



Rangitikei District Council

CONTROL OF DOGS BYLAW

1. INTRODUCTION

Pursuant to the powers vested in it by the Local Government Act 2002 and amendments, together with the Dog Control Act 1996 and amendments, the Impounding Act 1955 and amendments, together with every other power and authority conferred on it, the Rangitikei District Council hereby makes this bylaw.

2. PURPOSE OF THE BYLAW

The purpose of this Bylaw is to give effect to the Rangitikei District Council Dog Control and Owner Responsibility Policy 2016 by specifying standards of control which must be observed by dog owners in the Rangitikei District. The requirements are deemed necessary to ensure compliance with the Dog Control Act 1996 and to give effect to the objectives of that Act and the Council's Dog Control and Owner Responsibility Policy.

3. SCOPE OF THE BYLAW

3.1 Under Section 10(6) of the Dog Control Act 1996 Council must give effect to the Policy adopted under Section 10 of the Act by adopting the necessary bylaw under Section 20 of the Act.

3.2 Section 20(1) of the Act permits Council in accordance with the Local Government Act 2002, to make bylaws for all or any of the following purposes:

- a) prohibiting dogs, whether under control or not, from specified public places;
- b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district;
- c) regulating and controlling dogs in any other public place;
- d) designating specified areas as dog exercise areas;
- e) prescribing minimum standards for the accommodation of dogs;
- f) limiting the number of dogs that may be kept on any land or premises;

- g) requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise;
- h) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
- i) requiring any bitch to be confined but adequately exercised while in season;
- j) providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act;
- k) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against Section 53);
- l) any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs.

3.3 Pursuant to Section 20(3) of the Act no bylaw authorised by any of the provisions of paragraphs (a) to (d) of subsection (1) above shall have effect in respect of any land for the time being included in—

- a) a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
- b) a national park constituted under the National Parks Act 1980; or
- c) Te Urewera, as defined by section 7 of the Te Urewera Act 2014.

3.4 This Bylaw is authorised by Section 20 of the Dog Control Act 1996 and is made in accordance with the Local Government Act 2002.

3.5 Under Section 20(5) of the Act any person who commits a breach of this Bylaw commits an offence and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.

3.6 An injunction preventing a person from committing a breach of any bylaw authorised by Section 20(5) of the Act may be granted in accordance with section 162 of the Local Government Act 2002.

4. SHORT TITLE

The short title of this bylaw is the Rangitikei District Council Control of Dogs Bylaw 2016.

5. COMMENCEMENT

This bylaw shall commence on ~~28 November 2014~~.

6. REVOCATION OF BYLAW

This bylaw repeals the Rangitikei District Council Bylaw 2004 adopted on 16 December 2004 and amended 30 September 2010. However, with respect to infringement notices issued or the enforcement of any offences which occurred prior to the commencement of this Bylaw the Rangitikei District Council Bylaw 2004 will continue to apply.

7. APPLICATION OF BYLAW

This bylaw applies to the whole Rangitikei District unless otherwise stated.

8. INTERPRETATION

In this bylaw the terms used have the meaning given to them in the Dog Control Act 1996 except these terms which have the following meanings:

“Act” means the Dog Control Act 1996.

“At large” means at liberty, free, not restrained.

“Bylaw” means the Rangitikei District Council Control of Dogs Bylaw.

“Confined” means enclosed securely in a building or vehicle or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

“Under Control” means a dog that is under the direct control of a person either through the use of a leash, voice or hand commands (when in a leash free area) or which has its movements physically limited through the use of a leash and/or muzzle.

“Council” means Rangitikei District Council.

“Designated Dog Exercise Area” means a public place designated for the exercise of dogs under this bylaw.

“District” means the Rangitikei District.

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

“Dog Ranger” means a dog ranger appointed under Section 12 of the Act; and includes an honorary dog ranger.

“Policy” means the Dog Control and Owner Responsibility Policy.

“Occupier” means any person, who is not the owner of the land or premises in question, who has the right to occupy and use the land or premises by virtue of a lease, sub-lease, licence or renewal thereof, granted by the owner of the land or premises.

“Owner” has the same meaning as defined in Section 2 of the Dog Control Act 1996 and shall include any person who has a dog in their possession for the purpose of caring for such dog for a short period of time on behalf of the owner.

9. PENALTIES

Every person who commits a breach of this bylaw is liable to either:

- a) An infringement fee not exceeding \$750 or
- b) Upon summary conviction, a fine not exceeding \$20,000

10. CONTROL OF DOGS IN PUBLIC PLACES

10.1 An owner or the person responsible for or having custody or control of a dog must have his or her dog on a leash at all times when the dog is in a public place (excluding those areas which are designated prohibited areas or dog exercise and recreation areas). A working dog is not required to be on a leash in a public place, while it is working if it is not normally on a leash when carrying out the work being undertaken.

10.2 Any dog which is placed on an open tray of a vehicle must be kept restrained by a leash or chain of a length which is sufficiently short to ensure that the dog cannot fall from the vehicle or rush at passers-by. This provision will not apply if the dog is placed in a cage or similar enclosure which can adequately contain it.

