



**KAWERAU DISTRICT COUNCIL  
Dog Control Bylaw 2019**

## **Kawerau District Council**

### **Dog Control Bylaw (2019)**

#### **Explanatory Statement**

The Kawerau District Council is required by the Dog Control Act 1996 to adopt a policy about dog control and to give effect to that policy by making a bylaw. The Local Government Act 2002 requires that the bylaw must be reviewed every five years. Because of the relationship between the bylaw and the policy, it is the policy that is subject to the special consultative requirements of the Local Government Act.

This bylaw gives effect to Council's Dog Control Policy 2019. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisance caused by dogs.

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# Kawerau District Council Dog Control Bylaw 2019

## 1 Title

This bylaw is known as the Kawerau District Council Dog Control Bylaw 2019.

## 2 Commencement

This bylaw comes into force on 1 March 2019.

## 3 Application of Bylaw

This bylaw applies to the Kawerau District.

## 4 Scope

This bylaw is made pursuant to the Dog Control Act 1996 and the Local Government Act 2002. It gives effect to Council's Dog Control Policy 2019.

The purpose of this bylaw is to set the minimum standards of dog care and control required of dog owners. It covers matters such as dog accommodation, the duty to provide adequate food and water, dog exercise areas and the number of dogs allowed to be kept. Both the legislation and this bylaw provide for legal action with consequent fines where owner obligations are not met.

## 5 Definitions

For the purpose of this bylaw, the following definitions apply:

**Act** The Dog Control Act 1996 and its amendments.

**Authorised Officer** A person who has been appointed or authorised in writing by the Chief Executive Officer or the Council to act on its behalf and with its authority and includes a dog control officer and a dog ranger appointed under the Dog Control Act 1996.

**Council** The Kawerau District Council.

**Leash** A fixed or retractable restraint not exceeding 1.5 metres in length.

**Owner** has the same meaning as in the Act and 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 (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 the Act, or the Animal Welfare Act 1999, or the National Parks Act 1980, or the Conservation Act 1987, or the Te Uruwera Act 2014 or any order made under the Act or the Animal Welfare Act 1999.

**Premises** means all land and buildings within a single rating unit.

**Public Place** (a) means 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; and

(b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**Vehicle** has the meaning given by the Land Transport Act 1998.

**Working Dog** has the same meaning as in the Act and means:

(a) any disability assist dog; and

(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 other 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 other 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 other 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 other 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 of that Service; or

(viii) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

(ix) declared by resolution of the territorial authority to be a working dog for the purposes of [the Dog Control] 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.

## **6 Exceptions**

Nothing in this bylaw prevents any working dog from access to any public place while in the performance of its working duties and under the control of its handler.

## **7 Standards and obligations for keeping dogs**

### **7.1 Accommodation**

As a minimum standard, every dog owner must provide for their dog(s) a weather-proof shelter, kennel or similar accommodation with sufficient space to allow the dog reasonable movement and of sufficient height so that the dog can stand freely. The floor of the shelter must be elevated to ensure a dry surface. The shelter must be kept in a clean and sanitary condition.

Dog accommodation must be no closer than 3 metres to an adjoining property boundary and 10 metres from the nearest neighbouring dwelling-house unless the nearest adjoining neighbours have given written consent to reducing these distances. **Note:** Under no circumstances is it acceptable to accommodate a dog under the floor of a house.

### **7.2 Every dog owner is obliged to also ensure that their dog(s):**

- a. Receive proper and sufficient food;
- b. Have access to clean water at all times;
- c. Receive adequate exercise for an animal of its breed, type of confinement, age and state of health;
- d. Receive proper and sufficient care and attention, including veterinary care; and

e. Do not create a nuisance or a danger to any person, animal or property.

7.3 Council may serve a compliance notice on any owner who breaches their obligations. The notice may specify a date by which the owner is required to comply with one or more of the following:

- a. The construction, reconstruction or alteration of the accommodation in which the dog(s) are kept;
- b. Cleaning the accommodation in which the dog(s) are kept;
- c. Reducing the number of dogs kept;
- d. Keeping dogs confined, controlled or restrained in specified areas, for specified times or in specified ways (including the height and type of fencing and/or gates);
- e. Any other actions necessary to properly accommodate the dog(s) and/or reduce or eliminate any nuisance or injury to health caused by or to the dog(s)
- f. The reasonableness of the required actions in the circumstances.

## **8 Control of dogs**

Every dog owner and every other person in charge or having control of any dog(s) is required by this bylaw to keep such dog(s) effectively confined or under his/her direct control at all times during the day and night.

## **9 Designated dog exercise areas**

Every dog owner is allowed to exercise their dog(s) in any public place that Council has designated as a dog exercise area; provided that the owner must have their dog(s) under control at all times. The designated dog exercise areas are detailed in the First Schedule to this bylaw.

