

WAIMAKARIRI DISTRICT COUNCIL DOG CONTROL BYLAW 2009

This review of the
Dog Control Bylaw 2004
was adopted at a Council meeting held on
6 October 2009



Chief Executive Officer

Administration Manager

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WAIMAKARIRI DISTRICT COUNCIL DOG CONTROL BYLAW 2009

In pursuance of the powers vested in it by the Local Government Act 2002, the Waimakariri District Council makes this Bylaw.

1 TITLE AUTHORITY AND COMMENCEMENT

- 1.1 This bylaw may be cited as the Waimakariri District Dog Control Bylaw 2009.
- 1.2 This bylaw shall come into force on 1 November 2009.

2 INTRODUCTION

This bylaw is made by the Waimakariri District Council in exercise of the powers and authority vested in the Council by Section 20 of the Dog Control Act 1996.

This bylaw applies to all the Waimakariri District.

3 OBJECTIVES

- To encourage the responsible ownership of dogs.
- To promote the control of dogs in public places.
- To provide for the needs of dog owners.
- To minimise any danger, distress or nuisance from dogs to the community.

4 INTERPRETATION

- 4.1 **Approved** means permitted by the Waimakariri District Council.
- 4.2 **Authorised person** means any person warranted or permitted by the Waimakariri District Council to carry out any functions under this Bylaw or under the Dog Control Act 1996.
- 4.3 **Dog Control Officer** means a dog control officer appointed under Section 11 of the Dog Control Act 1996.
- 4.4 **Dog** includes any bitch, spayed bitch or puppy.
- 4.5 **Infringement Offences** as defined in Section 65 (1) of the Dog Control Act 1996.
- 4.6 **Neutered Dog** means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised:
- 4.7 **Owner** in relation to any dog means every 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 is

- (c) The parent or guardian of the person under the age of 16 years who –
- (i) Is the owner of the dog pursuant to paragraph (a) and (b) of 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 this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animals Protection Act 1960.

4.8 **Public Places** as defined in section 2 of the Dog Control Act 1996 and includes:

- A place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

4.9 **Reserve** means and includes any open space, plantation, park, garden or ground set apart for public recreation which is under the management or control of the Council.

4.10 **Residential Zone** means the areas of the District that are zoned Residential 1, Residential 2, Residential 3, Residential 5, Residential 6 or Residential 6A in the Council's District Plan.

4.11 **Sports fields prohibited** means dogs are not allowed on the playing area of the sports fields while organised sport or practice is undertaken.

4.12 **Under Control** means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

4.13 **Working Dog** is as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) Any guide dog, hearing ear dog, or companion dog.
- (b) Any dog—
 - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the 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, officer, or employee; or
 - (ii) Kept solely or principally for the purposes of herding or driving stock; or
 - (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or

- (a) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- (b) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
- (c) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers 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 or principally for the purposes of carrying on the business of a security guard; or
- (vi) Declared by resolution of the Council to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution, and includes any dog registered with the Council as a search and rescue dog.

5 LIMITATION ON OWNERSHIP IN RESIDENTIAL AREAS

- 5.1 No occupier of any property in any Residential Zone within the Waimakariri District shall allow or cause to remain or be kept on such premises for any period exceeding fourteen days, three or more dogs, over the age of three months (whether or not such dogs are registered) unless they have a permit from the Council to keep three or more dogs. For the purposes of this subsection the determination of this fourteen day period is to be considered contiguous if any of the dogs are removed from the premises within the initial fourteen day period allowed, thereby reducing the number of dogs below the threshold of three, but are subsequently returned to the same premises within a period of fourteen days, whether they be the same dogs or not.
- 5.2 Application for a permit to keep three or more dogs in a Residential Zone shall be made in writing. Before the application can proceed, the written permission of immediate neighbours should be sought. Animal Control staff will inspect the property.
- 5.3 The Council, in receiving an application for three or more dogs on a property, has the discretion to alter or decline an application on the following grounds:
- That the property under application in the Council's view is of insufficient size to keep the breed of dogs and / or the number being applied for.
 - That the granting of the permit may compromise neighbourhood amenity.
- 5.4 The permit may be issued upon or subject to such terms, conditions and restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be a breach of this bylaw.
- 5.5 An annual fee will be paid for each permit. The permit shall remain in force until the 30th June following the date of issue. The Council will decide the fee by resolution.

