

Dog Control Bylaw 2026

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Version



TE KAUNIHERA Ā-ROHE O
Whanganui
DISTRICT COUNCIL

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1 Title

- (1) This Bylaw is the Dog Control Bylaw 2026.

2 Commencement

- (1) This Bylaw comes into force on 1 July 2026.

3 Application

- (1) This Bylaw applies to the Whanganui District.

4 Statutory authority

- (1) The Council must carry out all functions and duties, and may use all powers, given to it under the Act.
- (2) In addition to those powers, the Council may:
- a. Support responsible dog ownership and dog welfare
Develop, support, or work with others to deliver services or programmes that promote responsible dog ownership and the wellbeing of dogs.
 - b. Provide funding and support
Provide grants or other assistance to organisations or groups that care for dogs, support their training or welfare, or educate people about responsible dog ownership.
 - c. Provide information and education
Promote the purposes of the Act through public information, education, and awareness activities.

Part 1 Preliminary provisions

5 Purpose

- (1) The purpose of this Bylaw is to give effect to the Dog Control Policy by:
- (a) regulating dogs to prevent nuisance;
 - (b) prohibiting dogs, whether under control or not, from specified public places;
 - (c) requiring dogs to be controlled on-leash in any specified public place;
 - (d) regulating and controlling dogs in any other public place;
 - (e) ensuring the number of dogs kept on a premise are suitable; and
 - (f) 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.

6 Definitions

In this Bylaw, unless the context otherwise requires, -

Act means the Dog Control Act 1996.

Approval means a licence, permit or other form of written approval granted under this Bylaw and includes all conditions to which the approval is subject.

Bylaw means the Dog Control Bylaw 2026.

Council means the Whanganui District Council or any Authorised Officer.

Control, in relation to a dog, means that the owner 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 so as to prevent a dog being a nuisance.

Dangerous Dog means a dog which has been classified as a dangerous dog under section 31 of the Dog Control Act 1996.

District Plan means the Operative Whanganui District Plan, or any Proposed Whanganui District Plan or part of a plan that is deemed to be operative for the purposes of the Resource Management Act 1991.

Dog Control Policy means the Dog Control Policy 2026.

Menacing Dog means a dog that has been classified as a menacing dog under section 33A of the Dog Control Act 1996.

Nuisance refers to the definition provided in section 8 of this Bylaw.

Owner has the meaning given by section 2 the Dog Control Act 1996.

Person includes a includes a natural person, a corporation sole, a body corporate, and an unincorporated body.

Premises means all land and buildings within a single rating unit.

Private Way has the meaning given by section 315 of the Local Government Act 1974.

Public place has the meaning given by section 2 the Dog Control Act 1996.

Road has the meaning given by section 315 of the Local Government Act 1974.

Urban Area means any area of the District zoned, residential, commercial or manufacturing in the Whanganui District Plan.

Working Dog has the meaning given by section 2 of the Dog Control Act 1996.

- 1) *Note: Working dogs include disability assist dogs, dogs kept by state departments such as police dogs and customs dogs, pest control dogs and dogs kept solely or principally as stock or herding dogs. A full list can be found in section 2 of the Dog Control Act 1996.* Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 2) Explanatory notes and additional information attached at the end of this Bylaw are for information purposes only, do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 3) The Interpretation Act 1999 applies to this Bylaw as if it were an enactment.

Part 2 Regulation and control of dogs

7 Nuisance

- (1) The owner of every dog shall ensure that the dog does not create a nuisance including, without limitation, by:
 - (a) obstructing the lawful passage of any person in a public place or on private property.
 - (b) rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.
 - (c) destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
 - (d) interfering with any person's property, whether on private property (other than the owners) or in a public place.
 - (e) rushing at, chasing, frightening, obstructing or causing injury or distress to any stock, poultry, domestic animal or protected wildlife, whether on private property (other than the owners) or in a public place.
 - (f) barking, howling and/or whining in a persistent and loud manner.
 - (g) rushing at any vehicle.

8 Prohibition of dogs in public places

- (1) Dog owners must ensure their dog does not enter or stay in any public place where dogs are prohibited, as listed in Schedules 1 or 2 of the Dog Control Policy.
- (2) Clause 8 (1) does not apply in the following cases:
 - (a) where a working dog is accompanying and assisting a person, or is with a person who is training the dog; or
 - (b) where the only way for a person to reach their home or veterinary clinic is by passing through a prohibited public place, provided that:
 - (i) the owner takes the most direct route through the prohibited Public place; and
 - (ii) the dog is under control on a leash.
 - (c) where a dog is:
 - (i) wholly contained within a vehicle; or
 - (ii) securely tied to the flat deck of a ute or truck so the dog cannot reach the sides or rear of the vehicle and people can safely walk past without fear of being attacked or intimidated in a way where the dog is protected from injury, distress and extreme weather, with sufficient space to adopt a natural resting position. -

9 Dogs on a leash in public places and private ways

- (1) The dog owner must ensure their dog is kept under control on a leash in any public place or private way where leashes are required, as listed in Schedule 2 of the Dog Control Policy.
- (2) Clause 9(1) does not apply to–
 - (a) Any dog confined in a vehicle or cage; or
 - (b) Any working dog that is accompanying and assisting a person, or are with a person training the dog.
- (3) In order to comply with clause 9(1), the owner or person in charge of the dog must:
 - (c) actively pay attention to the dog and what it is doing; be close enough to the dog to quickly respond to any issues;
 - (d) ensure the dog remains responsive to commands, with prompt recall;
 - (e) and ensure the dog does not create a nuisance to any other person, or to any stock, poultry, domestic animal, or protected wildlife.
- (4) Every dog owner or person in charge of a dog in a public place must keep their dog leashed if they cannot meet the requirements for under effective control, even if the area does not require dogs to be leashed.

