



DOG CONTROL

BYLAW 2009

Following the adoption of the Waipa District Council Dog Policy 2009 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 2009".

2 Interpretation

"Council" means the Waipa District Council;

"Disability Assist Dog" means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People in New Zealand
- (b) Mobility Assistance Dogs Trust
- (c) New Zealand Epilepsy Assist Dogs Trust
- (d) Royal New Zealand Foundation of the Blind
- (e) Top Dog Companion Trust
- (f) An organisation specified in an Order of Council under Section 78D

"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 entire or neutered 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;

"Hunting Dog" shall mean any dog used for hunting game;

"In season" shall mean the oestrus or heat cycle of any female dog;

"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;

“Dog Prohibited 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 – Dog Prohibited Areas

No owner or person for the time being in charge of any dog shall allow that dog to enter any dog prohibited area as contained in Schedule 1 hereto, (with the exception of a disability assist dog).

4 Dogs in Public Places – Dog on Lead Areas

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). Note: this restriction does not apply to working dogs.

(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 legally entitled to be in that public place and to demonstrate that the unleashed dog was under his, or her full control.

5 Dogs in Public Places - Dog Exercise Areas

A) No owner or person for the time being in charge of any dog shall allow that dog to be off 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, and not causing an offence under the Dog Control Act 1996.

6 Minimum Standards for the Accommodation of Dogs

A) The owner of every dog shall provide that dog with a weather proof kennel or place of shelter which shall:

- i) Be constructed on a raised floor off the ground
 - ii) Be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline
 - iii) 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 drinking water on the owner's property at all times.

7 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.

8 Confinement of Dogs

The owner of every dog in the District shall ensure that the dog is not at large and securely confined to the owner's property or premises at all times unless in the possession of a responsible person and under proper control.

9 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.

10 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.

11 Nuisances

- A) i) The owner of every dog 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 dog 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) Any owner or person having control or charge of any diseased dog shall confine that dog to that persons property at all times.

12 Uncontrolled Dogs

The owner of any dog that has not been kept under proper control on three or more occasions in any twenty four 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.

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 2004 is repealed and ceases to be operative from 1 December 2009.

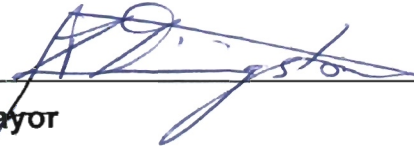
15 Penalties

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.

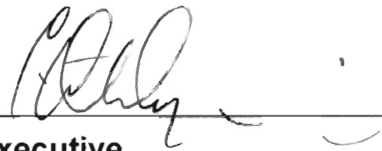
Section 65 of the Dog Control Act 1996 permits an infringement fee for the amount specified in the First Schedule to that Act to be imposed in respect of each offence described.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 15th day of December 2009. This Bylaw becomes operative on the 24th day of December 2009.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 15th day of December 2009 in the presence of:



Mayor



Chief Executive



SCHEDULE 1 DOG PROHIBITED AREAS

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none">▪ Victoria Square▪ Cambridge Swimming Pool▪ Cambridge Cemetery (Hautapu)▪ Cambridge Soccer grounds (Senior and Junior), Vogel Street▪ Cambridge Athletic and Harrier Club grounds, Vogel Street▪ Cambridge Rugby Sub-Union grounds, Taylor Street▪ Leamington Sports grounds, Carlyle Street (playing fields only)
Te Awamutu	<ul style="list-style-type: none">▪ Te Awamutu Rose Gardens▪ Te Awamutu Events Centre▪ Te Awamutu Rugby Sports and Recreation Club grounds (Albert Park)▪ Kihikihi Cemetery▪ Jean Gatton Reserve (Kihikihi)
Takepuku	<ul style="list-style-type: none">▪ Yarndley's Bush (Ngaroto Road)
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 Department of Conservation 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 certified disability assist dog.

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 Early Learning Centre, Fort Street▪ Cambridge Primary School, Wilson Street▪ Cambridge Middle School, Clare Street▪ Leamington School, Lamb Street▪ Cambridge East School▪ Leamington Playcentre
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▪ Rukuhia 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▪ Walkway in greenbelt from Thornton Road to Watkins Road▪ Lower Te Koutu Park, Albert Street▪ Gasworks Site, Alpha Street▪ River walkway from Dominion Avenue▪ Gil Lumb Park, Pope Terrace▪ Shelley Street (former landfill site)▪ Road berms adjacent to the greenbelt along Lamb and Carlyle Streets into Wordsworth Street▪ Polo grounds at Lamb Street (access excluded when in use for Polo)▪ Walkway from Addison Street through to Wordsworth Street (dogs on lead through paddocks when being grazed)▪ Fenced area adjacent to Leamington Sports Ground, cnr of Carlyle and Wordsworth Streets, (note playing fields are prohibited to dogs) until such time as Leamington Rugby Sports Club exercise their rights as lessee to withdraw consent for the area to be used as a dog exercise area, at which time the fenced area adjacent to Leamington Cemetery will become a designated dog exercise area
Te Awamutu	<ul style="list-style-type: none">▪ Anchor Park (back half area)▪ Centennial Park, Rewi Street (west of skateboard park)▪ Bygrave Place Reserve (except when grazed)▪ Montefiore Park, Factory Road▪ Turere Lane Reserve▪ Rear area of Sculpture Part, Albert Park Drive▪ Kihikihi Domain (preferential bookings will take precedence)▪ Leslie Street (Kihikihi)
Pirongia	<ul style="list-style-type: none">▪ Acacia Narrows, Airport Road▪ Lake Ngaroto (note: walkway around the lake dog on lead)▪ Kane Street, Pirongia▪ River walkway, Pirongia▪ Kahikatea Park, Ohaupo

SCHEDULE 3

URBAN AREAS

- Te Miro Settlement
- Bruntwood Settlement
- Cambridge Township (including Leamington)
- Hautapu Settlement
- Karapiro Settlement
- Kihikihi Township
- Ngahinapouri Settlement
- Ohaupo Township
- Any allotment of one hectare or less
- Te Pahu Settlement
- Pirongia Township
- Rukuhia Airport Settlement
- Rukuhia Settlement
- Te Awamutu Township
- Te Mawhai Settlement
- Tokanui Settlement