

**CONTROL OF DOGS BYLAW
REVIEWED 2020**



Buller District Council

Control of Dogs Bylaw

Council Resolution

This bylaw was made by resolution of Buller District Council at a meeting of the full Council on the 27th day of June 2002 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on the 22nd day of August 2002.

This bylaw was further reviewed and reaffirmed at a meeting of the full Council on the 28th Day of May 2008.

The Common Seal of the Buller District Council is hereto affixed to this Bylaw at the offices of and pursuant to the Resolution of the Buller District Council.



Control of Dogs Bylaw

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1 INTRODUCTION

- (1) Buller District Council makes this bylaw (the Bylaw) in accordance with the Local Government Act 2002 and the Dog Control Act 1996.

2 TITLE

- (1) The title of the Bylaw is the **Buller District Council Control of Dogs Bylaw**.

3 COMMENCEMENT

- (1) The Bylaw comes into force on 1st day of September 2002.

4 PURPOSE

- (1) The purpose of the Bylaw is to:
 - (a) Set standards of control that must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.
 - (b) This bylaw is not the only or major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as registration, barking dogs, dogs attacking people or stock and other matters

5 DEFINITION AND INTERPRETATION

- (1) For the purposes of this bylaw the following definitions shall apply:

Dog Control Officer means a dog control officer appointed under section 11 of the Dog Control Act 1996.

Dog Ranger means a dog ranger appointed under section 12 of the Dog Control Act 1996 and includes an honorary dog ranger.

Dog includes any bitch, spayed bitch or puppy.

Owner has the same meaning as defined in section 2 of the Dog Control Act 1996.

Public Place has the same meaning as defined in section 2 of the Dog Control Act 1996.

Working Dog has the same meaning as defined in section 2 of the Dog Control Act 1996.

- (2) For the purpose of this bylaw the word “shall” refers to practices that are mandatory for compliance with this bylaw, while the word “should” refers to practices which are advised or recommended.

6 DOGS TO BE UNDER CONTROL AT ALL TIMES

- (1) The owner or any person in charge or having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his/her direct control.

7 SHELTER

- (1) Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.

8 AREAS WHERE DOGS ARE PROHIBITED AND AREAS WHERE DOGS MUST BE ON A LEASH

- (1) The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in a vehicle.

The streets and public places as resolved from time to time shall be detailed in Schedule A of this bylaw.

- (2) The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in a vehicle or is at all times on a hand held leash.

The streets and public places as resolved from time to time shall be detailed in Schedule B of this bylaw.

- (3) No person shall cause, permit or suffer any dog of which he/she is the owner or which is in his/her charge or remain on any other public place within the district controlled by the Council not covered by (1) or (2) hereof unless such dog is kept under continuous and effective control.
- (4) An officer may require the owner of any dog that is being carried in a vehicle in a prohibited area as detailed in (1) and (2) to remove the dog from the prohibited area if the officer considers the dog to be a nuisance due to reasons of noise or aggressive behaviour.
- (5) Dogs may be exercised free of restraining devices under the owners constant observation and voice control where there is no likelihood to contravene Section 8 (2) of these Bylaws in the following areas:
 - (a) River edges, beach frontage, including dune areas (excluding conservation areas); or
 - (b) The Westport Domain, Brougham Street Domain, the southern end of the Carters Beach Domain; or

- (c) In Reefton, The Strand, adjacent the racecourse on Crampton Road Reserve, and the old cemetery on Buller Road.

9 CONTROL OF DOGS WANDERING INCLUDING ON PRIVATE PROPERTY

- (1) Any person shall commit an offence against this bylaw if they fail to keep any dog under continuous and effective control.
- (2) Any dog found not under continuous and effective control in any public place may be seized and detained by an authorised officer, or by a person employed by the Council in that public place.
- (3) Where a dog is not under control in terms of Section 6 of this bylaw, the dog control officer may, where the owner is known, and has not been convicted of an offence, or been the recipient of an infringement notice and the dog has not been impounded within the preceding 12 month period, return the dog to the owner forthwith, providing,
- (a) The owner can be readily located; and
 - (b) The owner is able to receive the dog; and
 - (c) The owner is willing to pay a recovery fee; and
 - (d) The dog, if over 3 months of age, is registered; and
 - (e) The conditions under which the dog is kept are satisfactory
- (4) Any dog that has been impounded due to lack of control shall not be released unless the dog control officer is satisfied that the conditions and facilities under which the dog is normally kept are of a standard to prevent the dog from being able to roam at large.
- (5) An unclaimed dog may not be released to any person unless that person:
- (a) Undertakes to have the dog vaccinated and de-sexed at their own cost; and
 - (b) Has facilities suitable to house and contain the dog; and
 - (c) Is considered by the officer of the Council releasing the dog to be a suitable person to own the dog.

10 INFECTED DOGS

- (1) The owner or person in charge of any dog shall not allow any dog which is:
- (a) Infected with an infectious disease; or
 - (b) A bitch on heat.

To take the dog or permit or suffer the dog to enter or remain in any public place.

11 DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH

- (1) The owner of any dog or the owner or occupier of any premises of whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to health.
- (2) If in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to health, the council or any person duly authorized on that behalf by the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
 - (a) Reduce the number of dogs kept on the premises;
 - (b) Construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
 - (c) Require such dog or dogs to be tied up or otherwise confined during specified periods;
 - (d) To clean and keep clean the dog kennel and associated area;
 - (e) Take such other action as the Council deems necessary to minimize or remove the likelihood of nuisance or injury to health.
- (3) Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified shall commit an offense against this bylaw.

