act 1925*;
- “stable”** means a building or structure used for the keeping of horses or farm animals;
- “stock”** includes cattle, goats, deer, sheep, pigs, or a combination of two or more of them;
- “stray animal”** includes any animal not in the current care and control of any person but excludes a feral animal;
- “vermin”** means rats, mice, flies, fleas, lice, or any other animal or insect pest;
- “welfare”** means the basic health, protection, care and comfort of any animal.

PART 3 – COMPLIANCE WITH GLENORCHY PLANNING SCHEME

4 – Glenorchy Planning Scheme Takes Precedence

The Planning Scheme prevails over the provisions of this by-law to the extent of any duplication or inconsistency.

PART 4 – LICENCES AND PERMITS

5 – Licence and Permit Requirements and Procedures.

- (1) A person seeking to do anything for which a licence or permit is required under this by-law is to apply to Council for the licence or permit (as the case may be) on the form approved by Council.
- (2) An application for a licence or permit is to:
 - (a) specify the place at which the animal, the subject of the application, is to be kept; and
 - (b) if required by Council or an authorised officer, be accompanied by a block plan of the property (including measurements showing the portion of the property in which it is intended to keep the animal); and
 - (c) specify the manner, including any enclosure, in which the animal is to be kept; and
 - (d) contain such other information as Council reasonably requires; and
 - (e) be accompanied by the fee (if any) required by Council.
- (3) The Council or an authorised officer may request further information from an applicant for a licence or permit.
- (4) If further information requested by Council is not provided within 14 days of a request under subclause (3) Council may reject the application or consider it on the basis of the information that has been provided.
- (5) A licence or permit expires on 30th June following the date of its issue unless previously cancelled under clause 6.
- (6) Prior to the expiration of a licence or permit, the holder may renew it by applying to Council in the approved form and accompanied by the fee (if any) required by Council.
- (7) An application for renewal of a licence or permit made prior to its expiry has the effect of extending the licence or permit until the time that the renewal is determined by Council under this clause.

- (8) Council is to keep a register of all licences and permits issued and is to note any amendments, corrections or cancellations in the register.
- (9) A person holding a licence or permit must comply with all of its specified conditions.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (10) Any person seeking to obtain a licence or permit, or variation of a licence or permit under this by-law must not wilfully make or cause to be made a false representation or declaration.
- Penalty: On summary conviction a fine not exceeding 10 penalty units.

6 – Council May Approve, Refuse or Cancel a Licence or Permit

- (1) After considering an application under clause 5, Council may-
- (a) grant a licence or permit; or
 - (b) in the case of an existing licence or permit, renew it; or
 - (c) refuse the application; or
 - (d) in the case of an existing licence or permit, cancel it.
- (2) In considering whether to exercise a power under subclause (1), Council is to take into account-
- (a) whether the premises in respect of which the licence or permit is sought are fit for the purpose;
 - (b) the requirements of the Act and any laws relating to public health and environmental protection in respect of the premises;
 - (c) the situation and condition of the premises and whether they are likely to create a nuisance;
 - (d) the requirements of this by-law;
 - (e) whether there has been a concealment of facts.
- (3) A licence or permit may be granted or renewed subject to conditions determined by Council.
- (4) Council may -
- (a) amend or vary the terms or conditions of a licence or permit upon 1 months notification to the person to whom a licence or permit has been issued; or

- (b) correct an error in the licence or permit at any time upon written notification to the person to whom the licence or permit is currently issued, either on the application of the licence or permit holder, or of its own motion.
- (5) The Council may transfer a licence or permit on the application of a person who owns or occupies land in relation to which there is a licence or permit in force.
- (6) An application under subclause (5) is to be in the form approved by the Council and accompanied by the fee (if any) required by the Council.

7 – Cancellation of a Licence or Permit

Before cancelling a licence or permit, Council is to:

- (a) give one month's written notice to the licence or permit holder to show cause on or before a day specified in the notice why the licence or permit should not be cancelled; and
- (b) give consideration to any representation made by the licence or permit holder in respect of the notice given under subclause (a).

