

(m) Deleting the provisions relating to Holdsworth Street Car Park (No. 20).

Dated this 10th day of January, 1986.
The Common Seal of the City of Fremantle was here-
unto affixed in the presence of—
[L.S.]

JOHN CATTALINI,
Mayor.

I. F. KINNER,
Town Clerk.

Recommended—

JEFF CARR,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 11th day of March,
1986.

G. PEARCE,
Clerk of the Council.

DOG ACT 1976.

The Municipality of the Shire of Wyalkatchem.

By-laws Relating to the Control of Dogs.

IN pursuance of the powers conferred upon it by the above mentioned Act, and all other powers enabling it, the Council of the above mentioned Municipality hereby records having resolved on 18 July 1985, to repeal the by-laws for the control of dogs as published in the *Government Gazette* of 19 September 1975, and to make and submit for confirmation by the Governor the following by-laws.

PART I—Preliminary.

1. In these by-laws the term "Council" means the Council of the Shire of Wyalkatchem.

PART II—Impounding of Dogs.

2. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act 1976.
3. A dog seized by a Police Officer or an Officer authorised by the Council may be placed in a pound.
4. Where a dog has been seized or placed in a pound the keeper of the pound or other employees authorised by the Council shall if the owner or person usually in charge of the dog is known to him forthwith notify such person that the dog has been impounded.
5. The pound keeper shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the Council.
6. If the owner or person apparently acting on behalf of the owner of a dog seized or impounded shall claim such dog then upon payment of the fees specified in the First Schedule hereto the dog shall be released to such person.
7. Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of the pound keeper or other employee authorised by the Council the ownership of the dog and his authority to take delivery of it. The pound keeper or employee may accept such proof as he considers satisfactory and no person shall have any right of action against him or the Council in respect of the delivery of the dog if made in good faith.
8. If a dog shall not be claimed and the said fees paid within 72 hours of it being impounded or if a dog having a collar around its neck with a registration disc for the current year affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the registered owner the pound keeper or other employee authorised by the Council may sell the dog or have it destroyed. Any costs incurred by the Council in seizing or disposing of the dog shall be recoverable by the Council from the owner.
9. Upon the sale of the dog the proceeds of sale shall be the property of the Council and may be disposed of in such a manner as the Council thinks fit. The owner of a dog sold pursuant to these by-laws shall have no claim against the Council in respect of the proceeds thereof.
10. Notwithstanding anything herein contained, but subject to the provisions of subsection (12) of section 29 of the Dog Act 1976 any dog seized or impounded may at any time be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner or health surveyor.
11. If the Council shall destroy a dog at the request of its owner whether such dog shall have been seized or impounded or not the owner shall pay to the Council the fees specified in the First Schedule hereto.
12. No person shall—
 - (a) unless a pound keeper or other employee of the Council duly authorised in that regard release or attempt to release a dog from a pound;
 - (b) destroy break into damage or in any way interfere with or render not dog-proof any pound;
 - (c) destroy, break into, damage, or in any way interfere with or render not dog-proof any dog cart vehicle or container used for the purpose of catching holding or conveying dogs which have been seized.

13. No person shall obstruct or hinder an employee of the Council or member of the Police Force in the performance of anything authorised by the provisions of the Dog Act 1976 or by the regulations made in pursuance of those provisions or by these by-laws.

14. The payment of fees in respect of the seizure care detention or destruction of a dog shall not relieve the owner of his liability to a penalty under any of the provisions of these by-laws.

15. Any person who shall commit a breach of these By-laws 2-14 (both inclusive) shall upon conviction be liable to a penalty not exceeding one hundred dollars (\$100.00).

PART III--Keeping Dogs.

16. The occupier of premises shall not unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Act keep or permit to be kept on those premises more than two dogs over the age of three months and the young of those dogs under that age if the premises are situated within the townsite of Wyalkatchem.

17. (1) The owner or occupier of premises within the townsite of Wyalkatchem on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in accordance with the provisions of this by-law.

(2) The fence used to confine a dog and every part of the fence shall, having regard to the species, age, size and physical condition of the dog, prevent that dog from passing over, under or through the fence.

(3) If there is a gate in the fence the gate shall be:—

(a) fitted with:—

- (i) an efficient self-closing mechanism;
- (ii) an efficient self-latching mechanism attached to the inside of the gate;
- (iii) a mechanism which enables the gate to be permanently locked;

(b) kept closed at all times except when the dog is not kept on the premises, but nothing in this paragraph prevents a person from opening the gate in order to leave the premises.

(4) In this by-law the term "fence" includes a wall.

18. (1) An application for a licence to keep an approved kennel establishment shall be in writing and shall be in or substantially in the form contained in the Second Schedule and shall be accompanied by evidence that due notice of the proposed use of the land has been given to persons in the locality.

(2) Unless the Council shall otherwise decide, an applicant for a licence shall give notice of the proposed use of the land by:—

- (a) not less than one advertisement in a newspaper circulating in the district; and
- (b) giving written notice to the owners and occupiers of all adjoining properties at least thirty days before the application is made to the Council.

19. The fee payable for the issue of a licence to keep an approved kennel establishment is that specified in the First Schedule.

20. A licence to keep an approved kennel establishment shall be in or substantially in the form contained in the Third Schedule.

21. The fee payable for the renewal of a licence to keep an approved kennel establishment is that specified in the First Schedule.

22. A person shall not erect an approved kennel establishment unless it complies with the provisions of these by-laws and until plans and specifications and a location plan showing the proposed site for the kennel and of the yard appurtenant thereto have been approved by the Council and the fee for the licence prescribed in the First Schedule has been paid.

