

DOG CONTROL BYLAW 2018

1 PRELIMINARY PROVISIONS

- 1.1 This Bylaw is the Dog Control Bylaw, as reviewed from the 2008 Consolidated Bylaw.
- 1.2 This Bylaw is made under the Dog Control Act 1996, the Local Government Act 2002, the Impounding Act 1955, sections 29 and 64 of the Health Act 1956, and in accordance with the Council's policy on Dog Control 2018.

2 PURPOSE

- 2.1 The purpose of this Bylaw is to give effect to the Dog Control Policy 2018 which sets standards of control that must be observed by dog owners, and covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, nuisances caused by dogs, and dog exercise areas.
- 2.2 This Bylaw is not the only or the major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as the control, care and attention of dogs, registration, barking dogs, dog attacks and other matters.
- 2.3 Both the Bylaw and the Act allow for legal action and consequent fines.

3 COMMENCEMENT

- 3.1 This Bylaw comes into force on 5 November 2018.

4 INTERPRETATION AND DEFINITIONS

- 4.1 The provisions of the Administration Bylaw and its amendments are implied into and form part of this Bylaw.
- 4.2 In this Bylaw, unless the context requires otherwise:

ACT means the Dog Control Act 1996.

AUTHORISED OFFICER means a dog control officer, a dog ranger or any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority and includes a member of the Police.

BOARDING KENNELS means the provision of boarding facilities for dogs and includes day care of dogs, the SPCA or similar registered charities.

BREEDING KENNELS (excluding rural working dogs) means an operation where more than one litter per female dog is produced in one calendar year, is a breeding domestic animal business or operation where they have three or more fertile female dogs and where dogs are intended for sale (whether a profit is to be made or not)

DOG includes any bitch, speyed bitch, or puppy and use of the singular includes the plural (e.g. use of “dog” includes “dogs”).

DOG CARER means a person who is not the owner of a dog and is temporarily in charge of that dog and includes the person in charge of the dog at any given time.

DOG CONTROL OFFICER means a dog control officer appointed under section 11 of the Act.

DOG RANGER means a dog ranger appointed under section 12 of the Act and includes an honorary dog ranger.

NUISANCE means persistent barking, howling or other activity that is or could become injurious or hazardous to health, property, or safety and includes fouled kennels or property of the owner.

OWNER has the same meaning as defined by section 2 of the Act.

PREFERRED OWNER are persons the Council recognises as responsible dog owners and who comply with the criteria set in Schedule 1 of this Bylaw.

GENERAL PROVISIONS FOR THE CARE AND CONTROL OF DOGS

5 GENERAL OBLIGATIONS OF DOG OWNERS

- 5.1 Dog owners are required to keep dogs under control at all times to minimise the danger, distress and nuisance caused by the dogs to the health and safety of the wider community.
- 5.2 Dog owners must comply with the requirements of the Dog Control Act 1996 as well as the provisions of this Bylaw.

Explanatory Note: Schedule 5 of the Dog Control Policy provides a guide to the powers of Council and the responsibilities of dog owners that are contained in the Dog Control Act 1996, the Dog Control Policy and the Dog Control Bylaw.

6 FURTHER CONDITIONS FOR THE CONTROL OF DOGS IN TARARUA DISTRICT

- 6.1 No more than two dogs, other than working dogs, over the age of three months will be housed on any rateable unit comprising one hectare or less for a period exceeding fourteen days unless a licence has been issued by the Council to do so pursuant to clause 21, provided that this clause shall not apply to the premises of licensed veterinarians.
- 6.2 Any dog found wandering at large shall, if practicable, be seized and impounded by any authorised officer.
- 6.3 Any dog found wandering at large or actively running at large among stock, protected wildlife or poultry shall:
- a. If practicable, be seized and impounded by any authorised officer; or
 - b. If a dog cannot be seized, it shall be destroyed.
- 6.4 If in the opinion of the Council, a dog is creating a nuisance, or the keeping of the dog on premises has become or is likely to become injurious, or hazardous to the health, property, or safety of any person, the Council or any person duly authorised on that behalf by the Council may, by notice in writing, require the owner or occupier of the premises, within the time specified in the notice, to do all or any of the following:
- a. Reduce the number of dogs kept on the premises;
 - b. Construct, alter, reconstruct or otherwise improve the kennels or buildings used to house or contain the dog or dogs;
 - c. Require such dog or dogs to be tied up or otherwise confined during specified periods;
 - d. To clean and keep clean the dog kennel, and associated areas, or
 - e. To take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance, injury or hazard.
- 6.5 Diseased dogs are required to be confined to and exercised within the owner's property to contain the spread of disease.

