

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

16 October 2018

**Agenda Item 9.2 Domestic Animals Act 1994 - Section 26 - Dogs on
Leash**

Attachment 1 Domestic Animals Act 1994 - Section 26 Order - 2018 402

NOTICE UNDER **DOMESTIC ANIMALS ACT 1994**
Order under Section 26(2) **Domestic Animals Act 1994**

2018 ORDER OF GREATER SHEPPARTON CITY COUNCIL

On (DATE), Greater Shepparton City Council (Council) made an order (Order) under section 26(2) of the **Domestic Animals Act 1994**. This Order is effective from (DATE).

1. Revocation of all previous orders

All previous orders made by Council under section 26(2) of the *Domestic Animals Act 1994* are revoked.

2. Prohibited Areas

A dog must not enter or remain in any **Prohibited Area** regardless of whether the dog is on a chain, cord or leash or otherwise controlled or not controlled.

3 Dogs must be on leash

The **person** in apparent control of any dog must keep the dog restrained by means of a chain, cord or leash not greater than 3 metres in length, and is attached to the dog when the dog is:

- a) in any reserve, or area other than a **Designated Area**; or
- b) in any **Public Place** in the municipality;

and the chain, cord or leash must be either held by or attached to the person in apparent control of the dog or securely fastened to a post or other fixture and the dog remains under sight or voice control by the person.

4. Dogs in Designated Area

Subject to clause 5 and clause 6, a dog may be exercised off a chain, cord or leash in a **Designated Area**, if the **person** in apparent control:

- a) carries a chain, cord or leash sufficient to bring the dog under effective control by placing the dog on a chain, cord or leash;
- b) remains in effective voice and/or hand control of the dog and within constant sight of the dog so as to be able to promptly bring the dog under control by placing the dog on a chain, cord or leash;
- c) ensures that the dog;
 - (i) is not allowed to worry, rush at, bite, attack or otherwise threaten any person or animal;
 - (ii) is prevented from breeding or attempt to breed with any other dog;
 - (iii) is prevented from causing damage and or injury to any person or animal;
 - (iv) is prevented from digging, burrowing or otherwise disturbing turf, grassed areas or the earth in any way; and
 - (v) is restrained and prevented from damaging property or Council assets; and
- d) does not attend the **Designated Area** if their dog is on heat or for the specific purposes of breeding;
- e) does not behave in an offensive, violent, threatening or intimidating manner; and
- f) complies with all directions or requirements for use of the **Designated Area**, as signposted by Council.

5. Restriction on number of dogs

A person must not have more than four (4) dogs under the person's apparent control (whether on or off leash) in a **Public Place** or **Designated Area** at any one time.

6. Non-application to specified dogs or greyhounds

- a) Clause 2 of this Order does not apply to Guide dogs, Guide dogs in training, Guide dogs puppies and accredited service dogs.
- b) Clause 4 of this Order does not apply to any dog which has been declared a dangerous dog, menacing dog or restricted breed dog under the Act, or to a greyhound that must be restrained in accordance with the restraint requirements at section 27 of the **Act**.

7. Meaning of Words

In this Order:

Act means the *Domestic Animals Act 1994*.

Council means Greater Shepparton City Council

Designated Area means any of the following reserves or part of the reserves;

- Ducat Reserve, Patterson Road Shepparton, within the fenced area signposted by Council as the 'off leash dog park'.

person means a natural person.

Prohibited Area means an area (including an area on or between specified times and on or between specified dates) described as;

- any children's playground; and
- within ten (10) metres of the perimeter of any children's playground.

Public Place has the meaning given to it in the *Summary Offences Act 1966*, but does not include a public place that is on private land.