



By-law made under the Local Government Act 1999

PERMITS AND PENALTIES BY-LAW 2018

By-law No. 1 of 2018

To provide for a permit system, set penalties for breaches of by-laws, provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of Council's by-laws and for related purposes.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2018*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

- 3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:
- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
 - 3.1.2 **Council** means the District Council of Peterborough;
 - 3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;
 - 3.1.4 **driver** of a vehicle means the person driving the vehicle;
 - 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
 - 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
 - 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
 - 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules 1999* and includes a motor vehicle.

3.2 In this by-law:

3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;

3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. **Construction**

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

Part 2 – Permits

5. **Council May Grant Permits**

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

5.1 The permit must be in writing.

5.2 The Council may:

5.2.1 attach conditions to the permit;

5.2.2 change or revoke a condition, by notice in writing; or

5.2.3 add new conditions, by notice in writing.

5.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.

5.4 The Council may revoke a permit, by notice in writing, if:

5.4.1 the holder of the permit fails to comply with a condition attached to it; or

5.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.

5.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

Part 3 – Enforcement

6. **Penalties**

6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.

6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or
- 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
- 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or

7.6.2 that the owner provided the complainant with a statutory declaration in accordance with an invitation under this paragraph.

7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

7.8 If:

7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or

7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

8. Evidence

In proceedings for a prescribed offence, an allegation in an information that:

8.1 a specified place was a road or local government land; or

8.2 a specified vehicle was driven, parked or left standing in a specified place; or

8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or

8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or

8.5 a specified person was an authorised person; or

8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or

8.7 a specified person was the owner or driver of a specified vehicle; or

8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or

8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

Part 4 – Miscellaneous

9. Construction

Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

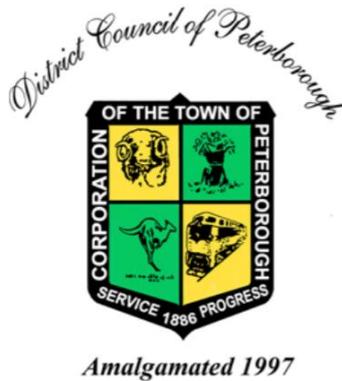
10. **Revocation**

Council's *By-law No. 1 – Permits and Penalties*, published in the *Gazette* on 13 January 2011, is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Peterborough held on the _____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Peter McGuinness
Chief Executive Officer

Draft



By-law made under the Local Government Act 1999

MOVEABLE SIGNS BY-LAW 2018

By-law No. 2 of 2018

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2018*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 3.2 **footpath** means:
 - 3.2.1 a footway, lane or other place made or constructed for the use of pedestrians; or
 - 3.2.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.3 **local government land** means land owned by the Council or under the Council's care, control and management;
- 3.4 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.5 **road** has the same meaning as in the *Local Government Act 1999*;

3.6 **road related area** has the same meaning as in the *Road Traffic Act 1961*;

3.7 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*.

Part 2 – Provisions Applicable to Moveable Signs

4. Design and Construction

A moveable sign displayed on a road must:

- 4.1 be constructed so as not to present a hazard to any member of the public;
- 4.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.3 not be unsightly or offensive in appearance;
- 4.4 not contain flashing or moving parts;
- 4.5 be not more than 1.2 metres high, 80cm in width or 80cm in depth;
- 4.6 not have a display area exceeding 1m² in total or, if the sign is two-sided 1m² on each side;
- 4.7 in the case of an 'A' frame or sandwich board sign:
 - 4.7.1 be hinged or joined at the top;
 - 4.7.2 be of such construction that its sides can be and are securely fixed or locked in position when erected;
- 4.8 in the case of an inverted 'T' sign, contain no struts or members than run between the display area of the sign and the base of the sign.

