

PART 4 – ANIMALS

4.1 Numbers

- (a) An owner or **occupier of land** must not, without a **permit**, keep on that **land** any rooster or peafowl or more than:
- i) 2 cats;
 - ii) 2 dogs;
 - iii) 5 rodents, includes rats, mice and guinea pigs;
 - iv) 4 rabbits;
 - v) 4 ferrets;
 - vi) 30 birds; or
 - vii) 8 poultry.
- (b) Clause 4.1(a) does not apply to those persons licensed pursuant to the *Wildlife Act 1975* and who comply with the *Wildlife Act 1975* and *Wildlife Regulations 2002*.

4.2 Keeping of Livestock

- (a) A **person** must not keep **livestock** on **land** which has an area of half a hectare or less, unless in accordance with a planning **permit** issued under the provision of the Frankston Planning Scheme.
- (b) Clause 4.2(a) does not apply to **livestock** specified in clause 4.1(a)vi) and vii).

4.3 Pigeons

- (a) A person must not:
- i) exercise pigeons other than during 2 hours after sunrise or 2 hours before sunset; or
 - ii) race pigeons except at organised events.
- (b) Nothing in clause 4.3(a) applies to a **person** who is a member of a pigeon racing club or association and who keeps pigeons for racing or homing pigeons, if that **person** is exempted by **Council** in writing from the requirements of clause 4.3(a)

following a process of consultation with owners or **occupiers** of **land** in the immediate vicinity of the **land** on which the pigeons are kept.

4.4 Housing

- a) Any structure used for animal, poultry or bird housing must be:
 - i). free standing;
 - ii). maintained in a clean and inoffensive condition;
 - iii). maintained to the satisfaction of Council or an Authorised Officer.
- b) All animal food for consumption is kept or stored in a vermin and fly proof container.

4.5 Adequate Fencing

An owner or **occupier** of **land** on which an animal is kept must ensure that the land is adequately fenced so as to prevent the animal's escape from the **land**.

4.6 Protection of Other Animals and Native Flora and Fauna

An owner of an animal must ensure that the animal does not harm or kill, or destroy, any native fauna or flora, or any other animal.

4.7 Animal Nuisance

An owner of an animal or an **occupier** or owner of any **land** on which any animal is kept must not allow any noise, smell or other nuisance from the animal to emanate which interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby **land**.

4.8 Animal Excrement

A **person** in charge of an animal on a **road** or in a **municipal place** must:

- (a) not allow the excrement of the animal to remain on that **road** or in that **municipal place**;
- (b) carry a device suitable for the removal of any excrement that may be deposited by the animal;
- (c) produce the device on demand by an **Authorised Officer**, and

- (d) dispose of all excrement of the animal in a **refuse receptacle**.

4.9 Horses on Reservations

A **person** must not ride or lead a horse:

- (a) on a footpath or nature strip; or
- (b) in or on a municipal reserve, except in or on any designated equestrian area of that municipal reserve.

4.10 Feeding of Uncaged Birds

A **person** must not feed or leave food for a **Seagull**, a **Feral Pigeon** or an uncaged Bird.

4.11 Sale or Rehousing of Dogs and Cats

A **person** who sells or gives away a dog or cat must provide **Council** with the name and address of the new owner.

4.12 Vermin

An owner or **occupier** of **land** must not allow **vermin** to exist on that **land**.