

Waikato District Council Dog Control Bylaw 2015

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and the Dog Control Act 1996 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

Introduction

1.0 Short title, commencement and application

- 1.1 The bylaw shall be known as the "Waikato District Council Dog Control Bylaw 2015".
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on 1 May 2015.

2.0 Revocation

The following bylaws are hereby revoked from the day this new bylaw comes into force: "Waikato District Council Dog Control Bylaw 2007" and the "Franklin District Council Dog Control Bylaw 2010".

3.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent with the context:

Act	the Dog Control Act 1996 and its amendments
At large	at liberty, free, not restrained
Confined	enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape
Council	The Waikato District Council
Demonstrable	Means that it can be shown or proven
Disability assist dog	has the meaning defined in section 2 of the Act and includes dogs which have been trained as companion dogs, or to assist a person with a hearing or sight disability
Dog control officer	a dog control officer appointed by the Waikato District Council under section 11 of the Act
Dog control fee	any fee prescribed under section 37 of the Act

Dog ranger	a dog ranger appointed by The Waikato District Council under section 12 of the Act and includes part time and honorary dog rangers
Hunting dog	a dog used for hunting game provided that it is under the supervision of a currently licensed or permitted game hunter, or a currently licensed firearms holder, or a hunter who is legally entitled to be in that public place, who is using the dog for the purpose of locating and/or retrieving game and can demonstrate full control of their unleashed dog
Multi-unit housing	any residential development, whether of attached or detached structures or a combination thereof, which provides for the existence or establishment of more than one household. Included in this is; <ul style="list-style-type: none"> • Fully detached or semi-detached residential units • Terraced houses • Apartment buildings • Developments on large sites, such as retirement villages
Nuisance	anything annoying, harmful or offensive to a community or a member of it, including noise, smell, threatening behavior
Owner	in relation to a dog, means every person who: <ol style="list-style-type: none"> a) owns the dog; or b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose 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 years who: <ol style="list-style-type: none"> (i) is the owner of the dog under paragraph a) or b); and (ii) is a member of the parent's or guardian's household living with and dependent on that parent or guardian
Papakainga housing	housing on land in the Papakainga Policy area or in a specific area identified in the district plan rules, which is for the extended family and whanau of the land owners, and includes kaumatua flats.
Person	includes a natural person, company, corporation and any body of persons whether incorporated or not
Private way	any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally
Public place	a place open to the public or being used by the public, as defined in Section 2 of the Act
Premises	any land, dwelling house, building, yard, tent, enclosed space,

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structure, or any part of the same, whether permanent or temporary, or enclosed space separately occupied, and for the purposes of this bylaw, all land, buildings, structures and places adjoining each other and occupied together shall be deemed to be the same premises

Single dwelling premise an area of land comprised in one certificate of title which contains a detached or semi-detached residential building designed for, or occupied exclusively by, one household unit.

Working dog has the meaning as defined in Section 2 of the Act

4.0 Duty to avoid nuisances

- 4.1 A person must not keep a dog on any land or premises if:
- a) the dog causes a demonstrable nuisance; or
 - b) the dog exposes the health or safety of others to significant risk; or
 - c) the dog, by its behaviour, creates a reasonable apprehension of a threat to the health and safety of any member of the public.
- 4.2 No person shall cause any dog on any land, premises or public place to become restive or unmanageable or incite any dog to fight with or attack any other animal or person.
- 4.3 If, in the opinion of a dog ranger or dog control officer, any dog or dogs or the keeping of any dogs on any premises has become or is likely to become a nuisance or injurious to the health of others, the dog ranger or dog control officer may, by notice in writing, require the owner or occupier of the premises within a 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 other accommodation used to house or contain the dog or dogs;
 - c) Require the dog or dogs to be tied up or otherwise confined during specified periods;
 - d) Take such other reasonable action as the dog ranger or dog control officer deems necessary to minimise or remove the likelihood of nuisance or injury to health.
- 4.4 Any person who is given notice under clause 4.3 of this bylaw shall comply with such notice within the time specified in the notice.

5.0 Control of dogs in public places

- 5.1 No dog shall be kept unless provision is made for confining the dog on its owner's property so that the dog is unable to gain uncontrolled access to a public place or private way.
- 5.2 Subject to Clause 5.4 of this bylaw, no dog shall be allowed to enter or remain in a public place unless the dog is kept under continuous control by being effectively secured to a leash or lead which in turn is secured or held by a person able to control the dog, or by being otherwise physically restrained so that the dog cannot break loose.