5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide;
- 5.3 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 5.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.5 not be placed on a designated parking area or within 1 metre of an entrance to any premises; and
- 5.6 not be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);

- 5.7 not be placed in a position that puts the safety of any person at risk;
- 5.8 not be placed on a median strip, roundabout, traffic island or on a carriageway;
- 5.9 not be placed on a footpath with a minimum height clearance of a structure above it of less than 2 metres;
- 5.10 not be within 6 metres of an intersection of a road.

6. Restrictions

A moveable sign displayed on a road must:

- 6.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 6.2 be limited to one per 10 metres of business premises to which the sign relates;
- 6.3 notwithstanding subparagraph 5.6 of this by-law, be placed 6 metres from another moveable sign relating to the same business;
- 6.4 not be displayed unless the business to which it relates is open to the public;
- 6.5 be securely fixed in position such that it cannot be blown over or swept away;
- 6.6 not be displayed during the hours of darkness unless it is clearly visible.

7. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 7.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
- 7.5 not have any balloons, flags, streamers or other things attached to it.

8. Banners

A banner must:

- 8.1 only be displayed on a road, footpath or road related area;
- 8.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;

- 8.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 8.4 not be displayed more than one month before and two days after the event it advertises;
- 8.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- 8.6 not exceed 3m² in size.

9. Signs on Local Government Land

A person must not, without permission, display or cause to be displayed a moveable sign on any local government land or rest on or attach to any vehicle on any local government land any moveable sign, except a moveable sign:

- 9.1 attached to a licensed taxi or bus;
- 9.2 on or attached to a vehicle belonging to any council and which has been placed on or attached to the vehicle with the consent of the council to which the vehicle belongs;
- 9.3 on or attached to a vehicle which only has a sign or signs painted on or glued to it, the main purpose of which is to identify it as belonging to a business; or
- 9.4 comprising a sunscreen on a vehicle, where any message or trade name or mark on the sunscreen does not advertise a business being carried on in the vicinity of the place the vehicle is parked, or the products available from that business.

Part 3 – Enforcement

10. Removal of Unauthorised Moveable Signs

- 10.1 If:
 - 10.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
 - 10.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
 - 10.1.3 a moveable sign is removed under subparagraph 10.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 10.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

11. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the request of an authorised person if:

- 11.1 in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 11.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

Part 4 – Miscellaneous

12. Specified Exemptions

- 12.1 This by-law does not apply to a moveable sign which:
 - 12.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
 - 12.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
 - 12.1.3 directs people to a garage sale that is being held on residential premises;
 - 12.1.4 directs people to a charitable function;
 - 12.1.5 is related to a State or Commonwealth election and is displayed during the period commencing at 5:00pm on day before the issue of writ or writs for the election and ending at the close of polls on polling day;
 - 12.1.6 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;
 - 12.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;
 - 12.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
 - 12.1.9 is a sign of a class prescribed in regulations.
- 12.2 Clauses 6.2, 6.3 and 6.4 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
- 12.3 Clauses 4, 6.2, 6.3, 6.4 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

13. Prohibition

- 13.1 The Council may, by resolution, prohibit the display of moveable signs on a road or part of road subject to this clause.
- 13.2 A resolution made by the Council under sub-clause 13.1 may prohibit the display of moveable signs absolutely, or at particular times or on particular days.
- 13.3 The Council may only make a resolution under sub-clause 13.1 if, in the opinion of the Council, the display of movable signs on the road would endanger the safety of road users.
- 13.4 Notwithstanding any other clause of this by-law, a person must not display a moveable sign on a road or part of a road contrary to a prohibition made by the Council under this clause.

Part 4 – Miscellaneous

14. Revocation

Council's *By-law No. 2 – Moveable Signs*, published in the *Gazette* on 13 January 2011 is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Peterborough held on the _____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Peter McGuinness
Chief Executive Officer



By-law made under the Local Government Act 1999

ROADS BY-LAW 2018

By-law No. 3 - Roads

A by-law to regulate certain activities on roads in the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Roads By-law 2018*.

2. Commencement

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 Act.

