



Dog Control Bylaw 2014

South Taranaki District Council



South Taranaki
Alive with opportunity



Dog Control Bylaw 2014

South Taranaki District Council

1.0 Title

1.1 This Bylaw is made under section 145 of the *Local Government Act 2002* and section 20 of the *Dog Control Act 1996*, and shall be known as the South Taranaki District Council Dog Control Bylaw 2014.

2.0 Commencement

2.1 This Bylaw shall come into force on 2 December 2014.

2.2 This Bylaw applies to the South Taranaki District. Nothing in this Bylaw shall take priority over the Dog Control Act 1996 or its amendments.

3.0 Revocation

3.1 The South Taranaki District Council Dog Control Bylaw 2004 is hereby revoked.

4.0 Purpose

4.1 This Bylaw shall protect the health and safety of the community by regulating the keeping of dogs, while also promoting responsible dog ownership and recognising the rights and needs of dog owners.

5.0 Interpretation

5.1 In this bylaw -

Act means the *Dog Control Act 1996*.

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw.

Continuous Control means the owner has sufficient control over the dog to prevent the dog causing a nuisance to other animals and members of the public or damage to property. In most instances this will mean on a leash.

Council means the South Taranaki District Council.

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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 New Zealand
- b) Mobility Assistance Dogs Trust
- c) New Zealand Epilepsy Assist Dogs Trust
- d) Blind Foundation – Guide Dogs
- e) Top Dog Companion Trust
- f) An organisation specified in an Order as per section 78D of the *Dog Control Act 1996*.

Diseased means with or affected by any communicable disease.

District Plan means the South Taranaki District Council current operative District Plan.

Dog Exercise Area means a public place which, by resolution of Council under section 20(1)(d) of the *Dog Control Act 1996*, has been designated as a dog exercise area.

Infringement Offence means an offence specified in the first schedule of the *Dog Control Act 1996* and the *Dog Control Amendment Act 2003*.

Leash means a lead which is capable of restraining the dog and is held by a responsible and capable person.

Mangy means to have any sort of mite or parasite infestation.

Neutered Dog means a dog that has been spayed or castrated.

Owner, in relation to any dog, means every person who—

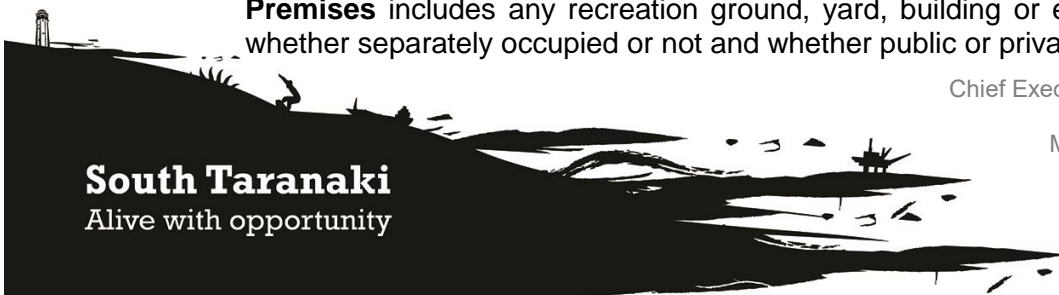
- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who—
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
 - (ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999

Premises includes any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.

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Prohibited Public Place means a public place which, by resolution of Council under section 20(1)(a) of the *Dog Control Act 1996*, has been declared a “Prohibited Public Place”. In all cases, areas such as children’s playgrounds, the mown playing surfaces of sports grounds controlled by Council, Council owned swimming pools and the areas specified in Schedule 1 of this bylaw (as a prohibited public place) shall be deemed to be a “Prohibited Public Place”.

Public Place means:

- a) A place that, at any material time, is open to or being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Short leash means a leash that is no longer than 1.5 metres, and if extendible, is locked at a length of no longer than 1.5 metres.

Streets means (but is not limited to) a Street, Road, Avenue, Heights, Terrace, Quay, Place, Mile, Drive, Crescent, Court, or Lane.

Working dog as defined under the *Dog Control Act 1996*.

Urban Area means every zone other than the Rural Zone and Rural Industrial Zone as described in the South Taranaki District Council current operative District Plan but may include properties within a Rural Zone that have an allotment size of 2,000 square metres or less.

6.0 Control of Dogs in Public Places (controlled on-leash areas)

- 6.1 The owner of a dog shall not allow the dog within any public place (not being a Prohibited Public Place or Dog Exercise Area), which includes the streets in the South Taranaki District Council urban areas, unless the dog is controlled on a leash.

7.0 Short leash areas (controlled CBD areas)

- 7.1 Areas designated as short leash areas (in the CBD of Hawera, Opunake and Eltham), owners are required to have their dog/s on a lead no greater than 1.5 metres long, at all times.
- 7.2 Dogs classified as menacing or dangerous are prohibited from all short leash areas.

8.0 Prohibited Public Place

- 8.1 No owner of any dog shall allow their dog within any prohibited public place.



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9.0 Exercise Areas (unleashed areas)

9.1 Dogs may be unleashed in rural areas if the dog is under continuous control and the owner must prevent the dog from causing nuisance, annoyance or damage.

9.1.1 The owner must carry a leash at all times. This excludes working dogs which are in the process of herding or driving stock.

9.1.2 The only exception to clause 9.1 is for areas which are specifically designated within this Bylaw as being a dog prohibited or dog controlled on-leash area.

9.2 Within Dog Exercise Areas the owner of a dog shall ensure that the dog is under continuous control but shall not be obliged to keep the dog on a leash.

10.0 Seizure of dogs in public places in contravention of this Bylaw

10.1 An Authorised Officer may seize and impound any dog at large in a public place, whether or not the dog is wearing a collar with the proper label or disc attached, that is found in contravention of this Bylaw.

10.2 The provisions of section 69 of the Dog Control Act 1996 apply to the impounding of any dog.

11.0 Temporary restrictions or suspensions

11.1 The Chief Executive of the Council may from time to time, temporarily declare any public place to be a:

- a) Prohibited Public Place for a specified time; or
 - b) Suspend the designation of a Prohibited Public Place;
- for a specified period for a specific occasion or event.

11.1.1 Public notice may be required of the temporary restriction or suspension, and appropriate signage will be provided in the areas affected (if required).

12.0 Establishment of New Dog Exercise Areas

12.1 The Council may from time to time by resolution publicly notified declare any public place, to be a Dog Exercise Area.

12.1.1 Dog Exercise Areas cannot include areas such as children's playgrounds and the mown playing surfaces of sportsgrounds controlled by the Council.

13.0 Minimum Standards for Accommodation of Dogs

13.1 The owner of any dog shall provide adequate accommodation for the dog (kennel or other shelter) that shall be:

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- a) Weather proof;
- b) Constructed on dry ground;
- c) Contain a floor and constructed so that the surfaces are easily cleaned;
- d) Of sufficient size to allow the dog to move freely and recline;
- e) Of sufficient height so that the dog can stand freely;
- f) Of sufficient space so that the dog can move about freely when confined;
- g) Kept in a clean and dry condition; and
- h) Provided with access to clean, fresh water;

13.3 Accommodation as listed in clause 13.1 must be situated in a position that does not cause a nuisance to any person in neighbouring properties.

13.4 If in the opinion of an Authorised Officer, the keeping of any such dog in accommodation on such premises has become or is likely to become a nuisance or injurious to health, the Authorised Officer may by notice require the owner or occupier of such premises to take such action as the Authorised Officer deems necessary, to minimise or remove the nuisance.

14.0 Number of dogs to be kept

14.1 No occupier of any premises within any area (other than that zoned Rural in the district plan), shall keep or allow to be kept on any premises more than two (2) dogs over the age of three months, unless the person has applied for and been granted a *Three Plus Permit* (TPP).

15.0 Three Plus Permit (TPP)

15.1 Every person who wishes to keep more than two (2) dogs over the age of three (3) months of age at any dwelling (other than that zoned Rural in the district plan), shall apply for a *Three Plus Permit*.

15.2 Any person who has applied and been granted a *Three Plus Permit* may keep up to and including the maximum number of dogs on that property as specified in the permit.

15.3 The Council may place conditions on the permit and the holder of the permit must comply with those conditions. If the holder of the permit fails to comply with those conditions, the Council may cancel the permit. Any failure to comply shall be a breach of this Bylaw.

15.4 Every application for a *Three Plus Permit* must contain information that the Council requires to issue the permit and the applicant must pay any fee prescribed from time to time by resolution of the Council.

15.5 The fee for such a licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

Note: Any approved property that is used for the business of dog boarding kennels or as a veterinary hospital shall be exempt from this provision.

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Note: Nothing in this section shall remove the need for any Land Use Consent if this is required by the District Plan.

16.0 Dogs to be Kept Minimum Distance from Boundary

16.1 No person shall permit or allow a dog to be housed, confined or restrained on any private premises within three (3) metres of the boundary of the premises.

16.2 The Council may provide a waiver to the requirements of this clause. The minimum distance may then be reduced to no less than one (1) metre.

16.2.1 A permit will be issued as a waiver to the Bylaw.

17.0 Responsibility to Remove Faeces

17.1 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 the faeces left by the dog and dispose of it in a sanitary manner in a suitable receptacle, so as to prevent the receptacle from being fouled.

18.0 Bitch in Season to be confined

18.1 The owner of any bitch shall keep the dog confined to their own property, but adequately exercised while such dog is in season.

19.0 Disability Assist Dogs

19.1 Despite anything contained within this Bylaw prohibiting or regulating the entry or presence of dogs; any disability assist dog accompanying a person with a disability or any person certified and engaged in training the disability assist dog, may enter and remain:

- a) In any premises registered under section 120 of the *Health Act 1956*;
or
- b) In any public place subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

20.0 Pound

20.1 The Council may, by resolution, change the location of any pound or create additional or temporary pounds.

20.2 Where any dog is seized for impounding under the provisions of this Bylaw, and it is not practicable by reason of time or distances to place that dog in any pound appointed by the Council for that purpose, an Authorised Officer may with the consent of the occupier, use any land as a temporary pound for such dog for any reasonable period until its disposal in terms of this Bylaw or the *Dog Control Act 1996*.



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- 20.3 Any dog not registered in accordance with the *Dog Control Act 1996*, shall not be released from the pound until it is registered, microchipped and all fees due have been paid.
- 20.4 The Council shall not be obliged to release any dog from the pound except during the advertised hours of opening.
- 20.5 Any person who attempts to remove or removes any dog from any pound including a temporary pound without paying the prescribed fees commits an offence under this Bylaw.

