

Dog Control Bylaw 2020



Adopted 9 December 2020

The Central Otago District Council resolved on the 9 December 2020 at a duly called ordinary meeting of Council, to review and adopt the Dog Control Bylaw 2020. Such resolution was made following the carrying out of the Special Consultative Procedure and other procedural requirements of the Local Government Act 2002.

The bylaw came into force on 18 December 2020.

The **COMMON SEAL** of the **Central Otago District Council** was hereunto fixed in the presence of:

Mayor

Chief Executive

The Central Otago District Council, in pursuance of the powers contained in the Local Government Act 2002, the Bylaws Act 1910, the Dog Control Act 1996 and any other authority enabling it in this behalf hereby makes the following bylaw.

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1 TITLE AND COMMENCEMENT

- (a) This bylaw shall be known as the Dog Control Bylaw 2020 (bylaw).
- (b) The bylaw shall come into force on the XXXXXX

2 PURPOSE

- 2.1 The purpose of this bylaw is to give effect to the Central Otago District Council Dog Control Policy 2020 by:
- (a) Facilitating responsible dog ownership and the Control of dogs in the Central Otago District
 - (b) Protecting the wellbeing and safety of both people and other animals
 - (c) Regulating where a dog may be taken by its owner and the method of control of the dog in Public Places
 - (d) Imposing on the Owner of a dog obligations to ensure the dog does not cause a Nuisance to any person and does not injure, endanger, or cause distress to any person or animal or damage to property
 - (e) Limiting the number of dogs that may be kept on certain premises
 - (f) Requiring the Owner of any dog that defecates in any Public Place to carry a Suitable Receptacle and to immediately remove the faeces
 - (g) Requiring the Owner of any dog to neuter the dog if it has not been kept under Control on more than three occasions in any 12-month
 - (h) Provide for the enforcement of this bylaw by prescribing offences and penalties for contravening or permitting a contravention of the bylaw

3 INTERPRETATION

Act means the Dog Control Act 1996

Control means that the Owner:

- a) has the dog on a Leash; or
- b) has the dog confined within a vehicle or other container; or
- c) is physically capable of directing or commanding the dog whilst off the Leash where it is permitted to do so, pursuant to this bylaw, and the dog is

responsive to commands and is not creating a Nuisance.

Council	means the Central Otago 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: <ul style="list-style-type: none">(a) Assistance Dogs of New Zealand(b) Hearing Dogs for Deaf People New Zealand(c) K9 Medical Detection New Zealand(d) Mobility Assistance Dogs Trust(e) New Zealand Epilepsy Assist Dogs Trust(f) Perfect Partners Assistance Dogs Trust(g) Royal New Zealand Foundation of the Blind Incorporated(h) an organisation specified in an Order in Council made under section 78D of the Act.
Dog Control Officer	has the same meaning as 'Dog Control Officer' as appointed under section 11 of the Act.
Dog Park	means a fenced area where dogs can be exercised and socialised with other dogs off-Leash in a controlled environment and under the supervision of their Owner.
Exercise Area	means any area designated by Central Otago District Council for specifically exercising dogs.
Leash	means an adequate restraint and may include a lead attached to a collar or harness, that allows for the Control of a dog when in a Public Place.
Nuisance	means any activity or behaviour causing annoyance, including (but not limited to) excessive barking or howling; fouling on public and private land; trespass onto private land; uncontrolled roaming; causing distress via intimidating behaviour (such as aggressive barking or rushing); or attacking people, wildlife or other animals.
On Leash Area	means any area designated by Central Otago District Council where dogs are permitted on Leash only.
Owner	means every person who: <ul style="list-style-type: none">a) Owns the dog.b) Has possession of the dog whether the dog is at large or in confinement (for example, including but not limited to, a kennel operator).

- c) Is 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 (b) of this definition, 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:

- a) Any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made the Dog Control Act 1996 or Animal Welfare Act 1999; or
- b) Any person who is in possession or in charge of the dog for a period of 72 hours or less for the purpose of:
 - i. preventing the dog from causing injury, damage or distress; and/or
 - ii. restoring the lost dog to its owner.

Playground means any children's playground equipment provided or maintained by the Council for public use.

Prohibited Area means any area designated by Central Otago District Council where dogs are not permitted.

Public Place means –

- a) a place that, at any material time, is open to or is 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
- b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

A public place does not include a private vehicle.

Suitable Receptacle means a plastic bag, a paper bag or other effective means to remove and dispose of faeces.

Working Dog means:

- a) Any Disability Assist Dog:
- b) Any dog:

- i. Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
- ii. Kept solely or principally for the purposes of herding or driving stock; or
- iii. Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- iv. Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
- v. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- vi. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
- vii. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- viii. Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- ix. Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so

declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

4 CONTROL OF DOGS IN PUBLIC PLACES

4.1.1 Dogs are permitted off Leash in Public Places, designated Exercise Areas and Dog Parks unless otherwise specified that dogs must be on Leash or that dogs are prohibited from the area, as required by the Act or this bylaw.

