

Specification Daytime Delivery of Animal Control Services

Waitomo District Council's statutory responsibilities and authority in respect of animal control services are specified in the following statutes:

- Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006)
- Impounding Act 1955
- Animal Welfare Act 1999

Scope of Services

Provide the following services to WDC:

- 1) Daytime delivery of dog control services in accordance with the requirements of the Waitomo District Council's Dog Control Bylaws 2009 and Waitomo District Council's Dog Control Policy
- 2) Daytime animal and stock control services
- 3) Daytime operation of WDC's Pounds
- 4) Such other work as may be required by WDC from time to time

The Scope of Services will be reviewed following a three month term of the delivery of the service.

Daytime Delivery

Daytime delivery shall mean during normal office hours - Monday to Friday from 8:00am to 5:00pm

Dog Control

- a) Respond to requests by WDC to action service requests/complaints in terms of the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006) or the Council's Animal or Dog Control Bylaws.
 - Thoroughly investigate the complaint by visiting the scene if necessary;
 - Take remedial action as appropriate under the Act or Bylaws to satisfactorily resolve the complaint;
 - Record the details of the complaint, the situation and action taken; and
 - Report findings to the WDC.
- b) Complaints shall be responded to as soon as possible but in all instances within five (5) working days.
- c) Complaints concerning dog attacks on a person, dangerous dogs, or dogs worrying stock shall be treated as **urgent** and shall be responded to immediately.
- d) Liaise with WDC as necessary in relation to appropriate actions to resolve complaints and where required make recommendations to WDC.
- e) Where required by WDC or the Police, classify 'dangerous dogs' in terms of s.31 and/or s.32 of the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006).

- f) Ensure that all complaint details are reported to WDC on the appropriate forms, including details of the individual dog and the dog's owner.
- g) Carry out inspections of urban properties within the District where dogs are known to be kept.
- h) Carry out inspections of rural properties within the District where dogs are known to be kept.
- i) Keep and maintain records of such inspections including:
 - Date
 - Physical address of property
 - Details of dogs located
 - Conditions under which dogs are kept
 - Any comments, recommendations or actions taken.
- j) When requested by WDC, confirm or otherwise whether any application under the WDC Selected (Dog) Owner Policy complies.
- k) Carry out a routine patrol of Te Kuiti at least twice per week for the purposes of identifying and impounding wandering dogs.
- l) Advise WDC of owners of unregistered dogs encountered.
- m) Provide assistance to WDC in respect of any prosecutions brought under the legislation or the Council's Bylaws.

Animal and Stock Control

- a) Respond to requests by WDC to action service requests/complaints or situations of wandering stock in terms of the Impounding Act. Impound and dispose of stock as required in accordance with the provisions of Part VI of the Impounding Act.
- b) Keep and maintain records of such requests including:
 - Date
 - Physical address of property
 - Details of animals located
 - Any comments, recommendations or actions taken.
- c) Service Requests/complaints concerning wandering stock on roads shall be treated as **urgent** and shall be responded to immediately.
- d) Liaise with WDC as necessary in relation to appropriate actions to resolve service requests/complaints and where required make recommendations to WDC.
- e) Ensure that impounded stock receives good care and attention including adequate daily sustenance.
- f) Maintain an accurate register of stock impounded.
- g) Maintain WDC's Stock Pound at the Esplanade, Te Kuiti, in good condition.

Operation of Pounds

- a) Maintain operations of the WDC's Dog Pound located in William Street, Te Kuiti. The pound is located within WDC's landfill site. An access fob will be supplied to activate the security gate system giving 24 hour access to the Dog Pound site at William Street.
- b) Maintain operations of the WDC's Stock Pound located at the Esplanade, Te Kuiti.
- c) The Dog Pound shall be used and operated in accordance with the requirements of the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006), the Animal Welfare Act and the Council's Dog Control Bylaws.
- d) The Dog Pound comprises two parts; an operations area and a segregated impoundment area with 14 dog cages. A separate arrangement sets aside the use 2 of the cages by Te Kuiti SPCA and authorises the use of the operations for proposes in connection with the impoundment use. Note – any dogs under the control of Te Kuiti SPCA are the sole responsibility of Te Kuiti SPCA.
- e) Impound stray dogs and ensure they receive good care and attention including adequate daily sustenance in accordance with Section 67 of the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006).
- f) Advise WDC of registered dogs that are impounded within one (1) working day and ensure details of the impoundments are recorded on the prescribed WDC form. WDC will notify the owner of the impounding.
- g) Keep and maintain records of impoundments including:
 - Date of impounding
 - All identifying details of any dog/stock impounded
 - Any identified health or associated concerns together with a description of the action taken
 - Any comments, recommendations or actions taken
 - All visits made to the site, and
 - All dog and pen maintenance activities.
- h) As requested by WDC, be available to release impounded dogs to their owners during normal business hours, Monday to Friday (inclusive). Dogs shall not be released without payment in full to WDC for all pound and sustenance fees and outstanding dog registration fees.
- i) Unclaimed dogs are managed in accordance with WDC policy and the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006).
- j) Maintain the pound in a clean, tidy and hygienic condition at all times.
- k) Report any repairs required or damage to the facility, to WDC's Manager – Regulatory Services within two days of becoming aware of the need for repair or of any damage occurring.

