

IPSWICH CITY COUNCIL

Subordinate Local Law No. 7 – (Dogs) 2005

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Part 1 Preliminary

1 Short Title

This subordinate local law may be cited as Subordinate Local Law No. 7 (Dogs) 2005.

2 Local Law allowing the subordinate local law to be made

Local Law No 7 (Dogs) 2005.

3 Definitions

The terms defined in the *Local Government Act 1993* and Local Law No 7 (Dogs) 2005 have the same meaning when used in this subordinate local law, unless defined otherwise in this section.

The dictionary in schedule 1 defines particular words used in the subordinate local law.

4 Objects of the subordinate local law

The objects of this subordinate local law are to provide detailed information called upon by Local Law No 7 (Dogs) 2005.

Part 2 Prohibited Dog Breeds

5 Prohibited dog breeds (LL section 5)

- (1) A person must not keep-
 - (a) a dog of a prohibited breed; or
 - (b) a dog of mixed breed of which 1 of the elements is a prohibited breed.

- (2) The following are prohibited breeds -
 - (a) pit bull terrier;
 - (b) dogo Argentino;
 - (c) fila Brasileiro;
 - (d) Japanese tosa;
 - (e) Any other breed determined by Council by resolution.

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- (3) The prohibition imposed by this section does not apply if the dog was registered with the Council, and a permit to keep a restricted dog under the *Local Government Act 1993* was issued by the Council and was current as at the 30 June 2004.

Part 3 Application For Registration

6 Information to accompany application for registration (LL section 9)

- (1) The following information is required to be submitted with an application for registration-
- (a) name of dog owner;
 - (b) address of dog owner;
 - (c) address of premises where dog is to be kept, if different from owners residential address;
 - (d) name of dog;
 - (e) breed of dog;
 - (f) proof of pensioner status, if applicable; and
 - (g) if the dog is desexed, proof that the dog is desexed; and
 - (h) confirmation that the property where the dog/s are to be kept has appropriate fencing sufficient to comply with the local law; and
 - (i) if the dog is a declared dangerous dog with this or any other local government; and
 - (j) if requested, proof of age of owner; and
 - (k) if applicable, any registration or proof that will verify the current purpose for which the dog is kept.

Example – If the dog is a registered greyhound with the Greyhound Racing Control Board of Queensland or a farm working dog.

- (l) any other information as specified on the prescribed form.

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Part 4 Guard Dog Permits

7 Information to accompany guard dog permit application (LL section 27)

- (1) The following information is required to be submitted with an application for a guard dog permit –
 - (a) the name and contact details of the owner of the guard dog if the owner is not the applicant; and
 - (b) the address within the local government area where the guard dogs will be kept; and
 - (c) the number of guard dogs to be kept on the premises; and
 - (d) proof that the dogs are registered, if registered with another local government; and
 - (e) confirmation that the property where the dogs are to be kept has appropriate fencing sufficient to keep dogs of the specific breed contained; and
 - (d) if any of the dogs proposed to be kept on the property have been declared a dangerous dog by this or any other local government.

8 Conditions in a guard dog permit (LL section 30)

- (1) The following conditions will ordinarily be imposed on a guard dog permit but do not limit the ability of Council to impose further conditions –
 - (a) No more than two guard dogs are to be kept on the premises at any one time without the prior approval of the Chief Executive Officer ; and
 - (b) A guard dog must wear a current registration tag at all times; and
 - (c) A guard dog must be kept behind a secure fence or enclosure which is adequate in the opinion of an authorised officer to prevent any part of the dog from leaving the confined area and prevent the dog from escaping and which is constructed to a standard approved by the Chief Executive Officer; and
 - (d) A warning sign, the size and lettering of which has been approved by the Chief Executive Officer must be clearly displayed adjacent to each entrance to any property where a guard dog is being kept or used; and

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- (e) The warning sign must provide a 24 hour contact number for a person responsible for the guard dog/s; and
- (f) A guard dog must be confined at all times in an enclosure that is adequate and secure in the opinion of an authorised officer, when the public has access to the property where the guard dog is being kept or used;
- (g) A guard dog must be fitted with a microchip; and
- (h) A guard dog must wear a collar at all times that is strong enough in the opinion of an authorised person that it will not break or snap if the dog is being handled; and
- (i) If a guard dog is also declared a dangerous dog under the local law then the conditions of a dangerous dog notice and the guard dog permit will apply. In the event of any conflict the conditions of a dangerous dog notice will prevail; and
- (j) All dog faeces will be removed from the premises so as not to create a nuisance; and
- (k) A person must not keep a guard dog without making adequate provisions for the health and safety of the dog.