4.1.2 Dogs must be under Control at all times. A dog shall be deemed not to be under Control if:

- a) it is found at large on any land or premises other than a Public Place without the consent (express or implied) of the occupier or person in charge of that land or those premises;
- b) it is found at large in any Public Place in contravention of any regulation or this bylaw.

4.1.3 For the purpose of this clause an Owner of a dog shall be deemed to have sufficient Control where the dog is in a Public Place if:

- a. the dog is under the continuous surveillance or Control of a responsible person; and
- b. the dog can be recalled instantly whenever another person, dog, or any other animal is encountered.

4.1.4 The Owner must take all reasonable steps to ensure that dog does not:

- a) cause a Nuisance, annoyance or distress to any person or animal (as defined in the Act) in such a manner that would give rise to any reasonable complaint as to its behaviour; or
- b) cause damage to any property that would give rise to any reasonable complaint as to its behaviour.

4.1.5 The Owner of a dog must carry a Leash when in a Public Place if the dog is with the owner.

4.1.6 The Owner of a dog must ensure at all times that, when the dog is on their property, it is either under direct Control of a person, or is confined in such a manner that it cannot freely leave the property.

4.1.7 Dangerous or menacing dogs (as defined in the Act) must be muzzled and leashed when in in a Public Place, including in designated Exercise Areas, Dog Parks, Prohibited Areas (when used as a thoroughfare pursuant to clause 4.4.3), and in On Leash Areas. The Owners of dangerous and menacing dogs

must advise anyone to whom they give temporary Control and responsibility of the dog of the requirement that it must be muzzled and leashed when in public.

4.2 Exercise Areas

4.2.1 A dog may be exercised without being restrained (e.g. by a Leash) in any of the following designated Exercise Areas:

Alexandra	<ul style="list-style-type: none"> a) The Alexandra Pines, State Highway 8 b) The Linger and Die, between Rivers Street and Manuherekia River c) Town Belt between State Highway 85 and Manuherekia River
Clyde	<ul style="list-style-type: none"> a) Clyde Recreation Reserve (Sunderland Street) b) Vacant land at southern end of Sunderland Street between Clyde Golf Course and Dunstan Hospital
Cromwell	<ul style="list-style-type: none"> a) Alpha Street Reserve between Ortive Street and Ray Street b) Plantation area adjacent to transfer station, Bannockburn Road c) Plantation area, between Sandflat Road and Bannockburn Road
Pisa Moorings	<ul style="list-style-type: none"> a) Dustin Park, Pisa Moorings south of playground
Nasby	<ul style="list-style-type: none"> a) Vacant land, Channel Road b) Forest Block off Lomond Street and Killarney Street
Ranfurlly	<ul style="list-style-type: none"> a) Vacant land, corner of Alexander Street and Charlemont Street
Roxburgh	<ul style="list-style-type: none"> a) Vacant land, Cheviot Street below the bridge

Full details as shown on the Central Otago District Council website www.codc.govt.nz

4.2.2 Every Owner at a designated Exercise Area with the dog must comply with the obligations set out in clause 4.1.1 – 4.1.4 of this bylaw.

4.3 Dog Parks

- 4.3.1 No owner of a dog may leave a dog unattended at a Dog Park.
- 4.3.2 Every Owner at a Dog Park with the dog must comply with the obligations set out in clause 4.1.1 – clause 4.1.4 of this bylaw.

4.4 Prohibited Areas

- 4.4.1 Dogs are not permitted in the following Council controlled designated Prohibited Areas at any time:
 - a) Children’s playgrounds
 - b) The designated playing surface of all sports grounds (pitches)
 - c) Cemeteries
 - d) Swimming pools

Full details as shown on the Central Otago District Council website
www.codc.govt.nz

- 4.4.2 Dogs may be prohibited, as publicly notified from time to time, from some areas:
 - a) during periods when a high concentration of people is likely to create potential conflict; and/or
 - b) where potential conflict with the general public, wildlife or stock (as defined in the Act).
- 4.4.3 A dog on a Leash may pass through a Prohibited Area when it is used as a thoroughfare and no other reasonable access exists to an area where a dog may be exercised.

4.5 On Leash Areas

- 4.5.1 Dogs must be on a Leash in the following designated On Leash Areas at all times:
 - a) Alexandra Town Centre
 - b) Cromwell Mall
 - c) Old Cromwell
 - d) Ranfurly Town Centre
 - e) Roxburgh Town Centre
 - f) All sports grounds i.e. all parts of a sports ground excluding the area where dogs are otherwise prohibited (playing surface)
 - g) Premises used for the manufacture, preparation, storage or sale of food

Full details as shown on the Central Otago District Council website
www.codc.govt.nz

4.5.2 Dogs may be prohibited, as publicly notified from time to time, from some designated On Leash Areas:

- a) during periods when a high concentration of people is likely to create potential conflict; and/or
- b) where potential conflict with the general public or wildlife may occur.

4.5.3 Every Owner at a designated On Leash Area with the dog must comply with the obligations set out in clause 4.1.1 – clause 4.1.4 of this bylaw.

4.6 Working Dogs

4.6.1 The provisions of clause 4.4 and 4.5 shall not apply to a Working Dog carrying out the work in respect of which the dog has been registered.