23. The owner or occupier of premises which have been licensed as an approved kennel establishment shall provide a kennel or kennels which comply with the following specifications:—

- (a) Each kennel shall have a yard appurtenant thereto;
- (b) each kennel and each yard and every part thereto shall not be any less distance than 30 metres from the boundaries of the land in the occupation of the occupier;
- (c) each kennel and each yard and every part thereto shall not be any less distance than 30 metres from any road or street;
- (d) each kennel and each yard and every part thereto shall not be any less distance than 20 metres from any dwelling house, Church, schoolroom, hall or factory;
- (e) the wall shall be rigid, impervious and structurally sound;
- (f) the roof shall be constructed of impervious material or other material approved by Council;
- (g) all untreated external surfaces of a material shall be painted and kept painted with good quality paint;
- (h) the lowest internal height shall be at least 2 metres from the floor;
- (i) each yard shall be securely fenced and kept securely fenced with a fence not less than 2 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
- (j) all gates shall be provided with proper catches or means of fastening;
- (k) the upper surfaces of the floor of each kennel shall be set at least 100 mm above the surface of the surrounding kennel ground and shall be constructed of granolithic cement finished to a smooth surface and shall be drained in accordance with the health requirements of Council;
- (l) the floor of a yard shall be constructed in the same manner as the floor of a kennel;
- (m) for each dog kept herein every kennel shall have not less than 2 square metres of floor space and every yard not less than 2.5 square metres;
- (n) each kennel shall be constructed so far as is practicable with materials which prevent or minimise emission of noise therefrom.

24. A person who keeps or permits dogs to be kept in an approved kennel establishment shall:—

- (a) keep dogs in kennels and yards appropriate to the breed or kind in question, sited and maintained in accordance with the requirements of public health and sufficiently secured;
- (b) not permit any dog to escape from the kennel or yard in which it is kept or wander at large except for the purpose of reasonable exercise whilst under effective control; and
- (c) maintain all kennels and yards and all feeding and drinking vessels used by dogs therein in a clean condition and cleanse and disinfect them when required to do so by an authorised person.

25. A right of appeal to local court is conferred by section 27 of the Act where the Council refuses the grant of a licence and gives notice of intention to cancel a licence in respect of an approved kennel establishment.

PART IV—General.

26. The owner of a dog or person responsible for its keeping shall prevent that dog from entering or being in any of the following places:—

- (a) a public building;
- (b) a theatre, or drive-in theatre;
- (c) a house of worship;
- (d) a shop or other building used by the public.

27. The owner of a dog or person responsible for its keeping shall prevent that dog from entering or being in any of the following places unless on a leash held by a person:—

- (a) a sportsground;
- (b) an area set aside for public recreation;
- (c) a car park;
- (d) any land vested in or under the control of the Council within the townsite of Wyalkatchem including a road or street.

28. Any person who shall commit a breach of any by-law 26-27 (both inclusive) shall upon conviction be liable to a penalty not exceeding one hundred dollars (\$100.00). And in the case of a continuing breach not exceeding \$10.00 for each day that the breach is committed.

First Schedule.

Fees and Charges.

	Fee
Seizure and return of a dog without impounding it	\$ 20
Seizure and impounding of dog	30
Maintenance of a dog in pound—per day or part of a day	5
Return of an impounded dog outside normal hours	20
Licence to keep an approved kennel established	30
Renewal of a licence to keep an approved kennel established	30
Destruction of a dog	15

Second Schedule.

Shire of Wyalkatchem.

Pursuant to the Dog Act 1976, and the by-laws of the Shire of Wyalkatchem made herewith I/We
of.....
hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to keep an approved kennel establishment at Lot.....
Street..... Locality

Attached hereto are—

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence of due notice of the proposed use of the premises has been given to persons in the locality;
- (d) a remittance for the fee of \$

The kennel establishment will be used for breeding/boarding domestic dogs (strike out whichever is not applicable).

The maximum number of dogs over the age of three months that will be kept there at any one time will be

Where to be used for breedings the dogs will be
and the maximum number of pups that will be kept on the premises at any one time will be

Dated the.....day of.....

Signature of Applicant

NOTE: Items (a), (b) and (c) may be struck out if the application is for the renewal of a licence and if no charge has been made since the previous application.

Third Schedule.
Shire of Wyalkatchem.
LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

.....
is/are the holders of a licence to keep an approved kennel establishment at

.....
This licence has effect for a period of twelve months from the date hereof.
Dated the.....day of.....

Dated this 29th day of October, 1985.
The Common Seal of the Shire of Wyalkatchem was hereunder affixed by authority of a resolution of Council in the presence of—

[L.S.]

H. R. REILLY, President.

C. L. FARRELL, Shire Clerk.

Recommended—

JEFF CARR,
Minister for Local Government.

Approved by His Excellency the Governor and Administrator in Executive Council this 11th day of March, 1986.

G. PEARCE,
Clerk of the Council.

DOG ACT 1976.
The Municipality of the Shire of Esperance.
By-law Relating to Dogs.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it the Council of the abovementioned Municipality hereby records having resolved on 28 January 1986 to make and submit for confirmation by the Governor the following by-laws.

The by-laws of the Shire of Esperance published in the *Government Gazette* on 4 October 1962, as amended from time to time, are further amended as follows:—

1. By-law 14 is amended by deleting the penalty £20 and substituting \$100.
2. By-law 20 is amended by deleting the penalties £5 and £20 and substituting \$50 and \$100 respectively.

Dated this 26th day of January, 1986.
The Common Seal of the Shire of Esperance was hereto affixed in the presence of—

[L.S.]

M. J. ANDRE, President.

R. T. SCOBLE, Shire Clerk.

Recommended—

JEFF CARR,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 11th day of March, 1986.

G. PEARCE,
Clerk of the Council.