Example – appropriate shelter from the weather and water.

Part 5 Special Permits

9 Kennel requirements for special permit (LL section 34)

- (1) All kennel accommodation provided in respect of a special permit must
 - (a) be constructed at least 3 metres from any property boundary and at least 12 metres from any residential building; and
 - (b) be of sound construction and consist of materials that are impervious, weatherproof and able to be easily cleaned; and
 - (c) be constructed to prevent a noise nuisance to any premises; and
 - (d) be of sufficient size for the number, size, breed and nature of the dogs to be kept; and
 - (e) be constructed to provide adequate access to light and fresh air having due regard to the number, size, breed and nature of the dogs to be kept; and
 - (f) be constructed in a way that ensure the kennel is in a clean and sanitary condition at all times.

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10 Information to accompany special permit application (LL section 36)

- (1) The following information is required to be submitted with an application for a special permit –
- (a) name, postal address and contact phone number of the applicant; and
 - (b) address of where the dogs will be kept; and
 - (c) the name and contact details of the owner of the land where the dogs are to be kept if the owner is not the applicant; and
 - (d) the number of dogs proposed to be kept; and
 - (e) type and location of proposed kennel accommodation; and
 - (f) confirmation in writing that the property where the dogs are to be kept has appropriate fencing sufficient to keep the dogs contained, taking into account their breed and nature; and
 - (g) if any of the dogs proposed to be kept on the property have been declared a dangerous dog by this or any other local government; and
 - (h) the breed and a description of the dogs to which the special permit applies; and
 - (i) the name of the dogs to which the special permit applies.

11 Conditions in a special permit (LL section 39)

- (1) The following conditions will ordinarily be imposed on a special permit but do not limit the ability of Council to impose further conditions –
- (a) All dogs over the age of three (3) months must be registered with Council; and
 - (b) All dogs over the age of three (3) months must wear a current registration tag at all times; and
 - (c) If any dog that the special permit applies to is also declared a dangerous dog under the local law then the conditions of a dangerous dog notice and the special permit will apply. In the event of any conflict the conditions of a dangerous dog notice will prevail; and

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- (d) Dog excreta and other waste, including food waste must be collected at least once a day and disposed of in a manner which will not –
 - (i) cause environmental harm; or
 - (ii) become a breeding place for flies or other vermin; or
 - (iii) endanger the health or safety of any person; or
 - (iv) cause an odour nuisance.
- (e) Food must be stored in vermin proof containers; and
- (f) All dogs will be kept in such a manner so that they do not create an odour nuisance; and
- (g) Kennel accommodation must comply with the requirements of section 10 of the subordinate local law; and
- (h) All fencing and enclosures on the premises used for the purpose of containing the dogs must comply with the requirements of section 62 of the local law; and
- (i) Should the keeping of a dog or dogs cause a breach of this or any other legislation, then the registration for the dog or dogs causing the breach may be revoked.

Part 6 Personal Kennel Licence

12 Kennel requirements for personal kennel licence (LL section 44)

- (1) All kennel accommodation provided in respect of a kennel licence is to -
 - (a) be of sound construction and consist of materials that are impervious, weatherproof and able to be easily cleaned; and
 - (b) be constructed so as to prevent a noise nuisance to any premises; and
 - (c) be of sufficient size for the number, size, breed and nature of the dogs to be kept; and
 - (d) provide adequate access to light and fresh air having due regard to the number, size, breed and nature of the dogs to be kept; and

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- (e) provide adequate exercise and sleeping areas having due regard to the number, size, breed and nature of the dogs to be kept; and
- (f) be maintained at all times in a clean and sanitary condition; and
- (g) be constructed so that all excreta is disposed via connection to sewer, septic tank or domestic aerated sewage treatment plant.

13 Information to accompany personal kennel licence application (LL section 45)

- (1) The following information is required to be submitted with an application for a personal kennel licence –
 - (a) name, postal address and contact phone number of the applicant; and
 - (b) address of where the dogs will be kept; and
 - (c) the name and contact details of the owner of the land where the dogs are to be kept if the owner is not the applicant; and
 - (d) the number of dogs proposed to be kept; and
 - (e) type and location of proposed kennel accommodation; and
 - (f) confirmation in writing that the property where the dogs are to be kept has appropriate fencing sufficient to keep the dogs contained, taking into account their breed and nature; and
 - (g) if any of the dogs proposed to be kept on the property have been declared a dangerous dog by this or any other local government; and
 - (h) the breed and a description of the dogs to which the personal kennel licence applies; and
 - (i) the name of the dogs to which the personal kennel licence applies.

