

**CITY OF PLAYFORD**

*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

BIRD SCARING DEVICES BY-LAW 2015**By-law No. 6 of 2015**

To regulate the use of bird scaring devices for the prevention and suppression of nuisances.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Bird Scaring Devices By-law 2015*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this By-law:

3.1 activate a device means:

3.1.1 for a gas powered device – the use or employment of a device to create one detonation producing a single emission; and

3.1.2 for an electronic noise generating device – the use or employment of a device to create a single noise emission or one which produces a continuous sequence of noise emissions but which does not exceed 30 seconds in duration; and

3.1.3 includes to cause or permit a device to be activated;

3.2 **animal** means any animal except a bird;

3.3 **device** means any noise generating device designed and used for the purpose of scaring birds from land;

- 3.4 **flammable undergrowth** means any organic material that is either flammable or potentially flammable;
- 3.5 **land** means any piece or section of land or any aggregation of contiguous land subject to the same ownership or occupation;
- 3.6 **multiple detonation device** means a device that has more than one detonation in any 10 minute period; and
- 3.7 **noise sensitive premises** means a dwelling not associated with the land upon which the device is located, a library, a child care centre, a kindergarten, a school or other educational institution, a hospital, a surgery or other medical institution, a public park or garden or recreation space.

Part 2 – Restrictions on use of Devices

4. Prohibited Activities

- 4.1 No person being the owner or occupier of land, shall activate, use or employ any device:
- 4.1.1 on less than 5 hectares of land;
 - 4.1.2 in such a manner as to be a nuisance or danger to any other person or animal;
 - 4.1.3 being a multiple detonation device;
 - 4.1.4 on Christmas Day or Good Friday;
 - 4.1.5 unless all flammable undergrowth within a 4 metre radius of the device is destroyed by cutting, slashing or other lawful means; and
 - 4.1.6 unless all other flammable material within a 4 metre radius of the device is removed.

5. Permissive Activities

- 5.1 Subject to clause 4 of this by-law, the owner or occupier of land must not without the permission of the Council:
- 5.1.1 activate a device:
 - 5.1.1.1 other than between the hours of 7.00am and 8.00pm;
 - 5.1.1.2 at a frequency greater than six times per hour;
 - 5.1.1.3 within 300 metres of noise sensitive premises;
 - 5.1.1.4 in a building or structure;
 - 5.1.1.5 within 300 metres of any animal;
 - 5.1.2 direct a device towards noise sensitive premises;

5.1.3 activate more than one device per 5 hectares of land or part thereof.

Part 3 – Miscellaneous

6. Notice

6.1 Where there is a breach of any provision of this by-law, the Council may serve notice in writing on the owner or occupier of any land upon which a device is being used or employed requiring that person to reduce the number of activations of a device or to disarm or to remove a device.

6.2 Any person on whom a notice is served shall comply with the notice.

6.3 If the notice is not complied with, the Council may carry out or cause to be carried out the measures required by the notice and may recover the cost of so doing from the person to whom the notice was directed.

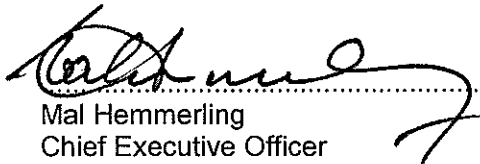
7. Protection of Council

The Council shall not be liable for any loss caused in exercising its powers under this by-law.

8. Revocation

Council's *By-law No.6 – Bird Scaring Devices*, published in the *Gazette* on 7 August 2008, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Playford held on the 22 day of September 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mal Hemmerling
Chief Executive Officer