21.0 Disposal of Impounded Dogs

- 21.1 The Council may dispose of impounded dogs in accordance with the provisions of the *Dog Control Act 1996* which provides amongst other things the following:
 - a) As soon as practicable after any dog has been impounded, the Council shall, in the case of a dog wearing a current registration tag 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 that unless the dog is claimed and any fee paid within seven (7) days of the receipt of that notice, it may be sold, destroyed, or otherwise disposed of in such manner as the Council thinks fit, and after the expiry of that period the Council may dispose of the dog.
 - b) Where the owner of the dog is not known and cannot be identified from the dog registration tag, the Council may, after expiration of seven (7) days after the date of seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as it thinks fit.
- 21.2 Nothing under this bylaw shall limit the power of Council to destroy a dog if is ill or injured, as per section 139 of the *Animal Welfare Act 1999*.

22.0 Requirement for neutering of dogs

- 22.1 If a dog is classified by South Taranaki District Council as menacing by breed, type or deed, the Council requires that the dog be desexed.
- 22.2 If a dog is classified as menacing by another Territorial Authority and resides in South Taranaki, the Council requires that the dog be desexed.
- 22.3 The Council reserves the right to require a dog to be desexed for other reasons (such as rehoming, roaming or due to behavioural issues).

23.0 Mangy or Diseased Dogs

- 23.1 A person who owns or has control or charge of any mangy or diseased dog, shall not take that dog into any public place or allow the dog to enter or remain in any public place or wander free.



24.0 Dogs Becoming a Nuisance or Injurious to Health

24.1 The owner of every dog shall ensure that the dog does not create a nuisance including, but not limited to:

- a) Obstructing the lawful passage of any person in a public place or on private property;
- b) Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.
- c) Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
- d) Interfering with any persons property, whether on private property (other than the owners) or in a public place;
- e) Barking, howling and/or whining in a persistent and loud manner; and
- f) Rushing at any vehicle.

24.2 If in the opinion of the Council, the keeping of any dog(s) has become, or is likely to become a nuisance or injurious or hazardous to health, property or safety; an Authorised Officer may by notice in writing require the owner or occupier of the premises, within a time specified in such notice, to do any or all of the following:

- a) To reduce the number of dogs kept on the premises.
- b) To construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain the dogs.
- c) To require such dog or dogs to be tied up or otherwise confined during specified periods.
- d) To take other such action as the Council deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health, property or safety.

25.0 Fees

25.1 For fees and charges required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may, by resolution from time to time, prescribe in the current *Fees and Charges Schedule*.

26.0 Offences and Penalties

26.1 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained within this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or

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- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

26.2 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

This Bylaw was made by the South Taranaki District Council on 1 December 2014.

THE COMMON SEAL of the SOUTH)
TARANAKI DISTRICT COUNCIL was)
hereto affixed by resolution)
of the said Council in the)
presence of:)

..... Mayor

..... Chief Executive



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Schedule 1: Dog Control Areas

In all areas of the District

1.1 Unless stated otherwise, dogs must be on a leash at **all times** within the South Taranaki District Urban Areas.

1.2 Dogs are **prohibited** throughout the District in the following areas:

- The playing surfaces of all sports grounds; or
- Children's playgrounds; or
- Council owned swimming pools.

Hawera and Normanby areas		
Hawera Central Business District	<ul style="list-style-type: none"> • Dogs permitted on short leads (under control). • Dogs classified as menacing and dangerous are prohibited. 	Map 1A
James Campbell Park (Park Bowling Club/Croquet Club)	Dogs are prohibited.	Map 1A
Goodson Dell	Dogs are prohibited.	Map 1B
Beech Place Reserve	Dogs permitted unleashed.	Map 1C
Denby and Fairfield Road Loop Track	Dogs permitted on leads	Map 1D
Waihi Beach and Domain	Dogs permitted unleashed.	Map 1D
Ohawe Beach (except for township area and camping grounds)	Dogs permitted unleashed.	Map 1E
Normanby Domain (designated area only, excluding playing fields)	Dogs permitted unleashed.	Map 1F

Manaia area		
Manaia Band Rotunda	Dogs are prohibited.	Map 2A
Kaupokonui Domain and Camping Grounds	Dogs are prohibited.	Map 2B
Manaia Domain (behind sports fields)	Dogs permitted unleashed.	Map 2C

Opunake area		
Opunake Central Business District (Tasman Street from Layard Street to Allison Street)	<ul style="list-style-type: none"> • Dogs permitted on short leads (under control). • Dogs classified as menacing and dangerous are prohibited. 	Map 3A
Opunake Beach Front Reserve and	Dogs are prohibited.	Map 3A

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Camping Ground		
Middleton's Bay	Dogs permitted unleashed.	Map 3A
Sandy Bay Beach, Tai Road	Dogs are prohibited.	Map 3B

Eltham area

Eltham Central Business District	<ul style="list-style-type: none"> Dogs permitted on short leads (under control). Dogs classified as menacing and dangerous are prohibited. 	Map 4A
Rotokare Scenic Reserve	Dogs are prohibited.	Map 4B
Connell Reserve	Dogs are prohibited.	Map 4C
Taylor Park	Dogs permitted unleashed.	Map 4D

Kaponga

Smyth Park	Dogs permitted unleashed	Map 5A
Thoumine Park Roadside Reserve area	Dogs permitted unleashed	Map 5A

Patea

Queen Mary Park play area	Dogs are prohibited.	Map 6A
Patea Domain (excluding playground area)	Dogs permitted unleashed.	Map 6A
Patea Beach	Dogs permitted unleashed.	Map 6B

Waverley area

Cave Beach	Dogs are prohibited.	Map 7A
Wairoa Domain	Dogs are prohibited.	Map 7A
Waverley Beach Camping Ground	Dogs are prohibited.	Map 7A
Long Beach	Dogs permitted unleashed.	Map 7A

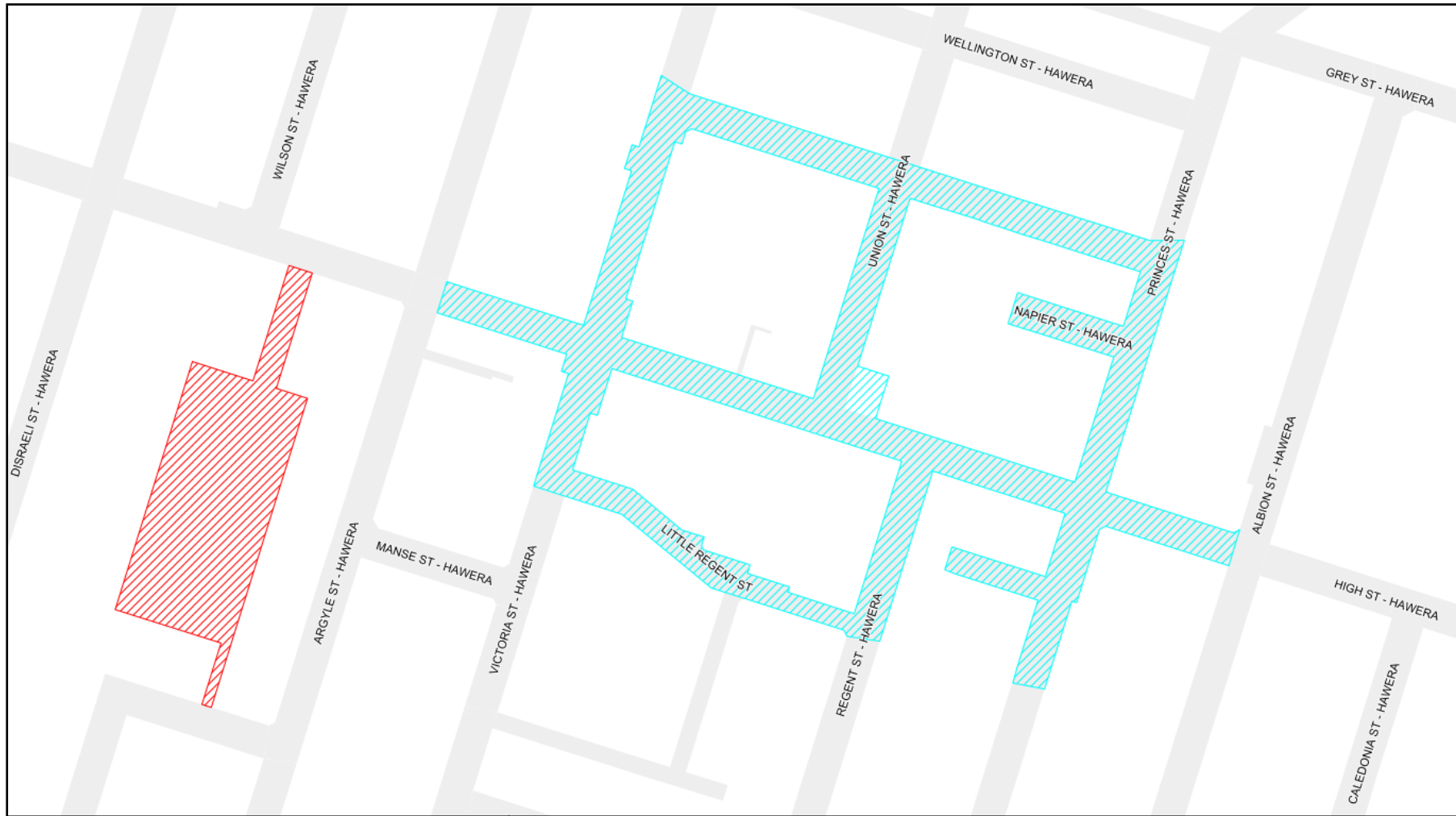
Key to maps

Red shaded area – prohibited area
 Green shaded area – permitted unleashed area
 Blue shaded area – dogs on leads

