



# **Dog Control Bylaw**

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This bylaw is made by the Waipa District Council under the powers given to it by the Local Government Act 2002 and the Dog Control Act 1996 and their respective amendments.

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# Dog Control Bylaw 2015

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## 1. Purpose and scope

- 1.1. This Bylaw shall be cited and referred to as the "Waipa District Council Dog Control Bylaw 2015."
- 1.2. This Bylaw shall apply within the boundaries of the Waipa District. All provisions shall apply to the entire Waipa District unless otherwise stated at the beginning of the section or within the clause.
- 1.3. The purpose of this Bylaw is to support and give effect to the Waipa District Dog Control Policy 2015. Its objectives include to:
- (a) Protect the public from nuisance;
  - (b) Maintain public health and safety;
  - (c) Minimise the potential for offensive behaviour;
  - (d) Minimise danger, distress, and nuisance to the community generally;
  - (e) To avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children;
  - (f) Enabling the public to use streets and public amenities without fear of attack or intimidation by dogs; and
  - (g) Provide for the exercise and recreational needs of dogs and their owners.
- 1.4. This Bylaw is in addition to the following:
- (a) Dog Control Act 1996 (the Act).
  - (b) The Animal Welfare Act 1999.
  - (c) Local Government Act 2002.
  - (d) Operative Waipa District Plan.
  - (e) Proposed District Plan.

## 2. Definitions

- 2.1. For the purposes of this Bylaw the following definitions shall apply:

Term	Definition
"Council"	means the Waipa District Council
"Dangerous Dog"	means a dog classified as dangerous pursuant to section 31 of the Dog Control Act 1996
"Delegated Officer"	Means the Council officer with the formal delegation to consider the matter

Term	Definition
	to which the reference refers
<b>“Disability Assist Dog”</b>	means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog 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 by Order of Council under Section 78D of the Dog Control Act 1996
<b>“District”</b>	means the District of Waipa as administered by the Waipa District Council
<b>“Dog Control Officer”</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996 and includes “Animal Control Officer”
<b>“Dog”</b>	shall mean any entire or neutered dog
<b>“Dog Exercise Area”</b>	means a public place designated in Schedule Two hereto where a dog may be exercised off a leash but under control
<b>“Dog Prohibited Area”</b>	means a public place designated in Schedule One hereto where dogs are prohibited
<b>“Dog Ranger”</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>“Dwelling”</b>	a house, building, caravan or other structure that is self-contained and used for residential purposes
<b>“Hunting Dog”</b>	shall mean any dog used for hunting game
<b>“In season”</b>	shall mean the oestrus or heat cycle of any bitch
<b>“Infringement Offence”</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>“Land”</b>	means contiguous lots in the same ownership irrespective of the number of dwellings
<b>“Menacing dog”</b>	means a dog classified as menacing pursuant to section 33A of the Dog Control Act 1996
<b>“Muzzle”</b>	means a basket type or similar muzzle that allows panting and drinking
<b>“Occupier”</b>	in respect to land or dwelling means the owner, or person residing at the address with the authority of the owner
<b>“Owner”</b>	in respect to a dog shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>“Public Place”</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>“Urban Area”</b>	means an area of Waipa District designated in Schedule 3
<b>“Working Dog”</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996

### **3. Requirements**

#### **3.1. Dog prohibited areas**

- 3.1.1. The areas specified in Schedule One shall be dog prohibited areas. No owner, or person for the time being in charge of any dog, shall allow that dog to enter or to be in or on any dog prohibited area specified in Schedule One, (with the exception of a disability assist dog).
- 3.1.2. Council or a Delegated Officer may approve an exemption from the dog prohibition in these areas for an event, as detailed in the Waipa District Dog Control Policy 2015.

#### **3.2. Dogs in public places – dog on leash areas**

- 3.2.1. Dogs controlled on a leash may have access to any park, reserve or public place within the District, other than designated dog prohibited areas specified in Schedule One. [Note: this restriction does not apply to disability assist dogs and other working dogs that are there for the purpose of working].
- 3.2.2. 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.
- 3.2.3. 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.
- 3.2.4. In both 3.2.2 and 3.2.3 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.

