



Dog Control Bylaw 2022

1 Dog Control Bylaw

- 1.1 This Bylaw is made under section 145 of the *Local Government Act 2002* and section 20 of the *Dog Control Act 1996* and will be known as the Tararua District Council Dog Control Bylaw 2022.

2 Commencement

- 2.1 This Bylaw comes into force on 1 July 2022.
- 2.2 This Bylaw applies to the district of Tararua District Council. Nothing in this Bylaw will take priority over the *Dog Control Act 1996* or its amendments.

3 Revocation

- 3.1 The Tararua District Council Dog Control Bylaw 2018 is hereby revoked.

4 Purpose

- 4.1 This Bylaw will protect the health and safety of the community by regulating the keeping of dogs, while also promoting responsible dog ownership and recognising the rights and needs of dog owners.

5 Interpretation

- 5.1 In this bylaw:

Act means *the Dog Control Act 1996* and any subsequent amendments

Boarding Kennels means the use of any Premises where board (which may be overnight or during the day) is provided or intended to be provided for dogs (and includes rehoming kennels).

Breeding Kennels means premises where three or more fertile female dogs are housed and dogs are being bred for sale (whether a profit is to be made or not).

Dog Control Officer means a dog control officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

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. In most instances this will mean on a leash.

Council means the Tararua District Council.

Disability assist dog means a dog certified by one of the organisations listed in Schedule 5 of the Act as being a dog that has been trained (or is being trained) to assist a person with a disability.

Diseased means with or affected by any communicable disease.

District Plan means the Tararua District Council current operative District Plan.

Dog Exercise Area means a public place where dogs are allowed to be exercised off leash and is identified as a Dog Exercise Area in Schedule 1 of this Bylaw.

Infringement Offence means an offence specified in the first schedule of the *Dog Control Act 1996*.

Leash means a lead which is capable of restraining the dog and is held by a responsible and capable person.

Mangy means to have any sort of mite or parasite infestation.

Neutered Dog means a dog that has been spayed or castrated.

Owner, in relation to any dog, has the same meaning as defined in section 2 of the Act.

Premises means all land and buildings within a single rating unit and can include any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.

Prohibited Area means a public place where dogs are prohibited. In all cases, areas such as children's playgrounds, the mown playing surfaces of sports grounds controlled by Council, Council owned swimming pools and the areas specified in Schedule 1 of this Bylaw (as a prohibited public place) shall be deemed to be a prohibited area.

Public Place has the same meaning as defined in section 2 of the Act.

Short leash means a leash that is no longer than 1.5 metres, and if extendible, is locked at a length of no longer than 1.5 metres.

Streets means any part of the public transport network, and includes footpaths, and cycleways. For clarity, street includes (but is not limited to) a Street, Road, Avenue, Heights, Terrace, Quay, Place, Mile, Drive, Crescent, Court, or Lane.

Territorial Authority has the same meaning as in the [Local Government Act 2002](#).

Three Plus Permit means a permit for a person to have more than two dogs as set out in clause 13 of this Bylaw.

Working dog as defined under the *Dog Control Act 1996*.

Urban Area means the area identified as the Urban Area in Schedule 1 of this Bylaw.

Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

6 Control of Dogs in Public Places

Dogs must be kept under control:

- 6.1 At all times, in any public place, the owner of a dog will be responsible for ensuring that the dog is under **continuous control**.
- 6.2 Dog owners must comply with any additional area controls set out in Schedule 1 of the Tararua District Dog Control Policy.
- 6.3 Within the **Central Business District**, dogs must be kept on a leash no more than 1.5 metres long.
- 6.4 Dogs classified as menacing or dangerous:
 - 6.4.1. Are not permitted within the Central Business District.
 - 6.4.2. Are not permitted within Dog Exercise Areas.
 - 6.4.3. Must be muzzled within Urban Areas.
 - 6.4.4. Must be kept on a short leash at all times in any public place.
- 6.5 Within **Urban Areas**, dogs must be kept on a leash, unless the area is a designated **dog exercise area**.
- 6.6 Within **Dog Exercise Areas** the owner of a dog must ensure that the dog is under continuous control but is not obliged to keep the dog on a leash. The owner must carry a leash at all times.
- 6.7 Dog owners must ensure that their dogs do not enter any **Prohibited Area** at any time.
- 6.8 Dog owners must ensure that their dogs do not enter any **Restricted Area** at any time that said area is prohibited to dogs, as specified in Schedule 1.
- 6.9 **Working dogs** are exempt from clauses 6.2 – 6.3 while it is engaged in or being used for its working purpose.