10 Dogs off a leash in public places

- (1) The owner of any dog (other than a Dangerous Dog or Menacing Dog) may take that dog off a leash in public place specified as such in Schedule 2 of the Dog Control Policy, provided that dog is kept under Control.

11 Dogs in designated dog exercise area

- (1) The owner of any dog (including a Dangerous Dog or Menacing Dog that is muzzled) may take the dog off leash in a designated dog exercise area specified as such in Schedule 2 of the Dog Control Policy provided that dog is kept under Control.
- (2) In any other Public place not specified as designated dog exercise areas in Schedule 2, dogs classified as Dangerous Dogs must be muzzled at all times.

12 Temporary changes to dog access rules

- (1) The Council may make temporary changes to Schedule 1 or 2 of the Dog Control Policy in relation to–
 - (a) leisure and cultural events (including dog friendly events);
 - (b) dog training;
 - (c) protected wildlife that are vulnerable to dogs;
 - (d) flora that are vulnerable to dogs;
 - (e) pest control in any park and/or beach; and
 - (f) other circumstances of a comparative nature to clause 12(1)(a) to (e) inclusive.
- (2) In making or removing a temporary change to Schedule 1 or 2 of the Dog Control Policy in clause 12(1), the Council must–
 - (a) have regard the Dog Access provisions within the Dog Control Policy;
 - (b) clearly record in writing the reason for the change, the location affected, and timeframe the temporary change will apply;
 - (c) give public notice in a way the Council considers appropriate for the situation;
 - (d) clearly mark the affected area with one or more visible notices placed in obvious locations, unless it is impractical or unreasonable to do so.

13 Dog faeces

- (1) When in a public place dog owners must immediately remove and dispose of their dog's faeces. This must be done in a way that does not cause a nuisance.
- (2) Clause 13(1) does not apply to any dog herding or driving stock on a road where the dog is kept solely or principally for the purposes of herding or driving stock.

14 Keeping more than three dogs

- (1) Except with the approval of Council, no person shall allow or cause to remain or keep more than three (3) dogs over the age of 3 months, and not more than one (1) unspayed bitch, on any premises within the urban area.

Part 3 Administration and Enforcement

15 Approvals

- (1) The Council may grant, (with or without conditions) or refuse any application for approval, at its discretion.
- (2) In deciding to grant or decline an application for four (4) or more dogs on a premises within the urban area, Council will consider the following matters:
 - (a) size and nature of the premises;
 - (b) any justified complaints with regard to the owner or dogs subject to the approval;
 - (c) whether or not the consent of any potentially affected neighbours has been given;
 - (d) conditions that may be imposed on an approval if granted;
 - (e) duration of any approval if granted;
 - (f) inspection to ensure compliance with any approval and any conditions;
 - (g) any objection to the council in relation to a decision to suspend or cancel an approval, including the period of objection; and
 - (h) any other matters Council considers necessary.
- (3) Unless otherwise stated in the conditions of the approval granted under clause 14(1), the approval will remain valid as long as the circumstances described on the approval remain unchanged.

- (4) An approval granted under clause 14(1) cannot be transferred to another person or another premise.

16 Review of an approval

- (1) The Council may cancel, amend or initiate a review of an approval issued under this Bylaw if:
- (a) change of circumstances relating to the:
 - (i) Premises; or
 - (ii) Owner or occupier of the premises; or
 - (iii) Dogs kept or remaining on the premises; or
 - (iv) Neighbouring approval.
 - or
 - (b) if urgent action is required to protect the public from unsafe or hazardous conditions; or
 - (c) two (2) or more justified complaints, not related to the same instance, are received within a 12-month period; or
 - (d) a person has failed to meet the conditions of their approval or any other requirements of any relevant criteria, policy or guidelines approved by the Council; or
 - (e) a person that holds an approval fails to meet any written instructions within the specified timeframes.
- (2) A review of an approval, may result in:
- (a) Amendment of the approval; or
 - (b) Suspension of the approval; or
 - (c) Withdrawal of the approval; or
 - (d) No further action.

17 Non-compliance with this Bylaw

- (1) The Council may use its powers under the Act and the Local Government Act 2002 to enforce this Bylaw.
- (2) A person who fails to comply with any control, restriction, limitation or prohibitions contained within or made pursuant to this Bylaw commits an offence under the Act and the Local Government Act 2002 and is liable to the penalties under the Act or Local Government Act 2002.

18 Savings

- (1) Any approval or control in force at the commencement of this Bylaw remains in force until revoked or replaced by an equivalent resolution, approval or decision made by the Council under this Bylaw.