



Waipa District Council

DOG CONTROL

BYLAW 2004

Following the adoption of the Waipa District Council Dog Policy 2004 and in pursuance and exercise of the powers and authorities under the Local Government Act 2002, Section 20 of the Dog Control Act 1996, and of each and every power and authority it thereto enabling, the Waipa District Council makes and ordains this Bylaw.

1. Title

This Bylaw shall be cited and referred to as the “Waipa District Dog Control Bylaw 2004”.

2. Interpretation

“Companion Dog” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Council” means the Waipa District Council;

“District” means the District of Waipa as administered by the Waipa District Council;

“Dog Control Officer” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Dog” shall mean any dog, bitch, neutered or speyed dog

“Dog Exercise Area” means a public place designated in Schedule 2 hereto where a dog may be exercised off a leash but under control;

“Dog Ranger” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Guide Dog” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Hearing Ear Dog” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Hunting Dog” shall mean any dog used for hunting game;

“In season” shall mean the oestrus or heat cycle of any bitch

“Infringement Offence” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Owner” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Premises” shall mean any dwelling house and associated buildings

“Prohibited Dog Area” means a public place designated in Schedule 1 hereto where dogs are prohibited;

“Public Place” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996;

“Urban Area” means an area of Waipa District designated in Schedule 3 hereto and includes any allotment of one hectare or less;

“Working Dog” shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

3. Dogs in Public Places

Dogs controlled on a leash may have access to any park, reserve or public place within the District, other than those public areas contained in Schedule 1 hereto (Dog prohibited areas).

(1) It shall be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed or permitted game hunter who is using the dog for the immediate purpose, of locating and/or retrieving game.

(2) It shall also be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed firearms owner who is using that unleashed dog for the immediate purpose of locating and/or retrieving game.

In both (1) and (2) above, the onus shall fall on the hunter/shooter to demonstrate that he or she was entitled to legally be in that public place and to demonstrate that the unleashed dog was under his, or her full control.

4. Dog Exercise Areas

A) No owner or person for the time being in charge of any dog shall allow that dog to run off a lead or leash in any area other than a dog exercise area; or private property with the consent of the owner or occupier.

B) Any person for the time being in charge of any dog in a dog exercise area shall keep the dog under the person’s control at all times.

5. Prohibited Dog Area

No owner or person for the time being in charge of any dog shall allow that dog to enter any prohibited dog area.

6. Shelter

A) The owner of every dog shall provide for the use of that dog a weather proof kennel or place of confinement which shall:

i) Be constructed on dry ground

ii) Be of sufficient size so as to allow the dog to stand up, move

freely, stretch out and recline

iii) Be provided with a fixed chain which allows the dog free movement about the kennel, or some other means of confinement to the kennel.

iv) Be kept in a clean and sanitary condition at all times.

B) The owner of every dog shall provide for the dog to have access to clean water on the owner's property at all times.

7. Confinement of Dogs

The owner of every dog in the District shall ensure that the dog is securely confined to the owner's property or premises at all times unless in the possession of a responsible person and under proper control.

8 Fouling

The owner of any dog that defecates in a public place, or on land or premises other than that occupied by the owner shall immediately remove those faeces.

9. Impounding

Any Dog Control Officer, Dog Ranger or Constable may impound any dog found at large in breach of this or any other Bylaw made by the Council under this or any other Act whether or not that dog is wearing a collar, having the proper registration label or disk attached, and the provisions of Sections 69 and 69A of the principal act shall apply with any necessary alterations or modifications as if those provisions were incorporated in this Bylaw.

10. Limit on Number of Dogs to be Kept

A) No occupier of any premises within the urban areas specified in Schedule 3 shall allow to remain or keep on the premises for a period exceeding 14 days, more than 2 dogs exceeding 3 months of age at any one time, unless the occupier is the holder of a permit issued by the Council.

B) No occupier of any premises within any other area of the District shall allow to remain or keep on the premises for a period exceeding 14 days, more than 5 dogs exceeding 3 months of age at any one time, unless the occupier is the holder of a permit issued by the council.

C) Any person desiring to allow or keep more than the permitted number of dogs on the premises shall make written application to the Council for a permit and shall furnish the Council with such information as it may reasonably require in relation to the application.

D) A permit may be issued upon and subject to such terms, conditions and restrictions as the Council may specify.

E) The Council may from time to time by resolution fix an application fee for a permit to keep more than the permitted number of dogs. Such a

fee shall be payable upon application and will be additional to any registration fees.

11. Nuisances

- A) i) The owner of every bitch in season shall keep it continuously confined whilst it is in season in a manner which prevents its escape and which prevents entry to the area of confinement by other dogs.
- ii) The owner of every bitch in season so confined shall ensure that it receives adequate exercise.
- B) The owner of every dog shall take all practicable steps to prevent the dog from being or becoming a nuisance by persistent barking, howling or whining.
- C) No person shall keep any dog under conditions which are offensive or likely to be injurious to the health of the dog or any person.
- D) The owner of any dog that has not been kept under proper control on 2 or more occasions in any twelve month period shall cause that dog to be neutered, whether or not the owner of the dog has been convicted of an offence against Section 53 of the principal Act.

12. Diseased Dogs

Any owner or person having control or charge of any diseased dog shall confine that dog to that persons property at all times.

13. Teasing Dogs

No person shall tease, provoke or otherwise mistreat any dog in such a way that would cause, or may cause, that dog to become aggressive, unmanageable or a nuisance.

14. Revocation

The Waipa District Dog Control Bylaw 1997 is repealed and ceases to be operative from 13th October 2004.