7 Certain Areas Controlled by Other Authorities

- 7.1 Reserves managed by Regional Councils and the Department of Conservation have controls on dogs set under the *Reserves Act 1977* and/or the *Conservation Act 1987*,

that are not covered under this bylaw. Owners of dogs must contact the appropriate authority for up-to-date information on dog controls for these reserves.

8 Seizure of Dogs in Public Places in Contravention of this Bylaw

- 8.1 A Dog Control Officer may seize and impound any dog at large in a public place, whether or not the dog is wearing a collar with the proper label or disc attached, that is found in contravention of this Bylaw.
- 8.2 The provisions of section 69 of the *Act* apply to the impounding of any dog seized in contravention of this Bylaw.

9 Temporary Restrictions or Suspensions

- 9.1 The Chief Executive of the Council may from time to time temporarily declare any public place to be a:
- a) Prohibited Public Place for a specified time; or
 - b) Suspend the designation of a Prohibited Public Place for a specified period for a specific occasion or event.
- 9.2 Public notice may be required of the temporary restriction or suspension, and appropriate signage will be provided in the areas affected (if required).

10 Establishment of New Dog Exercise Areas

- 10.1 The Council may from time to time by resolution publicly notified declare any public place to be a Dog Exercise Area.
- 10.2 Dog Exercise Areas cannot include areas such as children's playgrounds and the mown playing surfaces of sportsgrounds controlled by the Council.

11 Responsibilities of Dog Owners

- 11.1 The owner of any dog must provide dogs with proper care, sufficient food and water, adequate exercise and veterinary care when required.
- 11.2 The owner of any dog must provide adequate accommodation for the dog (kennel or other shelter) that must:
- a) Be weather proof.
 - b) Be constructed on dry ground.
 - c) Contain a floor and constructed so that the surfaces are easily cleaned.

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- d) Be of sufficient size to allow the dog to move freely and recline.
 - e) Be of sufficient height so that the dog can stand freely.
 - f) Be of sufficient space so that the dog can move about freely when confined.
 - g) Be kept in a clean and dry condition; and
 - h) Have continual access to clean, fresh water.
- 11.3 Accommodation as listed in clause 11.1 must be situated in a position that does not cause a nuisance to any person in neighbouring properties.
- 11.4 The owner of a dog must, at all times, ensure that either—
- a) The dog is under the direct control of a person; or
 - b) When on property occupied by the owner, the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises.
- 11.5 If in the opinion of a Dog Control Officer, the keeping of any such dog in accommodation on such premises has become or is likely to become a nuisance or injurious to health, the Dog Control Officer may by notice require the owner or occupier of such premises to take such action as the Dog Control Officer deems necessary, to minimise or remove the nuisance.

12 Number of Dogs to be Kept

- 12.1 No occupier of any premises may keep or allow to be kept on any premises more than two dogs over the age of three months, unless the person has applied for and been granted a Three Plus Permit (TPP).
- 12.2 Working dogs are exempt from clause 12.1.

13 Three Plus Permit (TPP)

- 13.1 Every person who wishes to keep more than two dogs over the age of three months of age at any dwelling must apply for a TPP.
- 13.2 Any person who has applied and been granted a TPP may keep up to and including the maximum number of dogs on that premises as specified in the permit. Keeping more than the maximum number of dogs on the premises will be a breach of this Bylaw.
- 13.3 The Council may place conditions on the TPP and the holder of the TPP must comply with those conditions. Failure to do so will be a breach of this Bylaw.

