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WAIROA DISTRICT

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WAIROA DISTRICT COUNCIL CONSOLIDATED BYLAW PART 7 – DOG CONTROL BYLAW 2011

The purpose of the Dog Control Bylaw 2011 is to enable the Council to set standards to be observed by dog owners and provide controls around the keeping of dogs in the Wairoa District in order to minimise danger, distress, and nuisance caused by dogs.

1. INTRODUCTION

1.1 SCOPE

The purpose of the Dog Control Bylaw 2011 is to enable the Council to set standards to be observed by dog owners and provide controls around the keeping of dogs in the Wairoa District in order to minimise danger, distress and nuisance caused by dogs.

The purpose of this Bylaw as outlined in the Dog Control Policy is to provide controls for:

- a) Prescribing minimum standards for the accommodation of dogs
- b) Regulating and controlling dogs
- c) Requiring dogs to be on a lead at all times in public places
- d) Defining prohibited areas, on-lead and off-lead exercise areas
- e) Requiring owners to immediately remove faeces left by their dog(s) defecating in public places
- f) Providing for breeding kennels and breeding of dogs
- g) Requiring bitches in season to be confined
- h) Impounding dogs
- i) Limiting the number of dogs that may be kept on a property, and
- j) Licensing of additional dogs
- k) Any other purpose that from time to time Council deems necessary or desirable to further control dogs

1.2 TITLE

This Bylaw shall be known and cited as the Wairoa District Council Dog Control Bylaw 2011 and shall come into operation on the date specified by public notice after the Wairoa District Council makes this Bylaw. For expediency this Bylaw may be referred to in this or other Bylaws as the Dog Bylaw 2011.

1.3 ENABLING ENACTMENTS

This Bylaw is made pursuant to sections 145 and 146(a)(v) of the Local Government Act 2002 and section 20 of the Dog Control Act 1996. Nothing in this Bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- a) Dog Control Act 1996 and its Amendments;
- b) Local Government Act 2002;
- c) Impounding Act 1955;
- d) Dog Control (Microchip Transponder) Regulations 2005

1.4 DOG CONTROL POLICY

This Bylaw should be read in conjunction with the Wairoa District Council Dog Control Policy.

1.5 LIST OF SCHEDULES PASSED IN TERMS OF THE DOG CONTROL BYLAW

Schedule 1: Application for a Licence to Keep Three or More Dogs on a Property

Schedule 2: Prohibited Areas

Schedule 3: On-Lead Areas

Schedule 4: Off-Lead Exercise Areas

1.6 ADOPTION, AMENDMENT, AND REVOCATION OF SCHEDULES

The Council may from time to time adopt, amend or revoke by resolution the Schedules of this Bylaw listed in section 1.5

2. DEFINITIONS & INTERPRETATIONS

2.1 The provisions of the Introduction Bylaw shall apply to this Bylaw.

2.2 For the purposes of this Bylaw the following definitions shall apply:

AT LARGE in relation to any dog refers to a dog that is free, roaming or at liberty in an on-lead area, or prohibited area

BREEDING KENNELS means any animal hospital, home, boarding or breeding kennel and shall include any establishment where dogs of a greater age than three months are accommodated for reward or payment for the purposes of treatment, custody or whelping and shall also include any establishment where dogs are registered in the name of the person in charge of such hospital, home or breeding kennels.

CONTROL in relation to any dog, means that the owner shall have the dog under continuous physical control at all times either on a leash or in a container or other apparatus so as NOT to cause nuisance or become a danger to any person, animal or property; provided that where any person has a dog on a leash that person must themselves be physically capable of restraining that dog by means of the leash and must be in control of that dog. In off-lead areas this refers to the ability to command and control the actions of the dog(s) – including voice command, hand signals or whistling – and carrying a leash or lead at all times.