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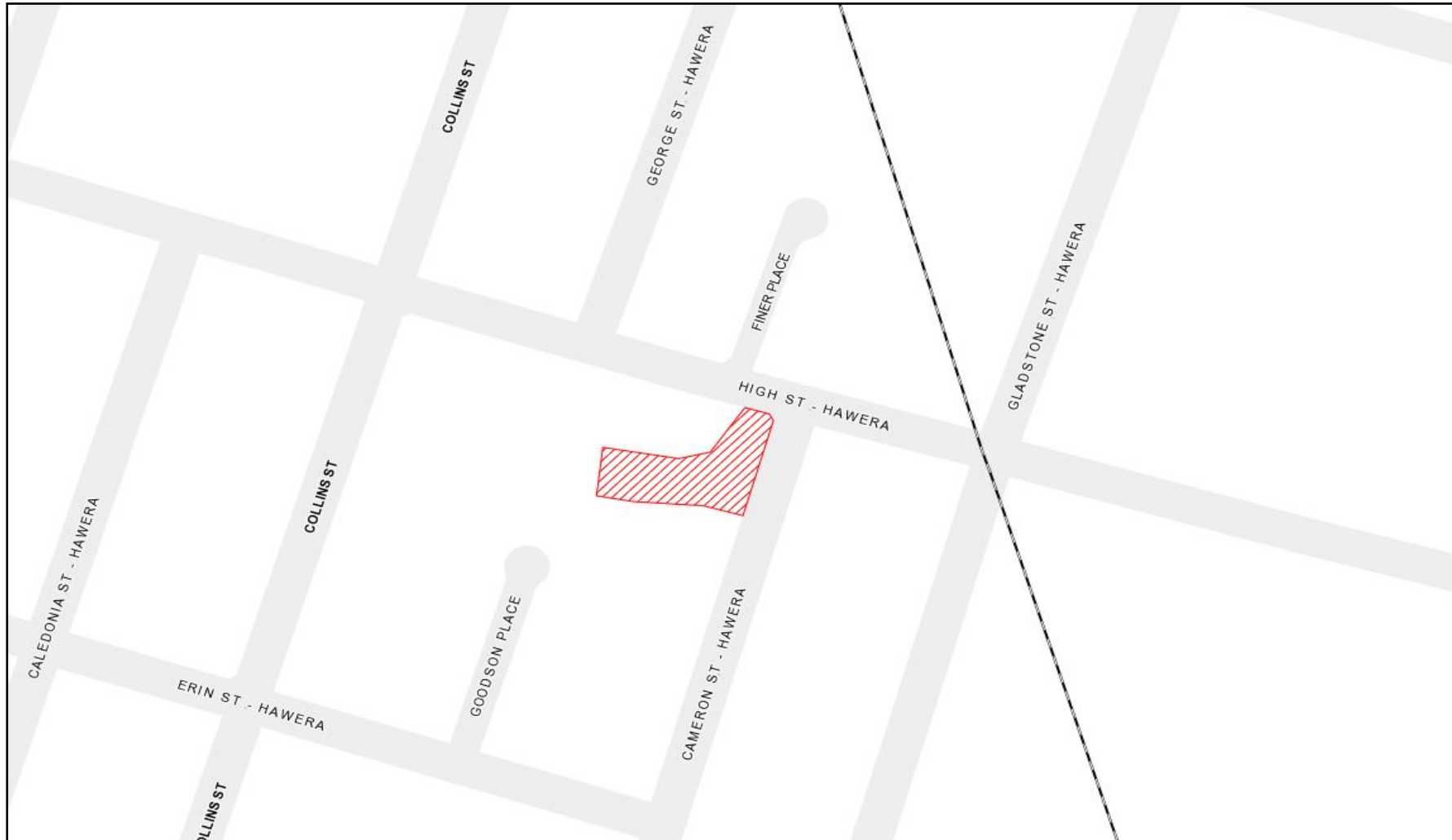
Map 1A – Hawera CBD and James Campbell Park



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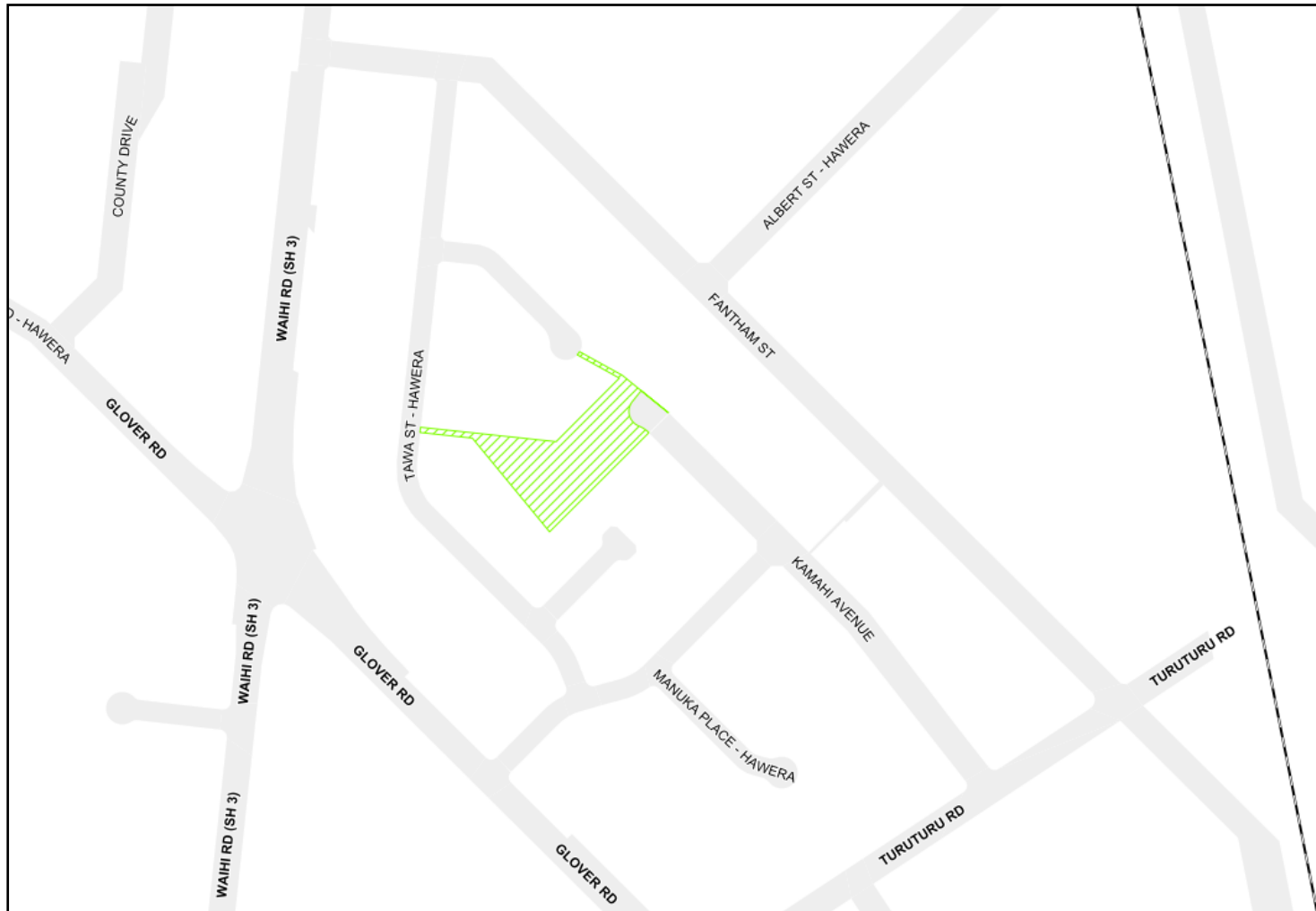
Map 1B – Goodson Dell, Hawera



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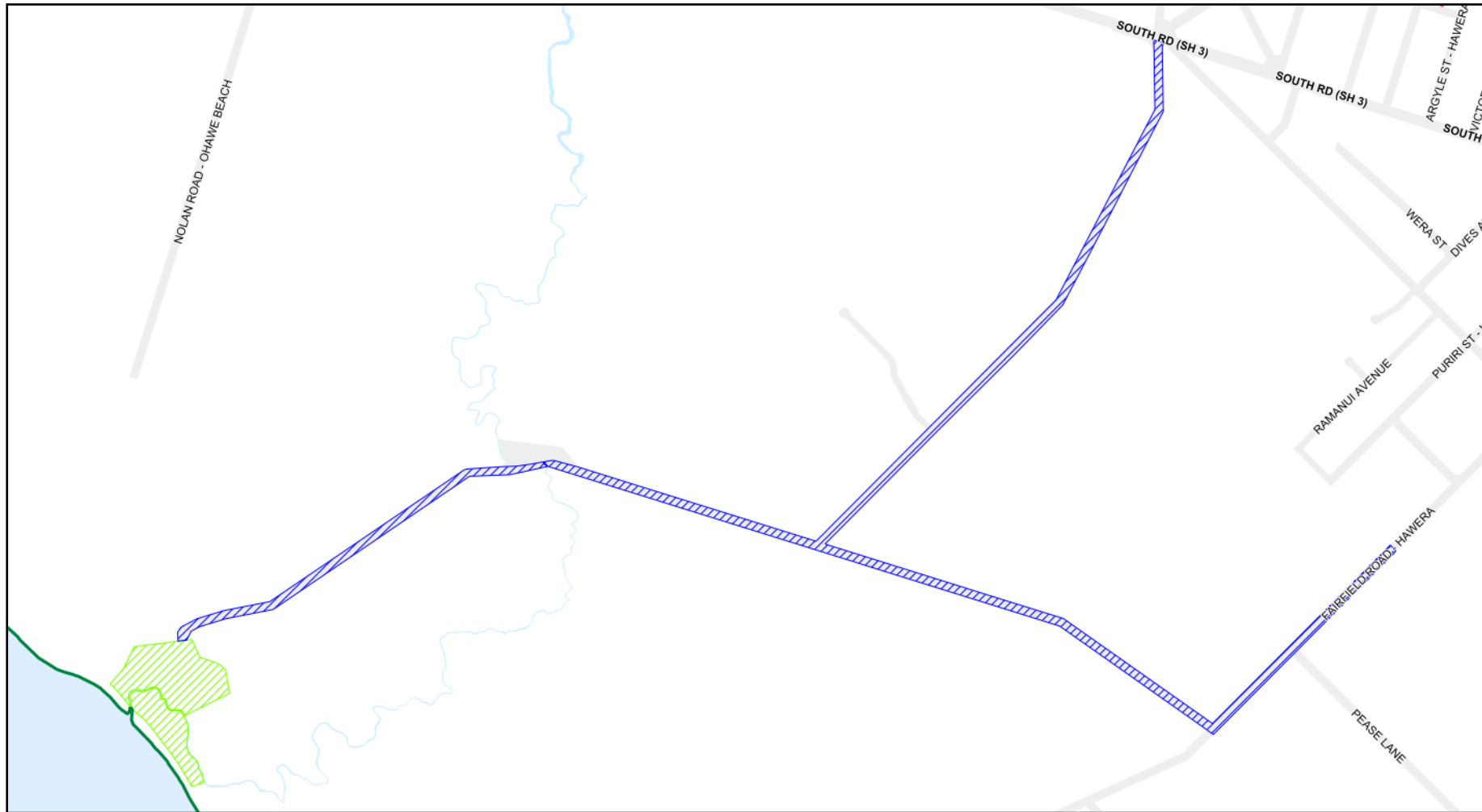
Map 1C – Beech Place Reserve, Hawera



