

WANGANUI DISTRICT COUNCIL

DOG CONTROL BYLAW 2015

Commencement Date: 8 June 2015



WANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui



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WANGANUI DISTRICT COUNCIL DOG CONTROL BYLAW 2015

PART I

INTRODUCTION

The Wanganui District Council, under section 20 of the Dog Control Act 1996, makes this Bylaw for the control of dogs in the Wanganui District.

TITLE

The title of this Bylaw is the Wanganui District Council Dog Control Bylaw 2015.

COMMENCEMENT

This Bylaw commences on Monday 8 June 2015.

REPEAL

The Wanganui District Dog Control Bylaw 2008 is repealed on the commencement date of the Wanganui District Council Dog Control Bylaw 2015.

PURPOSE

The purpose of this Bylaw is to give effect to the Wanganui District Council Dog Control Policy 2015 by specifying standards of control which must be observed by dog owners in the Wanganui District. The requirements are deemed necessary to ensure compliance with the Dog Control Act 1996¹ and the Wanganui District Council Dog Control Policy 2015, and to give effect to the objectives of the Act and the Policy.

¹ Section 10 of the Act

PART II

DEFINITIONS

Unless the context supports an alternative meaning as specified in Dog Control Act 1996 then:

Act means the Dog Control Act 1996

Animal Control Officer includes a Dog Control Officer appointed under section 11 of the Act and a Dog Ranger appointed under section 12 of the Act

At large means that the dog is off leash and kept under control at all times

Bylaw means the Wanganui District Council Dog Control Bylaw 2015

Central Business District Area is the area contained within St Hill Street, Taupo Quay, Drews Avenue, Watt Street, Wicksteed Street, Ingestre Street

District means the area designated as the Wanganui District

Dog Exercise Area means a public place identified in the Bylaw as an area, including all walkways and tracks within the exercise area, where dogs may be exercised providing the dog is kept under control at all times

Dog on Leash means that the dog must be on a leash and kept under control at all times by the owner or person in charge of the dog

Dog on Leash Area means an area identified in this Policy where dogs must be on a leash and kept under control at all times

Kept under control at all times means the dog is not causing a nuisance or danger; and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, the dog is obedient and responsive to the dog owner's commands without hesitation

Leash means a lead which is capable of restraining the dog

Neutered dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised

Policy means the Wanganui District Council Dog Control Policy 2015

Prohibited Public Place means a public place identified in this Policy as a place where dogs are prohibited, except as provided for in this Policy or the Act

Working Dog has the same meaning as that provided in section 2 of the Act

PART III

SCOPE

The Act provides statutory control over a range of dog related matters including dog registration, barking dogs, menacing dogs, dangerous dogs, and dogs attacking people or stock.

The Act empowers Council to issue infringement notices and undertake criminal prosecution when a provision in the Act is breached.

Section 20 of the Act permits the Council 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.

PART IV - COMPLIANCE

PENALTY

1. A person who commits a breach of this Bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000.00².
2. An injunction preventing a person from committing a breach of this Bylaw may also be granted in accordance with section 162 of the Local Government Act 2002.

PROHIBITED PUBLIC PLACES

3. The owner of any dog shall not cause, permit or allow the dog to enter or remain in or on any part of any public place which is defined as a '**prohibited**' area as set out in Part A of the Second Schedule.
4. Where the only pedestrian access to either the owner's residence or a veterinary surgery is through a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
 - 4.1. The owner and dog take the most direct route through the prohibited public place, and
 - 4.2. The dog is controlled on a leash.
5. Where a dog is being exercised in a dog exercise area that borders a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
 - 5.1. There is no reasonable alternative access; and
 - 5.2. The owner and dog take the most direct route through the prohibited public place; and
 - 5.3. The dog is controlled on a leash.

CONTROL OF DOG IN ANY OTHER PUBLIC PLACE

6. The owner of any dog shall not cause, permit or allow the dog to enter or remain in or on any part of any other public place, other than a designated dog exercise area, unless the dog is kept under control on a leash.
 - 6.1. This clause does not apply to the owner of a Working Dog in relation to the Working Dog when that dog is undertaking its working function.

DESIGNATED DOG EXERCISE AREA

7. The owner of any dog in a designated dog exercise area, as listed in Part B of the Second Schedule, must have the dog kept under control at all times but shall not be obliged to keep the dog on a leash.