DISABILITY ASSIST DOG means a dog certified as being a dog trained to assist (or as being a dog in training to assist) a person with a disability by one of the following organisations:

- (a) Hearing Dogs for Deaf People New Zealand;
- (b) Mobility Assistance Dogs Trust;
- (c) New Zealand Epilepsy Assist Dogs Trust;
- (d) Royal Foundation for the Blind;
- (e) Top Dog Companion Trust;
- (f) an organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

DOG CONTROL OFFICER means a Dog Control Officer appointed by the Wairoa District Council under section 11 of the Dog Control Act 1996; and includes a warranted officer exercising powers under section 17 of the Dog Control Act 1996.

DOG RANGER means a Dog Ranger appointed by the Wairoa District Council under section 12 of the Dog Control Act 1996, and includes an honorary Dog Ranger.

IMPOUND means the seizure, taking into custody or receiving into custody, confinement or other exercise of control over a dog by any duly authorised officer of the Wairoa District Council in accordance with the provisions of the Dog Control Act 1996.

LEAD or **LEASH** means a line, cord, rope, chain or harness of appropriate material securely attached to a correctly fitted dog collar, held/secured by a person capable of controlling the dog, and of no more than 2.0 metres in length so that a dog cannot break loose.

MENACING or **DANGEROUS DOG** means a dog that poses a threat to any person, animal or protected wildlife and/or specific breed as defined in the Dog Control Act 1996.

NEUTERED DOG means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

OFF LEAD means a dog that is not on a lead or leash.

OFF LEAD EXERCISE AREA means an area described in Schedule 4 of this bylaw where a dog may be exercised whilst not on a leash or lead.

ON LEAD means that a dog is on leash or lead, which is held by a person so the dog cannot break loose. The term **ON LEASH** has a corresponding meaning and may be used interchangeably.

ON LEAD AREA means any part of any street, road or public place described in the second schedule prescribed from time to time by the Council by resolution publicly notified.

OWNER, in relation to any dog, means any person who:

- (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

- (i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) or 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 the dog under the Dog Control Act 1996, or the Animals Protection Act 1960 or the National Parks Act 1980, or the Conservation Act 1987, or any order made under the Dog Control Act 1996 or the Animals Protection Act 1960.

PRINCIPAL ACT means the Dog Control Act 1996 or any enactment thereafter in substitution.

PRIVATE WAY has the same meaning given to it by section 351(1) of the Local Government Act 1974.

PROHIBITED AREAS means any of the following places:

- (a) Those places described in Schedule 2 or added to as in b) below.
- (b) Any roads or streets or places specified by resolution of the Council and subsequently advised by public notice as areas or places where dogs are prohibited from frequenting or being present.
- (c) Any recreational buildings owned or controlled by the Council

PUBLICLY NOTIFIED means a notice published in the newspapers circulating generally in the District or through any other suitable means.

RESPONSIBLE PERSON means any person other than the owner who for the time being is in charge of a dog and who is capable of physically restraining the dog.

RURAL AREA means; for the purpose of this Bylaw; any area zoned as Rural under the operative Wairoa District Plan.

URBAN AREA means; for the purpose of this Bylaw; any area zoned as Residential or Settlement under the operative Wairoa District Plan.

WARRANTED OFFICER means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987.

WORKING DOG means a dog that is:

- (a) Any disability assist dog; or.
- (b) Any dog -
 - (i) Kept solely or principally for the purposes of herding or driving stock; or
 - (ii) Kept by the Police, or any constable, the Customs Department, the Ministry for Agriculture, the Ministry of Fisheries, Department of Conservation, Department of Corrections, Aviation Security Service, or 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 or employee; or
 - (iii) Kept solely or principally for the purposes of destroying pest or agents under any pest management strategy under the Biosecurity Act 1993; or
 - (iv) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and power 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 for the purposes of carrying on the business of a security guard; or
- (c) Declared to be a working dog for the purposes of this Bylaw by resolution of the Council.

3. OBLIGATIONS OF DOG OWNERS

3.1 REGISTRATION

3.1.1 The Dog Control Act 1996 requires all dogs over three (3) months old to be registered with Wairoa District Council every year by 1 July.

3.1.2 All owners or persons responsible for a registered dog shall ensure that Wairoa District Council is promptly notified of any change of ownership or address, both within the district and outside of the district.