- 6.6 Bitches in season are required to be confined to and exercised within the owner's property to prevent unwanted pregnancies.
- 6.7 With the exception of the provisions for boarding or breeding kennels contained in clause 7, no dog shall be kept within 2 metres of the boundary.

7 OBLIGATIONS OF BOARDING AND BREEDING KENNELS

- 7.1 In addition to the provisions for the care and control of dogs contained in the Act and in clause 6, the owner of a boarding or breeding kennels shall:
- a. Ensure the boarding or breeding kennels are licenced annually.
 - b. House dogs no closer than 10 metres from the boundary unless the occupier whose boundary adjoins the proposed area for housing, restraining or confining the dog agrees in writing that the dogs may be housed within 10 meters but no closer than 2 meters from the boundary.
 - c. Provide on the property a fully fenced exercise area for dogs kept on the property.

DOGS IN PUBLIC PLACES

8 CONTROL OF DOGS IN PUBLIC PLACES

- 8.1 All dogs are required to be kept under control at all times including in a public place.
- 8.2 All dog owners and dog carers must carry a leash at all times while with a dog in a public place.
- 8.3 If a dog defecates in a public place, the owner or carer of the dog must remove the faeces immediately.

9 DOG EXERCISE AREAS

- 9.1 Designated dog exercise areas are listed in Schedule 2 A of this policy.
- 9.2 Dogs are permitted on or off-leash in Dog Exercise Areas, provided the dog remains under continuous control.

10 LEASH CONTROLLED AREAS

- 10.1 Designated leash controlled areas are listed in Schedule 2 B of this policy.
- 10.2 Dogs must remain on-leash in the leash controlled areas and in any areas not specified in Schedule 2 A or C unless the dog is carried in a vehicle.

11 DOG PROHIBITED AREAS

- 11.1 Dog Prohibited designated areas are listed in Schedule 2 C of this policy.
- 11.2 Dogs are prohibited from the Dog Prohibited areas at all times, except:
 - a. As provided in the exemptions, or
 - b. If the dog is being carried in a vehicle, or
 - c. An officer requires the owner or carer of any dog that is being carried in a vehicle in a prohibited area to remove the dog from the prohibited area because the officer considers the dog to be a nuisance due to noise or aggressive behaviour.

12 TEMPORARY DOG PROHIBITED AREAS

- 12.1 In addition to the provisions of clause 11, the Council may from time to time by resolution declare any public place that is not already a prohibited public place to be a prohibited public place for a specified time.
- 12.2 The Council shall give 14 days' public notice of its intention to declare any area to be a temporary prohibited public place. Appropriate signs shall be posted in the area and prior notice shall be published in a newspaper circulating in the district.

EDUCATION

13 DOG OBEDIENCE COURSES

- 13.1 The Council encourages the attendance by owners and their dogs at any approved dog obedience course offered within the District.

14 EDUCATION

- 14.1 If the Council is advised of nuisance dog behaviour by any person the Council will:
- a. Inform the dog owner of appropriate education available to reduce the likelihood of nuisance, or
 - b. Take measures pursuant to clause 6.3 of this Bylaw to control dogs that are causing nuisance or are likely to become injurious, or hazardous to the health, property, or safety of any person.

15 EFFECT OF EDUCATION FOR PROBATIONARY OWNERS

- 15.1 In addition to the powers conferred by the Act, if a probationary owner undertakes, at his or her expense, a dog education programme or a dog obedience course (or both) approved by the Council and provides the Council with satisfactory evidence of completion of the programme or course, the probationary owner may apply to the Council for termination of classification as a probationary owner three months after completion of the programme or course provided that the applicant has not committed any further offences or infringements.
- 15.2 The application will be considered by the Tribunal and Hearings Committee in accordance with its usual procedure.

