

RANGITĪKEI DISTRICT COUNCIL

CONTROL OF DOGS BYLAW

Date of adoption: [date]

Resolution number: [number]

Date review due: [date]

Relevant legislation: Dog Control Act 1996

Statutory/Policy: No



RANGITĪKEI
DISTRICT COUNCIL

Making this place home.

Rangitikei District Council - Control of Dogs Bylaw

Part 1 - Introduction

1. INTRODUCTIONSCOPE

1.1. Pursuant to the powers vested in it by the Local Government Act 2002~~and amendments, together with~~ the Dog Control Act 1996~~and amendments~~, the Impounding Act 1955~~and amendments~~, together with every other power and authority conferred on it, the **Rangitikei** District Council hereby makes this **B**ylaw.

2. SHORT-TITLE AND COMMENCEMENT

2.1. The ~~short~~ title of this bylaw is the **Rangitikei District Council Control of Dogs Bylaw 20xx16**.

2.2. This bylaw shall come into force on **xx xxxx 20xx**.

3. APPLICATION OF BYLAW

1-1-3.1. ~~_____~~ The Control of Dogs Bylaw 20xx (the Bylaw) applies to the whole **Rangitikei District unless otherwise stated**.

4. REVOCATION

1-2-4.1. ~~_____~~ As from the date on which this Bylaw comes into force, the **Rangitikei District Council Bylaw 2014 adopted on 28 November 2016 shall be repealed. However, with respect to infringement notices issued or the enforcement of any offences which occurred prior to the commencement of this Bylaw the Rangitikei District Council Bylaw 20104 will continue to apply.**

2-5. PURPOSE OF THE BYLAW

5.1. The purpose of this Bylaw is to give effect to the **Rangitikei District Council Dog Control and Owner Responsibility Policy 20xx16** by specifying standards of control **and other requirement** which must be observed by dog owners in the **Rangitikei**-District.

2-1-5.2. ~~_____~~ The requirements are deemed necessary to ensure compliance with the Dog Control Act 1996, **including the regulation and control of dogs in public places, effective control and prescribed minimum standards of care for dogs, provision for the impounding of dogs that are found to be in breach of the bylaw, and the prevention of danger, distress and nuisance caused by dogs. and to give effect to the objectives of that Act. and the Council's Dog Control and Owner Responsibility Policy.**

3.—SCOPE OF THE BYLAW

3.1. ~~Under Section 10(6) of the Dog Control Act 1996 Council must give effect to the Policy adopted under Section 10 of the Act by adopting the necessary bylaw under Section 20 of the Act.~~

3.2. ~~Section 20(1) of the Act permits Council in accordance with the Local Government Act 2002, 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.~~

~~3.3.-Pursuant to Section 20(3) of the Act no bylaw authorised by any of the provisions of paragraphs (a) to (d) of subsection (1) above shall have effect in respect of any land for the time being included in—~~

- ~~a)—a controlled dog area or open dog area under section 262S of the Conservation Act 1987; or~~
- ~~b)—a national park constituted under the National Parks Act 1980; or~~
- ~~c)—Te Urewera, as defined by section 7 of the Te Urewera Act 2014.~~

~~3.4.-This Bylaw is authorised by Section 20 of the Dog Control Act 1996 and is made in accordance with the Local Government Act 2002.~~

~~3.5.-Under Section 20(5) of the Act any person who commits a breach of this Bylaw commits an offence and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.~~

~~3.6.-An injunction preventing a person from committing a breach of any bylaw authorised by Section 20(5) of the Act may be granted in accordance with section 162 of the Local Government Act 2002.~~

~~4.—SHORT TITLE~~

~~4.1.-The short title of this bylaw is the Rangitikei District Council Control of Dogs Bylaw 2016.~~

~~—COMMENCEMENT~~

~~—This bylaw shall commence on 26~~xx~~ May~~xxxx~~ 20~~xx~~16.~~

~~—REVOCATION OF THE BYLAW~~

~~—This bylaw repeals the Rangitikei District Council Bylaw 2014 adopted on 28 November 2016. However, with respect to infringement notices issued or the enforcement of any offences which occurred prior to the commencement of this Bylaw the Rangitikei District Council Bylaw 2004 will continue to apply.~~

~~5.—APPLICATION OF BYLAW~~

~~—This bylaw applies to the whole Rangitikei District unless otherwise stated.~~

6. INTERPRETATION

6.1. In this bylaw the terms used have the meaning given to them in the Dog Control Act 1996, except these terms which have the following meanings:

“Act” means the Dog Control Act 1996.

“At large” means at liberty, free, not restrained.

“Bylaw” means the Rangitikei District Council Control of Dogs Bylaw.