- 5.6 The fee for the permit shall be payable on application is in addition to and separate from the dog control fees payable under the Dog Control Act 1996.

6 DOGS AT NIGHT

- 6.1 The owner of any dog shall, during the period from half an hour after sunset to half an hour before sunrise, keep such dog:
- On a line, leash or chain held by such owner and securely attached to the collar or harness on such dog, or similarly secured so that the dog is under control, or
 - Tied fast by a leash or chain which is securely attached to the collar on such dog, or
 - Confined in a fully enclosed yard so that such dog cannot escape there from, or
 - Confined in a kennel, shed or other building so that such dog cannot escape.

Provided, however, that this sub-clause shall not apply to any dog registered as a working dog while under continuous and effective control of its owner or his agent for the time being for working purposes or is being taken by such person to or from the place where it is to be kept or has been employed for such purpose.

- 6.2 During this period the owner of a dog, while it is kept under proper control, shall ensure that such dog is provided with adequate shelter and that no unnecessary suffering is caused to such dog by the manner in which such proper control is exercised.
- 6.3 Any dog found in breach of sub-clause 6.1 or 6.2 may be impounded under the provisions of Section 52 of the Dog Control Act 1996.

7 CONTROL OF DOGS

- 7.1 Dogs in public places, unless prohibited or required to be leashed as listed in the First Schedule, are to be kept under continuous and effective control at all times.
- 7.2 Any dog found not under continuous and effective control in any public place or reserve may be seized and detained by any authorised officer, or a person employed by the Council, and be impounded.
- 7.3 No person for the time being in charge of any dog shall permit the dog to enter or to be in or upon any premises used for or in connection with the manufacture, preparation, packing or storage of sale of food.
- 7.4 No person shall take into or have in his charge any dog in or on any public swimming pools or other bathing places, except on authorised occasions.
- 7.5 No person shall take into or have in his charge any dog in or on any land or premises used as a public school, kindergarten or play centre, except on authorised occasions.
- 7.6 The occupier of any premises whereon any kennel or enclosures in which dogs are kept or housed shall maintain and keep them in a clean condition.
- 7.7 No person shall take into or keep in any cemetery any dog.

- 7.8 No person shall in any public place or private road or street, set on, urge, encourage, aid or assist at the fighting or baiting of any dog or other animal or willingly permit any dog to fight or to rush at, attack or worry any person or animal, and no person being the owner or having charge thereof shall suffer or permit any dog which has been known to rush at or attack or annoy any person or animal to be at large.
- 7.9 No person being the owner of, or having the control of any dog shall permit the dog to foul any public place with droppings, provided that no offence shall be deemed to have been committed against this bylaw when the person having control of the dog removes the droppings immediately.
- 7.10 The owner or person in charge of any dog in any public place must carry a suitable receptacle for the removal of any faeces defecated by that dog.
- 7.11 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is at all times kept under control by a chain that is sufficiently short in length as to prevent the dog from leaving the tray or endangering passers-by.

8 RELEASE FROM POUND

- 8.1 No dog shall be released from any pound until proof of ownership and identity of the dog is established and payment made of:
- A poundage fee as set by the Waimakariri District Council from time to time by resolution publicly notified.
 - A sustenance fee at such daily rate as the Waimakariri District Council may determine from time to time by resolution publicly notified.
 - In the case of any dog over the registrable age, the current annual fee payable set by the Waimakariri District Council unless previously paid.
 - Any charge in connection with transport and advertising of the dog.
- 8.2 Any dog may be sold, destroyed or otherwise disposed of unless claimed in accordance with the provisions of the Dog Control Act 1996.

