



# **Dog Control**

## **Bylaw**



# Contents

|             |  |           |
|-------------|--|-----------|
| <b>1.0</b>  | <b>SCOPE .....</b>   | <b>3</b>  |
| <b>2.0</b>  | <b>INTERPRETATION .....</b>  | <b>3</b>  |
| <b>3.0</b>  | <b>PROHIBITED AND RESTRICTED AREAS.....</b>                              | <b>4</b>  |
| <b>4.0</b>  | <b>DOGS IN PUBLIC PLACES REQUIRED TO BE ON A LEASH.....</b>              | <b>5</b>  |
| <b>5.0</b>  | <b>DOGS ON BEACHES.....</b>  | <b>5</b>  |
| <b>6.0</b>  | <b>DOG EXERCISE AREAS.....</b>   | <b>5</b>  |
| <b>7.0</b>  | <b>TEMPORARY DESIGNATIONS .....</b>                                      | <b>5</b>  |
| <b>8.0</b>  | <b>DISABILITY ASSIST DOGS.....</b>                                       | <b>6</b>  |
| <b>9.0</b>  | <b>SEIZURE OF DOGS IN PUBLIC PLACE IN CONTRAVENTION THIS BYLAW .....</b> | <b>6</b>  |
| <b>10.0</b> | <b>PERIOD OF CONFINEMENT .....</b>                                       | <b>6</b>  |
| <b>11.0</b> | <b>NUMBER OF DOGS PERMITTED.....</b>                                     | <b>6</b>  |
| <b>12.0</b> | <b>MINIMUM STANDARDS FOR ACCOMMODATION OF DOGS.....</b>                  | <b>7</b>  |
| <b>13.0</b> | <b>DOGS TO BE KEPT MINIMUM DISTANCE FROM BOUNDARY .....</b>              | <b>7</b>  |
| <b>14.0</b> | <b>MANGY OR DISEASED DOGS .....</b>                                      | <b>7</b>  |
| <b>15.0</b> | <b>RESPONSIBILITY TO REMOVE FAECES .....</b>                             | <b>7</b>  |
| <b>16.0</b> | <b>BITCH IN SEASON TO BE CONFINED .....</b>                              | <b>7</b>  |
| <b>17.0</b> | <b>AGGRAVATION OF DOGS .....</b>   | <b>7</b>  |
| <b>18.0</b> | <b>DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH .....</b>             | <b>8</b>  |
| <b>19.0</b> | <b>POUND.....</b>  | <b>8</b>  |
| <b>20.0</b> | <b>DISPOSAL OF IMPOUNDED DOGS.....</b>                                   | <b>8</b>  |
| <b>21.0</b> | <b>FEES .....</b>  | <b>9</b>  |
| <b>22.0</b> | <b>PENALTIES.....</b>  | <b>9</b>  |
|             | <b>SCHEDULE 1 .....</b>  | <b>10</b> |



## 1.0 Scope

- 1.1 The purpose of this Bylaw is to set standards of control that must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused any dogs. This Bylaw must be read in conjunction with Council's Dog Control Policy.

## 2.0 Interpretation

- 2.1 **THE ACT** means the Dog Control Act 1996.
- 2.2 **CONTINUOUS CONTROL** means the owner has sufficient control over the dog to prevent the dog causing a nuisance to other animals and members of the public or damage to property.
- 2.3 **COUNCIL** means the Waitomo District Council.
- 2.4 **DISABILITY ASSIST DOG** means a dog certified by 1 of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:
- (a) Hearing Dogs for Deaf People New Zealand:
  - (b) Mobility Assistance Dogs Trust:
  - (c) New Zealand Epilepsy Assist Dogs Trust:
  - (d) Royal New Zealand Foundation of the Blind:
  - (e) Top Dog Companion Trust:
  - (f) An organisation specified in an Order in Council made under any Regulations made pursuant to section 78D of the Dog Control Act 1996
- 2.5 **DOG CONTROL OFFICER** means a Dog Control Officer appointed by the Waitomo District Council under Section 11 of the Dog Control Act 1996.
- 2.6 **DOG EXERCISE AREA** means a public place which has by resolution of Council pursuant to Section 20 (1)(d) of the Dog Control Act 1996 been designated as a dog exercise area.
- 2.7 **INFRINGEMENT OFFENCE** means an offence specified in the First Schedule of the Dog Control Act 1996.
- 2.8 **LEASH** means a lead which is capable of restraining the dog.
- 2.9 **NEUTERED DOG** means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.
- 2.10 **OWNER** means in relation to any dog every person who:
- a) Owns the dog; or
  - b) Has the dog in his/her possession whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purposes of preventing the dog causing injury, damage or distress, or for the sole purpose of restoring a lost dog to its owner; or
  - c) Is the parent or guardian of a person under the age of 16 who:
    - i. Is the owner the dog pursuant to paragraph (a) or (b) of this definition; and
    - ii. Is a member of the parent or guardian's household living with and dependent on the parent or guardian, but does not include any person who has seized or taken custody of a dog under the Dog Control Act 1996 or the Animal Protections Act 1960 or the National Parks Act 1980 or the Conservation Act 1987 or any other made under this Act or Animal Protections Act 1960.