CLASSIFICATION OF OWNERS

16 PREFERRED OWNERS

- 16.1 The Council may classify an owner as a preferred owner provided that the owner complies with the criteria contained in Schedule 1 of this Bylaw.
- 16.2 Preferred owners are entitled to a reduction in the Council's annual dog registration fee.

17 DISQUALIFIED OWNERS

- 17.1 In addition to the powers conferred by the Act, if a person is disqualified from being an owner of a dog under section 25 of the Act the disqualification will continue in force for a period of up to five years or such lesser period as the Council may in the circumstances specify, provided that the period shall exceed 24 months.

Explanatory Note: sections 25 – 30AA of the Act deals with the classification of owners as “probationary” or “disqualified”.

DANGEROUS DOGS

18 ADDITIONAL PROVISIONS FOR DANGEROUS DOGS

- 18.1 The owner of a dangerous dog shall be liable for annual registration fees for that dog at 150% of the level that would normally apply if the dog were not classified as a dangerous dog.
- 18.2 The property where a dangerous dog is kept should have a sign warning that a dangerous dog is on the property and that the sign be prominently placed near the entry to the property so as to be visible from a public place.
- 18.3 Dogs running at large among stock or poultry that have been seized, or dogs that are reliably identified in writing as having been involved in running at large among stock or poultry, will be considered for classification as dangerous.
- 18.4 The owner of a dog that is to be classified as dangerous under clause 18.3 must be notified in writing of the classification and the owner may appeal to the Tribunals and Hearings Committee against the classification within 14 days of receiving the notice.

Explanatory Notes:

Menacing Dogs: Sections 33A – 33EC of the Act specify powers and obligations for menacing dogs

Dangerous Dogs: Sections 31 – 33 of the Act specify powers and obligations for dangerous dogs

Menacing and Dangerous Dogs: Sections 33ED – 33F of the Act specify further powers and obligations relating to menacing or dangerous dogs.

Powers and Obligations include control and muzzling requirements, neutering and seizure of the dog.

Dog Attacks: Sections 58 – 60 of the Act provides the grounds for seizure or destruction of dogs.

ADMINISTRATION AND ENFORCEMENT

19 GENERAL ADMINISTRATIVE POWERS

19.1 In addition to the powers established in the Act, the Council will:

- a. Provide a 24-hour dog ranging service,
- b. Take action to make dog owners aware of their statutory obligations and the consequences of offending,
- c. Conduct “targeted patrolling” and use “dog traps” to control or seize roaming dogs as required, and
- d. Implement any other appropriate enforcement measures for nuisance offences or breaches of the Act and the Dog Control Bylaw.

19.2 Unless otherwise provided for, the Council shall inform the owner of a dog by notice in writing of any breach of the bylaw. Such notice shall inform the owner in the manner prescribed by section 76 of the Dog Control Act 1996 as if that provision refers to this bylaw.

Explanatory Note: Specific notice provisions are contained in clause 6.4 (nuisance, health and safety issues caused by dogs) and clause 18.4 (dangerous dogs) of this Bylaw. In particular, this provision will apply to clauses 6 (except for 6.4), and clauses 7 to 12.

20 RE-HOMING OF DOGS

20.1 If the owner of an impounded dog does not claim the dog within 7 days of receiving notice of impoundment, the Council may sell, destroy or dispose of the dog in accordance with the following provisions:

- a. Except in the case of menacing or dangerous dogs, the Council will endeavour to re-home dogs to suitable owners. Preference will be given to those with a proven record as preferred owners. The owner’s property must be inspected for suitability before any agreement is entered into for re-homing.
- b. If the dog is entire, the Council will arrange for the dog to be de-sexed before it is re-homed, provided that:
 - i All relevant fees for the dog shall be paid before it is released to the new owner.

21 LICENSES

21.1 The Council may issue a licence:

- a. Permitting an owner of dogs to exceed the specified number of dogs kept on a property of one hectare or less,
- b. Registering boarding kennels, or
- c. Registering breeding kennels.