12 CAUSING DOGS TO BECOME UNMANAGEABLE

- (1) Any person shall commit an offence against this bylaw who behaves so as to cause any dog in any street, private street, or public place to become restive or unmanageable.

13 LIMITATION AS TO NUMBER OF DOGS ALLOWED

- (1) The number of dogs allowed are limited as follows:
 - (a) No occupier of any property in an area which has a predominantly urban character under the District Plan prepared by Council shall allow or cause to remain or keep on such premises for any period exceeding fourteen days, three or more dogs other than working dogs, over the age of three months (whether or not such dogs are registered) unless such occupier shall be the holder of a licence for such purpose from the Council.

- (b) Such licence may be issued upon or subject to such terms, conditions, restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be a breach of this bylaw.
 - (c) Any person wishing to keep three or more dogs on any premises as provided in the Bylaw shall make written application to the Council in such form as may be required by the Council for a licence and shall give to the Council such information in respect of the application as the Council may require.
 - (d) For every such licence there shall be paid to the Council such fee as the Council may decide from time to time by resolution passed in that respect and such licence shall remain in force until the 30th day of June, following the date of issue of such licence.
 - (e) The fee for such licence shall be payable in addition to and separate from the dog control fees payable under the Dog Control Act 1996.
- (2) The requirement for a permit shall not apply to any:
- (a) Premises approved for the business of boarding or breeding kennels.

14 DOGS FOULING PUBLIC AREAS

- (1) Where any dog defecates in any public place or private way or land or premises other than that occupied by the owner of the dog, that owner must remove the faeces forthwith and dispose of them in a hygienic manner.

15 CONVICTION AND FINES

- (1) Every person commits an offence under this bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by these bylaws, and is liable to:
- (a) The penalty provisions of section 683 of the Local Government Act 1996; or
 - (b) Any other penalty pursuant to the Dog Control Act 1996; or
 - (c) Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.

16 DOGS CARRIED IN A VEHICLE

- (1) Every person in charge of a vehicle shall ensure that any dog carried therein:
- (a) Has access to water at intervals of not more than every two hours: and
 - (b) Does not cause, allow, permit or suffer a dog to remain in a stationary vehicle in full sun or any conditions where the internal temperature of the vehicle may cause the dog to suffer heat induced distress.

- (2) A dog may be seized and impounded under section 16 (1) of this bylaw only when the dog control officer or dog ranger:
- (a) Has reasonable cause to suspect that the action of leaving the dog in the vehicle or returning the dog to the vehicle would cause the dog to remain or become distressed; or
 - (b) Is unable to secure the dog without compliance with the Act or any part of this bylaw; or
 - (c) Within reason, is unable to located the owner of either the dog or the vehicle.
- (3) Where any dog is seized under section 16 (2) of this bylaw, the dog control officer or dog ranger shall leave a written notice in some conspicuous place on the vehicle informing the owner of the vehicle of the conditions of return of the dog in accordance with section 69 of the Dog Control Act 1996.

17 DOGS CARRIED ON A VEHICLE TRAY OR DECK

- (1) Every person in charge of a vehicle shall ensure that any dog carried thereon:
- (a) Has means of seeking shelter in extremes of weather regardless if the vehicle is in motion or stationary; and
 - (b) Is secured by a leash or chain that is sufficiently short in length as to prevent the dog leaving the useable surface of the tray
- (2) Notwithstanding any approved safety devices, the minimum standard of lead or chain must:
- (a) Incorporate one swivel connection; and
 - (b) Be of sufficient condition to withstand the expected forces caused by movement of the vehicle; and
 - (c) Be of sufficient condition to ensure the behavioural restraint of the dog.

LIST OF SCHEDULES

Schedule A – Areas where dogs are prohibited (Except when in a vehicle)

- (a) The central business and commercial shopping areas of Westport during the hours of 9am to 5pm Monday to Friday, and 10am to 12 midday on Saturday; and
- (b) Childrens' playing parks, public paddling or swimming pools, hospitals, cemeteries, playing surfaces of sports grounds; and
- (c) In Westport – the public parks of Victoria square; and
- (d) In Reefton – King George VI Jubilee Park; and

- (e) Any other area where local authority signs are erected prohibiting dogs; and
- (f) Any recreational or community buildings owned or controlled by the Council

Schedule B – Areas where dogs are permitted only if on a handheld leash (Or in a vehicle)

- (1) Any areas within the District that are gazetted or regulated as limited speed control areas or as areas where a speed restriction of less than 100 kilometres per hour apply within the following areas:
 - (a) Westport, Carters Beach; and
 - (b) Reefton, Inangahua Junction, Blacks Point, Springs Junction, Maruia, Ikamatua; and
 - (c) Karamea, Little Wanganui settlement and subdivision; and
 - (d) Seddonville, Mohikinui, Hector, Ngakawau, Granity, Waimangaroa; and
 - (e) Charleston, Ross subdivision, Punakaiki North and South; and
 - (f) Constant Bay (Blue Penguin Colony)
- (2) All other parks not identified as prohibited areas
- (3) All other parks not identified as exercise areas
- (4) River edges, beach frontage, including dune areas, when there is a presence of recreational swimmers or picnickers (excluding conservation prohibited areas)
- (5) Any area that the dog, if not on a leash, may injure, intimidate or otherwise cause distress to any person, domestic animal, stock, poultry or domestic wildlife.

Conservation Prohibited Areas

Dogs are prohibited from the following areas without first having obtained a dog control permit from the Department of Conservation:

- (a) Paparoa National Park
- (b) Kahurangi National Park
- (c) Rocky Peninsula (Tauranga Bay)
- (d) Seal Colony (Tauranga Bay)