3. Interpretation

In this by-law, unless the contrary intention appears:

- 3.1 **camp** includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.2 **effective control** means a person exercising effective control of an animal either:
 - 3.2.1 by means of a physical restraint;
 - 3.2.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 3.3 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 3.4 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

3.5 **township** has the same meaning as in the *Local Government Act 1999*;

3.6 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Management of Roads

4. Activities Requiring Permission

A person must not on any road, without the permission of the Council:

4.1 Advertising

subject to paragraph 7.2, display any sign other than a moveable sign which is displayed on a road in accordance with the Council's *Moveable Signs By-law 2018*;

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements;

4.3 Animals

4.3.1 within the township of Peterborough:

4.3.1.1 lead or drive any horse, cattle, sheep or other like animal except on a road where the Council has set aside a track or other area for the use by or in connection with an animal of that kind;

4.3.1.2 cause or allow any animal to stray onto, move over, graze or be left unattended on any road;

4.3.1.3 stand, draw up or allow to remain stationary any horse, cattle, sheep or other like animal, whether attached to a vehicle or not;

4.3.1.4 lead, herd, drive or exercise any animal in such a manner as to cause a nuisance or endanger the safety of any person;

4.3.2 lead, herd, drive or exercise any animal in such a manner as to cause a nuisance or endanger the safety of any person;

4.4 Camping and Tents

4.4.1 erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation on a road to which this subparagraph applies;.

4.4.2 camp or sleep overnight on a road to which this subparagraph applies;

4.5 Donations

ask for or receive or indicate a desire for a donation of money or any other thing, or otherwise solicit for charitable purposes;

4.6 Driving on Formed Surface

drive a motor vehicle other than on a portion of the road that has been formed or otherwise set aside by the Council for the driving of motor vehicles, unless it is not reasonably practical to do so;

4.7 Obstructions

erect, install or place or cause to be erected, installed or placed any structure, item, object or material of any kind so as to obstruct a road or footway, water-channel, or watercourse in a road;

4.8 Preaching

subject to paragraph 7.2, preach, harangue or otherwise solicit for religious purposes;

4.9 Public Exhibitions and Displays

4.9.1 sing, busk, play a recording or use a music instrument, or perform similar activities;

4.9.2 conduct or hold a concert, festival, show, circus, performance or a similar activity;

4.9.3 subject to paragraph 7.2, cause any other public exhibitions or displays;

4.10 Vehicles

repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Part 3 – Miscellaneous**5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

5.1 that person's use of the road;

5.2 that person's conduct and behaviour on the road;

5.3 that person's safety on the road;

5.4 the safety and enjoyment of the road by other persons.

6. Removal of Animals and Objects

If any animal or object is found on a road in breach of this by-law:

6.1 any person in charge of the animal or object shall forthwith remove it from that land on the request of an authorised person; and

- 6.2 any authorised person may remove any animal or object from the road if the person fails to comply with the request, or if no person is apparently in charge of the animal or object.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that persons normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.
- 7.2 The restrictions in clauses 4.1, 4.8 and 4.9.3 of this by-law do not apply to electoral matter authorised by a candidate and which is:
- 7.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 7.2.2 electoral matters authorised by a candidate and which relate to an election under the Act or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 7.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

8. Application

Clause 4.4 of this by-law only applies in such part or parts of the Council area as the Council may by resolution direct in accordance with Section 246(3)(e) of the Act.

9. Revocation

Council's *By-law No. 3 – Roads*, published in the *Gazette* on 13 January 2011, is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Peterborough held on the _____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Peter McGuinness
Chief Executive Officer



By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2018

By-law No. 4 of 2018

A by-law to regulate access to and use of Local Government land (other than roads), and certain public places.

Part 1 - Preliminary

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2018*.

2. Commencement

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 Act.