3.2 MICROCHIPPING

3.2.1 Under the Dog Control Act 1996 microchipping is required for:

- (a) Dogs over three (3) months old that are registered for the first time (except for farm dogs used for working stock);
- (b) Dog classified as dangerous or menacing;
- (c) Unregistered dogs that are impounded; and,
- (d) Registered dogs that are impounded twice.

3.3 STANDARDS FOR KEEPING DOGS

3.3.1 The owner and/or occupier of any land or premises on which a dog is kept shall take all steps necessary to:

- (a) Ensure the dog has adequate shelter; and
- (b) Ensure the dog receives proper care and attention and is supplied with proper and sufficient food and water; and
- (c) Ensure the dog is kept under control at all times; and
- (d) Prevent the dog from becoming a nuisance or a danger to any other animal, person or property; and
- (e) Prevent the keeping of a dog beneath the floor of any building; and

- (f) Restrain the dog behind a fence so as to allow reasonable public access to privately owned land or premises.
- (g) Removal or burial of faeces on owner's private property and removal from other private property and public places.

3.3.2 In addition to Clause 3.3.1, the owner or person responsible for the dog must comply with all other standards for the keeping of a dog or dogs as specified in this Bylaw.

3.4 CONTROL OF DOGS

3.4.1 The owner or person responsible for the dog shall keep the dog under control at all times.

3.4.2 The owner or person responsible for the dog must ensure that the dog is restrained by a lead or leash which is secured or held by a person capable of physically controlling the dog while in any public place or area not designated as an off-lead exercise area.

3.4.3 The owner or person responsible for the dog shall ensure that the dog cannot leave any privately owned land or premises unless it is under the control of its owner or a responsible person.

3.4.4 Owners are permitted to exercise their dogs in Council's designated off-lead exercise areas (see Schedule 4 for exact areas) providing the owners are able to control their dogs by command (including voice command, hand signals or whistlings, and they carry at all times a leash or lead.

3.4.5 Council shall impound any dog found not under control or at large or off-lead when in a public area – including off-lead areas in cases where a dog is not under control as stated in 3.4.4. Repeated infringements will require further measures to be taken, such as requiring the dog to be neutered.

3.4.6 The owner or person responsible for the dog must comply with all other requirements as specified in this Bylaw.

4. NUMBER OF DOGS ON LAND OR PREMISES

4.1 LIMITATION ON NUMBER OF DOGS PERMITTED ON LAND OR PREMISES

4.1.1 No person shall keep or allow to be kept on any land or premises in an urban situation¹ more than two (2) dogs over the age of three months unless there is, in respect of such land or premises, a permit from the Council for such purposes in relation to the additional dog or dogs, pursuant to section 3.3 of this Bylaw.

4.1.2 Nothing in Clause 4.1.1 of the Bylaw shall apply to dogs registered as Working Dogs or Disability Assist dogs.

4.1.3 This permit shall be subject to owners being able to ensure their dogs are controlled at all times and not causing a nuisance, in accordance with the Council's policy and bylaw.

4.1.4 Any nuisance proven to be caused through having more than two (2) dogs on a property may see the permit revoked.

4.2 PERMITTING ADDITIONAL DOGS

4.2.1 A permit is required for any additional dogs in excess of the two (2) dogs permitted under Clause 4.1.1.

4.2.2 Any person making an application for a permit shall do so on the prescribed form (provided in Schedule 1) to the Council within 14 working days from acquiring more than the permitted two (2) dogs.

4.2.3 When considering the application for a permit to keep three (3) or more dogs Council shall have regard to:

- the adequacy of the land or premises for the keeping of the additional dog or dogs specified in the application; and
- the likely effects which the keeping of the additional dog or dogs would have upon the surrounding neighbourhood; and
- the likelihood of the dog or dogs becoming a nuisance; and
- any previous complaints made to that the Council believes is relevant to the application; and,
- Any prior infringements and/or call-outs

¹ Urban property refers to properties in areas zoned as Residential and Settlement in the District Plan.

4.2.4 Subject to the foregoing provisions of this Bylaw, the Council may issue a permit for the purpose of allowing a person to keep or allow to be kept on any land or premises three (3) or more dogs over the age of three months.