9 IN SEASON OR DISEASED DOGS IN PUBLIC PLACES

- 9.1 No owner shall permit their dog to enter or remain in any public place, if that dog is:
- Infected with mange or distemper, or
 - A bitch on heat.

10 PREVENTION OF NUISANCES

- 10.1 The owner or occupier of any premises where any dog or dogs are customarily kept, has an obligation to ensure that adequate precautions are taken to prevent the keeping of such dogs from becoming a nuisance or injurious to health in terms of the Dog Control Act 1996 and the Health Act 1956.
- 10.2 If the keeping of dogs has become or is likely to become a nuisance or injurious to health, the Council may by notice require the owner or occupier of the premises to do all or any of the following:
- Cease the keeping of dogs on the premises.

- To reduce the number of dogs kept on the premises.
- To alter, reconstruct or otherwise improve the kennels or place where the dogs are kept.
- To take such other action as the Council deems necessary to eliminate the likelihood of nuisance or injury to health.

11 CAUSING DOGS TO BECOME UNMANAGEABLE

Any person shall be guilty of an offence against this Bylaw who behaves so as to cause any dog in any street, private street, or public place to become restive or unmanageable.

12 BREACH OF BYLAW

A person who commits a breach of this bylaw commits an offence and is liable on summary conviction to the penalty prescribed by Section 242(4) of the Local Government Act 2002.

13 REVOCAION AND SAVINGS

13.1 The following Bylaw is hereby revoked.

- Dog Control Bylaw 2004.

13.2 All approvals, permits, and other acts of authority which originated under the Dog Control Bylaw 1997 No 1 and the Dog Control Bylaw 2004, and all applications, shall for the purpose of this Bylaw continue as if they had originated under this Bylaw.

13.3 The revocation of the Dog Control Bylaw 2004 shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

14 REVIEW OF BYLAW

14.1 This Bylaw shall be reviewed by the 7th December 2019.

14.2 This Bylaw can be reviewed at any other time before that date at the discretion of the Council.

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15 **FIRST SCHEDULE TO WAIMAKARIRI DISTRICT COUNCIL DOG CONTROL BYLAW 2009**

ASHLEY

UNDER CONTROL AREA

Canterbury St. Reserve (Sports fields & playground prohibited)

CUST RESERVE CONTROL

LEASH CONTROL AREAS

Cust Community Centre
Cust Memorial
Waterworks Reserve

UNDER CONTROL AREA

Cust Domain (Playground & sports fields prohibited)
Jack Graham Reserve (Playground prohibited)

KAIAPOI RESERVE CONTROL

LEASH CONTROL AREAS

Allison Reserve
Audley Street Playground
Country Life Esplanade Reserve
Kiln Place Reserve (Playground prohibited)
Memorial Reserve
Moorcroft
Morgan Williams Reserve (Playground prohibited)
Silverstream Reserve
Trousselot Reserve

UNDER CONTROL AREA

Askeaton Park
Baker Park (Playground prohibited)
Corcoran Reserve
Currie Park (Playground prohibited)
Darnley Square (Playground prohibited)
Glenvale Walk
Gray Crescent Reserve (Playground prohibited)
Hinemoa Park (Playground prohibited)
Jim Bryden Reserve (Playground prohibited)
Kaiapoi Anglican Reserve
Kaiapoi Domain (Playground prohibited)
Kaiapoi Lakes (Bird sanctuary prohibited)
Kendall Park (Sportsfields prohibited)
Kirk Street Reserve (Playground prohibited)
Murphy Park (Sportsfields prohibited)
NCF Park (Playground prohibited)
Riseley Reserve
Wylie Park (Sportsfields prohibited)
The Oaks

PROHIBITED AREAS

Scott Rose Garden (Charles Street)
All children's playgrounds
All sportsfields

OHOKA

UNDER CONTROL AREA

Mandeville Sports Club (Sports fields & playground prohibited)
Ohoka Domain (Playground area prohibited)
Whites Rd. Reserve

