

**GORE DISTRICT COUNCIL
DOG CONTROL BYLAW 2013**

The Local Government Act 2002 allows the Council to protect the public from nuisance by introducing a bylaw. This bylaw is made pursuant to Section 145 of the Local Government Act 2002 and Section 20 of the Dog Control Act 1996.

This bylaw should be read in conjunction with the “Gore District Council Dog Control Policy” and the Dog Control Act 1996.

1. Title, Purpose and Commencement

This bylaw shall come into force on 1 July 2013.

This bylaw shall be known as the Gore District Council Dog Control Bylaw 2013 and is made for the effective control and regulation of dogs in the Gore District.

2. Repeal

The Gore District Dog Control Bylaw 2008 is hereby repealed from the day this bylaw comes into force.

3. Interpretation

Act – means the Dog Control Act 1996

Animal Control Officer – has the same meaning as ‘Dog Control Officer’ as appointed under section 11 of the Act.

Owner – means every person who:

- (a) Owns a dog; or
- (b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for the sole purpose of restoring a lost dog to its owner; or
- (c) Is the parent or guardian of and shares a household with a person under the age of 16 years who is the owner of the dog pursuant to paragraph (a) or (b) of this definition:
 - but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Protection Act 1960 or any regulation made under either of those Acts.

Public Place – 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 includes any land, rail, water or air vehicle carrying or available to carry passengers for reward.

Working Dog – means:

- any guide dog, hearing ear dog, or dog that provides other health benefits to a person.

- any dog:
 - 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,
 - a dog (heading, huntaway or handy) that is kept solely or principally for the purposes of herding or driving stock; or,
 - 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,
 - declared by resolution of the territorial authority to be a working dog for the purposes of the 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. Shelter for Dogs

- a. The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size with access to clean water, constructed on well-drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel. All kennels or places of confinement shall be kept in a reasonable, clean and sanitary condition. A place of confinement may include a dwelling.

- b. Animal Control Officers will have discretion to determine what is reasonable.

- c. No owner of any dog shall keep it on any premises in any kennel or place of confinement, other than a dwelling, any part of which is nearer than two metres to any boundary of those premises.

5. Control of Dogs on a Leash

- a. The owner and any person for the time being having charge of any dog shall ensure that the dog does not enter or remain in any public place unless it is kept on a leash, chain or lead which is in turn secured or held so that the dog cannot break loose.

Except

That a dog may be exercised without being restrained during the hours commencing half an hour before sunrise and half an hour after sunset in any public place where dogs are allowed other than a road, street or prohibited area. The dog must be under continuous control whilst being exercised. For the purpose of this clause it shall be deemed to be sufficient control if the dog is under the continuous surveillance or control of some responsible person, that is, able to be recalled instantly whenever another person, dog, or any other animal, is encountered. The dog must not give rise to any reasonable complaint as to its behaviour while being exercised.

In dog exercise areas dogs can be exercised at any time but must still be under the control or surveillance of some responsible person.

- b. The provisions of 5a shall not apply to a working dog when it is carrying out the work in respect of which it has been registered. When a dog is not working in respect of the purpose for which it has been registered, the provisions of 5a will apply.
- c. Notwithstanding any other provision of this bylaw, the entry of dogs on to any public place specified in Section 5 is prohibited.

6. Dog Exercise Areas

Dogs within Exercise Areas may be exercised at large at all times while under continuous surveillance and effective control, or on a leash according to the appropriate signage for that area within the exercise area, except dogs are not permitted to enter children's playgrounds and marked sports grounds where these are adjacent to Exercise Areas.

The designated Dog Exercise Areas are contained in Section A of the attached Schedule.

See also Section B and C of the Schedule for details on tracks and reserves where dogs under control are allowed.

Owners must pick up and wrap all dog faeces deposited by their dogs on Exercise Areas and place into the litter bins provided.

7. Public Places in which Dogs are Prohibited

Dogs are prohibited in those places listed in Section D of the attached Schedule at all times unless otherwise specified.

The Council may from time to time make areas temporarily prohibited to dogs because of any potential conflict with people, domestic animals, or at the advice of the Department of Conservation, wildlife. Temporary prohibitions will be notified by signage placed at the points of entry to the areas and where practicable, public notice in the newspaper.

8. Fouling in Public Places

No person being the owner or a person having 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.

- a. Provided that, no offence shall be deemed to have been committed against this bylaw where the owner or the person having charge of the dog removes the faeces immediately after the dog has deposited them.
- b. Any person having charge of any dog 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.
- c. Plastic bags, paper bags or acceptable pooper scoopers are examples of suitable receptacles.
- d. 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.

9. Infectious or Infested Dogs

No person being the owner or having control or charge of any infectious dog shall take the same into any public place or permit or suffer such dog to enter or remain in a public place except when being taken to a veterinary clinic.

10. Bitches in Season

No person being the owner or having control or charge of any bitch in season shall take the same into any public place or permit or suffer such dog to enter or remain in a public place except when being taken to a veterinary clinic. Such bitches shall be kept confined but adequately exercised.