4.2.5 Any such permit may be issued upon or subject to such reasonable terms, conditions and restrictions consistent with the Bylaw as the Council may determine either generally or in a form set out in Schedule 1 and subject to Clause 4.2.6 shall remain in force from the date of issue until such time the Council deems appropriate.

4.2.6 The Council shall specify the fee payable in respect of the issue of any permit under this Bylaw in the Fees and Charges schedule of Council's Annual Plan and/or Long Term Plan. Any fee prescribed shall be paid upon uplifting the permit.

4.2.7 Permits for additional dogs are not transferable to any subsequent owner(s).

4.2.8 The Council may at any time while a permit is in force revoke the permit if the Council is satisfied that

- a) The keeping of the additional dog or dogs on the land or premises specified in the permit has caused or materially contributed to a nuisance or the likelihood of injury to health; or
- b) The keeping of the additional dog or dogs on the land or premises specified in the permit 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 permit.

In any such above case or cases the Council may revoke the permit.

4.2.9 Where Council resolves to revoke or amend the original decision on an application for a permit after it has made its determination in accordance with Clause 4.2.8, the owner shall comply with the decision within 14 days of receipt of written notice of the decision.

4.2.10 Where the owner of a revoked permit applies for a new permit as in Clause 4.2.2, the application will be deemed to be a new permit. If granted, the new permit is therefore subject to Clause 4.2.6.

4.2.11 Pursuant to sections 4.1 and 4.2 of this Bylaw the keeping of more than two dogs without a permit is an offence against this Bylaw.

5. STANDARDS FOR KEEPING OF DOGS

5.1 ADEQUATE SHELTER

5.1.1 The owner or person responsible for any dog shall provide for the dog or dogs adequate shelter which is:

- a) Able to confine the dog within the shelters dimensions; and
- b) Accessible in order to provide the dog with clean water and food; and
- c) Of sufficient size to allow the dog to freely move, stretch out and recline; and
- d) Of sufficient height so that the dog may stand freely; and
- e) Is located on dry ground; and
- f) Provided with a floor and constructed so that surfaces are easily cleaned; and
- g) Able to be kept in a clean and sanitary condition; and
- h) Situated not closer than 3 metres from the boundary of any adjoining land.

Where a shelter has no means of confinement, the dog must be provided with a fixed chain that allows the dog free movement. Note that this is not considered to be an appropriate long-term solution.

5.1.2 If the Council considers that the keeping of a dog or dogs is such that Clause 5.1.1 is breached, Council may serve a notice on the owner of the dog and/or owner and/or occupier of the land or premises on which the dog is kept to take actions to require the conditions under which the dog is kept to be improved, so as to comply with Clause 5.1.1. The notice may specify all or any of the following actions to be taken and, except in the case of ongoing actions, the time which such actions must be undertaken within to achieve compliance:

- a) Reduce the number of dogs kept (not withstanding the existence of a permit under Clause 4.2);
- b) Construct, alter or reconstruct kennels or other places where dogs are kept;
- c) Keep dogs confined, controlled or restrained in specific ways, in specified area and for specified time, including specifying the height and construction type of a secure fence and gate that must be installed;
- d) Clean kennels and other places where dogs are kept;
- e) Take such other action as may be reasonably necessary to provide adequate shelter for the dog or dogs or to reduce or eliminate any nuisance or injury to health cause by or to such dog/s.

5.1.3 The Council shall only specify actions under Clause 5.1.2 which are reasonable having regard to the inadequacy of shelter or confinement of the dog, or the nature of the nuisance or injury to health being caused. In specifying any action under Clause 5.1.2 the Council shall have regard to:

- a) The need for adequate shelter or space and the need of the dog or dogs to be provided with a clean and healthy living area;
- b) The proximity of dwellings, kennels or other places so as not to cause a nuisance;
- c) The use of materials which are easily cleaned in kennels and other places dogs are kept;
- d) The construction of the flooring or ground treatment of any kennel or other place where dogs are kept, whether it is graded and whether it is drained to a sewer drain;
- e) The need for cleaning of kennels or other places where dogs are kept.