OXFORD RESERVE CONTROL

LEASH CONTROL AREAS

Ashley Gorge Reserve Lower Flat
(Campground and upper flats prohibited)
Matai Place Reserve

PROHIBITED AREAS

All children's playgrounds
All sportsfields

UNDER CONTROL AREAS

Church Street Reserve (Playground prohibited)
Pearson Park (Playground & sports fields prohibited)
Rimu Place Reserve
Warren Reserve
West Oxford Reserve (CRC)

PINES/KAIRAKI BEACH RESERVE CONTROL

LEASH CONTROL AREAS

McGarry Place Reserve

UNDER CONTROL AREA

Dunns Avenue Reserve
Featherstone Reserve
Kairaki Beach Domain
Kairaki Reserve
Pines Beach Oval (Playground area prohibited)

RANGIORA RESERVE CONTROL

LEASH CONTROL AREAS

Bells Siding
Chelsea Ct. Reserve
Bridget Lane Reserve
Elm Tree Reserve
Kippenberger War Memorial Reserve
Grove Place Reserve
Hazeldean Reserve
Janelle Place Reserve
Manchester Place Reserve
Newnham Street Reserve (playground prohibited)
Oxford Line Reserve
Rickton Place Reserve
Town Hall Reserve

PROHIBITED AREAS

Elephant Park
Northbrook Wetlands Reserve
Southbrook Park
Torlesse Park (Castle Park)
Victoria Park
All children's playgrounds
All sportsfields

UNDER CONTROL AREA

Allen Reserve
Arlington Reserve
Ascot Pl Reserve
Ashgrove Park (Sportsfields prohibited)
Ashley Picnic Area
Ballarat Reserve
Belmont Ave Reserve
Bush Street Reserve (Playground prohibited)
Dudley Park
Epsom Dr Reserve
Good Street Reserve (Playground prohibited)
Green Street Walkway
Kowhai Avenue Reserve (Playground prohibited)
Lilybrook Reserve
Maria Andrews Park (Sportsfields prohibited)
Matawai Park
Neil Aitken Reserve
Oak Tree Reserve
Oakwood Park
Parkhouse Reserve (Playground prohibited)
Rangiora Recreation Ground (Sportsfields prohibited)
Regent Park (Playground prohibited)
River Road Reserve
River Road Reserve
Sycamore Drainage Reserve
Taunton Place Reserve
Ward Park

SEFTON

UNDER CONTROL AREA

Sefton Domain (Sportsfields prohibited)

TUABIWI

UNDER CONTROL AREA

Tuahiwi Sports and Recreation Ground

PROHIBITED

Playground, hard courts and sportsfield

WAIKUKU BEACH RESERVE CONTROL

LEASH CONTROL AREAS

Pegasus View Park (Playground prohibited)

Waikuku Beach Domain (Playground prohibited)

UNDER CONTROL AREA

Allin Drive Reserve

Kings Avenue Stopbank

Kiwi Avenue Recreation Reserve (Playground prohibited)

North Oval (Playground prohibited)

South Oval

Taranaki Reserve

WOODEND RESERVE CONTROL

LEASH CONTROL AREAS

Owen Stalker Park (Playground prohibited)

Pound Reserve

Skevington Park (Playground prohibited)

UNDER CONTROL AREA

Gladstone Park (Play ground & sportsfields prohibited)

Grangeview Reserve

Norton Reserve

Panckhurst Reserve

Woodend Beach Domain

Woodend Recreation Reserve (Sportsfields prohibited)

PROHIBITED AREAS

All children's playgrounds

All sportsfields

CEMETERIES

PROHIBITED AREAS

All cemeteries throughout the District (excluding Kaiapoi Anglican Cemetery Reserve)

BEACH SURF PATROL AREAS

PROHIBITED AREA

Within the area marked by Surf Patrol flags and extending around that area for a distance of 50 metres beyond the flags

ALL OTHER PUBLIC PLACES

Dogs shall be under control