**2.11 PREMISES** includes any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.

**2.12 PROHIBITED PUBLIC PLACE** means a public place which has by resolution of Council pursuant to Section 20 (1)(a) of the Dog Control Act 1996 been declared a Prohibited Public Place. In all cases it shall mean within 20 metres of any children's playground equipment, and the mown playing surfaces of sports grounds controlled by Council.

**2.13 PUBLIC PLACE** means:

- a) A place that, at any material time, is open to or being owned by the public whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**2.14 WORKING DOG** means

- (a) Any DISABILITY ASSIST DOG:
- (b) Any dog
  - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
  - (ii) Kept solely or principally for the purposes of herding or driving stock; or
  - (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
    - a) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
    - b) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
    - c) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
  - (v) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
  - (vi) Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

## **3.0 Prohibited And Restricted Areas**

### **3.1 General Prohibition**

3.2 Any person who takes a dog or allows any dog to go within the limits of any land or premises used as a public school, kindergarten, playcentre, private school, public swimming baths, (or any other area with the district which Council has by resolution declared to be a prohibited area) commits an offence against this Bylaw.

3.3 It shall be a defence to any charge under this clause that such person had prior written consent of the person or body in charge of such prohibited area to take or allow the dog within the limits of such prohibited area.

#### **3.4 Central Business Area, Te Kuiti**

3.5 Dogs are prohibited from Rora Street, (between Alexandra Street and **the South End loop Road**) and King Street and Sheridan Street (between Rora Street and Taupiri Street). The above section of the bylaw will not apply to any disability assist dog, police dog, dogs attending any veterinary clinic located in the prohibited area or any dog contained within or on any vehicle in the prohibited area and is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person.

#### **3.6 Flower Pot – Mokau**

3.7 Dogs are prohibited from the area known as The Flower Pot, Mokau, between 1 December each year and 31 March the following year.

### **4.0 Dogs In Public Places Required To Be On A Leash**

4.1 The owner of a dog other than a working dog, being worked shall not allow the dog in any public place (not being a Dog Exercise Area) unless the dog is controlled on a leash.

### **5.0 Dogs On Beaches**

5.1 Any Dog Control Officer or Dog Ranger, may order the owner, or any person in charge of the dog, to remove such dog from any beach or bathing reserve if in the opinion of such Dog Control Officer or Dog Ranger the presence of the dog is likely to cause annoyance, inconvenience, danger or be hazardous to health of the public for the time being using such beach or bathing reserve. Any person who fails to promptly obey such order commits an offence against this Bylaw.

### **6.0 Dog Exercise Areas**

6.1 The Council may declare by resolution any public place to be a Dog Exercise Area.

6.2 Within Dog Exercise Areas the owner of the dog shall ensure that the dog is under continuous control but shall not be obliged to keep the dog on a leash.

6.3 The Council has designated the following areas as dog exercise areas where a dog may be freely exercised however the dog must be under continuous control to the satisfaction of a Council Officer.

- a) The eastern bank of the Mangaokewa River between Lawrence Street and the Te Kuiti Bowling Club.
- b) Ward Street Reserve, Te Kuiti.
- c) Mangaokewa Scenic Reserve

### **7.0 Temporary Designations**

7.1 The Council may from time to time declare any public area not already being a prohibited area to be a prohibited area for a specified time or suspend the designation of a prohibited area for a specified period for a specified occasion or event.