4.6.2 For the absence of doubt under clause 4.4 and 4.5 a Working Dog must be on a Leash in a Prohibited Area or designated On Leash Area unless they are carrying out the work in respect of which they have been registered and where this work requires them to be off Leash (for example ,if they are herding or driving stock (as defined in the Act)).

4.7 Impounding dogs

4.7.1 Any dog whether or not they are wearing a collar having the proper label or disc attached, that are found roaming may be impounded by a dog control officer.

4.7.2 The owner of any dog that has not been kept under control on three or more occasions in any 12 month period must neuter the dog not kept under control (whether or not the owner of the dog has been convicted of an offence against section 53 of the Act). The Owner must, if required by the Council, produce a veterinary certificate showing the dog has been neutered or that the dog is unfit to neuter before a certain date. The Owner must comply with this provision within one (1) month of receiving written notice of the obligation to neuter the dog.

4.7.3 Prior to release from impoundment any unregistered dog must be registered and/or micro-chipped at the Owner's cost.

4.7.4 Any dog may be impounded where an inspection of the dog and the conditions in which it is being kept give a Dog Control Officer good cause to suspect that an offence against the Act has been committed.

5 LICENCE TO KEEP MORE THAN THREE DOGS

- 5.1 No more than three dogs of registrable age i.e. 3 months old and over (whether or not such a dog is registered) may be kept on any premises unless:
- (a) The owner or occupier is the holder of a licence to keep four or more dogs; or
 - (b) The premises are zoned rural in the relevant, operative Central Otago District Plan.
- 5.2 No licence will be granted unless the owner or occupier of any premises can demonstrate to Council's satisfaction (having regard to the criteria in the Dog Control Policy) that the keeping of more than three dogs will achieve the objectives of the policy and the purpose of the bylaw.
- 5.3 If the property in which the dog Owner resides is leased, the written consent of the property owner is required to keep four or more dogs on that property before any consideration for a licence will be given. A copy of such consent must be forwarded to Council.
- 5.4 A licence issued under this clause is subject to the conditions set by the Council.
- 5.5 Any breach of such conditions or other terms or restrictions shall be a breach of this bylaw.
- 5.6 Any licence may be revoked by the Council for:
- a) breach of conditions; or
 - b) in the event of a change of circumstances relating to:
 - i. the premises;
 - ii. the owner or occupier thereof; or
 - iii. The number and/or breed of dogs kept or remaining on such premises, or where a new dog is kept at the address specified in the licence (whether or not it replaces a dog which is the subject of the licence).
- 5.7 Applications for licences to keep more than three dogs shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.
- 5.8 There shall be paid to the Council for every such licence an inspection fee which the Council may from time to time by resolution publicly notified prescribe, and on each 1st day of July following the date of issue, an annual fee may be charged for the following twelve months.
- 5.9 The fee for such licences shall be payable in addition to the registration fees payable under the Act.

5.10 A Dog Control Officer may seize any dog kept at a premises and impound any dog at the Owner's expense where:

(a) more than three dogs are kept at the premises where a licence is required;
and

(b) there is no licence permitting the keeping of more than three dogs

6 TEMPORARY EXEMPTION

6.1 The Council may temporarily exempt any person, premises or Public Place from any duty or restriction in this bylaw.

6.2 The Council may grant an application for a temporary exemption where it is satisfied that allowing the activity will achieve the:

(a) Purpose of the Act; and /or

(b) Objectives of the Central Otago District Council Dog Control Policy 2020;
and/or

(c) Purpose of the Dog Control Bylaw 2020.

6.3 Applications for exemptions shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.

6.4 There shall be paid to the Council for every exemption application, a fee which the Council may from time to time by resolution publicly notified prescribe.

6.5 The exemption application fee shall be payable in addition to the registration fees payable under the provisions of the Act.

7 FOULING IN PUBLIC PLACES

7.1 No person being the Owner or a person in charge of any dog shall permit the dog to defecate in a Public Place or on land or premises other than that occupied by the Owner.

7.2 The Owner of any dog or a person in charge of any dog that defecates in a Public Place must immediately remove the faeces.

7.3 No offence shall be deemed to be committed against this bylaw where the Owner or the person in charge of the dog removes the faeces immediately after the dog has deposited them.

7.4 Any Owner shall at all times while exercising the dog whether within a designated Exercise Area or any Public Place carry a Suitable Receptacle to

remove and dispose of dog faeces immediately after the dog has deposited them.

- 7.5 Where a public litter bin or similar receptacle is used to dispose of the droppings, they must be suitably wrapped or contained to prevent fouling the receptacle.

8 ENFORCEMENT ACTIVITIES

- 8.1 The Council may use its powers under the Dog Control Act 1996 and the Local Government Act 2002 to enforce this bylaw.

9 OFFENCES AND PENALTIES

- 9.1 Every person who contravenes or permits a contravention of this bylaw commits an offence.
- 9.2 Every person who commits an offence under this bylaw is liable to a penalty:
- a) under section 242(4) of the Local Government Act 2002, or
 - b) to a penalty under the Dog Control Act 1996.