² Section 242(4) of the Local Government Act 2002

LIMITATION OF NUMBER OF DOGS

8. No occupier of any property in an urban area shall allow or cause to remain or keep on the property, more than three (3) dogs, over the age of three months (whether or not such dogs are registered) unless the occupier has obtained an exemption licence from Council.
9. An exemption licence and fee may be issued upon or subject to such terms, conditions or restrictions as Council may consider necessary and any breach of such terms, conditions or restrictions shall result in revocation of the licence.
10. Any person requesting to allow or cause to remain or to keep more than three (3) dogs on any premises as provided in the Bylaw shall apply in writing to Council in such form as may be required by Council for an exemption licence; except that no application shall be accepted by Council unless the applicant is first classified as a responsible dog owner in accordance with this Bylaw and the Dog Control Policy.

RESPONSIBLE DOG OWNER

11. A dog owner may apply to Council to become a Responsible Dog Owner.
 - 11.1. Application to become a Responsible Dog Owner is made using the registration fee demand.
 - 11.2. Responsible Dog Owner status may be renewed, on application, each year.

Responsible Dog Owner Criteria:

- 11.3. Demonstrates good control over the dog when an Animal Control Officer inspects the property;
- 11.4. Keeps the dog securely contained within the property while allowing members of the public access to the residence's main entrance without encountering the dog;
- 11.5. Signs erected on or near the front entrance of the property alerting to the presence of the dog;
- 11.6. Required registration fee is fully paid for the dog by 31 July of each registration year;
- 11.7. No infringement notice issued to the dog owner within the last continuous 24 month period;
- 11.8. The dog owner has not had a dog impounded within the last continuous 24 month period.

NEUTERING OF MENACING DOGS

12. The owner of a dog classified as a menacing dog under section 33A³ of the Act must within 1 month after receipt of notice of the classification:
 - 12.1. produce to the Council a certificate issued by a veterinarian certifying that the dog is or has been Neutered; or
 - 12.2. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - 12.3. must, if a certificate is produced under paragraph 12.2, produce to the Council, within 1 month after the date specified in that certificate, a further certificate under paragraph 12.1.
13. A dog that has been classified as a Menacing dog by Council under section 33C⁴ of the Act, is required to be neutered if:
 - 13.1. the dog owner is convicted of an offence under sections 57(2) or 57A(2)(a) of Act; or
 - 13.2. the dog owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
 - 13.3. the dog has been impounded a second time within a continuous 12 month period.

DISABILITY ASSIST DOGS

14. Notwithstanding anything in the Bylaw any Disability Assist Dog accompanying and assisting a person with a disability or accompanying a person genuinely engaged in the dog's training to become a Disability Assist Dog may enter and remain:
 - 14.1. In any premises registered under regulations made pursuant to section 120 of the Health Act 1956; or
 - 14.2. In any public place.
15. The person whom the dog is accompanying must comply with any reasonable conditions imposed by the occupier or person controlling the premises or place in relation to the entry or presence of the dog⁵.

³ A dog considered to pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog; or any characteristics typically associated with the dog's breed or type.

⁴ Council must classify as menacing any dog that Council has reasonable grounds to believe that the dog belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4 of the Act.

⁵ Section 75 of the Act

DOG REGISTRATION

16. Council may apply a tiered registration fee structure allowing fees to be set at different levels for different categories of dogs. The Council may, at its sole discretion, recognise the following categories of dogs when setting registration fees:

- 16.1. Non-Working Dog;
- 16.2. Working Dog;
- 16.3. Disability Assist dog;
- 16.4. Neutered Dog; and
- 16.5. Dangerous Dog.

17. Where the full amount of a registration⁶ demand is paid by 31 July of the registration year, the dog owner is eligible to a prompt payment rebate.

DOGS FOULING PUBLIC AREAS

18. The owner of a dog that defecates on any land or premises, other than that occupied by the dog owner, that owner must remove the faeces immediately and dispose of it in a hygienic manner.

