



# **Waitomo District Dog Control Bylaw 2015**

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Create Date	<b>September 2015</b>
Policy Adopted	<b>15 December 2015</b>
Next Review	<b>September 2020</b>
Responsibility	<b>Customer Services Group</b>
Associated Documents	<b>Dog Control Policy 2015</b>

## **1. SHORT TITLE**

1.1 This bylaw may be cited as the Dog Control Bylaw 2015.

## **2. PURPOSE**

2.1 The purpose of the bylaw is:

- a) To give effect to Council's Dog Control Policy;
- b) To protect and maintain public safety; and
- c) To address how Council will fulfil its functions and duties pursuant to the Dog Control Act 1996.

2.2 This bylaw gives effect to the Dog Control Policy for the Waitomo District, the objective of which is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally.

2.3 This bylaw shall apply to the whole of the district administered by the Waitomo District Council.

## **3. CONTROL OF DOGS IN PUBLIC PLACES**

3.1 Every owner of a dog must exercise control over it and must prevent it from wandering or remaining at large or free in any public place or private way.

3.2 Except as provided in clauses 4.1 and 4.2 and subject to clause 5, every owner of a dog in any public place or private way must secure the dog by an effective lead or similar contrivance which keeps the dog under continuous control.

3.3 Dogs may be exercised free of restraint in Dog Exercise Areas.

## **4. DOG EXERCISE AREAS**

4.1 Dogs may be exercised free of restraint in the following locations:

- Ward Street Reserve;
- Mangaokewa Scenic Reserve;
- The reserve adjacent to Redwood Forest (identified on the attached map); and
- All beaches in the Waitomo District with the exception of the area shaded red on the map of Mokau attached in Schedule 1 (between 1 December each year and 31 March the following year).

Maps identifying the boundaries of the Dog Exercise Areas are included in Schedule 1.

4.2 The owner must have continuous control of the dog while it is free of restraint and must remain within the dog exercise area while the dog is off its lead.

## **5. PROHIBITED AREAS**

5.1 With the exception of Disability Assist dogs, dogs are not allowed to enter the following public places, whether under control or not:

- The part of the Central Business District of Te Kuiti shaded pink on the map attached in Schedule 1 unless the dog is attending any veterinary clinic located in this area or the dog is contained within or on any vehicle and is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person;
- The area shaded red on the map of Mokau attached in Schedule 1 (between 1 December each year and 31 March the following year);

- 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;
- The area of Centennial Park shaded red on the map attached in Schedule 1;
- Redwood Park;
- In the immediate vicinity of any public playground;
- The area of Kara Park, Piopio –shaded red on the map attached in Schedule 1; and
- Village Green, Piopio.

5.2 Maps identifying the site specific area boundaries are included in Schedule 1.

5.3 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.

## **6. PREVENTION OF PUBLIC NUISANCE OR HEALTH ISSUES**

6.1 The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog must immediately remove the faeces and dispose of them in a legal manner.

6.2 Every owner of a dog that has a contagious disease must ensure that it is confined at all times within its registered address, or when not at this address fully contained within a cage that prevents contact with other animals, domestic or otherwise, or fully enclosed and secured within a vehicle.

6.3 Every owner of a dog must prevent it from attacking any person or any other animal.

6.4 The owner of a bitch shall keep the dog confined but adequately exercised whilst such dog is in season.

6.5 If in the opinion of the Animal Control Officer, 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 Animal Control Officer may by 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:

- To reduce the number of dogs kept on the premises.
- To construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain dogs.
- To require such dog or dogs to be tied up or otherwise confined during specified periods.
- To take such other action as the Animal Control Officer deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health, property or safety.

## **7. LIMITATION ON NUMBER OF DOGS**

7.1 No person shall keep, or permit to be kept, on or within any premises, other than that zoned rural more than two (2) dogs of greater age than three months unless such premises have been approved by the Chief Executive and a permit issued. Such permit will be subject to a fee approved and set as part of the Fees and Charges process.

- 7.2 Approval will only be given subject to compliance by the owner with all reasonable requirements for the purpose of ensuring proper care and control of the dogs and the prevention of any nuisance. As a minimum an applicant for a permit must meet the following criteria:
- Have the physical suitability of land to hold more than two dogs;
  - Meet the Special Owner criteria set out in the Dog Control Policy;
  - Have written approval of neighbours on all sides of the applicants property;
  - All dogs must be currently registered;
  - Kennels must be kept clean and sited a minimum of 1 metre from the boundary fence;
  - Dogs must be kept under control at all times; and
  - Dogs must not create a nuisance (barking and howling etc).
- 7.3 The Chief Executive may impose any additional terms or special conditions on the granting of a permit that is considered appropriate.
- 7.4 A permit to keep more than two (2) dogs of greater age than three months is not transferrable between properties. When owners and dogs change address, a new application must be submitted for the new address.
- 7.5 If a permit holder acquires any further dogs or any dog is disposed of the Animal Control Officer must be immediately notified of the change.
- 7.6 Any approval given for any person to keep more than two (2) dogs on their premises may be reviewed at any time. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval over the period of the permit under review. Non-compliance will include but not be limited to:
- The dog or dogs on land specified in the permit have caused injury or a nuisance to any person engaged in their lawful activity; or
  - The keeping of such dog or dogs has caused a detrimental effect upon the surrounding neighbourhood; or
  - There has been a failure to comply with all or any of the terms, conditions and restrictions of the permit, or any subsequent notice.
- 7.7 Any application by the occupier of any land in respect of which an application has been declined or a permit revoked pursuant to Clause 7.6 will not be reconsidered before expiration of two years after the date of that refusal or revocation.
- 7.8 Nothing in this section shall remove the need for any Land Use Consent if this is required by the District Plan.