- 7.2 The Council shall give public notice of its intention to declare any area to be a temporary prohibited area or to suspend a prohibited area. Appropriate signs shall be posed in the area and prior notice shall be published in a newspaper circulating in the Waitomo District.

## **8.0 Disability Assist Dogs**

- 8.1 Notwithstanding anything in this bylaw prohibiting or regulating the entry or presence of dogs, any disability assist dog accompanying a blind or partially sighted person or a person with any other disability or any person bona fide engaged in training the disability assist dog may enter and remain:
- a) In any premises registered under regulations made pursuant to Section 120 of the Health Act 1956; or
  - b) In any public subject to compliance to any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

## **9.0 Seizure Of Dogs In Public Place In Contravention This Bylaw**

- 9.1 A Council Officer may seize and impound any dog at large in a public place, whether or not the dog is wearing a collar having the proper label or disc attached that is found at large in contravention of the bylaw.

## **10.0 Period Of Confinement**

- 10.1 The owner of any dog, shall, during the period commencing half an hour after sunset on each day and ending half an hour before sunrise on the next day, keep the dog tied up or otherwise confined. Nothing in this section prevents a person from exercising a dog in a dog exercise area identified in this bylaw or on a leash.

## **11.0 Number Of Dogs Permitted**

- 11.1 No occupier of land within any area other than that zoned rural, shall keep or allow to be kept on any land more than one dog over the age of three months unless the occupier has been licensed for such purposes by the Council.
- 11.2 Every application for a licence to keep more than one dog shall be in a form as contained in the first schedule to this bylaw and include such additional information as the Council or the Dog Control Officer may request, and must be accompanied by the appropriate fee as the Council may determine from time to time by resolution.
- 11.3 Any licence issued by the Council may be subject to such terms and conditions as the Council may consider necessary.
- 11.4 The Council may at any time whilst a licence is in force revoke or refuse to renew that licence if it is satisfied that:
- a) The dog or dogs on the land specified in the licence have caused injury or a nuisance to any person engaged in their lawful activity; or
  - b) The keeping such dog or dogs has caused a detrimental effect upon the surrounding neighbourhood; or
  - c) There has been a failure to comply with all or any of the terms, conditions and restrictions of the licence, or any subsequent notice issues by the Council.

- 11.5 Any application by the occupier of any land in respect of which an application was declined or licence revoked by Council pursuant to Clause 10.4 will not be reconsidered by the Council before the expiration of two years after the date of that refusal or revocation.
- 11.6 Nothing in this section shall remove the need for any Land Use Consent if this is required by the District Plan.

## **12.0 Minimum Standards For Accommodation Of Dogs**

- 12.1 The owner of any dog shall provide adequate accommodation for the dog. Kennels are to be sited on a hard surface, provide shelter from the elements and be free from dampness. Kennels are to be kept in a clean condition. If a kennel is not provided, dogs are to be confined inside premises with an adequate sleeping area provided.
- 12.2 Every person commits an offence, who, being the owner of a dog keeps it beneath the ground floor of a residential building.

## **13.0 Dogs To Be Kept Minimum Distance From Boundary**

- 13.1 No person shall permit or allow a dog to be housed, confined or restrained on any private premises within one metre of the boundary of the premises.
- 13.2 The Council may dispense with the requirements of this clause if the written consent of the affected neighbour has been first obtained.

## **14.0 Mangy Or Diseased Dogs**

- 14.1 A person who owns or has control or charge of any mangy or diseased dog shall not take that dog into any public place or permit the dog to enter or remain in any public place or wander free or suffers such dog to remain thereon unless being taken to a veterinary clinic.

## **15.0 Responsibility To Remove Faeces**

- 15.1 Every person commits an offence, who, being the owner or person having control of any dog that fouls any public place fails to remove and properly dispose of the dog faeces immediately. Where a public litter bin or similar receptacle is used to dispose of the faeces they must be suitably wrapped or contained to prevent fouling of such receptacle.

## **16.0 Bitch In Season To Be Confined**

- 16.1 The owner of any bitch shall keep the dog confined but adequately exercised whilst such dog is in season.

## **17.0 Aggravation Of Dogs**

- 17.1 Every person commit an offence who wilfully behaves or acts in such a way so as to cause any dog to become restless or unmanageable, or incites any dog to fight with or attached any other animal or person.