PART 5 - STABLES

8 – Stable Licence Required

(1) Subject to subclause (2), a person must not :

- (a) have;
- (b) use; or
- (c) permit to be used –

a stable on any land situated in a residential zone of the Planning Scheme, in which a horse or any other animal is kept.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

(2) A person does not contravene subclause (1) provided that the property where the stable is situated is licensed in accordance with clause 6, and that the stable complies with the following conditions:

- (a) the stable is not to be within:
 - (i) twelve metres of a dwelling house, school room, hospital, child health centre, workroom or eating house;
 - (ii) six metres of a street boundary or the boundary of any adjoining land in other occupation; or
 - (iii) fifteen metres of any milking shed or milk room of a dairy; and

- (b) the stable must meet the following minimum construction specifications:
- (i) the walls are to be constructed of a waterproof and solid material;
 - (ii) the room is to be constructed of an approved impervious and non-flammable material and is to be provided with gutters and downspouts to discharge roof water to the Council drainage system or to some other approved method of disposal;
 - (iii) adequate ventilation is to be provided on all sides of the building;
 - (iv) the stable is to have a cubic capacity of not less than 22.6m³ and a floor area of not less than 6m² for each horse or other animal housed or likely to be housed there;
 - (v) the upper surface of the floor is to be raised at least 75mm above the surface of the surrounding ground and is to be constructed of a suitable material;
 - (vi) where the stable is of timber or galvanised iron construction, the timber framework is to be built on a concrete wall having a minimum height of 150mm;
 - (vii) the floor is to have a fall to allow drainage outside the stable with a drain to empty to a trapped gully which is to have a fine mesh screen placed over its upper surface;
 - (viii) the discharge from the drain and gully is to be to the Council sewer or where no sewer is available, is to be disposed of in an approved manner by an authorised officer;
 - (ix) a receptacle for manure and stable waste is to be placed outside each stable;
 - (x) the receptacle is to be constructed of reinforced concrete or brick rendered smooth in cement mortar or of other approved impervious material, and is to have a capacity not greater than is sufficient for 1.5m³ of manure and stable waste;
 - (xi) the receptacle is to be sufficiently ventilated, and provided with a tight fitting, fly proof lid which is to be closed at all times except when in use, and is to be emptied at least once weekly; or other such system as approved by an authorised officer;
 - (xii) all manure and stable waste produced on the premises is to be collected daily and placed in the receptacle;
 - (xiii) the stable is to be maintained in a clean condition and cleansed and disinfected when so requested by an authorised officer;
 - (xiv) a stable, which was in use and licensed by Council prior to the commencement of this by-law, is not to be rebuilt or renovated in any structural manner without Council approval in writing.
- (3) (a) In addition to the requirements of clause 8(4), a person who applies for a licence is to advertise in a daily newspaper circulating throughout Council's municipal area that the person has applied for a licence; and
- (b) the advertisement is to specify the name of the applicant, the location of the premises, the number and type of animals to be kept and is to be in a form approved by the General Manager
- (4) An application for a licence will not be considered until 21 days after the date of publication of the advertisement referred to in clause 8(3).
- (5) The Council is to keep a register of persons and premises in respect of which stable licences are held.
- (6) The register is to contain details of:

- (a) the location of the premises;
 - (b) the number and types of animals to be kept at the premises; and
 - (c) if there is a current licensee of the premises, the name of that person and the date of expiry of the licence.
- (7) If the Council transfers a licence under clause 6(5), it is to amend the details in the register required to be kept under subclause 8(5).

9 - Objections to the Granting of a Stable Licence.

- (1) An owner or occupier of any premises within 200 metres of the premises in respect of which a licence is sought may, within fourteen days of the publication of the advertisement referred to in clause 8(3), lodge a written objection to the granting of a licence.
- (2) Any such objection under subclause (1) is to be addressed to the General Manager and specify the reasons for the objection.

PART 6 – RESTRICTIONS ON KEEPING CERTAIN TYPES OF ANIMALS IN A RESIDENTIAL ZONE.