14 Conditions in personal kennel licence (LL section 48)

- (1) The following conditions will ordinarily be imposed on a personal kennel licence but do not limit the ability of Council to impose further conditions –
 - (a) All dogs must be registered with Council if over the age of three (3) months; and
 - (b) All dogs over the age of three (3) months must wear a current

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registration tag at all times; and

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- (c) If any dog that the personal kennel licence applies to is a declared dangerous dog under the local law then the conditions of a dangerous dog notice and the personal kennel licence will apply. In the event of any conflict the conditions of a dangerous dog notice will prevail; and
- (d) Dog excreta and other waste, including food waste must be collected at least once a day and disposed of in a manner which will not –
 - (i) cause environmental harm; or
 - (ii) become a breeding place for flies or other vermin; or
 - (iii) endanger the health or safety of any person; or
 - (iv) cause an odour nuisance.
- (e) Food must be stored in vermin proof containers; and
- (f) All dogs will be kept in such a manner so that they do not create an odour nuisance; and
- (g) Kennel accommodation must comply with the requirements of section 12 of the subordinate local law; and
- (h) All fencing on the premises used for the purpose of containing the dogs must ensure that any part of the dog can not leave the property; and
- (i) Should the keeping of a dog or dogs cause a breach of this or any other legislation, then the registration for the dog or dogs causing the breach may be revoked.

Part 7 Multiple Dwelling Or Caravan Park

15 Information to accompany application to keep a dog in a multiple dwelling or caravan park (LL section 66)

- (1) The following information is required to be submitted with an application for a person to keep a dog in a multiple dwelling or caravan park –

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- (a) Written permission from the body corporate or park management that approval has been given to keep a dog in the proposed premises; and
- (b) Evidence that the applicant has advised the owners and the occupiers, if the occupiers are not the owners of all adjoining premises or properties, that an application will be made to the local government to keep a dog on the premises; and
- (c) If the dog has been declared a dangerous dog by this or any other local government; and
- (d) The location of where the dog will be housed within the multiple dwelling or caravan park.
- (e) Any other information as required on the prescribed form.

16 Conditions of permit to keep a dog in a multiple dwelling or caravan park (LL section 68)

- (1) The following conditions will ordinarily be imposed on a permit to keep a dog in a multiple dwelling or caravan park but do not limit the ability of Council to impose further conditions –
 - (a) The dog must be registered with Council if over the age of three (3) months; and
 - (b) The dog, if over the age of three (3) months must wear a current registration tag at all times; and
 - (c) The dog must be kept in such a manner so as not to create an odour nuisance; and
 - (d) All dog excreta and waste including food waste must be collected at least once a day and disposed of so it does not –
 - (i) cause environmental harm; or
 - (ii) become a breeding place for flies or other vermin; or
 - (iii) endanger the health or safety of any person; or
 - (iv) cause an odour nuisance.
 - (e) The dog must be provided with adequate exercise; and
 - (g) Should the keeping of the dog cause a breach of this or any other legislation, then the registration for the dog may be revoked.

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Part 8 Miscellaneous

17 Fencing and enclosure requirements (LL section 62)

- (1) An enclosure for the purpose of section 62 of the local law should be adequate in order to restrict the dog to the premises.

Example – a pool enclosure, tennis court, balcony, verandah or similar may not be considered suitable.

- (2) If the enclosure abuts public or private property, the fencing should not allow any part of the dogs anatomy to cross the property boundary.

Example – the fencing should be such that the dogs paw, snout or any other part of the dog can not fit through the fence.

- (3) The enclosure must provide a sheltered area from the elements for the dog at all times.
- (4) A runner is not considered a suitable enclosure.

18 Persons exempt from cleaning up dog faeces (LL section 73)

- (1) A person in the performance of one of the following duties is not required to remove dog faeces from a public place-
 - (a) Police;
 - (b) Australian Defence Force;
 - (c) Customs;
 - (d) Corrective Services.
- (2) A person who in the opinion of an authorised officer is not capable of collecting dog faeces is not required to remove dog faeces from a public place.

Example – physically disabled.

Schedule 1 Dictionary

keep means to retain ownership of , have in a persons possession, or be the owner of a possession or thing.

runner means a rope, chain, or a similar material attached at two points that restricts the dogs access to the length of the rope, chain, or similar material.

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