## **18.0 Dogs Becoming A Nuisance Or Injurious To Health**

- 18.1 If in the opinion of the Council, any dog or dogs or the keeping thereof on such premises has become, or is likely to become a nuisance or injurious or hazardous to health, property or safety, the Council or Officer may be notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
- a) To reduce the number of dogs kept on the premises.
  - b) To construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain the dogs.
  - c) To require such dog or dogs to be tied up or otherwise confined during specified periods.
  - d) To take such other action as the Council deems necessary to minimize or remove the likelihood of nuisance or hazard or injury to health, property or safety.

## **19.0 Pound**

- 19.1 The Council's pound is located at the entrance to the Rangitoto Landfill off William Street, Te Kuiti.
- 19.2 The Council may be resolution change the location of any pound or create additional pounds.
- 19.3 Where any dog is seized for impounding under the provisions of this bylaw, and it is not practicable by reason of time or distances to place that dog in any pound appointed by the local authority for that purpose, a Council Officer may with the consent of the occupier thereof, use any land as a temporary pound for such dog for any reasonable period until its disposal in terms of this bylaw or the Dog Control Act 1996.
- 19.4 No dog shall be released from any pound including a temporary pound until the owner of the dog has paid to the Council a fee which shall include fees for the sustenance of the dog.
- 19.5 No dog which is for the time being not registered in accordance with the Dog Control Act 1996, shall be released until it is registered and the fees payable have been paid.
- 19.6 The Council pound will be opened at times when appointments are made with the Dog Control Officer at the District Council Office between the hours of 8.00 am and 4.30 pm, Monday to Friday (except public holidays).
- 19.7 Any person who enters any Dog Pound established by the Council for the purpose of releasing any dog impounded by a Dog Control Officer, Dog Ranger, or other authorized person, without payment of the impounding, sustenance or other fees, or who is found in possession of any dog which has been removed by any person from any such dog pound without payment of such fees, commits an offence against this Bylaw.

## **20.0 Disposal Of Impounded Dogs**

- 20.1 The Council may dispose of impounded dogs in accordance with the provisions of the Dog Control Act 1996 which provides amongst other things the following:
- a) As soon as practicable after any dog has been impounded, the local authority shall, in the case of a dog wearing a current registration label or disc or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded and that unless to dog is claimed and any fee paid within seven days of the receipt of that notice, it may be sold, destroyed, or otherwise disposed of in such manner as the local authority thinks fit, and after the expiry of that period the local authority may so dispose of the dog.

- b) Where the owner of the dog is not known and cannot be identified from the dog registration label or disc, the local authority may, after expiration of seven days after the date of seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as it thinks fit.

## **21.0 Fees**

21.1 The Council may by resolution set the fees payable in respect of any matter for which it is authorised to charge a fee pursuant to:

- a) The Dog Control Act 1996; or
- b) The Local Government Act 2002; or
- c) This Bylaw

## **22.0 Penalties**

22.1 Any person who fails to comply with these bylaws commits an offence and shall be liable upon summary conviction to the maximum penalty as provided from time to time in the Dog Control Act 1996 or the Local Government Act 2002 or where any person is alleged to have committed an infringement offence specified in the First Schedule to the Dog Control Act 1996 that person may either:

- a) Be proceeded against summarily for the offence; or
- b) Be served with an infringement notice as provided in Section 66 of the Act.

## Schedule 1

### Application for Approval to Keep more than one Dog

Pursuant to the Waitomo District Council Dog Control Bylaws 2008

---

The following information must be completed by the dog owner applying for approval.

Please print in BLOCK CAPITALS

1. Name of Applicant
2. Postal Address – property where dogs are kept
3. Contact Phone Number
4. Number of Dogs on Property

Signature of Applicant: .....

Date: .....

---

### OFFICE USE ONLY

Kennel Facilities:

Property Fenced: YES/NO

Number of Dogs:

Date of Inspection:

### **Note for Applicants**

Requirements for a permit are as follows:

1. Dogs to be kept under control at all times
2. Dogs must not create a nuisance (barking, howling etc)
3. Kennels must be kept clean and sited a minimum of 1 metre from the boundary fence
4. All dogs must be currently registered
5. If any further dogs are acquired or any dog disposed of the Waitomo District Council must be immediately notified of the change.