#### **3.3. Dog exercise areas**

- 3.3.1. The areas specified in Schedule Two shall be dog exercise areas where dogs may be exercised off a leash but under control. No owner or person for the time being in charge of any dog shall allow that dog to be off a leash in any area other than a dog exercise area, or in a private property with the consent of the owner or occupier.
- 3.3.2. Any person for the time being in charge of any dog in a dog exercise area shall keep the dog under their control at all times, and not cause any offence under the Act.

#### **3.4. Limit on number of dogs to be kept**

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

- 3.4.2. No occupier of any dwelling on land not specified in Schedule 3, shall allow to remain, or keep at the dwelling for a period exceeding 14 days, more than 5 dogs in total at any one time (which exceed 3 months of age), unless the occupier is the holder of a permit issued by the Council or a Delegated Officer.
- 3.4.3. Any person desiring to allow or keep more than the permitted number of dogs on their premises or land 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.
- 3.4.4. A permit may be issued where Council is satisfied sufficient justification exists, and subject to such terms, conditions and restrictions as the Council or a delegated officer may specify to avoid any potential nuisance.
- 3.4.5. 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.

### 3.5. **Minimum standards for housing dogs**

- 3.5.1. The owner of every dog shall provide that dog with a weather proof kennel or place of shelter which shall:
- (a) Be constructed on a raised floor off the ground;
  - (b) Be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline; and
  - (c) Be kept in a clean and sanitary condition at all times.
- 3.5.2. The owner of every dog shall provide for the dog to have access to clean water when on the owner's property at all times.

### 3.6. **Fouling**

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

### 3.7. **Dog faeces bins**

- 3.7.1. It shall be an offence for any person to damage or otherwise interfere with, including removing the contents of, any dog faeces bin, without the authority of Council or a Delegated Officer.

### 3.8. **Nuisances**

- 3.8.1. The owner of every bitch in season shall:

- (a) Keep it continuously confined within a private property or within a vehicle or cage whilst it is in season in a manner which prevents its escape and which prevents entry to the area of confinement by other dogs.
  - (b) Ensure that it receives adequate exercise within private property.
- 3.8.2. The owner of every dog shall take all practicable steps to prevent the dog from being or becoming a nuisance (e.g. by persistent barking, howling or whining).
- 3.8.3. 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.
- 3.8.4. Any owner or person having control or charge of any diseased dog shall confine that dog to their property at all times.
- 3.8.5. No person shall deliberately tease, annoy, or provoke any dog in a manner that may cause the dog to become distressed, or may cause the dog to become aggressive, unmanageable or a nuisance, including teasing through a fence or gate whether from a public place or private property.
- 3.8.6. The owner of every dog shall take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person (including persons on neighbouring properties) by behaviour such as aggressive barking or rushing at the fence or property boundary in an aggressive manner whether in public or on private property, including persons on neighbouring properties.

### **3.9. Confinement and control of dogs**

- 3.9.1. The owner of every dog in the District shall ensure that the dog is not at large in any public place or right of way and is securely confined to the owner's property or premises at all times unless it is in the possession of a responsible person, under direct control and in compliance with all parts of this bylaw.

### **3.10. Uncontrolled dogs**

- 3.10.1. The owner of any dog that has not been kept under their control on two or more occasions in any 12 period may be required by Council or a Delegated Officer to have that dog neutered, whether or not the owner of the dog has been convicted of an offence against Section 53 of the Act.

### **3.11. Menacing dogs and dangerous dogs**

- 3.11.1. Council requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the Act.
- 3.11.2. If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, but moves to the Waipa District, it will be a requirement for the dog to be neutered once residing in the Waipa District.

- 3.11.3. Menacing dogs must wear a muzzle in public.
- 3.11.4. Dogs classified as Dangerous in accordance with the Act are also required to be neutered, have fencing requirements applied, and must wear a muzzle in public pursuant to the requirements of that Act.

### **3.12. Impounding**

- 3.12.1. All dogs over three months of age must be registered with Council as required by the Act.
- 3.12.2. Any Dog Control Officer, Dog Ranger or NZ Police officer may impound any dog found at large in breach of this Bylaw whether or not that dog is wearing a collar, and has the proper registration label or disk attached. The provisions of Sections 69 and 69A of the Act shall apply with any necessary alterations or modifications as if those provisions were incorporated in this Bylaw.

