

# LOCAL GOVERNMENT ACT 1995

## Town of Bassendean

### RESPONSIBLE CAT OWNERSHIP AMENDMENT LOCAL LAW 2006

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Town of Bassendean hereby records having resolved on the 25 July 2006 to adopt the following local law.

#### 1. Citation:

This local law may be cited as the *Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006*.

#### 2. Objects

The object of this local law is -

- (a) to encourage responsible cat ownership;
- (b) to reduce public and environmental nuisance caused by cats; and
- (c) to promote the effective management of cats.

#### 3. Interpretation

In this local law -

“**Act**” means the *Local Government Act 1995*;

“**authorised officer**” means an officer of the Town authorised by the Chief Executive Officer to administer and enforce the provisions of this local law;

“**cat**” means any member of the species *felix domesticus* (domestic cat) over the age of two months and includes all domestic, feral and stray cats;

“**CEO**” means the Chief Executive Officer of the Town of Bassendean;

“**Council**” means the Council of the Town of Bassendean;

“**keeper**” in relation to a cat means each of the following -

- (a) the owner of the cat;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat; or
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being;

**“nuisance”** means if a cat -

- (a) is injurious or dangerous to the health of any person or domestic or Australian indigenous animal or is in the opinion of an authorised officer likely to be injurious or dangerous to the health of any person or domestic or Australia indigenous animal;
- (b) creates a noise which persistently occurs or continues to a degree or extent which in the opinion of an authorised person, and has or could have a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or
- (c) behaves in a manner that is contrary to a reasonable standard of behaviour expected of an animal in the locality of the premises where the cat is normally resident;

**“premises”** includes -

- (a) any land and any improvements; and
- (b) any part of any building as separate ownership or separate occupation, or any unit, flat, townhouse, duplex or apartment; and

**“Town”** means the Town of Bassendean.

#### **4. Cat Not To Be A Nuisance**

- 4.1 A keeper shall not allow a cat to be or create a nuisance.
- 4.2 Where, in the opinion of an authorised officer, or the Town receives signed complaints in the form of the Schedule 1 from two persons each of whom occupy different premises, that a cat is creating a nuisance the Town may give written notice to the keeper of the cat requiring that person to abate the nuisance.
- 4.3 When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the Town on the notice or until the Town withdraws the notice.
- 4.4 A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

#### **5. Limit of Cat Numbers**

No person shall, without the prior written approval of Council keep more than two cats on premises.

#### **6. Authorised Officer**

- 6.1 The Town may appoint suitable persons to be authorised officers for the purpose of administering and enforcing this local law.

## **7. Giving of a Notice**

A notice served under this local law may be given to a person:–

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

## **8. Penalties**

A person who contravenes or fails to comply with any provision of this local law is, upon conviction, liable to a penalty not exceeding \$1000.

## **9. Modified Penalties**

- 9.1 An offence against any provision of this local law is a prescribed offence for the purpose of section 9.16(1) of the Act.
- 9.2 The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.
- 9.3 An infringement notice in respect of an offence against this local law may be given under section 9.13 of the Act and is to be in the form of Schedule 3.
- 9.4 A notice sent under section 9.2 of the Act withdrawing an infringement notice is to be in the form of Schedule 4.

**Schedule 2**

**Town of Bassendean – Amendment Responsible Cat Ownership Local Law**

**Prescribed Offences and Modified Penalties**

<b>Item</b>	<b>Clause</b>	<b>Nature of Offence</b>	<b>Modified Penalty</b>
1.	4	Keeper of a cat which is a nuisance	\$100
2.	5	Keeping more than the approved number of cats	\$100

**Schedule 3**

**Local Government Act 1995**

**Town of Bassendean – Amendment Responsible Cat Ownership Local Law**

**INFRINGEMENT NOTICE**

Serial No. ....  
Date .....

Town of Bassendean

To: (1).....  
(2).....

It is alleged that on .....at (3) .....  
at (4) .....  
you committed the following offence .....  
.....  
.....

contrary to section.....of the (5) .....

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, amount of the modified penalty may be paid to an authorised person at (6) .....within a period of 28 days after the giving of this infringement.

Name and title authorised person giving the notice .....

Signature .....

- (1) Name of alleged offender ["owner of vehicle identification]" suffices if notice given with a notice under Section .....of the Act].
- (2) Address of the alleged offender [not required if notice given with a notice under section 9.13 of the Act]
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Name of the regulations
- (6) Place where modified penalty may be paid

**Schedule 4**

**Town of Bassendean – Amendment Responsible Cat Ownership Local Law**

**Form 2 - Withdrawal of Infringement Notice**

WITHDRAWAL OF INFRINGEMENT NOTICE

No. ....  
Date .....

To .....

Infringement Notice No. .... dated ...../...../..... for  
.....  
.....

Penalty \$ ..... is hereby withdrawn.

No further action will be taken / It is proposed to institute Court proceedings for the alleged offence.

.....  
(to be signed by an Authorised Person)

**Schedule 1**

**Town of Bassendean – Amendment Responsible Cat Ownership Local Law**

**Form 3 – Nuisance Form**

**TAKE NOTICE THAT** a cat, believed to be a (1) \_\_\_\_\_  
has created a nuisance by (2) \_\_\_\_\_  
the cat is believed to belong to (3) \_\_\_\_\_  
and is kept at (4) \_\_\_\_\_  
and I (5) \_\_\_\_\_  
of \_\_\_\_\_

requests the Council to institute proceedings, if the nuisance does not stop,  
and undertake:

- (a) to give full information to the Council as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

.....  
(to be signed by complainant)

- (1) Insert breed or kind of cat and, where possible, its sex and identifying marks.
- (2) Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance.
- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the cat is usually kept.
- (5) Insert name and address of complainant.