5.1.4 Notwithstanding these provisions Council may permit alternative accommodation for a dog where it is satisfied that the owner or person responsible for the dog will be providing adequately for the need of the dog or dogs and no other reasonable person in its opinion is adversely affected.

5.2 CONFINEMENT OF DOGS AT NIGHT

The owner or person responsible for any dog shall ensure that the dog or dogs are securely tied up or otherwise confined or under direct control during the period of time between half an hour after sunset on any one day and half an hour before sunrise on the next day.

Where a shelter has no means of confinement, the dog must be provided with a fixed chain that allows the dog free movement. Note that this is not considered to be an appropriate long-term solution.

6. DOGS IN VEHICLES

6.1 No person shall:

- a) Take a dog in a motor vehicle or leave a dog unattended in a vehicle or on the open tray of any vehicle unless the dog is physically secured so that the dog cannot lunge or snap at passersby and is unable to leave the vehicle;
- b) Leave a dog unattended in a vehicle in such a manner as to cause the dog undue distress.

6.2 While a vehicle is on a road or highway, a dog shall not be carried on the open rear of a vehicle unless it is secured or enclosed in a dog crate, so as to prevent the dog from leaving the vehicle or endangering passing pedestrians or vehicles.

6.3 Subject to compliance with the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 (SR 2004/427); working dogs shall be exempt from complying with 6.2 when used for the purpose herding and driving stock on a road or highway.

7. DOGS IN PUBLIC PLACES

7.1 CONTROL OF DOG IN PUBLIC PLACES

7.1.1 No person shall cause or permit or allow any dog or dogs that they own or are responsible for or are in possession of to be at large in or remain on any public place or private way or any land or premises other than land or premises owned and/or occupied by the owner or person responsible for the dog.

7.1.2 Menacing and Dangerous dogs must be muzzled and on a lead or leash when in any public place or area.

7.1.3 Nothing in Clause 7.1 shall apply to Disability Assist dogs.

7.2 PROHIBITED DOG AREAS

7.2.1 No person shall cause or permit or allow any dog onto or into any place or area designated as a PROHIBITED AREA.

7.2.2 The Council may, by publicly notified resolution, designate an area within the District or under its control to be an area prohibited to dogs.

7.2.3 The areas designated as prohibited are listed in Schedule 2 to this Bylaw.

7.2.4 Nothing in Clause 7.2 shall apply to any Disability Assist dogs.

7.2.5 Areas prohibited to dogs shall be publicly notified and marked by at least one sign.

7.3 ON-LEAD AREAS

7.3.1 The Council may, by publicly notified resolution, designate dog ON-LEAD areas.

7.3.2 The areas designated as ON-LEAD areas are listed in Schedule 3 to this Bylaw.

7.3.3 Areas designated as “on-lead” will be publicly notified and may be marked by appropriate signs.

7.3.4 Nothing in Clause 7.3 shall apply to Disability Assist dogs or Working Dogs in rural areas.

7.3.5 If a litter bin or similar container is available in a public place, the owner may dispose of the dog's faeces after enclosing the faeces in a suitable plastic or leak proof bag.

7.4 OFF-LEAD EXERCISE AREAS

7.4.1 The Council may, by publicly notified resolution, designate dog OFF-LEAD exercise areas.

7.4.2 The areas designated as OFF-LEAD exercise areas are listed in Schedule 4 to this Bylaw.

7.4.3 Areas designated as "OFF-LEAD exercise areas" will be publicly notified and shall be marked by appropriate signs.

7.4.4 The owner or person responsible for the dog shall keep the dog under control and shall have in their possession a leash or lead at all times.

7.4.5 Any bitch 'in season' (on heat) is to be prohibited from any OFF-LEAD exercise areas.

7.5 FOULING IN PUBLIC PLACES

7.5.1 Every dog owner or person responsible for any dog which fouls in any public place or on land not occupied by the owner must remove and dispose of the faecal matter immediately in a way that does not cause a nuisance.