- 5.3 Dogs must be kept on a leash and under control at all times, and should not be left unattended and/or tethered when in an on lead area specified in Schedule one of this Bylaw.
- 5.4 No dog shall be allowed to enter or remain in a public place:
- Which is specified as a prohibited area in Schedule one of this Bylaw during times or hours specified; or
 - Within 10 metres of permanently installed children's play equipment; or
 - Which is developed or marked out as a sports field unless otherwise specified in Schedule one to this bylaw.
- 5.5 The Council may from time to time by resolution designate any public place in which no owner shall cause or permit a dog to enter or remain during such period as may be specified in the resolution.
- 5.6 Clauses 5.1 to 5.5 shall not apply to:
- Any working dog while it is working; or
 - Any disability assist dog; or
 - Any dog which is confined completely within a vehicle or cage; or
 - Any dog taking part in a special event approved by Waikato District Council, such as a dog show, dog obedience show, or surf lifesaving event.

6.0 Neutering of dogs

- 6.1 The owner of a dog that has been found on more than one occasion to be not kept under control may be required by the Council to neuter the dog.
- 6.2 Any dog that the Council has classified as menacing or dangerous must be neutered within one month after the receipt of the notice of classification. If the dog is not in a fit condition to be neutered within the specified time, the owner must produce a certificate from a registered veterinarian certifying that the dog is not in a fit condition to be neutered.
- 6.3 Any dog being adopted from the pound will be required to be de-sexed.

7.0 Probationary owners

If any owner of a dog is classified as a 'probationary owner' under the Act the Council may require the person to complete at his or her expense, a dog owner education programme or a dog obedience course (or both) approved by the Council.

8.0 Exercise areas

- 8.1 The Council may from time to time by resolution designate certain areas as exercise areas.
- 8.2 Dogs may be exercised free of restraint in dog exercise areas specified in the Schedule one or by Council resolution, provided that they are kept under continuous control.
- 8.3 Dogs may be exercised on short or long training leads in areas specified for this use in the Schedule one or Council resolution, provided that they are kept under continuous control.

9.0 Fouling of public places and premises

If a dog which defecates on a public place or private way or premises other than that occupied by the owner, the owner or person in charge of the dog shall immediately remove and dispose of the faeces.

10.0 Impounding of dogs

- 10.1 Any dog found at large (whether or not it wears a collar with the proper registration disc or tag attached):
- In a public place or private way or on any other land or premises without the consent of the occupier or person in charge of that land or those premises; or
 - In any public place or private way in breach of this bylaw;

may be seized by a dog control officer or dog ranger and impounded; or the occupier or person in charge of the land, premises or public place may seize the dog and deliver it into the custody of a dog control officer or dog ranger for impounding.

- 10.2 Any dog so impounded shall be held in the Waikato District Council pound in Ngaruawahia, or any other facility designated as a Pound by Waikato District Council
- 10.3 No dog which has been so impounded shall be released until the fees prescribed and payable under clauses 10.4 and 10.5 of this bylaw have been paid.
- 10.4 The owner of a dog so impounded shall pay to the Council such fees and charges in respect of poundage, sustenance and giving notice, as may from time to time be prescribed by resolution of the Council publicly notified.
- 10.5 The Council will set a graduated scale of fees for the repeated impounding of the same dog.
- 10.6 If a dog impounded in accordance with this bylaw is not claimed and the fees prescribed and payable under clauses 10.4 and 10.5 are not paid within seven days after the owner has received written notice in accordance with Section 69 of the Act, that dog may be destroyed or sold or otherwise disposed of by or on behalf of the Council. A person to whom a dog is sold under this shall become the registered owner of that dog.
- 10.7 If the owner of a dog so impounded is not known and cannot be identified from the dog registration label or disc or by any other means, the Council may, after the expiration of 7 days after the date of seizure of the dog, sell, destroy or otherwise dispose of the dog in such a manner as it thinks fit.

11.0 Keeping of dogs

- 11.1 No Person shall keep more than two dogs of an age greater than three months at each single dwelling premise. Exceptions to this provision are as follows;
- Rural zoned properties , where no limit applies
 - Multi-unit housing and Papakainga housing are restricted to one dog per household

A permit to exceed these provisions may be applied for and will be considered on a case by case basis.