“Confined” means enclosed securely in a building or vehicle or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

~~**“Under Control”** means a dog that is under the direct control of a person either through the use of a leash, voice or hand commands (when in a leash free area) or which has its movements physically limited through the use of a leash and/or muzzle.~~

“Council” means Rangitikei District Council.

“Designated Dog Exercise Area” means a public place designated for the exercise of dogs under this bylaw, ~~where a dog may be exercised off a leash but under control and where the person responsible for the dog must be carrying a leash.~~

“District” means the Rangitikei District.

“Dog Control Officer” means a dog control officer appointed under Section 11 of the Act; and includes a warranted officer exercising powers under Section 17 of the Act.

“Dog Ranger” means a dog ranger appointed under Section 12 of the Act; and includes an honorary dog ranger.

“Policy” means the Rangitikei District Council Dog Control and Owner Responsibility Policy.

~~**“Public Place”** has the same meaning as defined under the Act.~~

“Occupier” means any person, who is not the owner of the land or premises in question, who has the right to occupy and use the land or premises by virtue of a lease, sub-lease, licence or renewal thereof, granted by the owner of the land or premises.

“Owner” has the same meaning as defined in Section 2 of the Dog Control Act 1996 and shall include any person who has a dog in their possession for the purpose of caring for such dog for a short period of time on behalf of the owner.

~~**“Under Control”** means, when referring to a dog, either a dog that has its movements physically limited through the use of a leash and/or muzzle which controlled on a Leash that is being held by someone that is capable of restraining the dog, or a dog under~~

direct control such as by being held, or controlled by voice command where the dog must be within sight and obeys commands immediately and without hesitation ~~or which has its movements physically limited through the use of a leash and/or muzzle.~~

~~“Working Dog” has the same meaning as defined under the Act.~~

6.2. To avoid doubt, unless the context requires another meaning, a term of expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.

7.—PENALTIES

7.1.—Every person who commits a breach of this bylaw is liable to either:

- a) —An infringement fee not exceeding \$750 or
—An infringement offence under the Dog Control Act 1996, Council may issue an infringement notice requiring payment of the applicable infringement fee prescribed by the Act.
- b) —A person who fails to comply with this Bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable, on conviction, to a fine not exceeding \$20,000. Upon summary conviction, a fine not exceeding \$20,000

Part 2 – Dogs in Public Places

8.7. CONTROL OF DOGS IN PUBLIC PLACES SPACES

8.1.7.1. Every ~~o~~Owner of a dog must keep their dog ~~u~~nder ~~c~~ontrol in all ~~p~~ublic ~~p~~laces and at all times.

7.2. An owner or the person responsible for, or having custody, possession or control of, a dog must have his or her dog on a leash at all times when the dog is in a public place.

7.3. Clause 7.2 does not apply to ~~E~~(excluding:

- a) ~~T~~hose areas which are designated as ‘prohibited areas’ or ‘dog exercise ~~and recreation areas~~’ ~~in which case a leash must be carried~~).
- b) A working dog ~~is not required to be on a leash~~ in a public place, ~~while it is working if it is not normally on a leash~~ when it is carrying out its the function as a working dog, if that function requires work them to be off leash being undertaken.

8. VEHICLE PROVISION

9.

8.1. Any dog which is placed on an open tray of a vehicle must be kept restrained by a leash or chain of a length which is sufficiently short to ensure that the dog cannot fall from the vehicle or rush at passers-by. This provision will not apply if the dog is placed in a cage or similar enclosure which can adequately contain it.

9. DOG PROHIBITED AREAS

9.1. All dogs (except working dogs whilst carrying out their function as a working dog) shall be prohibited from the following areas:

~~9.1.~~

- a) All public buildings;

- b) The playing surfaces of sports grounds and up to 20 metres of the playing surfaces where contained within the perimeter fence of the sports ground;
- c) Public swimming pools;
- d) All children's playgrounds in public places;
- ~~e) Picnic areas;~~
- e) Wilson Road stock route, Hunterville.

10. DOG SHOWS

10.1. ~~Clause 911.1(a) All public buildings, above~~ does not apply to ~~the any~~ use of ~~any prohibited public place a building or swimming pool~~ for the purposes of a dog show, ~~subject to the show~~ not exceeding 48 hours ~~in length~~ and ~~the organiser having sought and obtained~~ authorisation ~~in writing from the Property Manager in conjunction with Manager Animal Control an authorised Council officer~~ prior to the show ~~commencing by Council's principal administrative officer.~~

11. DESIGNATED ~~DSOG EXERCISE AND RECREATION~~ AREAS

11.1. ~~13.1~~ Council may ~~from time to time~~, declare by resolution any public place, ~~except in all cases the playing surfaces of sports grounds and up to 20 metres of the playing surfaces where contained within the perimeter fence of the sports ground~~, to be a designated dog exercise area, ~~as in accordance with the Dog Control Act 1996 at any time except for the prohibited areas as listed in clause 911 as Dog Prohibited Areas.~~