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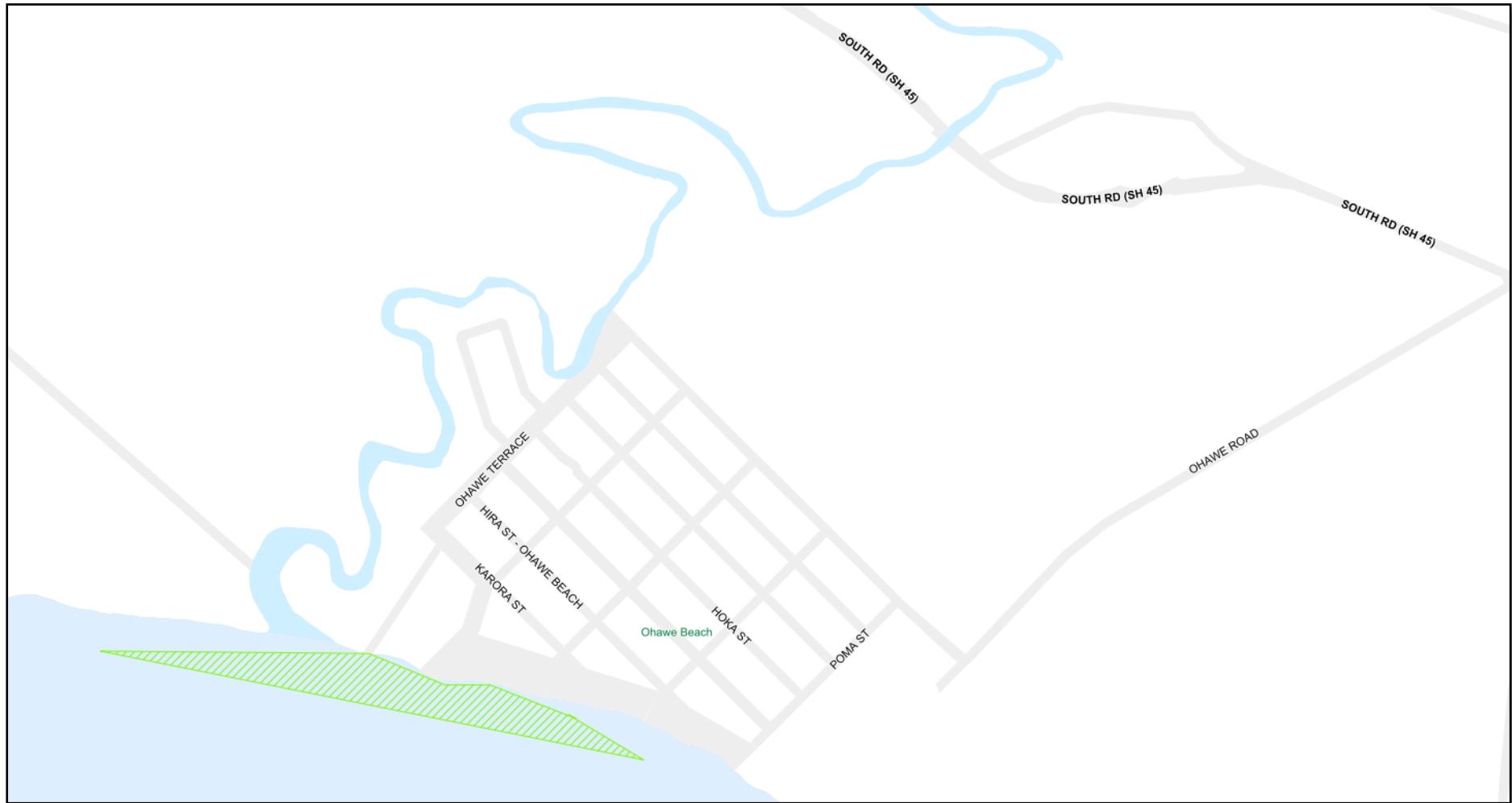
Map 1D – Denby and Fairfield Road Loop Track, and Waihi Beach and Domain, Hawera



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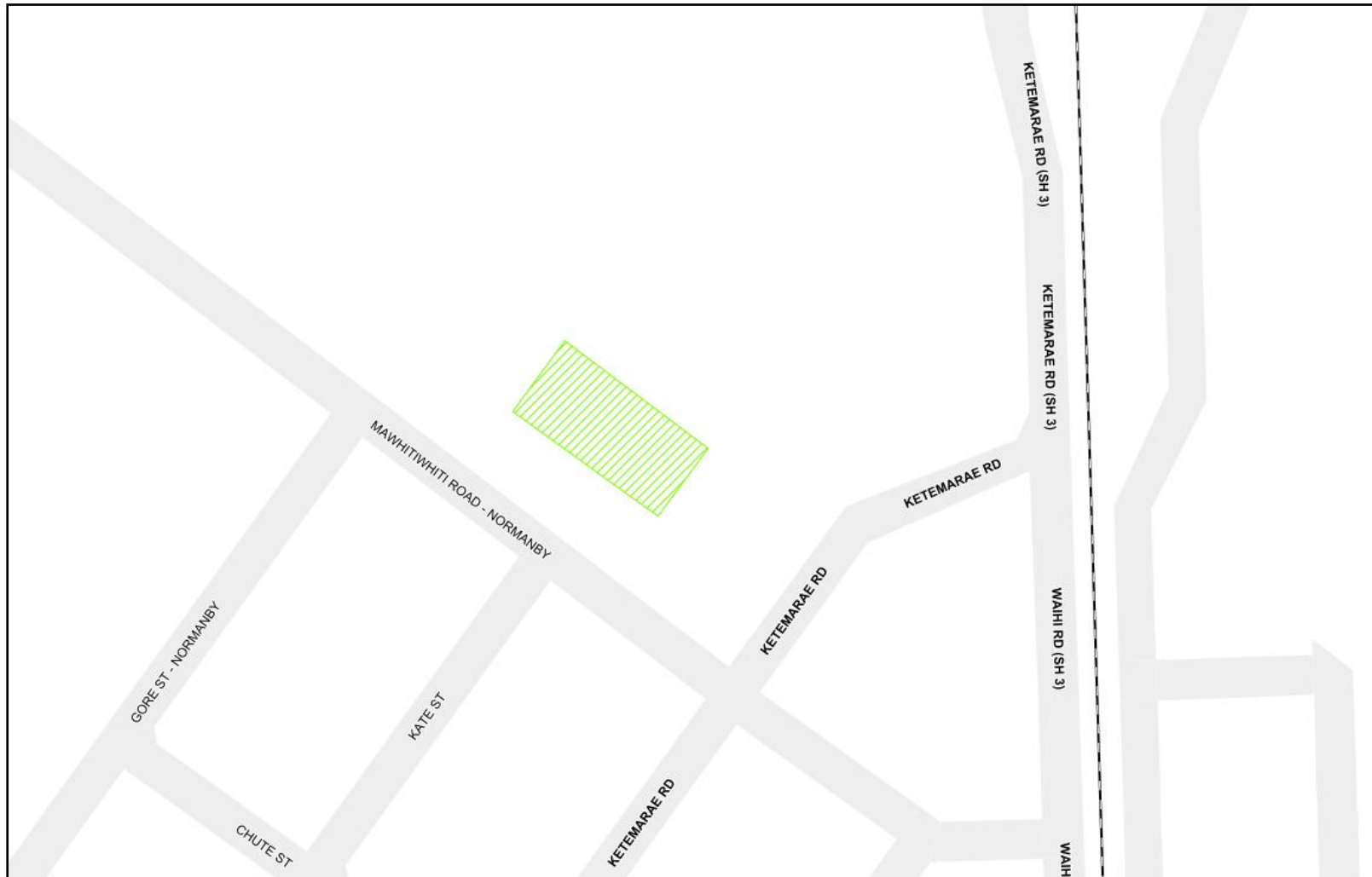
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Map 1E – Ohawe Beach