### **3.13. Probationary and disqualified dog owner**

- 3.13.1. Council or a Delegated Officer may require a person that is classified as probationary to undertake, at his or her own expense, a dog owner education programme and/or dog obedience course approved by Council pursuant to section 23A of the Act.

## **4. Fees**

### **4.1. Payment**

- 4.1.1. Fees in respect of this Bylaw are as set out in Council's Schedule of Fees and Charges.

### **4.2. Fees and charges**

- 4.2.1. Fees and Charges in respect of this Bylaw may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

## **5. Offences and Penalties**

### **5.1. Offences**

- 5.1.1. Section 20(5) of the Act provides that every person who commits a breach of this 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.
- 5.1.2. Section 65 of the Act permits an infringement fee for the amount specified in the First Schedule to that Act to be imposed in respect of each offence described.



5.1.3 Where a dog owner subject to enforcement action undertakes relevant training or education within a specified period, Council or a Delegated Officer may consider this as grounds to review the need for enforcement action.

## 6. Revocation

6.1. The Waipa District Dog Control Bylaw 2009 is hereby revoked.

## 7. Application and review

7.1. The policy will be reviewed as required, to meet the needs of the organisation and best practice.

7.2. The policy will take effect from the date it is signed by both the policy owner and Chief Executive; however a one (1) year period from that point will be allowed for implementation and full compliance to be achieved.

Signed:



Date: 2 December 2015

Wayne Allan  
**MANAGER – PLANNING AND REGULATORY**  
(POLICY OWNER)

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 24<sup>th</sup> of November 2015. This Bylaw becomes operative on the 9<sup>th</sup> of December 2015.

**IN WITNESS WHEREOF** the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 24<sup>th</sup> of November 2015 in the presence of:



.....Mayor

.....Chief Executive

## Schedule One: Dog prohibited areas

The below areas are prohibited to dogs and are specifically detailed on Council maps, which may be amended from time to time.

WARD	
Cambridge	<ul style="list-style-type: none"> <li>- Victoria Square, Victoria Street</li> <li>- Cambridge Swimming Pool Williamson Street</li> <li>- Cambridge Cemetery (Hautapu) Hannon Road</li> <li>- John Kerkof Park Cambridge Soccer Grounds, Vogel Street (excludes town belt pedestrian circuit track corridor)</li> <li>- Cambridge Athletic and Harrier Club grounds, Vogel Street (excludes town belt pedestrian circuit track corridor which is dog on lead)</li> <li>- Cambridge Rugby Sub-Union grounds, Taylor Street</li> <li>- Leamington Sports ground, Carlyle Street (playing fields only)</li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Te Awamutu Rose Gardens Gorst Avenue</li> <li>- Te Awamutu Events Centre Selwyn Lane</li> <li>- Albert Park, Albert Park Drive</li> <li>- Kihikihi Cemetery Oliver Street</li> <li>- Jean Gatton Reserve Church Street, Kihikihi</li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Pirongia Rugby Football Club Kane Street</li> <li>- Pirongia Cemetery Oak Lane</li> <li>- Paterangi Cemetery Cnr Sing and Paterangi Roads</li> <li>- Ōhaupo Memorial Park (upper field), Forkert Road</li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Mighty River Domain (Karapiro Domain) – excludes that part of Te Awa River Ride within the Maungatautari Road corridor (Te Awa River Ride is “dog on leash”) and excludes the Gate 3 dog exercise area.</li> <li>- Pukerimu Cemetery, Kaipaki Road, Cambridge</li> <li>- Maungatautari Scenic Reserve, Pukeatua</li> </ul>
All Areas	<ul style="list-style-type: none"> <li>- Within any fenced public playground or play area, or within 5m of any unfenced public playground or play area</li> <li>- Reserves where animals are being grazed</li> <li>- All Department of Conservation Reserves unless a permit has been obtained from the Department</li> </ul>

