

AAEV BY-LAWS RELATING TO ANIMALS

Taking animals onto common property

70. Subject to this Part –

70.1. no pet animal may be taken or allowed to go on common property unless such animal is on a leash.

70.2. persons taking any pet animal or pet animals onto the common property must remove and clean up any excreta left by the animal on the common property.

71. The Community Corporation may allow animals to remain on the common property for grazing, weed control and other purposes for the benefit and maintenance of the common property and may exempt such animals from requirements under these by-laws. However, no animal shall remain on the common property without the approval of the Community Corporation. Where such approval has been obtained, the animal shall only remain on the common property whilst it –

71.1. is enclosed or otherwise restrained in the manner approved by the Community Corporation and

71.2. complies with any other conditions imposed by the Community Corporation.

PART 8 – ANIMALS

Philosophy

72. All animals and pets must be kept in a humane manner in a clean spacious environment without any disturbance to other persons or other animals.

Limited right to keep an animal on a lot

73. Unless expressly exempted by these by-laws, a person must not bring onto or keep any animal on a lot or the common property without the consent of the Community Corporation.

74. The consent of the Community Corporation shall not be required in relation to a dog that is trained to assist the person in respect of a disability.

75. An animal shall be exempt in relation to a community lot whilst it satisfies the following criteria –

75.1. where the animal is a dog or a cat, that animal must be desexed and only one of either of such animals shall be kept on the community lot;

75.2. the animal is not a prescribed breed under the Dog and Cat Management Act or the subject of an order under that Act;

75.3. the animal is fully contained by fences, walls or other structures that prevent it from escaping at any time from the lot;

75.4. the animal stays at all times on the lot unless it is entering or exiting the lot, at which times it must be kept on a leash or confined to a cage;

75.5. the animal does not cause a nuisance at any time;

75.6. the animal does not cause an unreasonable disturbance to a person on another lot after 9.00 pm and before 8.00 am on any day; and

75.7. the animal does not exceed 22 kilograms in weight..

76. The Community Corporation may resolve that a specified animal fails to meet the criteria for exemption. In such case, the occupier –

76.1. must not bring, permit or keep that animal on any part of the community parcel; and

76.2. where that animal permanently resides on a lot, must permanently remove that animal from the community parcel within 14 days of the Community Corporation's resolution.

77. An occupier of a lot used for farming purposes may keep animals as approved by the Community Corporation but must not, without the Community Corporation's authorisation, allow such animals to stray beyond the boundaries of such lot.

78. Where any animal is kept on a lot used for farming purposes, such lot must be fenced to prevent the escape of such animal from the lot.

Unreasonable interference by animals

79. The owner or occupier of a lot must ensure that any animal kept on a lot does not unreasonably interfere with the use or enjoyment of another lot or the common property by an occupier or other persons who are lawfully thereon. Failure on several occasions to minimise, control and immediately clean up the excreta of the animal on the common property shall constitute unreasonable interference with the use or enjoyment of the common property.

80. Where the Community Corporation forms the view that an animal has created an unreasonable interference contrary to this by-law, the Community Corporation may –

80.1. direct the occupier to take specified action (ie "Bark Busters" or retraining) or unspecified action to prevent any repetition of any interference; and

80.2. require the animal to be removed permanently from the community parcel or direct that the animal must not be brought, permitted or kept on any part of the common property.

Liability of occupiers and other persons

81. The owner and occupier who keeps or permits any animal to be on a lot or the common property and the person who brings any animal onto the lot or the common property shall be liable for any loss, damage or injury caused by that animal.