7.5.2 Every dog owner or person responsible for any dog shall at all times, when in a public place or off-lead exercise area with their dog, carry a suitable receptacle to enable them to remove any faeces of that dog immediately.

7.5.3 If a litter bin or similar container is available in a public place, the owner may dispose of the dog's faeces after enclosing the faeces in a suitable plastic or leak proof bag.

7.5.4 No offence shall be deemed to have been committed against this Bylaw where the owner or person responsible for or in possession of the dog removes the dog's faeces immediately for disposal in a hygienic manner

8. INFECTED OR IN SEASON DOGS

8.1 No person owning or having control of or in possession of any dog infected with an infectious disease shall take the infected dog into any public place or allow it to wander free and at large.

8.2 The owner or person responsible for any dog infected with an infectious disease shall ensure that the dog is properly treated and, unless taking the dog for treatment, shall ensure that the dog is confined to land occupied by the owner while it is so affected.

8.3 Where there is two (2) or more dogs kept at privately owned land or premises and only (1) dog is infected with an infectious disease, provision must be made to quarantine the affected dog within a dog-proof enclosure away from unaffected dogs or other animals.

8.4 If a dog is suffering from an infectious disease (such as fleas, worms, or a virus) or is in season (on heat), exercising must be carried out on the owner's property until the dog is no longer infectious or in season.

9. NUISANCE, MENACING OR DANGEROUS DOGS

9.1 The owner or person responsible for any dog or the owner and/or occupier of the land or premises where any dog or dogs are kept shall:

- a) Keep every bitch in season (on heat) on the premises confined within a dog- proof enclosure but adequately exercised whilst it is in that condition for the duration of the oestrus cycle;
- b) Take such steps as are necessary to prevent dogs on the premises from causing a nuisance to any other person, stock, poultry, domestic animal or protected wildlife (this includes excessive barking);
- c) Take such steps as are necessary to prevent dogs on the premises from causing damage to or endangering any property adjoining or in the surrounding neighbourhood;
- d) Be requested to comply with actions specified in Clause 5.1.2 or any other action as may be deemed necessary by an Animal Control Officer.

9.2 Menacing and Dangerous dogs must be muzzled and on a lead or leash when in any public place or area.

9.3 The Council may prohibit any dog classified as a dangerous dog from being exercised in any particular area or areas which shall be specified in a notice given to the owner or person responsible for the dog.

9.4 Any person served a notice under Clause 9.3 may object in writing to Council who shall consider the objection and may confirm, modify or cancel the notice.

9.5 Any person who behaves so as to cause any dog in any public place to become aggravated causing the dog to become a nuisance, menacing or dangerous; whether or not that person is the owner; shall be guilty of an offence against this Bylaw.

10. IMPOUNDING

10.1 Any dog found at large, roaming or in breach of this Bylaw may be impounded by the Dog Control Officer, Dog Ranger or duly authorised officer of Council.

10.2 Any dog found in a public place not being an OFF-LEAD exercise area and not being on a leash or lead shall be considered uncontrolled and/or at large and may be seized and impounded by any Dog Control Officer, Dog Ranger or duly authorised officer of Council.

10.3 Any owner or person responsible for a dog impounded on two (2) or more occasions within any two (2) year period may be required to neuter the dog.

10.5 No dog shall be released from any pound of the Council unless:

- a. Proof of ownership and identity of the dog is established; and
- b. In the case of any dog three or more months of age, the current annual registration fee payable under the Dog Control Act 1996 is paid unless such fee has previously been paid; and,
- c. Payment has been received of any other fees and/or charges that have been issued by the Council under this bylaw or the Dog Control Policy; and,
- d. Any dog three or more months of age where the dog is registered or unregistered and impounded by the Council, the dog shall be microchipped prior to release.

10.6 It shall be an offence for any person to remove any dog from any pound without the approval of the Council and then only in accordance with Clause 10.5.

10.7 Council will destroy any impounded dog after seven days if the owner is not known or cannot be located or after all reasonable steps have been taken.