3. Interpretation

In this by-law, unless the contrary intention appears:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, pontoon or personal watercraft or other similar device;
- 3.3 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.4 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.5 **effective control** means a person exercising effective control of an animal either:
 - 3.5.1 by means of a physical restraint; or
 - 3.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

- 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.7 **funeral ceremony** means a ceremony only (ie a memorial service) and does not include a burial;
- 3.8 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.10 **low water mark** means the lowest meteorological tide;
- 3.11 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complimentary meaning;
- 3.12 **park** means land reserved or delineated as a park or designated by the Council as a park;
- 3.13 **reserve** means land reserved or dedicated as a reserve or designated by the Council as a reserve;
- 3.14 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.15 **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 3.16 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.17 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.18 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not on any local government land without the permission of the Council:

4.1 Advertising

subject to paragraph 8.2 of this by-law, display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose;

4.2 Alcohol

consume, carry or be in possession or in charge of any liquor on local government land comprising parks or reserves to which this subparagraph applies;

4.3 **Amplification**

subject to paragraph 8.2 of this by-law, use an amplifier or other mechanical or electrical device for the purpose of broadcasting or magnifying sound;

4.4 **Animals**

4.4.1 lead, herd or exercise an sheep, cow, goat or horse, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control;

4.4.2 cause or allow an sheep, cow, goat or horse to stray onto, move over, graze or be left unattended on local government land;

4.5 **Annoyance**

do anything likely to offend or unreasonably interfere with any other person:

4.5.1 using that land; or

4.5.2 occupying nearby premises,

by making a noise or creating a disturbance;

4.6 **Attachments**

subject to paragraph 8.2 of this by-law, attach anything to a tree, plant, equipment, fence, post, structure or fixture on local government land;

4.7 **Bees**

place a hive of bees on such land, or allow it to remain thereon;

4.8 **Boats**

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* on land to which this subparagraph applies:

4.8.1 launch or retrieve a boat to or from any waters;

4.8.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;

4.8.3 propel, float or otherwise use a boat on or in any waters;

4.8.4 hire out a boat or otherwise use a boat for commercial purposes; or

4.8.5 moor a boat on any waters or to a pontoon attached to local government land;

4.9 **Bridge Jumping**

jump or dive from a bridge;

4.10 Buildings

use a building, or structure for a purpose other than its intended purpose;

4.11 Burials and Memorials

4.11.1 bury, inter or spread the ashes of any human or animal remains;

4.11.2 erect any memorial;

4.12 Camping and Tents

camp:

4.12.1 within any township (unless a sign or signs erected by the Council indicates to the contrary);

4.12.2 outside any township, on any land to which this subparagraph applies;

4.13 Canvassing

subject to paragraph 8.2, convey any advertising, religious or other message to any bystander, passer-by or other person;

4.14 Closed Lands

4.14.1 enter or remain on any part of local government land at any time during which the Council (or a person authorised by the Council by resolution for that purpose) has declared that part to be closed to the public and which is indicated by a sign to that effect;

4.14.2 where entry fees or charges are payable, without paying those fees or charges; or

4.14.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked;

4.15 Defacing Property

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council;

4.16 Distribution

subject to paragraph 8.2 of this by-law, give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person;

4.17 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.18 Entertainment and Busking

- 4.18.1 sing, busk or play a recording or use a musical instrument for the purpose of receiving money;
- 4.18.2 subject to paragraph 8.2 of this by-law, conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity;

4.19 Equipment

use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property;

4.20 Fires

subject to the *Fire and Emergency Services Act 2005* light a fire except:

- 4.20.1 in a place provided by the Council for that purpose; or
- 4.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 metres;
- 4.20.3 in a place determined by Council;

4.21 Fireworks

ignite or discharge any fireworks;

4.22 Flora and Fauna

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

- 4.22.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 4.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 4.22.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 4.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 4.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 4.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 4.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature;

4.23 Games

- 4.23.1 play or practice any game which involves kicking, hitting or throwing a ball or other object on local government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that lands or detract from or be likely to detract from another person's lawful use and enjoyment of that land;
- 4.23.2 participate in, promote or organise any organised competition or sport, as distinct from organised social play;
- 4.23.3 promote, organise or take part in any organised athletic sport on local government land to which this subparagraph applies;
- 4.23.4 play or practice the game of golf on local government land to which this subparagraph applies;