11. Nuisances

Nuisances cover a wide range of issues and include (but are not limited to) barking, dog faeces, roaming, general dog activities.

- a. The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall:
 - (i) take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or annoyance.

- b. If, in the opinion of the Council, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance, 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:
 - (i) Reduce the number of dogs kept on the premises;
 - (ii) order the permanent removal of a single dog on a property;
 - (iii) construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs (Animal Control Officers will have the discretion to determine what is acceptable or reasonable);
 - (iv) require such dog or dogs to be tied up or otherwise confined during specific periods, or
 - (v) take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

- c. The owner of every dog shall ensure it does not create a nuisance or annoyance:
 - (i) By obstructing the lawful passage of persons in public places;
 - (ii) by rushing and frightening persons in a public place or lawfully on private property;
 - (iii) shall not permit it to be kept in circumstances that may be offensive or likely to be injurious to health, or
 - (iv) by permitting or allowing it at any time to destroy, tear or otherwise interfere with any refuse container whether the container is on private property or in a public place.

12. Menacing Dogs

Should the Council classify a dog as a menacing dog in accordance with the procedure set out in Section 33A and 33B of the Dog Control Act 1996, then it will be a mandatory requirement that the classified dog be neutered. The owner of the dog must produce to the Council, within one month after the receipt of notice of classification, a certificate issued by a registered veterinary surgeon certifying:

- a. that the dog is or has been neutered, or

- b. that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate, and
- c. must if a certificate under (b) is produced to the Council, produce to the Council, within one month of the date specified in that certificate, a further certificate under (a).

13. Permit to Keep More than Two Dogs

- a. No more than two dogs of registrable age (whether or not such a dog is registered) may be kept on any premises unless:
 - (i) The owner or occupier is the holder of a permit to keep three or more dogs; or
 - (ii) The premises are zoned rural in the relevant, operating Gore District Plan.
- b. Notwithstanding the exception in a(i) or (ii), if a justifiable complaint is received about any dog on the premises the Council may, in its discretion, require the owner to apply for and obtain a permit for all dogs on the premises.
- c. No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the housing of three or more dogs.
- d. If the property in which the dog owner resides is leased/rented, the written consent of the property owner is required to keep three or more dogs on that property before any consideration for a Permit will be given. A copy of such consent must be forwarded to Council.
- e. A permit issued under this Clause is subject to the conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be a breach of this bylaw. Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier thereof or the animals kept or remaining on such premises.
- f. Applications for permits to keep more than two 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.

- g. There shall be paid to the Council for every such permit 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.
- h. The fee for such permits shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

14. Impounding of Dogs

When any contravention of Section 52(1)(2) of the Act occurs, the dog may be impounded in a dog pound in accordance with Section 52(3) of the Act.

15. Neutering of Dogs

Where any dog owner fails to keep his or her dog under control on more than one occasion in a 12 month period the Council may, by written notice, require the owner of the offending dog to have the dog neutered at the owner's cost.

16. Offence

Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

17. Penalty for Breach of Bylaw

Any person convicted of an offence against this bylaw is liable, on conviction, to a fine not exceeding \$20,000.

18. Dog Control Fees

The Council will regularly review its dog control fees. Fees will be set by resolution, publicly notified and advertised.

19. Amendment of Schedules

That any items contained in the attached schedules to this bylaw altered at any time by resolution of the Council and publicly notified.

SCHEDULE

NOTE: All are Gore District Council reserves or tracks unless otherwise stated.

(A) DESIGNATED DOG EXERCISE AREAS

Gore

River Street floodbank

Woolwich Street walnut plantation

River Terrace

Hamilton Park – perimeter only **not** playing surface

Mataura

East riverbank (below main bridge)

West riverbank (above main bridge)

South bridge area by Waimumu Stream

(Note: Dogs are not permitted in children's playgrounds or on marked sports grounds adjacent to any of these Exercise Areas).

(B) TRACKS AND RESERVES WHERE DOGS ARE ALLOWED

Controlled dogs are permitted without a leash unless otherwise specified.

Gore

River Street floodbank

Woolwich Street walnut plantation

River Terrace

Hamilton Park – perimeter only **not** playing surface.

Mataura

East riverbank (below main bridge)

West riverbank (above main bridge)

South bridge area by Waimumu Stream

(D) AREAS WHERE DOGS ARE PROHIBITED

Areas developed and equipped as children's playgrounds.

All school grounds.

The designated playing area of all marked sports grounds.

All cemeteries.

Areas that from time to time the Council will notify by way of signage and advertising that there is a temporary dog prohibition in place because of wildlife, stock or other issue.

Recreation Areas

Gore Public Gardens
Ardwick Street Reserve
Newman Park
Wayland Park
Hyde Park
Triangle Reserve
Henderson Park

Conservation/Wildlife areas

Dolamore Park Scenic Reserve
Croydon Bush Scenic Reserve

The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on Tuesday 14 May 2013 and ordered to come into force on the 1st day of July 2013.

The Common Seal of the Gore
District Council was hereunto
affixed this 22nd day of May 2013
in the presence of:

_____ Tracy Hicks, **Mayor**

_____ Stephen Parry, **Chief Executive**