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

WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none"> <li>- Cambridge High School, Swayne Road</li> <li>- Cambridge Early Learning Centre, Fort Street</li> <li>- Cambridge Primary School, Wilson Street</li> <li>- Cambridge Middle School, Clare Street</li> <li>- Leamington School, Lamb Street</li> <li>- Cambridge East School, Williams Street</li> <li>- Leamington Playcentre, Cnr Burns and Thompson Streets</li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Te Awamutu Primary School, Teasdale Street</li> <li>- Pekerau School, Te Rahu Road</li> <li>- Kihikihi School, Whitmore Street</li> <li>- St Patricks School, Alexandra Street</li> <li>- Kihikihi Kindergarten, Linden Street</li> </ul>
Kakepuku	<ul style="list-style-type: none"> <li>- Wharepapa School, Wharepapa South Road</li> <li>- Puahue School, Puahue Road</li> <li>- Pokuru Primary School, Pokuru Road</li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Pirongia School, Beechey Street</li> <li>- Ngahinapouri School, Kakaramea Road</li> <li>- Kaipaki School, Kaipaki Road</li> <li>- Ohaupo School, State Highway 3</li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Hautapu School, Cnr Forrest and Hautapu Roads</li> <li>- Te Miro School, Te Miro Road</li> </ul>

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

## Schedule Two: Dog exercise areas

WARD	LOCATION
Cambridge	<ul style="list-style-type: none"> <li>- McKinnon Park, Taylor Street</li> <li>- Gasworks Site, Alpha Street, (east of cycleway only)</li> <li>- Bryan (Blackie) Mayo Reserve, from Thornton Road to Watkins Road</li> <li>- Settlers Track to Riverside Park, Dominion Avenue</li> <li>- Te Kō Utu Park, Albert Street (lake area)</li> <li>- Camellia Path, Lake Te Kō Utu</li> <li>- Gil Lumb Park, Pope Terrace</li> <li>- Polo grounds at Lamb Street (except when in use for Polo)</li> <li>- Former Cambridge Landfill Shelley Street, Cambridge</li> <li>- Tree Trust Walkway, Addison Street to Leamington Cemetery</li> <li>- The dog exercise area Wordsworth Street east (excluding sports fields)</li> <li>- Walkway between Bryan Mayo Reserve and Watkins Road</li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Anchor Park, back half area, proximity of Raeburne and Colgan Streets</li> <li>- Centennial Park, Rewi Street</li> <li>- Eileen Montefiore Park, Factory Road (excluding the walkway to Factory Road)</li> <li>- Turere Park, Turere Lane</li> <li>- Rear area of Sculpture Park, accessed off Albert Park and Domain Drive until such time it is required for another purpose</li> <li>- Rear of Memorial Park through to Racecourse Road</li> <li>- Kihikihi Domain, Oliver Street (except when exclusive use is required for events or site bookings)</li> <li>- Former Kihikihi Landfill Site - Leslie Street (Kihikihi)</li> <li>- Ash Grove, Chatsfield Drive</li> <li>- Te Rahu Road Reserve, 246 Te Rahu Road</li> <li>- Rosehill Reserve, Laird Place (when developed)</li> <li>- Te Awamutu Stadium Fairview Road to Armstrong Avenue, Grass embankments (when not in use for sports events)</li> <li>- Mahana Lane Reserve, Mahana Lane</li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Lake Ngaroto Bank Road (note: walkway around the lake is dog on leash)</li> <li>- Former Pirongia Landfill Kane Street, Pirongia</li> <li>- River walkway, Crozier Street north, Pirongia</li> <li>- Acacia Reserve, Airport Road</li> <li>- Ohaupo Memorial Park – lower field</li> <li>- Kahikatea Park, Ohaupo</li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Mighty River Domain – Gate 3 grassed carpark (when not in use for events. Owners should check with Domain Management)</li> </ul>

Dogs may be exercised off-leash, but under control in the above areas which **are specifically detailed on Council maps**, which may be amended from time to time. Other areas in private ownership or not otherwise under Council control, may be used to exercise dogs off lead with the owner's permission provided dogs remain under control.

## Schedule Three: Urban areas

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Land in the following areas is considered urban for the purposes of this bylaw:

- Te Miro Settlement
- Bruntwood Settlement
- Cambridge township including Leamington
- Hautapu Settlement
- Fencourt Settlement
- Karapiro Settlement
- Kihikihi township
- Ohaupo township
- Ngahinapouri settlement
- Te Pahu Settlement
- Pirongia township
- Rukuhia Settlement
- Lowe Road/Peacockes Road Settlement
- Airport Settlement (Ohaupo Road and Robinson Road)
- Te Awamutu township
- Te Mawhai Settlement
- Tokanui Settlement

The above urban areas are specifically detailed on Council maps, which may be amended from time to time.

The above may differ from urban areas shown in Councils District Plan or other documents.