Animal Welfare

- a) The physical condition of dog taken into the care of the service provider must at that time be immediately assessed to identify whether or not the dog requires specialised veterinary attention or treatment of health needs including but not limited to open wounds, skin conditions such as mange, underweight or poor condition due to malnourishment or any like consideration.
- b) Any dog taken into care, where that animal is estimated to be about 3 months of age or younger or any bitch showing signs of having recently whelped, or about to do so, will be temporarily impounded in the care of the Te Kuiti Branch of the SPCA.
- c) Any dog taken into care and not claimed by a proven owner will be in that circumstance offered first to the Te Kuiti Branch of the SPCA for consideration by the SPCA for a re-homing programme.
- d) Any dog taken into care at the request of the proven owner for the purposes of euthanasia will be dealt with immediately in a careful and humane way.
- e) Ensure that the dog impounding area will be cleaned and kept clean on a daily basis. That process will ensure that all faeces are collected and removed to disposal before any wash down and disinfection cleaning is undertaken.
- f) All dogs to be temporarily removed from their pens while that daily cleaning maintenance work is underway and the floor of the occupied dog pens scraped dry before the dog is returned to the cleaned pen.
- g) All dogs taken into care must be released from the pens and exercised for a minimum period of 30 minutes per day.
- h) Parties note that from time to time extremely dangerous dogs will be held in the pound. These dogs cannot be readily exercised without putting pound staff at risk. In such extreme circumstances the dog may be kept confined to its pen, however full details of the type of dog and date and duration of the confinement must be recorded in the daily log book.

Public Enquiries

- a) Be available to deal with telephone enquiries in relation to dog and animal control, including the requirements of legislation and bylaws, during normal working hours.
- b) Enquiries shall be responded to in a prompt manner.

Scope of Operations

- a) To provide daytime delivery of dog and animal control services for the Waitomo District Council.
- b) To ensure all responsibilities/obligations are met in relation to the specification of daytime delivery of animal control services.
- c) To respond to service requests/complaints in terms of the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006) or WDC's Animal and Dog Control Bylaws.

- d) To respond to service requests/complaints or situations of wandering stock in terms of the Impounding Act.
- e) To operate and maintain the Council's dog pound located in William Street, Te Kuiti, in accordance with the requirements of the Dog Control Act 1996 (including Amendment Acts 2003, 2004 and 2006) and the Council's Dog Control Bylaw.

Supporting Information

Waitomo District: 336,357 hectares

Number of Dog Owners: 1,485

Number of Registered Dogs 3,900

Number Dogs (Urban): 670

Number of Dogs (Rural): 3230



Dog Control Policy

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1.0 Policy Summary

- 1.1 This policy details the approach taken by Waitomo District Council (WDC) to controlling dogs so that people can enjoy the benefits of dog ownership without adversely affecting other members of the community.

2.0 Policy Background

- 2.1 The Dog Control Act 1996 (Act) places the following statutory responsibilities on dog owners:

- a) To ensure that dogs are registered in accordance with the Dog Control Act.
- b) To ensure that dogs are kept under control at all times.
- c) To ensure that dogs receive proper care and attention and are supplied with proper and sufficient food, water and shelter.
- d) To ensure that dogs receive adequate exercise.
- e) To take all reasonable steps to ensure that dogs do not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means.
- f) To take all reasonable steps to ensure that dogs do not injure, endanger, or cause stress to any person.
- g) To take all reasonable steps to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wild life.
- h) To take all reasonable steps to ensure that dogs do not damage or endanger any property belonging to any other person.
- i) To comply with the requirements of the Dog Control Act 1996 and of all regulations and bylaws made under that Act.

- 2.2 The Act requires Council to have in place a dog control policy.

- 2.3 The policy must have regard to the following matters:

- a) The need to minimise danger, distress, and nuisance to the general community.
- b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults.
- c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation.
- d) The exercise and recreational needs of dogs and their owners.