- 21.2 Application for a licence shall be in writing and shall give to the Council such information as the Council may require to ensure that:
- a. Dogs are controlled in accordance with the Act and this Bylaw,
 - b. Dogs are appropriately cared for,
 - c. Nuisance, injury or hazards created by the keeping of dogs is unlikely,
 - d. Having considered preferred owner status as set out in Schedule 1 and the breed(s) of dog(s).
- 21.3 The Council may seek the opinions of immediate neighbours of an applicant and take these opinions into account when considering the application.
- 21.4 For every licence the applicant shall pay to the Council an annual fee as decided by the Council by resolution and such licence shall remain in force until the 30th day of June following the issue of the licence.
- 21.5 Licence fees are set under the Local Government Act 2002 and are in addition to and separate from the dog control fees set under the Act.

22 FEES

- 22.1 The Council shall set reasonable fees pursuant to the Act and this Bylaw in respect to the:
- Issue of a permit to exceed dog numbers on a property of one hectare or less,
 - Licence of breeding kennels,
 - Licence of boarding kennels,
 - General registration and control of dogs, with amendments to that fee for:
 - Preferred owners
 - Probationary owners
 - Working dogs
 - Neutered or speyed dogs
 - Dangerous (Dog Control Act Section 32) or menacing dogs (if applicable)
 - Application to keep more than two dogs on a property of one hectare or less
 - Seizure, sustenance and poundage (daily fee with a minimum fee of one day)
 - Destruction of a dog
 - Re-homing fees to cover:
 - Sustenance,
 - Administration,
 - Inspections for suitability of property for re-homing, and
 - Neuter/spey costs.

23 TRIBUNAL AND HEARINGS COMMITTEE

- 23.1 The Council's Tribunal and Hearings Committee, acting under delegated authority of the Council, shall hear objections to the following:
- Classification of probationary owners
 - Classification of disqualified owners
 - Classification of menacing dogs

- Classification of dangerous dogs
- 23.2 The owner will have the right to be heard by the Committee. When considering an objection, the Council may uphold or rescind the classification having regard to:
- 23.3 The evidence which formed the basis for the classification.
- a. The competency of the owner in terms of responsible dog ownership
 - b. Any steps taken by the owner to prevent any further threat to the safety of persons or animals.
 - c. The matters relied on in support of the objection.
 - d. Any other relevant matters.
 - e. The Council will give notice to the owner of its determination of the objection and reasons for its determination as soon as practicable.
- 23.4 The Committee may decide to uphold or rescind the decision.

24 OFFENCES AND BREACHES

- 24.1 Every person who commits a breach of this Bylaw commits an offence and is liable to:
- a. Pay a fine pursuant to the Local Government Act 2002,
 - b. Any other penalty pursuant to the Dog Control Act 1996, or
 - c. Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996, or
 - d. Any other penalty specified in another Act for a breach of the bylaw.
- 24.2 Any person to whom notice is given under this Bylaw who fails to comply with the notice within the time specified commits an offence against this Bylaw.
- 24.3 Every person who breaches this Bylaw must, upon the request of a Council Officer, immediately stop the activity and leave the public place concerned if requested to do so by the Council Officer.
- 24.4 If the terms of a licence issued under clause 21 are breached the Council must give the licensee notice in writing of the breach and a reasonable, specified time in which to remedy the breach. Failure to comply with the notice shall:
- a. Result in withdrawal of the licence by the Council, and
 - b. Is an offence against this Bylaw.

This Bylaw was made by the Tararua District Council by resolution at a council meeting on 31 October 2018 and must be reviewed within five years.

*Sealed with the Common Seal of the
Tararua District Council
In the presence of:*

[SEAL]

Mayor

Chief Executive

SCHEDULE 1

PREFERRED OWNER CRITERIA

Preferred owner status accords a reduced dog registration fee provided the criteria have been met and continue to be met. Applications for preferred owner status may be made at the public counters at the Tararua District Council office, and Eketahuna, Pahiatua, Woodville Service Centres. Applications must be approved before 20 June each year if the new status is to apply for the *financial* year commencing 1 July.

