

WAIKATO DISTRICT COUNCIL DOG CONTROL BYLAW 2007

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:

1.0 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1 The bylaw shall be known as the "Waikato District Council Dog Control Bylaw 2007".
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on 20 July 2007.

2.0 REVOCATION

- 2.1 The following bylaw is hereby revoked from the day this new bylaw comes into force:
"The Waikato District Council Dog Control Bylaw 1997"

3.0 INTERPRETATION

- 3.1 In this bylaw, unless inconsistent with the context:

"Act"	means the Dog Control Act 1996 and its amendments;
"At Large"	means at liberty, free, not restrained;
"Confined"	means 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;
"Control"	means restrained by a collar or leash held by the person responsible for the custody of the dog except that in an "Exercise Area" control means the dog is under the command and control of the person responsible for the custody of the dog;
"Council"	means The Waikato District Council;
"Demonstrable"	means that it can be shown or proven;
"Disability Assist Dog"	has the meaning as defined in Section 2 of the Act which includes Companion Dogs, Guide Dogs and Hearing Ear Dogs;
"Dog Control Officer"	means a dog control officer appointed by the Waikato District Council under section 11 of the Act;
"Dog Control Fee"	means any fee set under section 37 of the Act;
"Dog Ranger"	means 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"** means 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;
- "Nuisance"** means anything annoying, harmful or offensive to a community or a member of it and always as defined by law;
- "Owner"** in relation to a dog means every person who:
- a) owns a dog; or
 - b) has possession or is in charge of a dog whether or not the dog is at large or;
 - c) is the parent or guardian of a person under the age of 16 years who:
 - i) is the owner of the dog under paragraph a) or b); and
 - ii) is a member of the household of that parent or guardian; and
 - iii) is living with and dependent on that parent or guardian.
- but does not include a person who has seized or taken custody of a dog for a period not exceeding 72 hours for the purpose of preventing that dog causing damage or for the purpose of restoring a lost dog to its owner;
- "Person"** includes a natural person, company, corporation and any body of persons whether incorporated or not;
- "Private Way"** means 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"** Includes every road, street, footpath, court, alley, lane, access way or thoroughfare of a public nature or open to or used by the public as of right, and every beach, reserve or other place of public resort to which the public has rightful access;
- "Premises"** means any land dwelling house, building, yard, tent, enclosed space, 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;
- "Urban Area"** means all areas defined by the Waikato District Plan as residential or country living;
- "Working Dog"** has the meaning as defined in the Act and for the purpose of this bylaw this includes hunting dogs.

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 creates a reasonable apprehension in the minds of others of a threat to their health or safety. The reason must be justified by proven evidence.
- 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 the owner's premises, any other premises, public place or private way.
- 5.2 Subject to Clause 5.3 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 chain 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 No dog shall be allowed to enter or remain in a public place:
- a) Which is specified as a prohibited area in the First Schedule during times or hours specified; or
 - b) Within 10 metres of permanently installed children's play equipment; or
 - c) Which is developed or marked out as a sports field unless otherwise specified in the Second Schedule to this bylaw and by signage.
- 5.4 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.
- 5.5 Clauses 5.1 to 5.4 shall not apply to a working dog while the dog is working.

6.0 CONTROL OF DOGS IN OTHER AREAS

- 6.1.1 No dog shall be allowed to enter or remain on any premises or private way, other than a public place, without the consent of the occupier or person in charge of that land or premises.

7.0 NEUTERING OF DOGS

- 7.1 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.
- 7.2 Any dog that the Council has classified as menacing 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.

8.0 PROBATIONARY OWNERS

- 8.1 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.

9.0 EXERCISE AREAS

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

10.0 FOULING OF PUBLIC PLACES AND PREMISES

- 10.1 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.

11.0 IMPOUNDING OF DOGS

- 11.1 Any dog found at large (whether or not it wears a collar with the proper registration disc or tag attached):
- a) 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
 - b) 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.

- 11.2 Any dog so impounded shall be held in the Waikato District Council pound in Ngaruawahia, or any other temporary pound as may be used for the purpose of impounding dogs from time to time.
- 11.3 No dog which has been so impounded shall be released until the fees prescribed and payable under clauses 11.4 and 11.5 of this bylaw have been paid.
- 11.4 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.
- 11.5 The Council may from time to time by resolution set a graduated scale of fees for the repeated impounding of the same dog.
- 11.6 If a dog impounded in accordance with this bylaw is not claimed and the fees prescribed and payable under clauses 11.4 and 11.5 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.
- 11.7 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.

12.0 KEEPING OF DOGS

- 12.1 No person shall keep or permit to be kept on each premises more than two dogs of a greater age than three months without obtaining a permit under this clause, provided that this restriction does not apply to premises located within areas zoned "Rural" in the Waikato District Plan.
- 12.2 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.
- 12.3 The Council may issue a permit subject to such terms or special conditions as are required to meet the criteria set by the Council.
- 12.4 Where the holder of a permit has failed to comply with any of the conditions of the permit the Council may cancel the permit.
- 12.5 Clause 12.1, which limits the number of dogs kept on each premises does not apply to a boarding kennel, veterinary clinic or an animal hospital permitted on that site under the Waikato District Plan.