- 11.2 Every application for a permit shall be accompanied by such permit fees as may be prescribed from time to time by resolution of the Council publicly notified.
- 11.3 The Council may issue a permit subject to such terms or special conditions as are required to meet the criteria set by the Council. This permit is specific to the number of dogs applied for at that time, and any additional dogs obtained will negate the permit, and the permit holder will have to re-apply for a new permit.
- 11.4 Where the holder of a permit has failed to comply with any of the conditions of the permit the Council may cancel the permit.
- 11.5 Clause 11.1, which limits the number of dogs kept on each premises does not apply to a boarding kennel, veterinary clinic, a registered NZ Kennel Club or an animal hospital permitted on that site under the Waikato District Plan, or pursuant to a consent under the Resource Management Act 1991.
- 11.6 All applications for a permit to keep more than two dogs, where one of the dogs concerned has been classified as dangerous under The Dog Control Act by behaviour shall be declined.

12.0 Bitches and diseased dogs

- 12.1 No person shall cause or permit a bitch in season to enter or remain in a public place or on any land or premises other than the land or premises of the owner of the dog, or in a certified boarding kennel, without the consent of the occupier or person in charge of that land or premises.
- 12.2 No person shall cause or permit a dog suffering from mange or other infectious diseases to enter or remain in a public place or on any land or premises, other than the land or premises of the owner of the dog or a registered veterinary clinic.
- 12.3 Every dog described under clauses 12.1 and 12.2 shall be confined, and provided with proper care and sufficient food, water and veterinary care, and adequately exercised during that period of confinement.

Guidance note: This clause shall not apply to bitches being shown at conformation shows, as recognised by the New Zealand Kennel Club.

13.0 Minimum standards of accommodation and care for dogs

Every person shall, in respect of every dog in the care of that person:

- a) Provide adequate kennelling or other housing that is so sited as to ensure adequate shade, warmth and dry conditions, and is of a sufficient size to allow the dog to freely move, stretch out, stand up or recline;
- b) Provide proper care and attention, sufficient food and water, and adequate exercise and ensure the provision of veterinary care when required.

14.0 Dogs on Vehicles

Every dog owner allowing a dog to ride on the open tray of a utility vehicle in a public place shall ensure that it is secured by a lead short enough so that the dog cannot fall from the tray and can be kept under control at all times. This does not apply to the owner of a working dog while it is working.

15.0 Offences

Every person commits an offence against this bylaw who:

- a) Does anything or causes any condition to exist for which a permit is required under this bylaw without first obtaining that permit;
- b) Does, or causes or permits to be done, anything contrary to or otherwise than in accordance with this bylaw;
- c) Omits or neglects to do, or causes or permits to remain undone, anything which according to this bylaw, ought to have been done by that person at the time and in the manner therein provided;
- d) Causes or permits any condition or thing to exist contrary to this bylaw;
- e) Refuses or fails to comply with any request, notice, or direction given, or with any terms or condition imposed in a permit issued to that person under this bylaw;
- f) Obstructs or hinders an authorised officer or a person for the time being employed by or acting with the sanction of the Council in the performance of any duty to be discharged by that officer or person under or in the exercise of any power conferred by this bylaw.

16.0 Penalties

Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00.

17.0 General

- 17.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 17.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

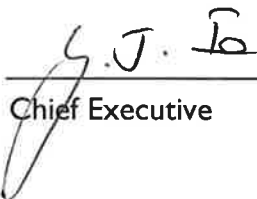
This bylaw was made pursuant to a resolution passed by the Waikato District Council on 13 April 2015.

THE COMMON SEAL of WAIKATO
DISTRICT COUNCIL was hereto affixed in the presence of:



Mayor





Chief Executive

Schedule one: Control of Dogs in public places

Unless provided for in the Animal Control Act 1996 or Waikato District Council Dog Control Bylaw, a dog that enters or remains in a public place must be secured on a leash and kept under continuous control. Exceptions apply where otherwise specified in this Appendix.

Prohibited Areas (District Wide)

No person shall permit any dog to enter or remain in a prohibited area whether it is under control or not, except a working dog while it is working, a dog confined in or on a vehicle, a dog being taken to or from veterinary premises.

Guidance note: exceptions to these restrictions are listed in section 5.6 of the Bylaw.