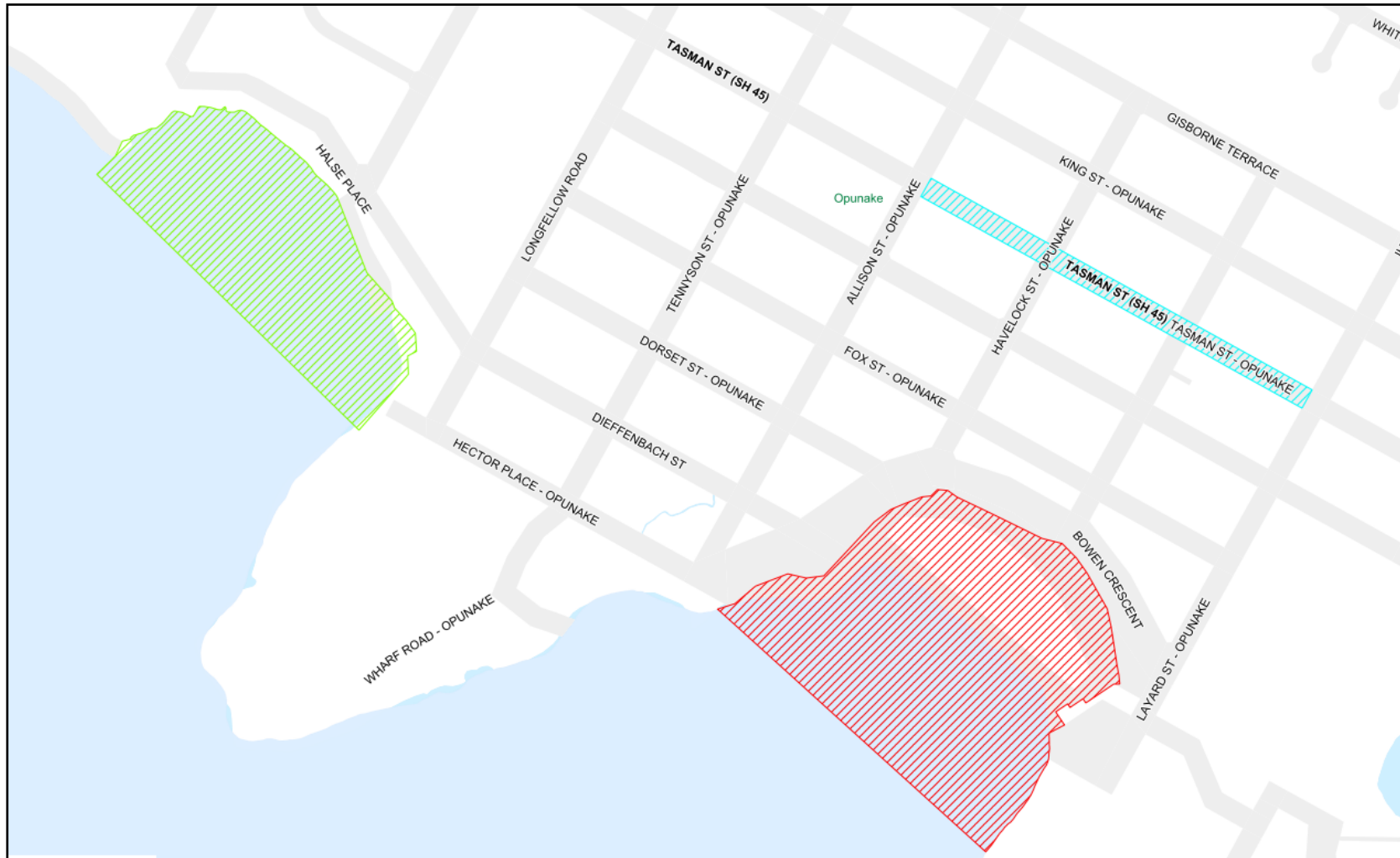
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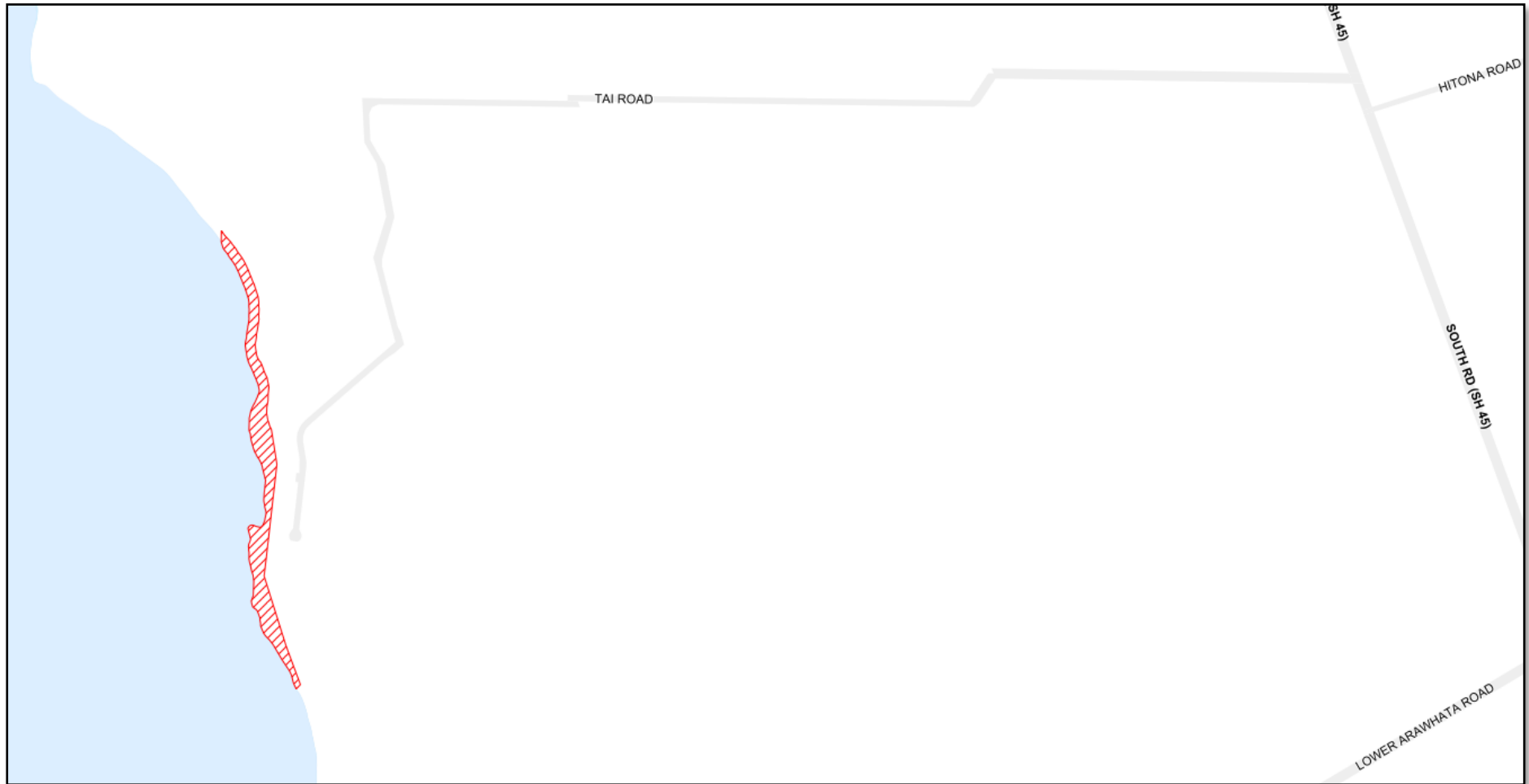
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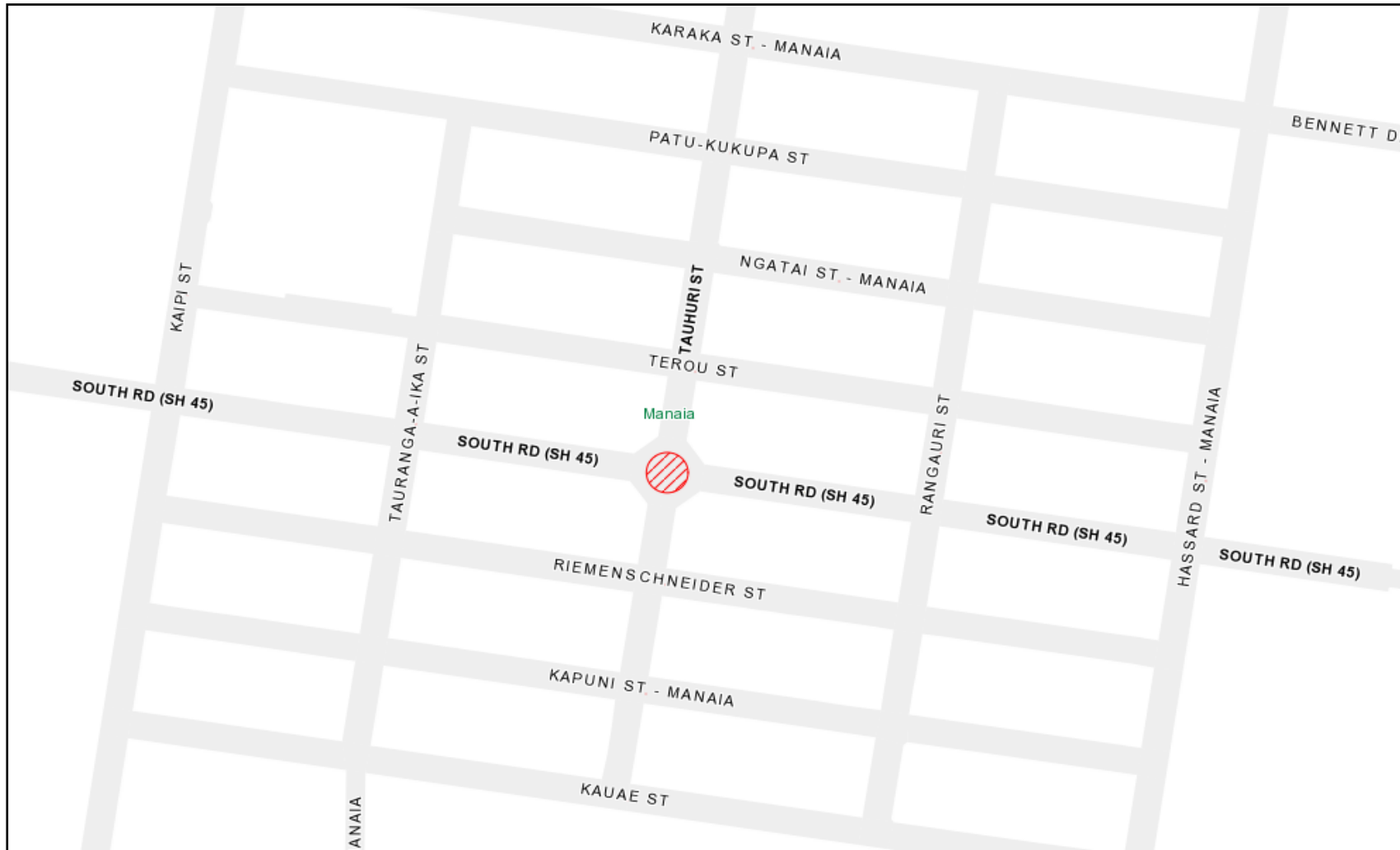
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Map 2B – Sandy Bay, Opunake