11.2. The following areas within the District are designated dog exercise areas:

- a) The northern section of the Bulls Domain, Bulls;
- ~~b) The north-eastern section of Taihape Domain, Taihape;~~
- ~~c)b)~~ The periphery of Wilson Park, Marton (and excluding the children's playground);
- ~~d)c)~~ 16-18 Robin Street, Taihape¹.
- d) Turakina Reserve

11.3. Maps of these areas are included as an appendix.

11.4. Within a dog exercise ~~and recreation~~ area the owner of a dog shall ensure that the dog is under their continuous control but shall not be obliged to keep the dog on a leash, ~~however, they must still carry a leash.~~

12. REMOVAL OF FAECES

12.1. Every owner or person in charge of a dog must carry a suitable waste bag when taking the dog into any public place.

12.2. The owner of any dog, or person responsible for the dog at the time, that defecates in a public place, or on land not occupied or owned by the owner, must immediately remove and dispose of the faeces in a way that does not cause a nuisance.

13. AGGRAVATION OF DOGS

¹ So long as it remains available for this purpose under the licence from the Ministry of Justice.

13.1. A person must not intentionally or negligently provoke, tease, incite, encourage or otherwise cause a dog to behave in a manner that would constitute a breach of the obligations imposed by Section 5(1)(e), (f) or (g) of the Act.

Part 3 - Keeping of Dogs

~~12.~~14. MINIMUM STANDARDS FOR THE ACCOMODATION AND CARE OF DOGS

14.1. Every owner must provide their dog with a kennel that meets the following standards:

- a) There is sufficient room for the dog to stand up and turn around;
- b) The kennel is on dry ground and sheltered from the elements;
- c) The kennel must be a solid structure with a roof and floor;
- d) The kennel and its surrounds must be kept in a clean and sanitary condition.
- ~~d) —~~

14.2. No owner shall permit a kennel to be located closer than 1.8 metres to any boundary of the premises, without first obtaining an exemption from a Dog Control Officer.

14.3. If a kennel is not provided, dogs must be confined inside premises with an adequate sleeping area provided.

- ~~e) — That the dog receives proper care and attention and is supplied with proper and sufficient food and water;~~
- ~~f) — That the dog is not fed, nor has access to, any untreated sheep or goat meat.~~
- ~~— That the dog receives adequate exercise.~~

14.4. Every owner of a dog must ensure at all times:

- ~~g)~~a) That the dog receives proper care and attention and is supplied with appropriate ~~proper~~ and sufficient food and water;
- ~~h)~~b) That the dog is not fed, nor has access to, any raw offal or any untreated sheep or goat meat: (tThis is to prevent the spread of parasitic disease).
- c) That the dog receives adequate exercise.
- d) That the dog receives timely and appropriate treatment when ill or injured.

~~— No owner shall permit a kennel to be located closer than 1 metre to any boundary of the premises.~~

~~13.~~15. CONFINEMENT OF DOGS

15.1. The owner of any dog must provide means of confining the dog upon the owner's property so that it is unable to gain access to any other private property or to any public place.

15.2. The means of confinement must be appropriate for the size, age and behavioural characteristics of the dog and must always be maintained in a secure and effective condition.

~~14.~~16. BITCHES IN SEASON AND DISEASED DOGS

~~14.1.16.1.~~ The owner of a bitch dog in season or any dog suffering from an infectious disease, distemper or mange shall at all times ensure the dog does not enter on or remain in a public place or on any land or premises other than the land or premises occupied or owned by the owner of the dog, or at a registered veterinary clinic.

~~14.2.16.2.~~ The owner of any bitch dog in season or dog suffering an infectious disease, distemper or mange must do the following:

- a) Keep the dog confined;
- b) Provide the dog with adequate food, water, veterinary care and exercise.

~~15.-REMOVAL OF FAECES~~

~~— Every owner or person in charge of a dog must carry a suitable waste bag when taking the dog into any Public Place~~

~~16.3. The Owner of any dog that defecates in a Public Place, or on land not occupied by the Owner, must immediately remove and dispose of the faeces in a way that does not cause a Nuisance. The owner of a dog that defecates on any land or premises, other than that occupied by the owner, must promptly remove and dispose of the faeces.~~

~~15.1.~~

~~16.-AGGRAVATION OF DOGS~~

~~— No person shall wilfully or negligently cause any dog to behave or contribute to any dog behaving in such a manner that would, if that person were the owner of the dog constitute a breach of the obligations imposed by Section 5(1)(e), (f) or (g) of the Act. A person must not intentionally or negligently provoke, tease, incite, encourage or otherwise cause a dog to behave in a manner that would constitute a breach of the obligations imposed by Section 5(1)(e), (f) or (g) of the Act.~~

~~17. ABATEMENT OR INTERVENTION IN RELATION TO NUISANCE~~

17.1. Where a dog (or dogs) on any property has become, or is likely to become, a nuisance or injurious to health, a notice will be issued to the owner at the discretion of a ~~D~~og ~~C~~ontrol ~~O~~fficer or ~~D~~og ~~R~~anger.