11. DOG HOSPITALS, BOARDING, BREEDING KENNELS

11.1 No person shall establish, maintain any hospital, home, boarding or breeding kennels for dogs except on a site approved by the Council and subject to such conditions as may be reasonably imposed. In addition, a Resource Consent may be required under the Resource Management Act 1991.

12. OFFENCES

12.1 Any person commits an offence against this Bylaw, who:

- a) Contravenes, or permits a contravention of the provisions of this Bylaw and any notice issued pursuant to this Bylaw; and
- b) Does not cease any action which that person is required to cease under this Bylaw; and
- c) Obstructs or hinders any officer in the exercise of any power conferred by this Bylaw.

12.2 Every person who commits a breach of any provision of this Bylaw may be issued with an infringement notice under Schedule 1 of the Dog Control Act 1996 or shall be liable for summary conviction to a fine not exceeding \$20,000 prescribed by section 242(4) of the Local Government Act 2002.

12.3 Council may apply for an injunction preventing a person from continuing to breach this Bylaw, in accordance with section 162 of the Local Government Act 2002.

12.4 Council may impound any dog in accordance with Clause 10 Impounding where there is a breach under Clauses 3.3 and 7.1 relating to the Control of Dogs.

12.5 Council may disqualify a person from owning a dog or declare them to be a probationary owner in accordance with the Dog Control Act 1996.

13. NOTICES

13.1 Any notice required by this Bylaw to be given in writing to the owner and/or occupier of any premises may be posted or delivered to that person by normal mail or may be affixed to the premises, and shall be deemed to have been served.

13.2 Every person who commits a breach of any provision of the Bylaw shall be liable to an infringement fine as specified in the Dog Control Act 1996.

14. DISPENSING POWER

14.1 The Council may grant a dispensation from full compliance with any provision in this Bylaw where it is of the opinion that full compliance would needlessly and injuriously affect any person or business without corresponding benefit to the public or any section of it.

14.2 Written applications for dispensation shall be made to the Council giving full details of and the reasons why relief is sought.

14.3 The Council may in its absolute discretion, either refuse the application, or grant it subject to such conditions as it may consider appropriate.

14.4 The Council may impose a fee or charge for any hearing or consideration of any application under this clause for a dispensation.

15. COMMENCEMENT OF BYLAW

The previous version of the bylaw originally came into force on 30 September 2011.

The revised version of the bylaw comes into force on 16 October 2017.

THE COMMON SEAL of THE WAIROA DISTRICT COUNCIL

was affixed this day of September 2017 in the presence of:

MAYOR

A signed and sealed copy is available on request from the Main Council Offices.

CHIEF EXECUTIVE

SCHEDULE 1: APPLICATION FOR A LICENCE TO KEEP THREE OR MORE DOGS ON A PROPERTY

FULL NAME OF APPLICANT:

DATE OF BIRTH OF APPLICANT:

PROPERTY ADDRESS FOR WHICH A LICENCE IS SOUGHT:

PHONE NUMBER OF APPLICANT:

NUMBER OF DOGS OVER THE AGE OF 3 MONTHS:

NAMES OF CANINE OBEDIENCE CLUB OR RELATED AFFILIATIONS:

DETAILS OF DOGS

REG NO.	NAME	COLOUR	BREED	AGE	SEX

Any or all dogs are kept for breeding purpose

If there is an existing permit to keep 3 or more dogs please attach a copy to the permit as evidence.

Sketch attached

Please attach a sketch of the property showing the position of all kennels and runs of the property. Please note on the boundaries in the sketch where the parties noted in the below section reside.

Names and addresses of person/s whose property has a common boundary with the land on which the dogs are to be kept:

- 1.
- 2.
- 3.
- 4.

DECLARATION BY APPLICANT

I, , declare the information above to be correct and hereby apply for a licence to keep on the abovenamed property.

Signatures:

Permit Holder

Dated:

APPROVED/DECLINED

Bylaw Officer

Dated:

SCHEDULE 2: PROHIBITED AREAS

All dogs with the exception of Disability Assist Dogs are prohibited from the following areas:

1. All school grounds throughout the district
2. All pre-school/kindergarten/early childhood centre facilities throughout the district
3. All playgrounds throughout the district
4. All sports facilities throughout the district
5. Wairoa District Council buildings
6. Any other areas as that Council deems necessary, either permanently or temporarily, and which will be publicly notified and sign-posted accordingly.