Criteria

1. Owners must be registered as dog owners in the Tararua District for a minimum period of twelve months prior to becoming a preferred owner, or
2. Where a dog owner has been accorded a preferred owner status or similar scheme operated by another local authority, the preferred owner status shall be transferable to the Tararua District Council upon providing documented proof to the Tararua District Council.
3. Properties shall be inspected to ensure that the property is adequately fenced to confine dog(s) at all times within the premises, or have a running wire in use to confine dog(s) from freely leaving the premises approved by the Dog Control Officer. The applicant shall be present when the property inspection is made.
4. Owners shall ensure dog(s) receive proper care and attention and assessment shall be based on the health and welfare of the dog, and public nuisance issues including vaccination and worming programmes, prevention of unplanned pregnancies (preferably by neutering of the dog), arrangements for leaving dogs unattended, obedience training, standards of hygiene, and access to drinking water.
5. Owners shall ensure suitable sleeping quarters are provided to the satisfaction of the Dog Control Officer. Sleeping quarters shall provide shelter for the dog(s) and not be detrimental to health. A minimum standard shall be a kennel and attached run, although a chain may be considered appropriate in some circumstances.

Conditions

1. Owners shall register all dogs owned, or kept, by them in accordance with the Dog Control Act 1996. Any fees paid after the due date for payment will be applied at the "other dog" rate in addition to a late payment penalty, and the preferred owner status may be withdrawn.
2. Council shall be notified of any change of address within 14 days so that a new property inspection can be carried out (no charge applies).
3. Council shall be notified within 14 days of any deaths, sales, transfers, including pups, owned by the preferred owner.
4. Preferred owners shall have their properties re-inspected if they acquire different dogs to those owned when the preferred owner status was approved. Re-inspections are at

no extra cost. Properties must conform to the current preferred owner criteria in order to comply (i.e. fencing requirements, housing etc.).

5. Status shall be revoked if more than one impounding per dog has occurred in the preceding twelve months or if dog(s) have been observed wandering at large on more than one occasion.
6. Status may be revoked where a Dog Control Officer or Dog Ranger has received a complaint and has reasonable grounds to believe that a nuisance has been caused by the dog(s) of a preferred owner more than once in the previous twelve months.

SCHEDULE 2

A. Areas Where Dogs can be Exercised Unleashed (But Under Continuous Control)

Dannevirke

- Railway embankment, Stanley Street
- Railway reserve, Mangatera
- Waihipai Domain grassed area opposite to Mangatera Hotel, High Street

Pahiatua

- A designated area at Victory Park

Any areas in the District not listed in Schedules B and C.

B. Leash Controlled Areas

With the exception of the streets described in Clause C below, dogs shall be permitted in the following places, provided they are on a leash:

- All streets in the residential, commercial or industrial areas of:
 - Dannevirke
 - Norsewood
 - Ormondville
 - Pongaroa
 - Eketahuna
 - Pahiatua
 - Woodville
 - Pahiatua River Walkway
- Central Business District (CBD) Areas
 - High Street, Dannevirke (between Miller Street and McPhee Street)
 - Main Street, Pahiatua (between Paterson or Cambridge Streets and King or Duke Streets)
 - Vogel Street, Woodville (between Ross and Grey Street)

C. Dog Prohibited Areas

- All public reserves, wildlife reserves, sports grounds and sports stadiums situated in urban areas
- All public libraries administered by the Council
- All public swimming baths
- All cemeteries administered by the Council

Exemptions

- Any areas specifically set aside as dog toileting areas or dog exercise areas
- Any dog attending a veterinary clinic
- Any guide dog, hearing ear dog, or companion dog
- Any dog kept by the Police or any constable or any Department of State when used for the purposes of carrying out the functions, powers and duties of the Police, or Department of State
- Any dog owned by a security guard as defined in Section 4 of the Police Investigators and Security Guards Act 1974 when used for the purposes for carrying out the business of a security guard
- Any dog present in connection with search and rescue training or work

SCHEDULE 3

Breed and Type of Dog Classified as Menacing Breed of Dog

Breed

Brazilian Fila

Dogo Argentino

Japanese Tosa

Perro de Presa Canario

Type

American Pit Bull Terrier