4.24 Interference with Land

interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 4.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 4.24.2 erecting or installing a structure in, on, across, under or over the land;
- 4.24.3 changing or interfering with the construction, arrangement or materials of the land;
- 4.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 4.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

4.25 Model and Drone Aircraft, Boats and Cars

Subject to the *Civil Aviation Act 1988* (Cth):

- 4.25.1 fly or operate a model or drone aircraft, boat or model or remote control car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 4.25.2 fly or operate a model or drone aircraft, boat or model or remote control car on any local government land to which the Council has resolved this subclause applies;

4.26 Overhanging Articles or Displaying Personal Items

suspend or hang an article or object from a building, verandah, pergola, post or other structure on local government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature;

4.27 Playing Area

use or occupy a playing area:

4.27.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);

4.27.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or

4.27.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area;

4.28 Preaching

subject to paragraph 8.2, preach, harangue or solicit for religious purposes;

4.29 Rubbish and Rubbish Dumps

interfere with, remove or take away any rubbish that has been discarded at any rubbish dump or rubbish bin;

4.30 Swimming

subject to the provisions of the *Harbors and Navigation Act 1993* swim in, bathe or enter any waters:

4.30.1 to which this subparagraph applies;

4.30.2 other than in accordance with any conditions that the Council may have determined by resolution to apply to such use.

4.31 Trading

sell, buy, offer or display anything for sale;

4.32 Vehicles

repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown;

4.33 Weddings, Functions and Special events

4.33.1 hold, conduct or participate in a marriage ceremony, funeral or special event;

4.33.2 erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.

5. Prohibited Activities

A person must not on any local government land:

5.1 Animals

- 5.1.1 cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 5.1.2 cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place;
- 5.1.3 lead, herd, drive or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person;

5.2 Equipment

use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it;

5.3 Glass

wilfully break any glass, china or other brittle material;

5.4 Interference with Permitted Use

interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;

5.5 Obstruction

obstruct:

- 5.5.1 any path or gate;
- 5.5.2 door, entrance stairway or aisle in any building;

5.6 Playing games

play or practice a game:

- 5.6.1 which is likely to cause damage to the lands or anything in it;
- 5.6.2 in any area where a sign indicates that the game is prohibited;

5.7 Smoking

smoke, hold or otherwise have control over an ignited tobacco product:

- 5.7.1 in any building; or
- 5.7.2 on any land to which this subparagraph applies;

5.8 Throwing objects

throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way;

5.9 Toilets

in any public convenience on local government land:

- 5.9.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 5.9.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.9.3 use it for a purpose for which it was not designed or constructed;
- 5.9.4 enter a toilet that is set aside for use of the opposite sex except:
 - 5.9.4.1 where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
 - 5.9.4.2 to provide assistance to a disabled person; or
 - 5.9.4.3 in the case of a genuine emergency.

5.10 Solicitation

tout or solicit customers for the parking of vehicles or for any commercial purpose whatsoever;

5.11 Waste

deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

Part 3 – Miscellaneous**6. Directions**

- 6.1 A person on local government land must comply with a reasonable direction from an authorised person relating to:
 - 6.1.1 that person's use of the land;
 - 6.1.2 that person's conduct and behaviour on the land;
 - 6.1.3 that person's safety on the land; or
 - 6.1.4 the safety and enjoyment of other persons on the land.
- 6.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of local government land.

7. Removal of Animals and Objects

An authorised person may remove an animal or object that is on local government land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

8. Exemptions

8.1 The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that persons normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

8.2 The restrictions in paragraphs 4.1, 4.3, 4.6, 4.13, 4.16, 4.18.2 and 4.28 of this by-law do not apply to electoral matter authorised by a candidate and which is:

8.2.1 related to a Commonwealth or State election and occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

8.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

8.2.3 related to, and occurs during the course of and for the purpose of a referendum.