10 – Restrictions on Keeping Horses, Farm Animals and Stock in Residential Zones.

- (1) A person must not keep a horse, farm animal or stock on any premises or land situated in a residential zone under the Planning Scheme unless:
 - (a) the person proposing to keep the horse, farm animal or stock has applied on the approved form to the Council within the previous twelve months for a permit under subclause (3) of this clause; and
 - (b) the permit under subclause (3) has been granted; and
 - (c) the portion of the land to which the horse, farm animal or stock has access is effectively fenced so that the animal cannot approach within:
 - (i) twelve metres of any dwelling house, school room, hospital, child health centre, work room or eating house;
 - (ii) two metres of a street boundary, or any adjoining property; or
 - (iii) fifteen metres of any milking shed or milk room of a dairy, other than a milking shed or milk room used for the milking of that animal; and
 - (d) boundary fencing suitable for the containment of the number and type of animals involved is provided and maintained in good condition.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (2) The requirements of subclause 10(1)(c)(ii) may be waived by Council if:-
- (i) each adjoining property owner lodges a declaration with Council indicating consent that additional fencing requirements are not necessary; and
 - (ii) Council is satisfied that an exemption from these requirements will not create a nuisance.
- (3) The Council may grant a permit that, in its opinion, it is possible to keep on the premises or land, animals of the type and number specified in the application made under subclause (1) without prejudice to the health or amenity of the neighbourhood.

PART 7 - BEES

11 – Beekeeping

- (1) A person must not keep more than one beehive on any property situated within a residential zone of the Planning Scheme.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (2) A person who keeps bees must comply with the Code of Practice.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (3) A person must not keep bees within 25 metres of:
- (a) a street or road; or
 - (b) any other building in the occupation of any other person –
- other than in accordance with the terms of a permit issued by the Council.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.
- (4) A person must not keep bees within 4 metres of an adjoining boundary.
- Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

PART 8 – CONTROL OF ANIMALS

12 – Proper Location of Animals

- (1) The owner of a companion animal or domestic 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 companion animal or domestic animal.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

- (2) Subject to subclause (3), the owner of a farm animal or stock must at all times ensure that the farm animal or stock is confined to:

- (a) the owner's property; or
- (b) a property on which the owner or occupier has consented that the farm animal or stock may be kept.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (3) Subclause (2) does not apply when the farm animal or stock is on a road and is under the effective control of the owner or another competent person.

PART 9 – ANIMAL HOUSING

13 – Animal Housing Conditions

- (1) A person must maintain an animal house in a clean and sanitary condition at all times, so as not to:

- (a) cause a nuisance to any person or property; or
- (b) adversely affect the welfare of any animal within it.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (2) A person must not discharge any polluted drainage from any animal house:

- (a) beyond the boundaries of any property from which it emanates; or
- (b) into any water course or drain-

other than in accordance with a permit issued from the Council.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (3) A person who owns or occupies a property on which an animal house is situated must ensure that it meets the requirements of the Code of Practice.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

PART 10 – STRAY AND FERAL ANIMALS

14 – Control of Stray and Feral Animals

- (1) Subject to the *Dog Control Act 2000*, the *Local Government Act 1993* and the *Law of Animals Act 1962* and any subsequent amendments, Council has the power to impound all stray and feral animals.

PART 11 – PEST ANIMALS

15 – Pest Animals

- (1) An owner or occupier of a property where pest animals are present, excluding stray animals, must take reasonable action to remove or eradicate them.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (2) An owner or occupier of a property where stray animals are present must take reasonable action to:

- (a) return the animal to its owner or some other person who has charge of the animal, if known; or
- (b) deliver the animal to an authorised officer, or some other person or welfare agency as determined by an authorised officer.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (3) A person must not keep, store or allowed to be kept or stored on any property, prepared food for consumption by an animal unless the food is stored in a manner secured from all pest animals.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

- (4) A person must not feed or encourage the presence of pest animals, other than in accordance with a permit from the Council issued for the purpose of capture, or eradication of the pest animals.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

PART 12 – ANIMAL NUISANCE

16 – Animal Nuisance

- (1) The owner or person in charge of an animal must not allow or permit it to cause a nuisance by fouling another person's property without that other person's consent.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

- (2) 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: On summary conviction a fine not exceeding 10 penalty units.