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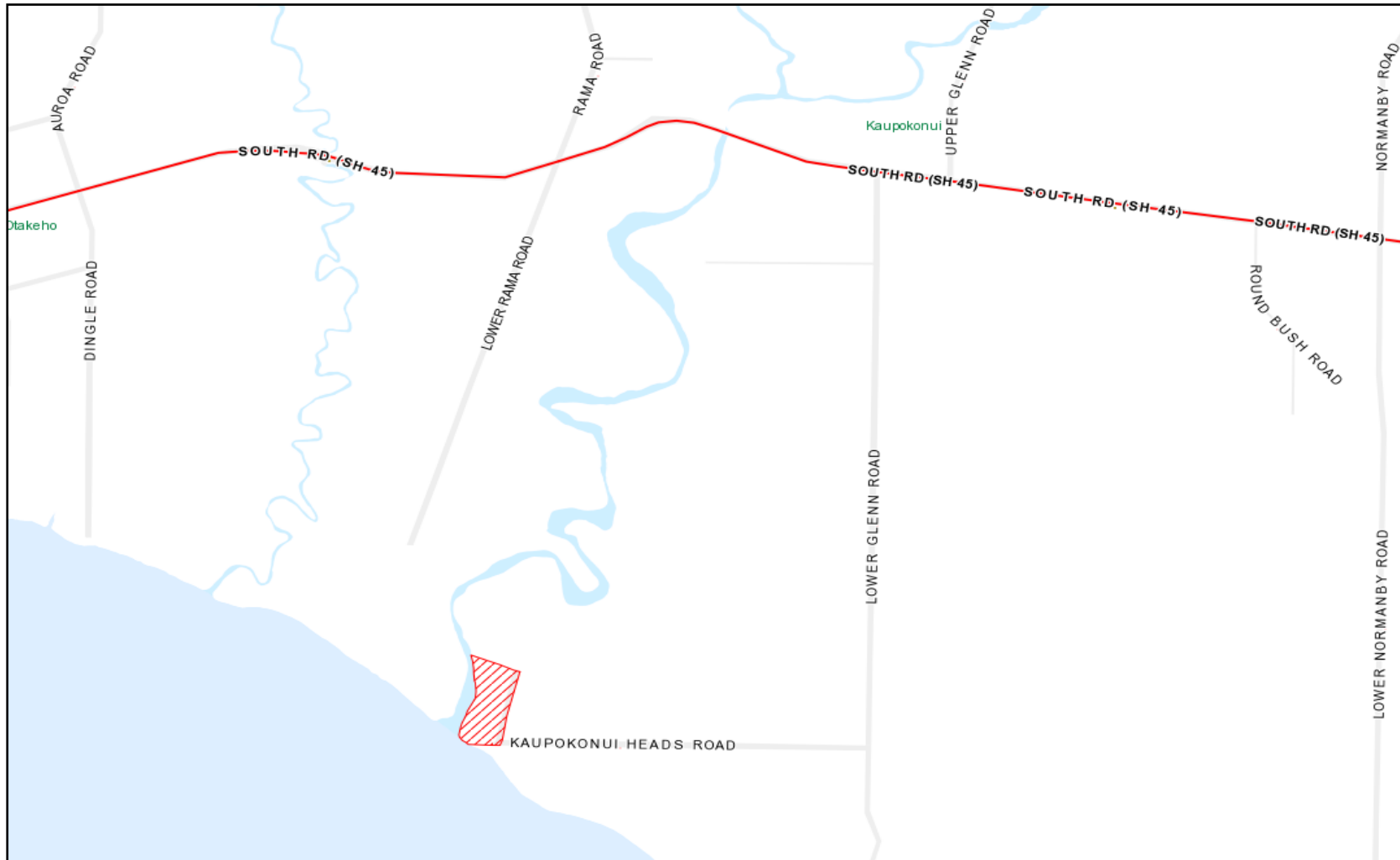
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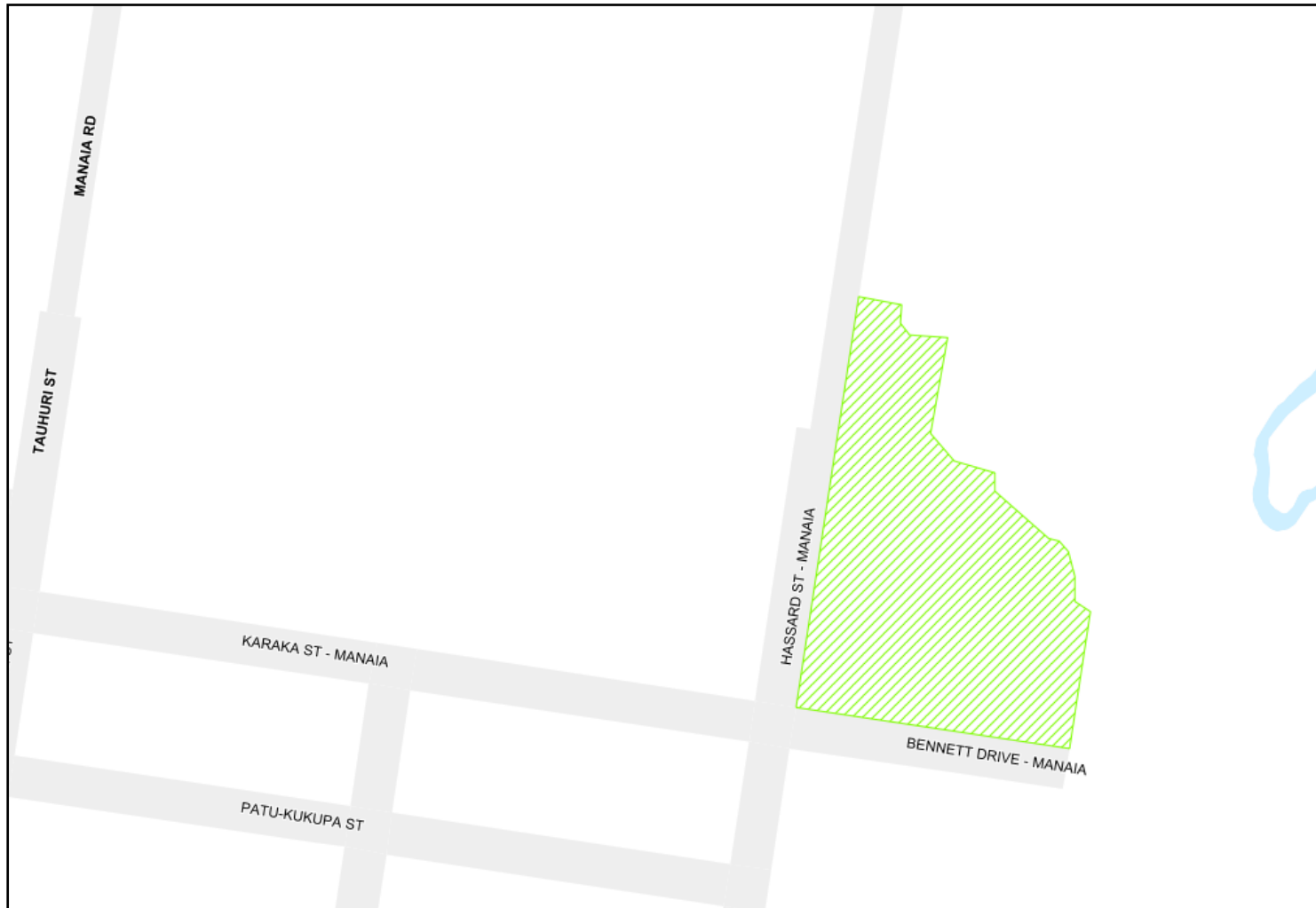
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Map 3B – Kaupokonui Domain and Camping Grounds



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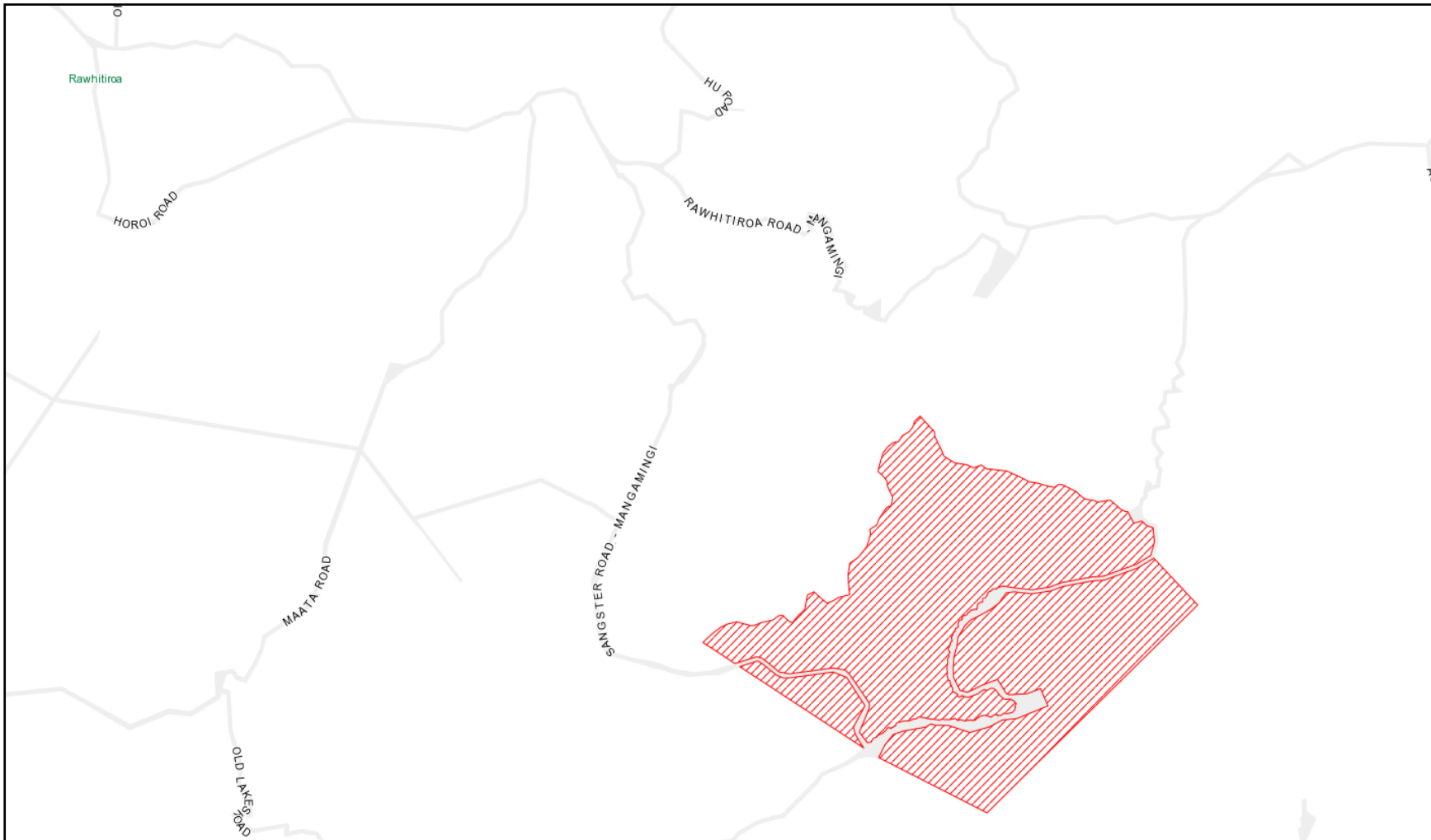
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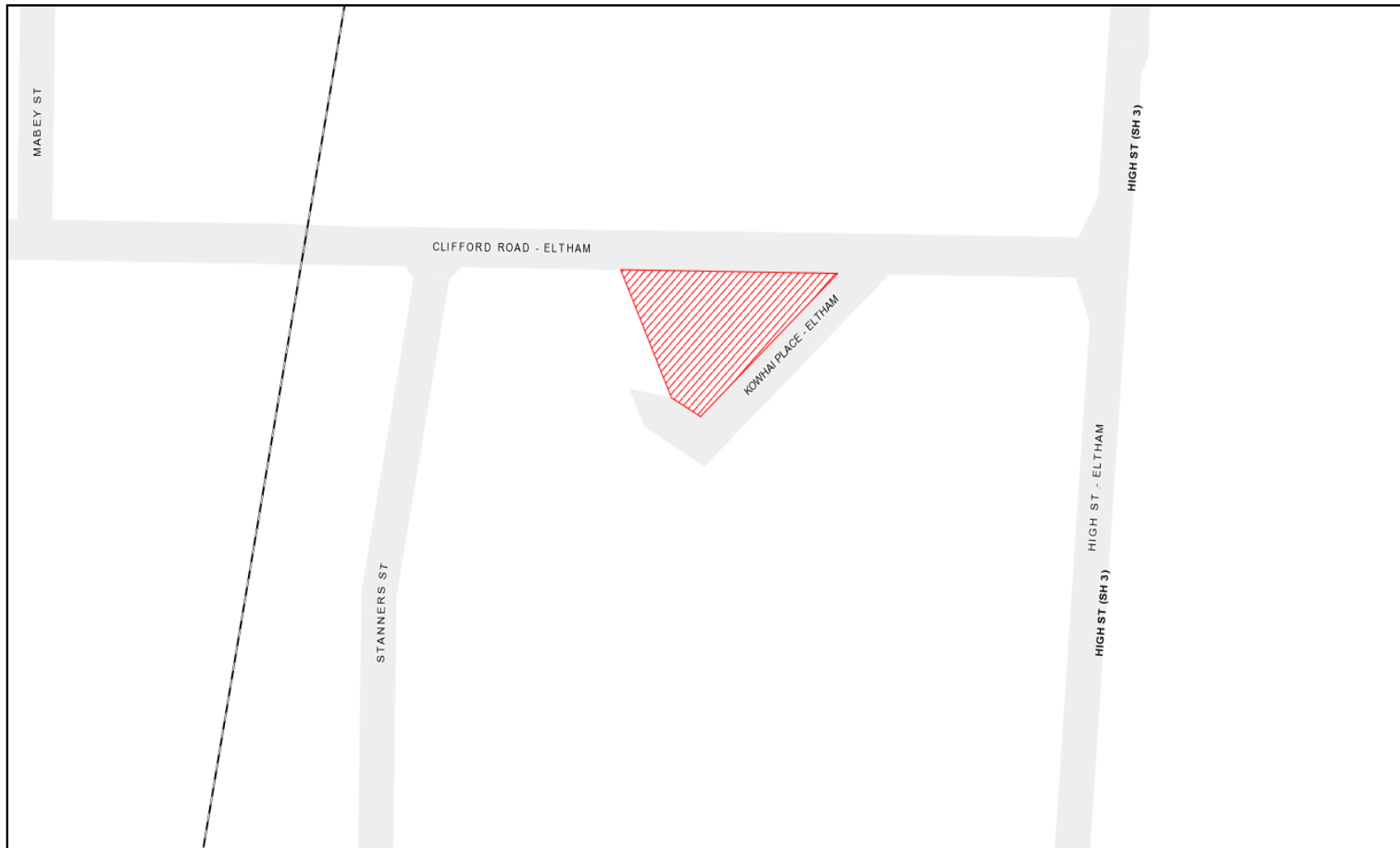
Map 4A – Rotokare Reserve, Eltham