11. DOG PROHIBITED AREAS

All dogs (except working dogs whilst carrying out their function as a working dog) shall be prohibited from the following areas:

- a) All public buildings;
- b) The playing surfaces of sports grounds and up to 20 metres of the playing surfaces where contained within the perimeter fence of the sports ground;
- c) Public swimming pools;
- d) All children’s playgrounds in public places;
- e) Picnic areas;
- f) Wilson Road stock route, Hunterville.

12. DOG SHOWS

Clause 11.1(a) above does not apply to any use of any prohibited public place for the purposes of a dog show not exceeding 48 hours and authorised in writing prior to the show by Councils principal administrative officer.

13. DESIGNATED DOG EXERCISE AND RECREATION AREAS

13.1 Council may from time to time, declare by resolution any public place, except in all cases the playing surfaces of sports grounds and up to 20 metres of the playing surfaces where contained within the perimeter fence of the sports ground, to be a designated dog exercise area. The following areas within the District are designated dog exercise areas:

- a) The northern section of the Bulls Domain, Bulls;
- b) The north eastern section of Taihape Domain, Taihape;
- c) The periphery of Wilson Park, Marton (and excluding the children's playground);
- d) 16-18 Robin Street, Taihape¹.

13.2 Within a dog exercise and recreation area the owner of a dog shall ensure that the dog is under their continuous control but shall not be obliged to keep the dog on a leash.

14. MINIMUM STANDARDS FOR THE ACCOMMODATION AND CARE OF DOGS

14.1 Every owner must provide their dog with a kennel that meets the following standards:

- a) There is sufficient room for the dog to stand up and turn around;
- b) The kennel is on dry ground and sheltered from the elements;
- c) The kennel must be a solid structure with a roof and floor;
- d) The kennel and its surrounds must be kept in a clean and sanitary condition.

14.2 If a kennel is not provided, dogs must be confined inside premises with an adequate sleeping area provided.

14.2 Every owner of a dog must ensure at all times:

- a) That the dog receives proper care and attention and is supplied with proper and sufficient food and water;
- b) That the dog is not fed, nor has access to, any untreated sheep or goat meat.
- c) That the dog receives adequate exercise.

14.3 No owner shall permit a kennel to be located closer than 1 metre to any boundary of the premises.

¹ So long as it remains available for this purpose under the licence from the Ministry of Justice.

15. CONFINEMENT OF DOGS

The owner of any dog must provide means of confining the dog upon the owner's property so that it is unable to gain access to any other private property or to any public place.

16. BITCHES IN SEASON AND DISEASED DOGS

16.1 The owner of a bitch dog in season or any dog suffering from an infectious disease, distemper or mange shall at all times ensure the dog does not enter on or remain in a public place or on any land or premises other than the land or premises occupied or owned by the owner of the dog, or at a registered veterinary clinic.

16.2 The owner of any bitch dog in season or dog suffering an infectious disease, distemper or mange must do the following:

- a) Keep the dog confined;
- b) Provide the dog with adequate food, water, veterinary care and exercise.

17. REMOVAL OF FAECES

The owner of a dog that defecates on any land or premises, other than that occupied by the owner, must promptly remove and dispose of the faeces.

18. AGGRAVATION OF DOGS

No person shall wilfully or negligently cause any dog to behave or contribute to any dog behaving in such a manner that would, if that person were the owner of the dog constitute a breach of the obligations imposed by Section 5(1)(e), (f) or (g) of the Act.

19. ABATEMENT OF NUISANCE

Where a dog or dogs on any property has become or is likely to become a nuisance or injurious to health, a notice will be issued to the owner at the discretion of a dog control officer or dog ranger.

The notice will request the owner within a specific timeframe to complete reasonable action to minimise or remove said nuisance or injury to health and can include the following:

- a) reducing the number of dogs living on the property
- b) repairing kennel so that it meets Council's minimum standard of accommodation
- c) constructing a new kennel so that it meets Council's minimum standard of accommodation

20. IMPOUNDING OF DOG FOUND IN BREACH OF THIS BYLAW

20.1 Any dog found at large in breach of this bylaw, whether or not it is wearing a registration label or disc as required by the Act, may be seized and impounded by a Dog Control Officer or a Dog Ranger.

20.2 As soon as practicable after any dog has been impounded Council shall:

- a) In the case of a dog wearing a registration label or disc or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded and unless the dog is claimed and any fee payable paid within seven (7) days of receipt of the notice, it may be sold, euthanised or otherwise disposed of in such a manner as Council sees fit; and after the expiry of that period Council may so dispose of the dog.
- b) Where the owner of the dog is not known or despite reasonable enquiry cannot be identified, Council may, after the expiration of seven (7) days after the date of the seizure and impounding of the dog, sell, euthanize or otherwise dispose of the dog in such manner as it thinks fit.
- c) No dog which is not registered in accordance with the Act shall be released until it is registered, micro chipped and all fees due paid in full.
- d) The sale, destruction or disposal of any dog in accordance with this Bylaw shall not relieve the owner of the dog of liability for the payment of any fees or penalties payable under this Bylaw.

21. DATE BYLAW MADE

This Bylaw was made by the Rangitikei District Council, passed and adopted at a meeting of Council on 26th May 2016.