- (3) The owner or person in charge of an animal must not allow or permit it to attack, chase or intimidate any person, or any other animal.

Penalty: On summary conviction a fine not exceeding 10 penalty units.

- (4) An owner or occupier of a property must ensure that a nuisance is not created by noise or odour emanating from that property caused by an animal on that property, or by the manner in which it is kept.

Penalty: On summary conviction a fine not exceeding 10 penalty units and in the case of a continuing offence, a further fine of 2 penalty units for each day that the offence continues.

PART 13 – BY-LAW COMPLIANCE

17 – Irresponsible Animal Ownership

In addition to any penalty imposed for a breach of this by-law, an expense incurred by the Council in consequence of that contravention is recoverable by the Council as a debt payable by the person so failing to comply with or contravening this by-law.

18 – Nuisance

- (1) An authorised officer who is reasonably satisfied that a nuisance is being created in contravention of this by-law may:

(a) serve a notice on a person who owns or has charge of an animal, or is contributing to the nuisance, or allowing it to occur; or

(b) proceed under clause 19.

- (2) A notice under subclause (1)(a) may:

- (a) require the person named in it to abate the nuisance within seven (7) days of service of the notice, or such other time period specified in the notice, and to ensure that the nuisance does not reoccur and/or
- (b) specify a reasonable means by which the nuisance is to be abated.

19 - Infringement notices

(1) In this clause –

“**specified offence**” means an offence against the clause specified in Column 1 of Schedule 2.

(2) 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 2 is the penalty payable under the infringement notice for that offence.

(3) 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.

(4) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this by-law.

(5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

19A. Monies payable to council recoverable as a debt

All monies payable to the council or general manager in respect of an infringement notice are a debt due to the council and recoverable at law.

PART 14 – CODE OF PRACTICE

20 – Code of Practice

(1) The Code of Practice comprises Schedule 1 of this by-law and sets out common sense and courteous procedures in managing animals.

Schedule 2 - INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty Units)
5(9)	Fail to comply with conditions of a licence or permit	2
5(10)	Make false representation on licence or permit application	2
8(1)	Have an unlicensed stable on residential land	2
10(1)	Keep a horse on residential land without a permit	2
11(1)	Keep more than one beehive on residential land	2
11(2)	Fail to comply with the Code of Practice for beekeeping	2
11(3)	Keep bees within 25 metres of a street or occupied building	2
11(4)	Keep bees within 4 metres of adjoining boundary	2
12(1)	Allow a companion or domestic animal to enter property or public land	2
12(2)	Fail to confine farm animal or stock	2
13(1)	Fail to maintain animal house in clean and sanitary condition	2
13(2)	Discharge pollution from animal house other than specified in a permit	2
13(3)	Fail to keep animal house according to Code of Practice	2
15(1)	Fail to remove or eradicate pest animals	2
15(2)	Fail to return stray animal to owner, authorised person or welfare agency	2
15(3)	Fail to store food for animal consumption secure from pest animals	2
15(4)	Feed or encourage pest animals	2
16(1)	Allow an animal to foul another person's property	2
16(2)	Fail to clean up animal deposit from public land or road	2
16(3)	Allow animal to attack, chase or intimidate another person or animal	2
16(4)	Allow a nuisance to be created by an animal on a property where it is kept	2

* The common seal of the Glenorchy City Council was affixed this day of
2002 in the presence of-

T.L.Martin
Mayor

Frank Pearce
General Manager

Seal affixed

Certified as being in accordance with the law by Andrew Walker
Legal Practitioner.

Dated : day of 2002.

* Confirmed by the Minister responsible for the administration of the Local
Government Act 1993. Dated this day of 2002.

Jim Bacon. MHA
Premier