## **8. MINIMUM STANDARDS FOR HOUSING DOGS**

- 8.1 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.
- 8.2 Every person commits an offence, who, being the owner of a dog keeps it beneath the ground floor of a residential building.

## **9. DOGS TO BE KEPT MINIMUM DISTANCE FROM BOUNDARY**

- 9.1 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. Council may dispense with the requirements of this clause if the written consent of the affected neighbour has been first obtained.

## **10. PROBATIONARY OWNERS**

- 10.1 If any owner of a dog is classified as a probationary owner pursuant to the Dog Control Act 1996, Council may require at its discretion the person to complete at his or her expense, a dog owner education programme and / or a dog obedience course.

## **11. DOGS WITHIN PARKS AND ON BEACHES**

- 11.1 Every person must prevent any dog within their care and / or control from interfering with the use or enjoyment of any park / beach by other persons in that park / beach.
- 11.2 An owner, or any person in charge of a dog, may be ordered to remove such dog from any beach or bathing reserve if the presence of the dog is considered likely to cause annoyance, inconvenience, danger or be hazardous to health of the public for the time being using such beach or bathing reserve.

## **12. IMPOUNDMENT OF DOGS**

- 12.1 Any dog found at large in any public place, whether or not the dog is wearing a collar having the proper registration label, is microchipped or has a disc attached; or found at large in any public or private way in breach of this bylaw, may be impounded.
- 12.2 The owner of any dog impounded shall pay to Council reasonable fees for the sustenance of the dog and for the giving of notice to the owner, together with a poundage fee as set through the Council's Fees and Charges process.
- 12.3 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, microchipped and fees payable have been paid.

## **13. REQUIREMENT TO NEUTER DOG**

- 13.1 Council requires mandatory neutering of dogs classified as menacing under section 33A of the Dog Control Act 1996.
- 13.2 If a dog has been classified as a menacing dog in another district under section 33A of the Dog Act 1996, where it was not required to be neutered, but moves to the Waitomo District, it will be a requirement for the dog to be neutered once residing in the Waitomo District.
- 13.3 Dogs classified as dangerous in accordance with the Dog Control Act 1996 are required to be neutered.
- 13.4 The owner of any dog that has not been kept under their control on two or more occasions may be required by the Chief Executive to have that dog neutered, whether or not the owner of the dog has been convicted of an offence against Section 53 of the Dog Control Act 1996.

## **14. FEES**

- 14.1 Fees in respect of this Bylaw are as set out in Council's Schedule of Fees and Charges which are reviewed annually.

## **15. PENALTIES**

- 15.1 Section 20(5) of the Dog Control Act 1996 provides that every person who commits a breach of this Bylaw commits an offence and is liable for the penalties described by Section 242(4) of the Local Government Act 2002, which at the date of making the Bylaw, is a fine not exceeding \$20,000.

15.2 Section 65 of the Dog Control Act 1996 permits an infringement fee for the amount specified in the First Schedule to that Act to be imposed in respect of each offence described.

## 16. GLOSSARY OF TERMS

16.1 In this bylaw except where inconsistent with the context:

<b>Council</b>	Means Waitomo District Council
<b>Animal Control Officer</b>	Has the same meaning as Dog Control officer defined in the Dog Control Act 1996
<b>Chief Executive</b>	Means the Chief Executive of Waitomo District Council
<b>Disability Assist Dog</b>	Has the same meaning as defined in the Dog Control Act 1996
<b>Dog Exercise Areas</b>	Means those areas identified in clause 4.1
<b>Owner</b>	Has the same meaning as defined in the Dog Control Act 1996
<b>Neutered</b>	To have a dog spayed or castrated but does not include to have a dog vasectomised
<b>Private Way</b>	Has the same meaning as defined in Section 315(1) of the Local Government Act 1974
<b>Probationary Owner</b>	Means a person classified as a probationary owner pursuant to section 21 of the Dog Control Act 1996
<b>Prohibited Areas</b>	Means those areas identified in clause 5.1
<b>Public Place</b>	Has the same meaning as defined in the Dog Control Act 1996
<b>Registered Address</b>	Means the dog owner's property which is the address listed in the dog's registration, or another address which the Council has agreed to in writing for the purpose of clause 6.
<b>Waitomo District</b>	Means the District of Waitomo as administered by the Waitomo District Council
<b>Working Dog</b>	Has the same meaning as defined in the Dog Control Act 1996

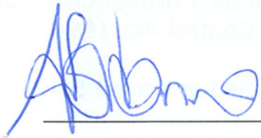
The foregoing Bylaw was duly made by the Waitomo District Council by a resolution passed on 15<sup>th</sup> December 2015 following consideration of submissions received during the special consultative procedure.

This Bylaw repeals and replaces the Waitomo District Council Dog Control Bylaw 2014. The Waitomo District Council Dog Control Bylaw 2015 was ordered to come into force on 21 December 2015.

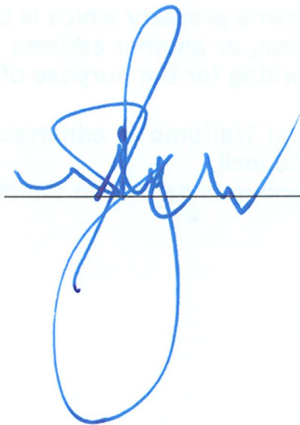
The COMMON SEAL of the WAITOMO DISTRICT COUNCIL was hereto affixed on

in the presence of: *16<sup>th</sup> December* 2015

Mayor

  
\_\_\_\_\_

Chief Executive

  
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Schedule 1 – Dog Exercise and Prohibition Areas