9. Application

The restrictions in paragraphs 4.2, 4.8, 4.12.2, 4.23.3, 4.23.4, 4.25.2, 4.30.1 and 5.7.2 of this by-law only apply in such part or parts of the Council area as the Council may by resolution direct in accordance with Section 246(3)(e) of the Act.

10. Revocation

Council's *By-law No. 4 – Local Government Land*, published in the *Gazette* on 13 January 2011, is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Peterborough held on the _____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Peter McGuinness
Chief Executive Officer



*By-law made under the Local Government Act 1999 and
Dog and Cat Management Act 1995*

DOGS BY-LAW 2018

By-law No. 5 of 2018

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

Part 1 - Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2018*.

2. Commencement

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 *Local Government Act 1999*.

3. Interpretation

In this by-law, unless the contrary intention appears:

- 3.1 **approved kennel establishment** means a building, structure, premises or area approved by the relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Dog and Cat Management Board for assistance dogs;
- 3.3 **authorised person** means a person appointed as an authorised person under the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within three metres of such devices if there is no enclosed area);

- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
- 3.7.1 by means of a physical restraint;
- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **leash** includes any chain, cord or leash;
- 3.10 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.12 **premises** includes:
- 3.12.1 land;
- 3.12.2 a part of any premises or land;
- 3.13 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.14 **reserve** means land reserved or dedicated as a reserve or designated by the Council as a reserve;
- 3.15 **small dwelling** means a self-contained residence that is:
- 3.15.1 a residential flat building; or
- 3.15.2 contained in a separate strata unit; or
- 3.15.3 on an allotment less than 500 square metres in area; or
- 3.15.4 without a secure yard of at least 100 square metres in area;
- 3.16 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.17 **working livestock dog** means a dog:
- 3.17.1 usually kept, proposed to be kept or worked on rural land by a person who is:

- 3.17.1.1 a primary producer; or
- 3.17.1.2 engaged or employed by a primary producer; and
- 3.17.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Part 2 – Limits on Dog Numbers

4. Limits on Dog Numbers in Private Premises

- 4.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.
- 4.2 Subject to subparagraph 7.3, the **prescribed limit** on the number of dogs to be kept on premises:
 - 4.2.1 within a township on small dwelling is two dogs;
 - 4.2.2 outside a township is three dogs.
- 4.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
 - 4.3.1 any dog that is under three months of age; and
 - 4.3.2 up to five working livestock dogs kept on premises outside a township.
- 4.4 The prescribed limit does not apply to:
 - 4.4.1 an approved kennel establishment;
 - 4.4.2 a veterinary practice;
 - 4.4.3 a pet shop;
 - 4.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
 - 4.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.
- 4.5 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by a authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 4.6 If an Authorised Person forms the opinion that there is no secure area where a dog may be effectively confined on any premises, the authorised person may direct that no dog is to be kept on the premises.
- 4.7 A person must comply with any direction under paragraph 4.6.

Part 3 – Dog Controls

5. Dog Exercise Areas

- 5.1 Subject to paragraphs 6 and 7, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.
- 5.2 For the purposes of this paragraph, a **dog exercise area** is any:
- 5.2.1 park; or
 - 5.2.2 local government land that the Council has resolved is a dog exercise area.
- 5.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

6. Dog on Leash Areas

- 6.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:
- 6.1.1 tethered securely to a fixed object capable of securing the dog; or
 - 6.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.2 For the purposes of this paragraph, a **dog on leash area** is any:
- 6.2.1 local government land or public place to which the Council has resolved that this paragraph applies; or
 - 6.2.2 park when organised sport is being played.

7. Dog Free Areas

- 7.1 A person must not allow a dog under that persons control to be in, enter or remain in any dog free area.
- 7.2 For the purposes of this paragraph, a **dog free area** is any:
- 7.2.1 children's playground on local government land; or
 - 7.2.2 local government land or public place to which the Council has resolved this paragraph applies.
- 7.3 The restrictions in subparagraph 7.1 do not apply to any assistance dog.