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- 13.4 If the holder of the permit fails to comply with any conditions of the TPP, the Council may cancel the permit immediately.
- 13.5 Every application for a TPP must contain information that the Council requires to issue the permit and the applicant must pay any fee prescribed from time to time by resolution of the Council.
- 13.6 A TPP cannot be transferred to another person or another premise.
- 13.7 The Council may cancel, amend or initiate a review of a TPP issued under this Bylaw if:
- a. There is a change of circumstances relating to the:
 - i. Premises; or
 - ii. Owner or occupier of the Premises; or
 - iii. Dogs kept or remaining on the Premises; or
 - iv. Neighbouring approval; or
 - v. Conditions of the TPP.or
 - b. if action is required to protect the public from unsafe or hazardous conditions or nuisance; or
 - c. two (2) or more justified complaints, not related to the same instance, are received within a 12 month period; or
 - d. the holder of the TPP has failed to meet the conditions of the TPP or any other requirements of any relevant criteria, policy or guidelines approved by the Council or as set out in the Act or this Bylaw.
- 13.8 A review of a TPP may result in the TPP being amended (for example with additional conditions added), suspended or cancelled.
- 13.9 The fee for such a licence shall be payable annually in addition to the registration fees payable under the Act.
- 13.10 Any approved property that is used for the business of dog boarding kennels or as a veterinary hospital shall be exempt from this provision.

14 Boarding Kennels and/or Breeding Kennels

- 14.1 The owner of boarding kennels or breeding kennels must:
- a) Ensure the boarding or breeding kennels are licensed with the Council annually.

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- b) House dogs no closer than 10 metres from the boundary unless the occupier whose boundary adjoins or is adjacent to the proposed area for housing, restraining or confining the dog agrees in writing that the dogs may be housed within 10 metres but no closer than 2 metres from the boundary.
 - c) Provide on the property a fully fenced exercise area for dogs kept on the premises.
- 14.2 Applications for a licence must be in writing and must give 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) The preferred owner status as set out in Schedule 1 and the breed(s) of dog(s) have been considered.

In considering any application the Council may seek the opinions of immediate neighbours of an applicant and take these opinions into account when considering the application.

For every licence the applicant must pay to the Council an annual fee as decided by the Council by resolution and such licence will remain in force until the 30th day of June following the issue of the licence. 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.

Anyone who has been granted a licence to operate a breeding kennel or a boarding kennel does not need to apply for a TPP.

- 14.3 The Council may cancel, amend or initiate a review of the licence issued under this Bylaw if any of the conditions in the granting of the licence are breached.

15 Responsibility to Remove Faeces

- 15.1 The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner, must immediately remove the faeces left by the dog and dispose of it in a sanitary manner.

16 Disability Assist Dogs

- 16.1 Despite anything contained within this Bylaw prohibiting or regulating the entry or presence of dogs; any disability assist dog accompanying a person with a disability, or any person certified and engaged in training the disability assist dog, may enter and remain:

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- a) In any premises registered under section 120 of the Health Act 1956; or
 - b) In any public place subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

17 Requirement for Neutering of Dogs

- 17.1 If a dog is classified by Council as menacing the Council requires that the dog be neutered.
- 17.2 If a dog is classified as menacing by another Territorial Authority and resides in Tararua District, the Council requires that the dog be neutered.
- 17.3 The Council reserves the right to require a dog to be neutered for other reasons (such as rehoming, roaming or due to behavioural issues).

18 Bitch in Season to be Confined

- 18.1 The owner of any bitch must keep the dog confined to their own property, but adequately exercised while such dog is in season.

19 Mangy or Diseased Dogs

- 19.1 A person who owns or has control or charge of any mangy or diseased dog, must not take that dog into any public place or allow the dog to enter or remain in any public place or wander free.