13.0 BITCHES IN SEASON, DISEASED DOGS

- 13.1 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.

13.2 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.

13.3 Every dog described under clauses 13.1 and 13.2 shall be confined, and provided with proper care and sufficient food, water and veterinary care, and adequately exercised during that period of confinement.

14.0 MINIMUM STANDARDS FOR ACCOMMODATION AND CARE OF DOGS

14.1 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.

15.0 OFFENCES

15.1 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 be 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

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

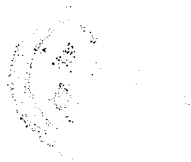
17.0 GENERAL

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 26 June 2007.

The Common Seal of **THE WAIKATO DISTRICT COUNCIL** was hereunto affixed in the presence of:



P. J. Harris

MAYOR

S. O. Isa

CHIEF EXECUTIVE

FIRST SCHEDULE

PROHIBITED AREAS

No person shall permit any dog to enter or remain in a prohibited area whether it is under control or not, with the exception of a working dog, a dog confined in or on a vehicle or a dog being taken to or from veterinary premises:

Locality	Map	Description of area and times
Huntly	1 & 4	Any street or public place within the central business area of Huntly, including Main Street and rear accesses, at all times including public holidays.
Ngaruawahia	6	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.
Ngaruawahia	8	Business side of SH1 Ngaruawahia between Martin and Market Streets
Raglan	12	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, at all times including public holidays
Raglan	10	Within the Raglan Kopua Camping Grounds, the domain, the playground and picnic area of the foreshore of Oporuru inlet (Pt Papahua 2 Blk) from the footbridge to the boat ramp, at all times including public holidays
Te Kauwhata	14	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.

SECOND SCHEDULE

EXERCISE AREAS

These are areas set aside by the Council to be designated as dog exercise areas in which any dog:

- a) May be exercised free of restraint if kept under continuous control by its owner; or
- b) May be exercised only on a short or long training lead to ensure continuous control in an area specifically defined.

Locality	Map	Description of area	Leash Requirement
Huntly	4	A fenced area on the shore of Lake Hakanoa situated at the end of Onslow Street in the Huntly Domain (Pt Lot 3 DP 23824 and Pt Allot 776).	Nil
	2	The grassed area along the Waikato River on Riverview Road known as the Riverview Reserve.	Nil
	3	Park on Fairfield Avenue, Graham Place and Scurr Place (Pt Allots 43, 44 Parish of Pepepe).	Must be on Leash
	5	Park on Meadows Lane and Rosser Street (Lot 256 DPS 24502).	Must be on Leash
Taupiri	16	Bob Byrne Park on Great South Road (State Highway 1).	Nil
	16	Taupiri Recreation Reserve next to the Taupiri Rugby Grounds (Pt Lot 1 DPS 24870).	Must be on Leash
Ngaruawahia	6	All of "The Point".	Must be on Leash
	6	Regent Street Reserve. The grassed area from Great South Road to the end of area bordering Turangawaewae Marae.	Nil
	8	From the Great South Road (SH1) bridge pilings on Lower Waikato Esplanade along the grassed area known as the Waikato Esplanade Reserve to Belt Street.	Nil
	7	The fenced area on the corner of Great South Road and Ellery Street (old dump site).	Nil
	7	The grassed area between Great South Road and the Railway lines from the fenced exercise area to the south end of this area (old dump site).	Must be on Leash
	9	Waipa Esplanade Reserve from the Pony Club along the grassed area to the area below Princess Street.	Nil
Raglan	12	The fenced area on the corner of Wallis Street and John Street known as Aro Aro Reserve (Sec 1 & 2 SO 57281).	Nil
	11	To the right of the jetty along the foreshore low tide area below Cliff Street within the signs.	Must be on Leash
	11	From the footbridge in the Oporu inlet along the foreshore to the beach area adjacent to the Airfield on Ocean Beach.	Must be on Leash
	11	The grassed area and foreshore from the boat ramp in the Oporu inlet to the Aerodrome Bridge.	Nil

Locality	Map	Description of area	Leash Requirement
	11	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.	Nil
	13	Beach areas from the wharf, the Cliffs, Cox's Bay, Lorenzen Bay, The Doughboys and Moonlight Bay.	Nil
Te Kauwhata	14	Fenced areas on the Te Kauwhata Recreation Reserve (Sec 49 & 50 and part 76 Te Kauwhata Town).	Nil
	14	The grassed area between Main Road and the Main Trunk Railway Line (Pt Railway Reserve).	Must be on Leash
Meremere	15	Recreation Reserve behind the Te Puea Avenue and Te Wheoro Crescent (Lot 255 DPS 47627).	Must be on Leash
Horotiu	18	AFFCO Park on Horotiu Road and State Highway 1 (Pt Allot 132 DP 10108).	Nil
	18	Riverside Reserve on Horotiu Bridge Road.	Nil
Whatawhata	19	Whatawhata Recreation Reserve (Sec 71-74 and Pt Sec 81-84) except when the reserve is being used for sporting activities.	Nil
Te Kowhai	17	Te Kowhai Recreation Reserve (Lots 1 & 2 DPS 77702 and Lot 20 DPS 79015).	Nil

WHERE THERE IS A PRESENCE OF STOCK, DOGS **MUST BE LEASHED**