8. Application of Paragraphs

- 8.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 5.2.2 of this by-law.

- 8.2 Any of subparagraphs 6.2.1 and 7 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
- 8.3.1 the area is denoted by signs erected by the Council; and
 - 8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

Part 4 – Miscellaneous

9. Revocation

Council's *By-law No. 5 – Dogs*, published in the *Gazette* on 13 January 2011, is revoked on the day on which this by-law comes into operation.

This by-law was duly made and passed at a meeting of the District Council of Peterborough held on the _____ by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Peter McGuinness
Chief Executive Officer

Draft



Amalgamated 1997

*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

CATS BY-LAW 2018

By-law No. 6 of 2018

For the management and control of cats within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Cats By-law 2018*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

3.1 In this by-law:

3.1.1 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* for the keeping of cats on a temporary or permanent basis that is operating in accordance with all relevant approvals;

3.1.2 **cat** means an animal of the species *Felis catus*;

3.1.3 **effective control by means of physical restraint** means:

3.1.3.1 the person is exercising effective control of the cat by means of a chain, cord or leash that does not exceed 2 metres in length restraining the cat

3.1.3.2 the person has effectively secured the cat:

(a) by placing it in a cage, vehicle or other object or structure; or

(b) by tethering it to a fixed object by means of a chain, cord or leash that does not exceed 2 metres in length.

- 3.1.4 **keep and kept** include the provision of food or shelter;
 - 3.1.5 **premises** includes:
 - 3.1.5.1 land;
 - 3.1.5.2 a part of any premises or land;
 - 3.1.6 **prescribed premises** means:
 - 3.1.6.1 a cattery;
 - 3.1.6.2 a veterinary practice;
 - 3.1.6.3 a pet shop; or
 - 3.1.6.4 any premises for which the Council has granted an exemption;
 - 3.1.7 **public notice** has the same meaning as in Section 4(1aa) of the *Local Government Act 1999*;
 - 3.1.8 **responsible for the control** means a person who has possession or control of the cat;
 - 3.1.9 **wander at large** means the cat is in a public place or a private place without the consent of the occupier, and no person is exercising effective control of the cat by means of physical restraint.
- 3.2 For the purposes of this by-law the **prescribed limit**, in respect of the number of cats to be kept on premises, is two cats.

Part 2 – Registration and Identification of Cats

4. Cats Must be Registered

- 4.1 Every cat kept in the Council's area must be registered under this by-law.
- 4.2 If a cat is unregistered, any person who owns or is responsible for the control of the cat is guilty of an offence.
- 4.3 If a person is guilty of an offence by reason of a cat being unregistered, the person is guilty of a continuing offence for each day that the cat remains unregistered.
- 4.4 A person is not guilty of an offence by reason of the fact that the cat is unregistered if:
 - 4.4.1 the cat is less than 12 weeks of age; or
 - 4.4.2 less than 14 days has elapsed since the person:
 - 4.4.2.1 first owned or became responsible for the control of the cat; or

- 4.4.2.2 caused or permitted the cat to be usually kept within the area of the Council; or
- 4.4.3 the cat:
 - 4.4.3.1 is travelling with the person; and
 - 4.4.3.2 is not usually kept within the area of the Council; or
- 4.4.4 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises.