20 Dogs Becoming a Nuisance or Injurious to Health

- 20.1 The owner of every dog must ensure that the dog does not create a nuisance including, but not limited to:
 - a) Obstructing the lawful passage of any person in a public place or on private property.
 - b) Rushing at, chasing, frightening, intimidating, or causing any person in a public place or lawfully on private property to suffer injury or distress.
 - c) Destroying, tearing, or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
 - d) Interfering with any persons property, whether on private property (other than the owners) or in a public place.
 - e) Barking, howling and/or whining in a persistent and loud manner; and

f) Rushing at any vehicle.

20.2 If in the opinion of the Council, the keeping of any dog(s) has become, or is likely to become a nuisance or injurious or hazardous to health, property or safety; a Dog Control Officer may by notice in writing require the owner or occupier of the premises, within a time specified in such notice, to do any or all of the following:

- a) Reduce the number of dogs kept on the premises.
- b) Construct, alter, reconstruct, or otherwise improve the kennels, fences or other methods buildings used to house or contain the dogs.
- c) Require such dog or dogs to be tied up or otherwise confined during specified periods.
- d) Take other such action as the Council deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health, property, or safety.

21 Council Functions and Responsibilities

Pound

21.1 The Council may, by resolution, change the location of any pound or create additional or temporary pounds.

21.2 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 Council for that purpose, a Dog Control Officer may with the consent of the occupier, use any land as a temporary pound for such dog for any reasonable period until its disposal in terms of this Bylaw or the *Act*.

21.3 Any dog not registered in accordance with the *Act* will not be released from the pound until it is registered, microchipped and all fees due have been paid.

21.4 The Council is not obliged to release any dog from the pound except during the advertised hours of opening.

21.5 Any person who attempts to remove or removes any dog from any pound including a temporary pound without paying the prescribed fees commits an offence under this Bylaw.

Disposal of Impounded Dogs

21.6 The Council may dispose of impounded dogs in accordance with the provisions of the *Act* which provides amongst other things the following:

- a) As soon as practicable after any dog has been impounded, the Council shall, in the case of a dog wearing a current registration tag 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 the 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 Council thinks fit, and after the expiry of that period the Council may dispose of the dog.

- b) Where the owner of the dog is not known and cannot be identified from the dog registration tag, the Council 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.

21.7 Nothing under this Bylaw will limit the power of Council to destroy a dog if it is ill or injured, as per section 139 of the *Animal Welfare Act 1999*.

Fees and Charges

21.8 For fees and charges required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may, by resolution from time to time, prescribe in the current Fees and Charges Schedule as set out on the Council website.

22 Tribunal and Hearings Committee

22.1 The Council's Tribunal and Hearings Committee, acting under delegated authority of the Council, will hear objections to the following:

- Classification of probationary owners
- Classification of disqualified owners
- Classification of menacing dogs
- Classification of dangerous dogs
- Barking Abatement Notice

22.2 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:

- The evidence which formed the basis for the classification.
- The competency of the owner in terms of responsible dog ownership
- Any steps taken by the owner to prevent any further threat to the safety of persons or animals.
- The matters relied on in support of the objection.
- Any other relevant matters.

22.3 The Council will give notice to the owner of its determination of the objection and reasons for its determination as soon as practicable.

22.4 The Committee may decide to uphold or rescind the decision.

23 Offences and Penalties

23.1 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw.
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw.
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing.
- d) Knowingly permits any condition or thing to exist contrary to any provision contained within this Bylaw.
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw.
- f) Obstructs or hinders any Dog Control Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by a Dog Control Officer.

23.2 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

24 Schedules

Schedule 1 – Dog Control Areas

This Bylaw was made by the Tararua District Council on 1 July 2022.

THE COMMON SEAL of the TARARUA DISTRICT COUNCIL was hereto affixed by resolution of the said Council in the presence of:

_____ Mayor

_____ Chief Executive

25 SCHEDULE ONE – DOG CONTROL AREAS

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

C. Dog Prohibited Areas

- All public reserves, wildlife reserves, sports grounds and sports stadiums situated in urban areas
- Children's playgrounds
- 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