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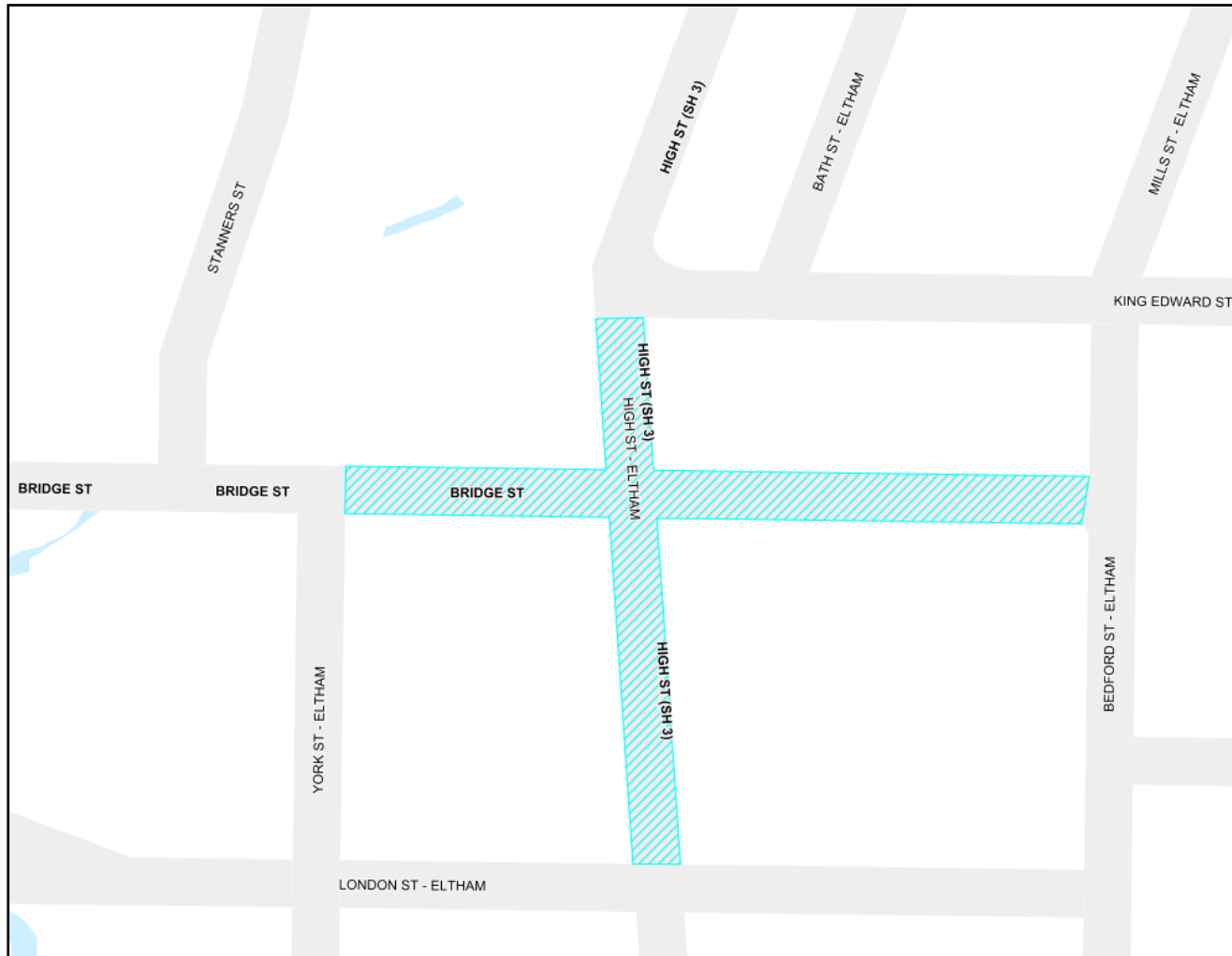
Map 4B – Connell Reserve, Eltham



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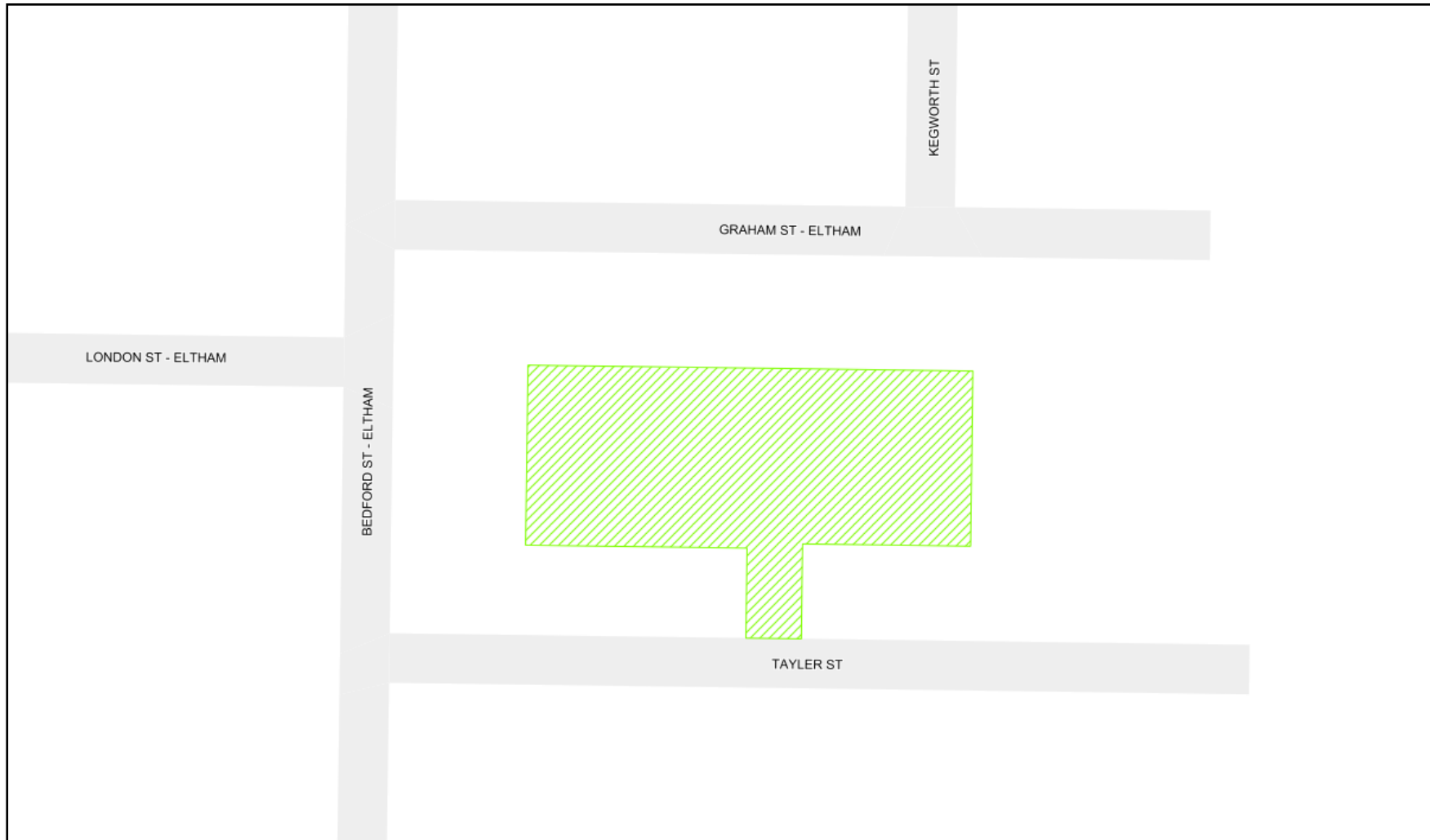
Map 4C – Eltham Central Business District