5. Registration Procedure for Cats

- 5.1 An application for registration of a cat must:
 - 5.1.1 be made to the Council in the manner and form approved by the Council; and
 - 5.1.2 nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and
 - 5.1.3 nominate, with reference to an address of premises, the place at which the cat will usually be kept; and
 - 5.1.4 include the unique identification number assigned to the microchip implanted in the cat in accordance with paragraph 8; and
 - 5.1.5 be accompanied by the registration fee and, if applicable, any late payment fee set by the Council by resolution for the cat.
- 5.2 Subject to subparagraph 5.3, on application and payment of the registration fee and any fee for late payment of the registration fee, the Council must register the cat in the name of the person nominated and issue to that person a certificate of registration in the form approved by Council.
- 5.3 The Council may refuse to register a cat under this by-law if:
 - 5.3.1 the number of cats kept or proposed to be kept at premises exceeds the prescribed limit; or
 - 5.3.2 keeping a cat at the proposed premises would be contrary to any Act, Regulation or By-law.
- 5.4 A cat registered in the name of a particular person must, on application to the Council, be registered in the name of some other person who is of or over 16 years of age and consents to the cat being registered in his or her name.

6. Duration and Renewal of Registration

- 6.1 Registration under this by-law remains in force until 30 June next ensuing after registration was granted and may be renewed from time to time for further periods of 12 months.

- 6.2 If an application for renewal of registration is made before 31 August of the year in which the registration expired, the renewal operates retrospectively from the date of expiry.

7. Accuracy of Records

- 7.1 The person in whose name a cat is individually registered must inform the Council as soon as practicable after any of the following occurs:
- 7.1.1 the cat is removed from the place recorded in the register as the place at which the cat is usually kept with the intention that it will be usually kept at some other place (whether in the area of the Council, in a different Council area or outside the State);
 - 7.1.2 the cat dies;
 - 7.1.3 the cat has been missing for more than 72 hours;
 - 7.1.4 the residential address or telephone number of the owner of the cat change;
 - 7.1.5 the ownership of the cat is transferred to another person.
- 7.2 Information given to the Council under this section must include such details as may be reasonably required for the purposes of ensuring the accuracy of records kept under the *Dog and Cat Management Act 1995* and this by-law.
- 7.3 If ownership of a cat is transferred from the person in whose name the cat is individually registered, the person must give to the new owner the certificate of registration last issued in respect of the cat.

Part 3 – Cat Management and Control

8. Cats not to Wander at Large

- 8.1 A person who owns or is responsible for the control of a cat must not allow the cat to wander at large.
- 8.2 A person is not guilty of an offence by reason of the fact that a cat is wandering at large if the cat is wandering at large:
- 8.2.1 within a designated span of hours;
 - 8.2.2 within a designated area.
- 8.3 In this paragraph:
- 8.3.1 **designated span of hours** means the span or spans of hours determined by the Council, by resolution, when the requirements of this paragraph will not apply;
 - 8.3.2 **designated area** means a part or parts of the Council that the Council may, by resolution, determine that the requirements of this paragraph will not apply.

9. Cats not to be a Nuisance

9.1 A person who owns or is responsible for the control of a cat must not allow the cat to cause a nuisance.

9.2 In this paragraph, a cat causes a nuisance if the cat, alone or together with other cats:

9.2.1 creates or is responsible for noise;

9.2.2 creates or is responsible for odour,

9.2.3 wanders at large; or

9.2.4 defecates or urinates on premises without consent of the owner or occupier of the premises,

which persistently occurs or continues to such a degree that it unreasonably interferes with the peace, comfort and convenience of a person.

10. Limit on Cat Numbers

10.1 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the prescribed limit.

10.2 Permission under this paragraph may be given if the Council is satisfied that:

10.2.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats;

10.2.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises; and

10.2.3 all cats kept on the premises are desexed in accordance with any requirements of the *Dog and Cat Management Act 1995*.

10.3 The prescribed limit does not apply to:

10.3.1 prescribed premises; or

10.3.2 any cat under 12 weeks of age.

Part 3 – Miscellaneous

11. Requirement to Publish Determinations

If the Council makes a determination under paragraph 8 of this by-law, the Council must give public notice of the making of that determination.

12. Revocation

Council's *By-law No.7 – Cats*, published in the *Gazette* on 16 October 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the District Council of Peterborough held on the _____ day of _____ 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
Mr Peter McGuinness
Chief Executive Officer