SCHEDULE 3: ON-LEAD AREAS

Dogs shall only be allowed in the following areas while under continuous direct physical control by its owner or responsible person by way of an effective lead or being carried in a vehicle while tethered to the vehicle.

- a) Streets within any residential or commercial area and all public places within these; and,
- b) All public parks, carparks, public reserves and parts of parks and reserves under the control of Council which are neither prohibited areas, or off lead areas.

SCHEDULE 4: OFF-LEAD EXERCISE AREAS

The following areas are designated off-lead exercise areas:

- a) Private properties with suitable means of containment of the dogs;
- b) Old landfill site at Fraser Street (please see Map A for precise area);
- c) Whakamahia Road reserve from the end of the limestone walkway to the estuary excluding the DOC land that is fenced off (please see Map B for precise area); and,
- d) Pilot's Hill reserve (please see Map C for precise area).

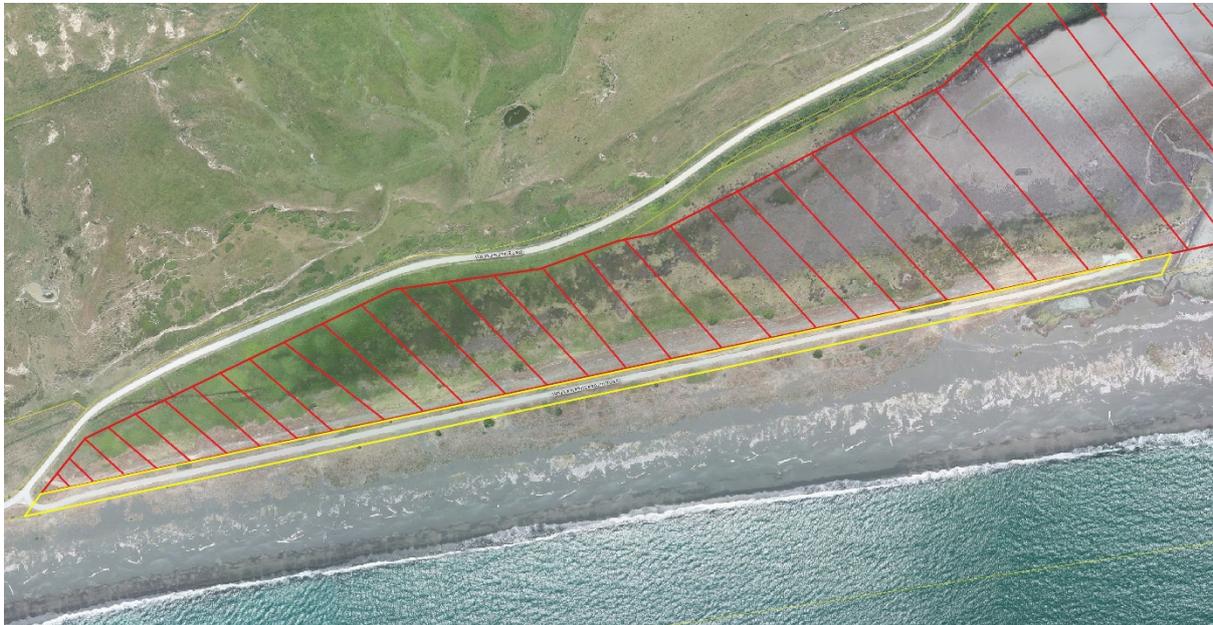
MAP A

Old landfill site at Fraser Street area outlined in bold yellow line and hatched



MAP B

Whakamahia Road reserve from the end of the limestone walkway to the estuary (area outlined in bold yellow line) (excluding the DOC land that is fenced off outlined in red and hatched)



Close up of starting point of the Whakamahia Road reserve off-lead area outlined in bold yellow line and hatched



MAP C

Pilot's Hill reserve and beach area for river access for swimming (area outlined in bold yellow line and hatched)