3.0 Interpretation

- 3.1 **THE ACT** shall mean the Dog Control Act 1996.
- 3.2 **COUNCIL** shall mean the elected members that form the governing body (Council) of the District Council.
- 3.3 **WAITOMO DISTRICT COUNCIL (WDC)** shall mean the organisation established to administer Council affairs, conduct operations and bring effect to Council policy and strategies.
- 3.4 **PLANS** shall mean Council's Annual Plan, District Plan and Long Term Council Community Plan (LTCCP) or Strategic Plan.
- 3.5 **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.
- 3.6 **DOG CONTROL OFFICER** means a Dog Control Officer appointed by the Waitomo District Council under Section 11 of the Dog Control Act 1996.
- 3.7 **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 being designated as a dog exercise area.
- 3.8 **WORKING DOG** shall have the meaning contained in the Dog Control Act 1996.
- 3.9 **INFRINGEMENT OFFENCE** means an offence specified in the First Schedule of the Dog Control Act 1996.
- 3.10 **LEASH** means a lead which is capable of physically restraining a dog.
- 3.11 **OWNER** shall have the meaning contained in the Dog Control Act 1996.
- 3.12 **PUBLIC PLACE** means a place that, at any material time, is open to or being used 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.
- 3.13 **DISTRICT** shall mean the Waitomo District as constituted under Schedule 2 of the Local Government Act 2003.

4.0 Policy Statements

- 4.1 WDC will enforce minimum standards of dog care and control required by the Dog Control Act 1996, through a Dog Control Bylaw.
- 4.2 WDC will maintain regular contact with dog owners to access and promote high standards of dog care and to verify dog registration information.
- 4.3 WDC will require leash control of dogs in public places within the District through the provisions of its Dog Control Bylaw.
- 4.4 WDC will prohibit dogs from certain public places within the District through the provisions of its Dog Control Bylaw.
- 4.5 WDC will designate certain specific areas in its Dog Control Bylaw as dog exercise areas in which dogs can be exercised at large.
- 4.6 WDC will not allow any dog, other than a working dog being worked, in a public place, (not being a dog exercise area) unless the dog is controlled on a leash.

- 4.7 WDC will ensure that dog control activities are principally funded by dog owners.
- 4.8 WDC shall structure annual dog registration fees to promote responsible dog ownership.
- 4.9 WDC shall set pound fees as it sees fit.
- 4.10 WDC will ensure all urban properties where dogs are kept are inspected annually.
- 4.11 WDC will ensure that 10% of rural properties where dogs are kept are inspected annually.
- 4.12 WDC will use its best endeavours to ensure:
 - a. The control of dangerous and aggressive dogs
 - b. Dogs are prevented from roaming
 - c. Dogs are prevented from fouling in public places

5.0 Dog Control Bylaw

- 5.1 Councils Dog Control Bylaw 2009 gives effect to the issues addressed in this Policy and additional matters envisaged in Section 20 of the Act:
 - a. Control of dogs in public places
 - b. Dog prohibited areas
 - c. Leash areas
 - d. Dogs on beaches
 - e. Dog exercise areas
 - f. Temporary designations
 - g. Seizure of dogs
 - h. Confinement of dogs
 - i. Number of dogs permitted
 - j. Standards for accommodation of dogs
 - k. Mangy or diseased dogs
 - l. Aggravation of dogs
 - m. Fouling by dogs
 - n. Impounding
 - o. Setting of dog control fees.
- 5.2 The bylaw will apply throughout the entire Waitomo District except in areas under management and control of the Department of Conservation.

6.0 Dogs In Public Places

6.1 Application of Policy

- 6.2 This Policy will identify public places in all areas of the District, except for areas under management and control of the Department of Conservation, in which dogs are to be prohibited or be required to be controlled on a leash.

6.3 Leash Control

- 6.4 All dogs other than working dogs being worked and disability assist dogs being used or trained for their specific purpose must be controlled on a leash in all public places not identified as dog exercise areas.

6.5 Dog Prohibited Areas

6.6 Dogs will be prohibited from any land or premises used as a public school, kindergarten, playcentre, private school and public swimming baths, unless the person or body in charge of such prohibited area has granted prior permission in writing to take or allow the dog within the limits of such prohibited area.

6.7 Dogs will further be prohibited in the following areas:

- a. The central business area of Te Kuiti.
- b. The area known as the Flower Pot Mokau (between 1 December each year and 31 March the following year).

6.8 Dog Exercise Areas

6.9 The following areas will be designated as Dog Exercise Areas:

- 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

6.10 Disability Assist Dogs

6.11 Restrictions on dogs in public places and the prohibition on dogs entering and remaining on premises registered under Regulations made pursuant to Section 120 of the Health will not apply to disability assist dogs accompanying a disabled person or being trained for that purpose subject to reasonable conditions imposed by the person in charge of such premises.

7.0 Menacing Dogs

7.1 All dogs classified by Council as menacing dogs and dogs classified by other Local Authorities as menacing dogs and registered with the Council, will not be required to be neutered unless the Council, or Manager - Regulatory Services, considers that the dog may pose a threat to any person, stock, poultry, domestic animal or protected wildlife because of:

- a) Any observed or reported behaviour of the dog; or
- b) Any characteristics typically associated with the dog's breed or type.

8.0 Procedures

8.1 WDC will contract out the provision of animal control services.

8.2 WDC shall review this policy at least every three years.



Dog Control Bylaw

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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 by 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.