15. Penalties

Section 20(5) of the Dog Control Act 1996 provides that every person who commits a breach of the Bylaw commits an offence and is liable for the penalties described by Section 242(4) of the Local Government Act 2002 which, as at the date of making the Bylaw, is a fine not exceeding \$20,000.

Section 65 of the Dog Control Act 1996 permits an infringement fee for the amount specified in the First Schedule to that Act to be imposed in respect of each offence described.

SCHEDULE 1 PROHIBITED DOG AREAS

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none">- Victoria Square- Cambridge Swimming Pool- Cambridge Cemetery (Hautapu)- Cambridge Soccer grounds, Vogel Street- Cambridge Athletic and Harrier Club grounds, Vogel Street- Cambridge Rugby Sub-Union grounds, Taylor Street- Leamington Sports ground, Carlyle Street (playing fields only)
Te Awamutu	<ul style="list-style-type: none">- Te Awamutu Rose Gardens- Te Awamutu Events Centre- Kihikihi Cemetery- Jean Gatton Reserve (Kihikihi)- Te Awamutu Rugby Sports and Recreation Club grounds (Albert Park)- Yarndley's Bush (Ngaroto Road)
Takepuku	<ul style="list-style-type: none">- Bulmers Landing, Lake Arapunui (southern area as signposted). <p>Note: remainder of reserve around boat ramp is a "Dog on leash" area.</p>
Pirongia	<ul style="list-style-type: none">- Pirongia Rugby Football Club- Pirongia Cemetery- Paterangi Cemetery- The upper field of the Ohaupo Rugby club sports grounds
Maungatautari	<ul style="list-style-type: none">- Karapiro Domain- Pukerimu Cemetery
All Areas	<ul style="list-style-type: none">- Any Waipa District Council offices, libraries or museums- In the immediate vicinity of any public playground or play area- Reserves where animals are being grazed- <i>All DOC Reserves with the exception of wetland areas when being used for the purpose of hunting (permit required).</i>

Note (1): Nothing in Schedule 1 shall apply to any guide dog certified by the Royal New Zealand Foundation for the Blind, any hearing ear dog certified by the Hearing Association and any companion dog certified by the Top Dog Companion Trust.

SCHOOLS/PRE-SCHOOLS

The following schools/pre-schools have also designated their grounds as prohibited:

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none">- Cambridge High School, Swayne Road- Cambridge Childcare Centre, Fort Street- Cambridge Primary School, Wilson Street- Cambridge Middle School, Clare Street- Leamington School, Lamb Street- Cambridge East School
Te Awamutu	<ul style="list-style-type: none">- Te Awamutu Primary School- Pekerau School- Kihikihi School- St Patricks School- Kihikihi Kindergarten
Takepuku	<ul style="list-style-type: none">- Wharepapa School- Puahue School- Pokuru Primary School
Pirongia	<ul style="list-style-type: none">- Pirongia School- Ngahinapouri School- Kaipaki School- Ohaupo Primary School
Maungatautari	<ul style="list-style-type: none">- Hautapu School- Te Miro School- Whitehall School

All schools/pre-schools listed will be responsible for providing and maintaining their own signage in relation to these designations.

SCHEDULE 2 DOG EXERCISE AREAS

WARD	LOCATION
Cambridge	<ul style="list-style-type: none">- McKinnon Park, Taylor Street- Gasworks Site, Alpha Street- Lower Te Koutu Park, Albert Street- Wordsworth Street (from Carlyle to Cemetery)- Gil Lumb Park, Pope Terrace- Road berm area, Lamb / Carlyle Streets the side of the road adjacent to the greenbelt- Fenced area adjacent to Leamington Sports Ground, cnr Carlyle and Wordsworth Streets (note, playing fields are prohibited to dogs)- Old Cambridge Landfill, Shelley Street,- Road berm area, Vogel Street and Taylor Street, the side of the road adjacent to the greenbelt,(Taylor Street, restricted to the hours before 7am and after 5pm during school term time).
Te Awamutu	<ul style="list-style-type: none">- Anchor Park (back half area)- Greenough Crescent Reserve- Centennial Park, Rewi Street (south of BMX track)- Montiefiore Park, Factory Road- Te Rahu Road Reserve- Bygrave Place Reserve (except when grazed)- Turere Lane Reserve- Douglas Avenue Reserve- Kihikihi Domain (preferential bookings will take precedence)- Bryce Street / Hall Street Corner- Old Kihikihi Landfill Site - Leslie Street (Kihikihi)-currently closed temporarily for works
Pirongia	<ul style="list-style-type: none">- Acacia Narrows (Airport Road)- Lake Ngaroto- Tollrail lease area adjacent to Kahikatea Park, Ohaupo (subject to the issue of a resource consent under the Resource Management Act 1991, which if granted will result in the area being automatically designated as a dog exercise area and appropriate signage installed).- Old Pirongia Landfill, Kane Street, Pirongia
Takepuku	<ul style="list-style-type: none">- Arapuni Landing (Lake Arapuni)

WARD	LOCATION
Maungatautari	- Judd Lane, Maungatautari Road

SCHEDULE 3

URBAN AREAS

Te Miro Settlement

Bruntwood Settlement

Cambridge Township

Hautapu Settlement

Karapiro Settlement

Kihikihi Township

Ngahinapouri Settlement

Ohaupo Township

Te Pahu Settlement

Pirongia Township

Rukuhia Airport Settlement

Rukuhia Settlement

Te Awamutu Township

Te Mawhai Settlement

Tokanui Settlement

Any allotment of one hectare or less

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Order passed at a meeting of the Council's Policy Committee held on the 13th day of September 2004 and confirmed at a meeting of Council held on the 28th day of September 2004 and became operative on the 13th day of October 2004.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the day of in the presence of

Chief Executive