## **10 Dog prohibited areas**

No dog owner is allowed to have their dog(s) in any public place that Council has designated as a dog prohibited area. The designated dog prohibited areas are detailed in the Second Schedule to this bylaw.

## **11 On-leash areas**

All streets and other outdoor public places in Kawerau that are not dog prohibited areas or dog exercise areas are designated on-leash areas. Every dog owner is permitted to take their dog(s) which are under leash control into on-leash areas.

## **12 Dogs contained in or on vehicles**

Notwithstanding the above designations, every dog owner is allowed to bring their dog(s) to any public place provided that it is effectively restrained in or on a vehicle.

## **13 Number of dogs<sup>1</sup> allowed to be kept**

Any dog owner is allowed to keep up to two (2) dogs on the premises.

Any dog owner who has a kennel licence from Council is allowed to keep three (3) dogs on the premises.

Dog owners must obtain special approval from Council to keep four (4) or more dogs on the premises. In determining whether to grant approval, Council will consider the following:

- a. The location of the property;
- b. The size of the property;
- c. The views of the immediate neighbours; and
- d. Any previous complaints about the owner or the additional dog(s);
- e. Any other factors it considers relevant.

Council may impose any reasonable conditions on the special approval.

## **14 Dogs defecating**

The owner of any dog(s) that defecates in any public place is required to immediately remove and hygienically dispose of the mess.

## **15 Diseased or on heat dogs**

The owner of any dog(s) that carries a transmittable disease or is on heat is required to confine the dog to the owner's property and must not have the dog in any public place.

## **16 Dangerous and menacing dogs**

The owner of any dog(s) classified by Council as menacing or dangerous under the Dog Control Act is required to adhere to additional responsibilities, including having the dog de-sexed and keeping the dog muzzled and on leash at all times in public places.

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<sup>1</sup> For the purposes of this clause a dog does not include any puppy aged less than eight (8) weeks.



## **17 Impounding of dogs**

An Authorised Officer may impound a dog that is found at large or in breach of any bylaw made by the Council, whether or not the dog is wearing a collar or has a registration label.

Before releasing any dog, Council will ensure that the accommodation provided by the owner meets the standard required by this bylaw and may also require the owner to comply with any other requirement of this bylaw or the Act, including having the dog neutered.

## **18 Offences and penalties**

Every person who behaves so as to cause any dog to become restive or aggravated commits an offence against this bylaw.

Every person who fails, refuses or neglects to do anything required to be done, or does anything prohibited by this bylaw commits an offence against this Bylaw.

Every person who commits an offence under this bylaw is liable to a penalty under section 242(4) of the Local Government Act 2002 or section 20(5) of the Dog Control Act 1996.

In the case of a first minor offence under the dog control bylaw or the Act, Council may issue the owner with a written warning. A second or more serious offence will result in Council requiring the dog to be de-sexed and issuing an infringement notice or initiating a prosecution against the owner, except where the owner surrenders the dog to be euthanised, in which case Council may determine to take no further action.

**Revocations**

The Kawerau District Council Control of Dogs Bylaw 2011 is hereby revoked.

The Kawerau District Council Dog Control Bylaw 2019 was duly made by a resolution passed at a meeting of the Kawerau District Council held on 26 February 2019, in accordance with the procedure required by the Dog Control Act 1996.

The Common Seal of the  
**Kawerau District Council**  
was affixed hereto in the presence of:

.....  
Mayor

.....  
Chief Executive Officer

.....  
Date  
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## FIRST SCHEDULE – DESIGNATED DOG EXERCISE AREAS

The following places are designated by Council as dog exercise areas:

1. All public reserves situated beside waterways and measuring at least one chain (20 metres) wide, including:-
  - Keith McKenzie Park
  - Prideaux Park (except marked playing fields)
  - Stoneham Walk
  - Pat Baker Reserve
  - Roy Weston Walk
  - Tarawera Park (except marked playing fields)
  - Lyn Hartley Reserve
  - Firmin Field, and
  - Boyce Park.
2. Monika Lanham Reserve
3. Hilldale Reserve (except the children's playground)
4. Stoneham Park
5. Delamere Drive Reserve (the neighbourhood reserve between Delamere Drive, Valley Road and Ryder Place).

**Note:** Owners are required to keep their dogs on leash at these areas during any organised activity.

## **SECOND SCHEDULE – DOG PROHIBITED AREAS**

Dogs are prohibited from the following places:

1. All public children's playgrounds in the district;
2. The Maurie Kjar Memorial swimming pool complex;
3. All public buildings under the control of Council;
4. The Kawerau Cemetery (except when a dog is accompanying a person visiting a grave or memorial and is on a leash at all times.)
5. The Kawerau Waste Transfer Station.