Locality	Description of area and times	Map #
Huntly	Any street or public place within the central business area of Huntly, including Main Street and rear accesses, at all times including public holidays.	19
Ngaruawahia	Any street within the central business area of Ngaruawahia township including Jesmond Street, from the pedestrian crossing between the Waipa Hotel and Pharo's Postshop, Stationary and Lotto to the area between the Plunket Rooms and the Anglican Church, at all times including public holidays. Business side of SH1 Ngaruawahia between Martin and Market Streets	20
Raglan	Within the Raglan Kopua Camping Grounds, the domain, the playground and picnic area of the foreshore of Oporuru inlet from the footbridge to the boat ramp, at all times including public holidays	9
Port Waikato	Within 250 metres north or south of any lifesaving patrolled areas on Port Waikato Beach and Sunset Beach from 10am to 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March the following year.	22
Hakarimata Scenic Reserve	Area from Brownlee Avenue to the dam site on the walkway.	23
Waireinga Scenic Reserve	Carpark area leading up to Department of Conservation walkway.	24

On-lead areas

Dogs are allowed in the following areas if **under control** and on a leash, but should not be left unattended and/or tethered.

Locality	Description of area and times	Map #
Te Kauwhata	In or on any part of any street or public place within the central business area of Te Kauwhata township more particularly defined as Main Road from the Te Kauwhata Trust Tavern and business premises opposite to Saleyard and Te Kauwhata Road intersection, at all times including public holidays.	12
Raglan	In or on any part of any street or public place within the central business area of Raglan township more particularly defined as: <ul style="list-style-type: none"> • Bow Street from the Cliff Street intersection to 43 Bow Street, • Wainui Road from Bow Street to the Bankart Street intersection, • Wallis Street from Bow Street to the end of the business premises, • Volcom Lane between Wainui Road and Bow Street. at all times including public holidays	8
Tuakau	Any street within the central business area of Tuakau township more particularly defined as George Street, between Madil street and the corner of Dominion Road and Ryders Road at all times including public holidays. This includes Central Park and extends to the Dominion Road shopping area.	21

Dog Exercise Areas

A dog may be exercised in the areas below free of restraint if kept under continuous control by its owner. Where there is a presence of stock, all dogs must remain leashed.

Note: Council may from time to time by resolution under the Dog Control Bylaw designate additional dog exercise areas.

Locality	Description of area	Map #
Huntly	A fenced area on the shore of Lake Hakanoa situated at the end of Onslow Street in the Huntly Domain	1
	The grassed area along the Waikato River on Riverview Road known as the Riverview Reserve.	2
	Fenced dog park on the corner of Fairfield Avenue and Graham Place	3
Taupiri	Bob Byrne Park on Great South Road.	4
Ngaruawahia	Regent Street Reserve. The grassed area from Great South Road to the end of area bordering Turangawaewae Marae.	5
	From the Great South Road bridge pilings on Lower Waikato Esplanade along the grassed area known as the Waikato Esplanade Reserve to Belt Street.	5
	The fenced area on the corner of Great South Road and Ellery Street (old dump site).	6
	Waipa Esplanade Reserve from the Pony Club along the grassed area to the area below Princess Street.	7
Raglan	The fenced area on the corner of Wallis Street and John Street known as Aro Aro Reserve.	8
	The grassed area and foreshore from the boat ramp in the Oporu inlet to the Aerodrome Bridge.	9
	From the Wainui Reserve carpark at the western end of Te Riria Kereopa Memorial Drive to 300 metres south of the northern walkway at Ngarunui Beach below the Wainui Reserve.	10
	Beach areas from the wharf, the Cliffs, Cox's Bay, Lorenzen Bay, The Doughboys and Moonlight Bay.	11
Te Kauwhata	Fenced areas on the Te Kauwhata Recreation Reserve.	12
Horotiu	Fenced AFFCO Park on Horotiu Road and State Highway 1.	13
	Riverside Reserve on Horotiu Bridge Road.	14
Whatawhata	Whatawhata Recreation Reserve, except when the reserve is being used for sporting activities.	15
Te Kowhai	Te Kowhai Recreation Reserve, except when the reserve is being used for sporting activities.	16
Karioitahi Beach	The beach area known as Karioitahi beach	N/A
Port Waikato	Sunset beach, beyond 250 metres north or south of any lifesaving patrolled areas. This extends along the shoreline to Maretai Bay, but does not include the reserve area. Note: The area within the lifesaving patrolled areas is prohibited from 10am to 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March from the following year. This is specified in the Prohibited areas schedule.	N/A

Tuakau	Les Batkin Reserve, in the marked areas specified from Tuakau Bridge to (but excluding) the toilet block and from the carpark entrance to the northern boundary	17
Tuakau	Alexandra Redoubt Reserve in the marked areas specified	18