17.2. The notice will request the owner within a specific timeframe to complete reasonable actions to minimise or remove said nuisance or injury to health and can include the following:

- a) reducing the number of dogs living on the property
- b) repairing kennel so that it meets Council's minimum standards of accommodation
- c) constructing a new kennel so that it meets Council's minimum standards of accommodation

~~17.3. The oOwner or oOccupier of the pPremises must comply with a notice issued under clause 178.1 within the time specified in such notice, not being less than 14 days.~~

~~BARKING DOGS~~

~~18.17.4. Where a Dog Control Officer has reasonable grounds to believe that a dog is causing a nuisance by persistently and loudly barking or howling, the Dog Control Officer may take action under in accordance with section 55 and section 56 of the Dog Control Act 1996.~~

~~19.18. NUMBER OF DOGS AT A RESIDENTIAL ADDRESS~~

~~19.1.18.1. No occupier/s of any property in a residential area (as per Council's operative District Plan or equivalent transitional plan) shall allow, or cause to remain or keep on~~

the property, more than two (2) dogs, over the age of three (3) months (whether or not such dogs are registered), unless the occupier has obtained a multi-dog permit from Council.

~~18.2.~~ Any person requesting to allow, or seeking to keep, more than two (2) dogs over the age of three (3) months on any premises, shall apply in writing to Council in such form as required by Council for a multi-dog permit. If issued the permit is valid for up a three (3) year period.

~~19.2:18.3.~~ A multi-dog permit ~~and fee~~ may be issued at Council's discretion following receipt of an application and the specified fee. ~~upon or~~ The permit may be subject to such terms, conditions or restrictions as Council may considers appropriate and/or necessary. ~~and~~ Any breach of ~~such the specified~~ terms, conditions or restrictions shall result in revocation of the permit.

~~Any person requesting to allow or cause to remain or to keep more than two (2) 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 a multi-dog permit. The permit issued is for a three (3) year period and then the Owner must reapply.~~

Part 4 - Impounding and Penalties

~~20.19.~~ IMPOUNDING OF DOG FOUND IN BREACH OF THIS BYLAW

~~20.1:19.1.~~ Any dog found at large in breach of this ~~B~~bylaw, whether or not it is wearing a registration label or disc as required by the Act, may be seized and impounded by a Dog Control Officer or a Dog Ranger.

~~20.2:19.2.~~ As soon as practicable after any dog has been impounded Council shall:

- a) In the case of a dog wearing a registration label or disc or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded and unless the dog is claimed and any fee payable paid within seven (7) days of receipt of the notice, it may be sold, euthanised or otherwise disposed of in such a manner as Council sees fit; and after the expiry of that period Council may so dispose of the dog.
- b) Where the owner of the dog is not known or despite reasonable enquiry cannot be identified, Council may, after the expiration of seven (7) days after the date of the seizure and impounding of the dog, sell, euthanise ~~seize~~ or otherwise dispose of the dog in such manner as it thinks fit.
- c) No dog which is not registered in accordance with the Act shall be released until it is registered, micro chipped and all fees due paid in full.
- ~~d)~~ The sale, destruction or disposal of any dog in accordance with this Bylaw shall not relieve the owner of the dog of liability for the payment of any fees or penalties payable under this Bylaw.

20. PENALTIES

~~20.1.~~ Every person who breaches this Bylaw commits an offence.

~~20.2.~~ Every person who commits an offence under this Bylaw is liable:

- a) Under the Dog Control Act 1996 and may be served with an infringement notice in accordance with section 65 and section 66 of the Act, and shall be liable to the

~~infringement fee prescribed in Schedule 1 of that Act; or An infringement offence under the Dog Control Act 1996, Council may issue an infringement notice requiring payment of the applicable infringement fee prescribed by the Act.~~

~~—b)~~ On summary conviction to a fine as specified in section 242 of the Local Government Act 2002.

~~—A person who fails to comply with this Bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable, on conviction, to a fine not exceeding \$20,000.~~

b)

21. DATE BYLAW MADE

21.1. This Bylaw was made by the ~~Rangitikei~~ District Council, passed and adopted at a meeting of Council on ~~to be updated 26th May 2016~~.

22. MAPS