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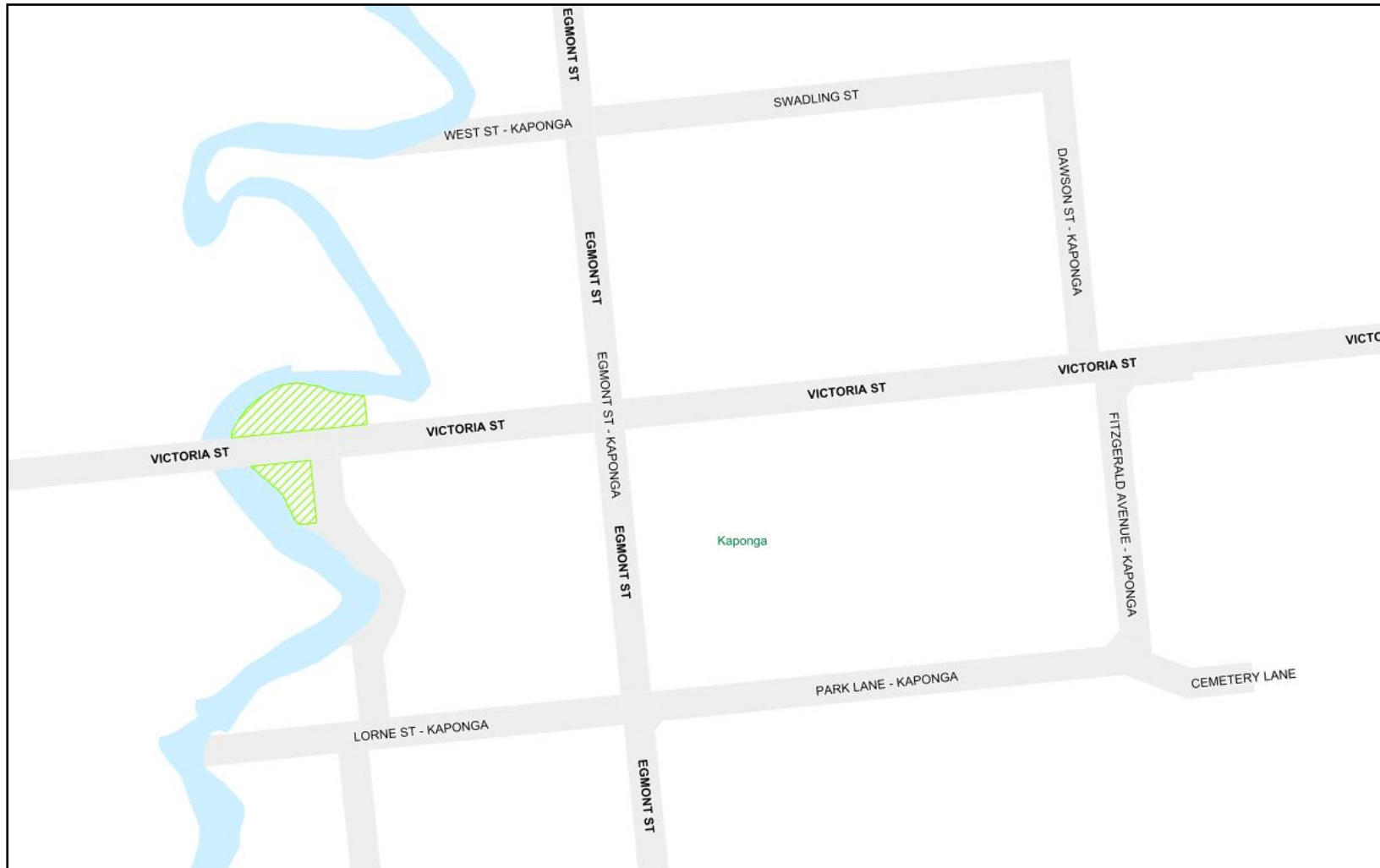
Map 4D – Taylor Park, Eltham



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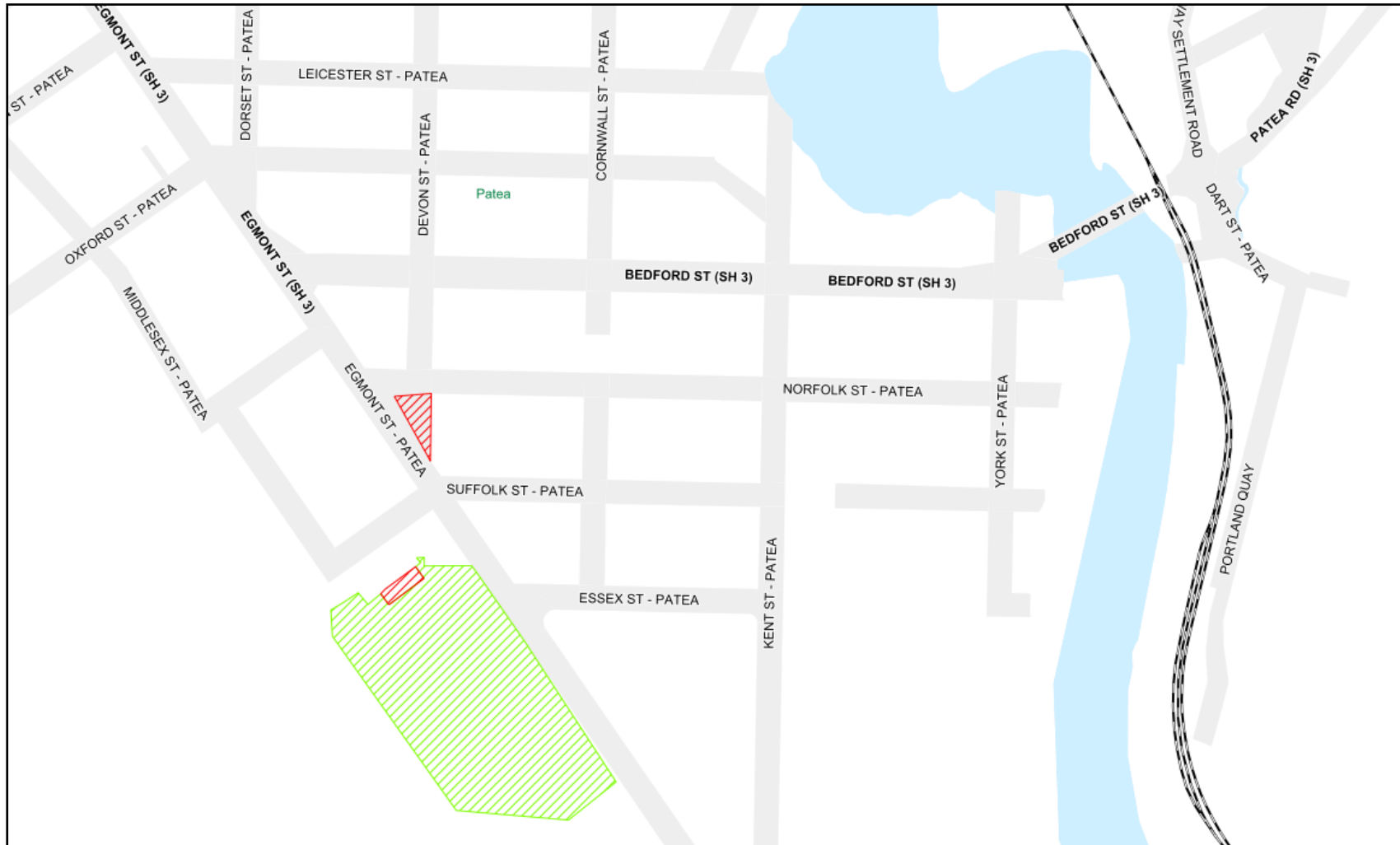
Map 5A – Smyth Park and Thoumine Park Roadside Reserve, Kaponga



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Map 6A – Queen Mary Park play area and the Patea Domain



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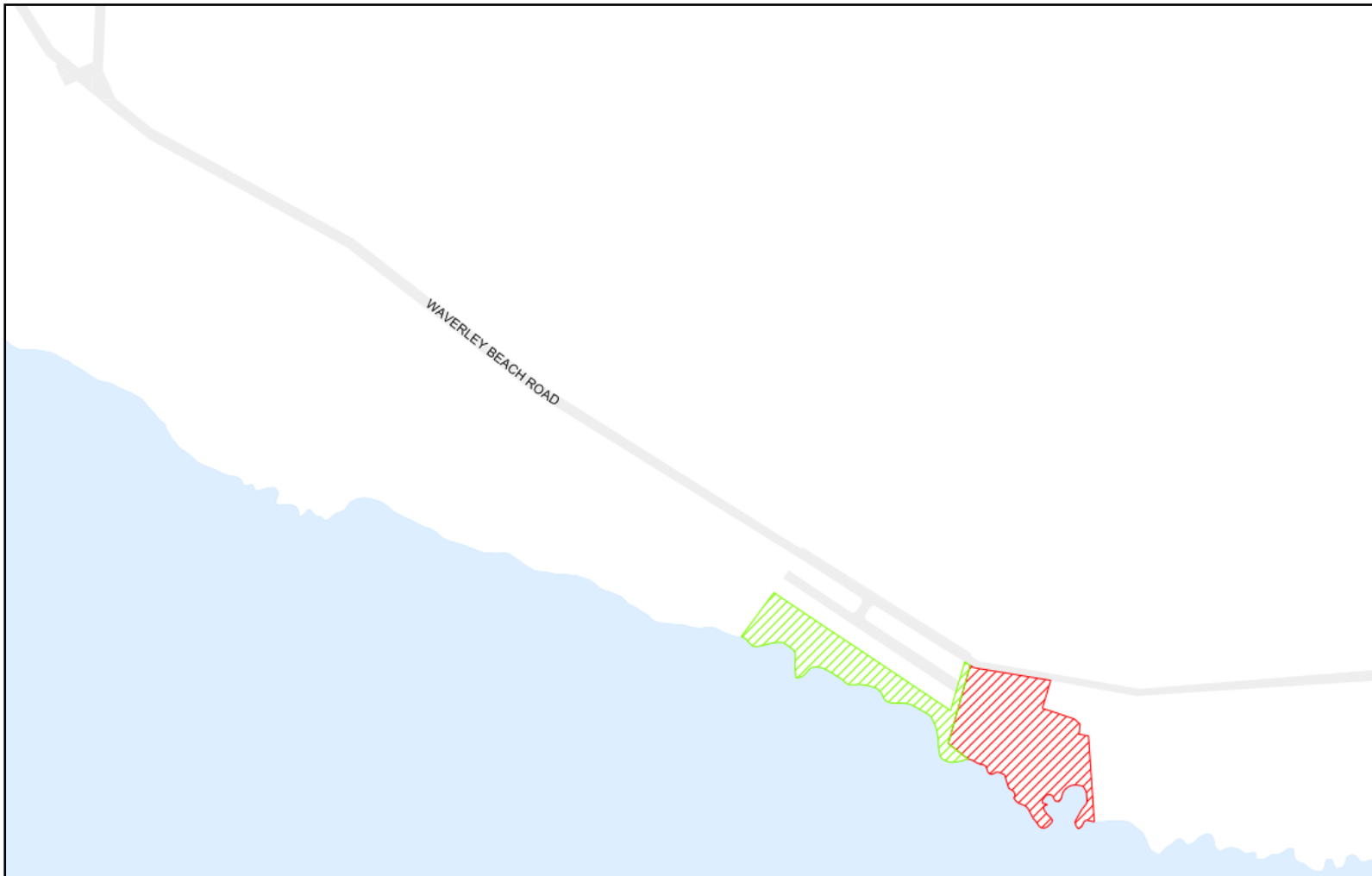
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Map 7A – Cave Beach, Wairoa Domain, Waverley Beach Camping Ground and Long Beach



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History of Bylaw

Action	Description	Decision date	Decision number	Commencement
New	Adoption of new Dog Control Bylaw 2014	10/11/2019	120/14	02/12/2014
Amendment	Review and renewal of Bylaw	12/08/2019	118/19	12/12/2019

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