⁶ Schedule of fees for dog registration is available from Council's Customer Services

FIRST SCHEDULE

Infringement offences and fees

s65(1)

Section	Brief description of offence	Infringement fee (\$)
18	Wilful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or wilfully providing false particulars	750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	750
20(5)	Failure to comply with any bylaw authorised by the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300
24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300
33F(3)	Failure to advise person of muzzle and leashing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to dog registration	750
41A	Falsely notifying death of dog	750
42	Failure to register dog	300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	500
48(3)	Failure to advise change of dog ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300
54A	Failure to carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

SECOND SCHEDULE

PART A - PROHIBITED SPECIFIED PUBLIC PLACES

DOGS ARE PROHIBITED AT THE FOLLOWING LOCATIONS	
PROHIBITED AREAS	SPECIFIC PART OF PROHIBITED AREA
Central Business District Area	Refer to the definition section
Castlecliff Beach car park (off Rangiora Street)	Beach area in front of car park
Lake Wiritoa	Beach and boat ramp area
Virginia Lake	Virginia Lake
Westmere Lake	Westmere Lake
Bason Botanic Gardens	Bason Botanic Gardens
Mowhanau Beach Domain	Children's play area and beach area in front of domain.
Williams Domain	Williams Domain
Tawhero Golf Course	Tawhero Golf Course
Deer Park Reserve	Deer Park Reserve
Spurdle Street Reserve	Spurdle Street Reserve
Parks	Children's play areas
Kowhai Park	Children's play area
Matipo Park	Matipo Park
Laird Park	Laird Park
Cooks Gardens	Cooks Gardens
Sports Grounds	Playing surfaces of sports grounds

PART B – PERMITTED OFF-LEASH BUT KEPT UNDER CONTROL AT ALL TIMES

DOG EXERCISE AREA	DEFINED AREA
ARAMOHO	
Riverbank Reserve.	Railway Bridge to Aramoho School - walkway along riverbank
Riverbank Reserve	Aramoho School to Kells Avenue - road reserve
Seddon Street	Kaikokopu Road to Barrack Street - road reserve
Somme Parade riverbank reserve	Opposite cemetery
WANGANUI EAST	
Burton Avenue	Road Reserve islands
Eastown Road	Grass reserve next to railway line
Riverbank Reserve	Jet Tours Building to the Railway Bridge
Riverbank Reserve	Fitness Trail to Ikitara Road extension
Wembley Park: Grounds 5 to 8	EXCEPT when being used for sporting events
CENTRAL CITY	
Davis Library	Grass reserve next to Davis Library
Somme Parade Riverbank Reserve	Riverside Walkway: Dublin Street Bridge to PS Waimarie Jetty
Wilson Street (corner of Taupo Quay) to Bedford Avenue	River Walkway adjacent to the intersection of Wilson Street and the corner of Taupo Quay to northern end of Bedford Avenue
CASTLECLIFF	
Castlecliff Beach area	EXCLUDING Front of Rangiora Street car park from 1 November to 1 April inclusive
Bamber Street	Bamber Street road reserve
Seafront Road	Seafront Road grass reserve
Karoro Road/Riverbank Reserve	AFFCO to Rivercity Meats, including Gilbert Street
GONVILLE	
Moore Avenue	Gonville Domain
Tawa Street	Tawa Street Reserve
Carlton Avenue	Handley Street Reserve
SPRINGVALE	
Springvale Park	Area between Splash Centre and St George's School EXCEPT when the sports areas are used for sporting events
Parsons Street Road Reserve	Next to Bridge Club
Babbage Place reserve	
Great North Road	Otamatea Reserve

Victoria Park – except when sports are being played	
OTHER AREAS	
North of the bridge and stream at Mowhanau Beach	
South Beach	

PART C – ON-LEASH PUBLIC PLACES

DOGS ARE PERMITTED ON A LEASH AT THE FOLLOWING LOCATIONS	
DOG EXERCISE AREA	DEFINED AREA
Aramoho Motor Camp Park	Aramoho Motor Camp Park
Hutton Park	Hutton Park
Lorenzdale Park	Lorenzdale Park
Lundon Park	Lundon Park
Peat Park	Peat Park
Queen's Park	Queen's Park
Riverbank road reserve	River Walkway: from PS Waimarie jetty to the river walkway area adjacent to the intersection at the corner of Wilson Street and the corner of Taupo Quay
Public Places	All other public places not identified in Parts A or B