

05 Dog Control

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Dog Control

Amendment Approved by Council: 27 June 2016
Date of Effect: 1 July 2016

05

PART 05: DOG CONTROL

5.1 TITLE AND COMMENCEMENT

- 5.1.1 The Dunedin City Council makes the Dunedin City Dog Control Bylaw 2016 pursuant to section 20 of the Dog Control Act 1996 and section 145 of the Local Government Act 2002.
- 5.1.2 This bylaw is administered by the Dunedin City Council.
- 5.1.3 This bylaw comes into force on 1 July 2016.

5.2 FORMER BYLAWS REVOKED

- 5.2.1 The Dunedin City Council Dog Control Bylaw 2004 is revoked on 1 July 2016.
- 5.2.2 All bylaws of the Dunedin City Council already in force must be read subject to this bylaw.
- 5.2.3 In the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw shall prevail.

5.3 PURPOSE

- 5.3.1 The purpose of this bylaw is to give effect to the Dunedin City Dog Control Policy 2016 by:
- (a) Protecting the well-being and safety of both animals and people;
 - (b) Regulating the public places where a dog may be taken by its owner, and the method of control of the dog; and
 - (c) Limiting the number of dogs that may be kept on any premises;
 - (d) Requiring the owner of any dog that defecates in any public place to immediately remove the faeces; and
 - (e) Requiring the owner to neuter a dog which has not been kept under control on more than one occasion.
 - (f) Provide for the enforcement of this bylaw by prescribing offences for contravening or permitting a contravention of this bylaw.

5.4 INTERPRETATION

- 5.4.1 In this Bylaw, unless the context requires otherwise:

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.

Cemetery – means any land or premises for the burial and/or cremation of the dead and includes a closed cemetery and Urupa (Maori burial ground).

Commercial Areas – means:

- (a) the Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street

and George Street which lie between the Exchange and Knox Church or

(b) King Edward Street, South Dunedin between Hillside and Macandrew Roads.

Dangerous dog – means a dog classified in accordance with section 31 of the Act.

Disability assist dog – has the same meaning given to it in section 2 of the Act.

District – means that area within the Dunedin City Council territorial authority boundaries.

Dog control fee - means any fee prescribed under section 37 of the Act.

Dog control officer - means a dog control officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

Designated Dog exercise area - means an area that is designated by Dunedin City Council resolution for use as a place for exercising dogs and includes a designated dog exercise area and small dog park.

Dog ranger - means a dog ranger appointed under section 12 of the Act, and includes an honorary dog ranger.

Domestic animal – includes:

- (a) any animal (including a bird or reptile) kept as a domestic pet;
- (b) any working dog; or
- (c) any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Infringement offence - has the meaning given to it in section 65(1) of the Act.

Marked Playing Surfaces – is that area of land in use for sports activities (excluding golf courses)

Menacing dog - means a dog classified in accordance with section 33A or section 33C of the Act.

Neutered dog - means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

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.

Playground - means any children's playground equipment provided or maintained by the Council for public use and includes a skateboarding facility.

Private way - has the meaning given to it by section 315(1) of the Local

Government Act 1974.

Protected wildlife – means:

- (a) Any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953; and
- (b) Any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and
- (c) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978

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 aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Registration year - has the same meaning as that given to the term "financial year" by section 5 of the Local Government Act 2002. Currently this is defined as from the 1st day of July in any one year to the 30th day of June the following year.

Residential zoned land - as identified in the operative District Plan.

Rural-residential zoned land - as identified in the operative District Plan.

Road – has the same meaning as in section 315 of the Local Government Act 1974.

Small breed dog park - means a designated dog exercise area in which only dogs weighing less than eight kilograms may be permitted.

Stock – means:

- (a) Any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state:
- (b) Any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes

Warranted officer - means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987.

Working Dog – has the same definition as in the Act and includes:

- (a) any disability assist dog
- (b) any dog:
 - i. kept by the Police or any constable, the Customs Department, the Ministry for Primary Industries 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, kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or

- iv. 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
- v. 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
- vi. 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
- vii. 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
- viii. 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 and does not include a dog kept for the purpose of recreational hunting.

5.5 SHELTER FOR DOGS

5.5.1 The owner of any dog must provide:

- (a) a weatherproof kennel of adequate size and on well drained land, or other place of confinement (which may include any dwelling); and
- (b) access to clean water and food; and
- (c) clean and sanitary conditions.

5.5.2 Where a premise is unfenced, the owner of a dog must restrain the dog by a fixed chain or running wire which allows the dog free movement.

5.5.3 No owner of any dog shall keep it in any kennel or place of confinement within two metres to any boundary of neighbouring premises. This clause does not apply to dogs confined within a dwelling house.

5.6 CONTROL OF DOGS

5.6.1 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 under continuous control on a leash except:

- (a) in designated dog exercise areas described in Schedule A; and

- (b) areas described in Schedule B as permitting dogs to be off leash but only between half an hour before sunrise until half an hour after sunset; and
- (c) areas described in Schedule C; and
- (d) any other areas shown in the Schedule E maps as being permitted off leash but only between half an hour before sunrise until half an hour after sunset.

5.6.2 Owners must ensure that dogs off leash are under effective control at all times, and that any restrictions described in any schedule are complied with.

5.6.3 Clause 5.6.1 does not apply to a working dog carrying out the work in respect of which the dog has been registered.

5.6.4 Dog owners must carry a leash with them at all times.

5.6.5 Dog owners must place their dogs on a leash within 20 metres of protected wildlife.

5.7 DESIGNATED DOG EXERCISE AREAS

5.7.1 Dogs weighing more than eight kilograms may not be allowed inside the boundaries of any small dog park.

5.8 PUBLIC PLACES IN WHICH DOGS ARE PROHIBITED

5.8.1 Dogs are prohibited at all times in those places listed in Schedule D.

5.8.2 If, in the opinion of the Animal Control Officer, there is or is likely to be harm caused to people or animals in any area, temporary prohibitions of the entry of dogs may be made to specified places. The temporary prohibition will take effect from the time signage is placed at the points of entry to the affected area and will end when signage is removed by an Animal Control Officer.

5.8.3 The Council may, by resolution, make areas permanently prohibited to dogs.

5.8.4 Permanent prohibitions will be publicly notified.

5.9 FOULING IN PUBLIC PLACES

5.9.1 The owner of any dog that is in a public place must carry and display a bag or other receptacle suitable for the removal of faeces.

5.9.2 The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove the faeces.

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

5.10 INFECTIOUS OR DISEASED DOGS

5.10.1 No person being the owner or having control or charge of any infectious or diseased dog may take that dog into any public place except while being taken to a veterinary clinic.

5.11 FEMALE DOGS IN SEASON

5.11.1 Every person that is the owner of any female dog in season must at all times keep

that dog confined so that it does not enter or remain on any place except the premises occupied by the owner.

5.11.2 Any female dog in season must be adequately exercised only on private land occupied by the owner of the dog or other private land with the consent of the occupier.

5.11.3 Clause 5.8.1 does not apply when that dog is being taken to a veterinary clinic.

5.12 DOGS ADOPTED FROM THE POUND

5.12.1 The owner of any dog adopted from the Council pound must present a certificate to an Animal Control Officer stating the dog is a neutered dog within one month of the adoption date.

5.13 NUISANCES

5.13.1 If, in the opinion of the Council, any dog or dogs 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:

- (a) Reduce the number of dogs kept on the premises;
- (b) Order the permanent removal of a particular dog on a property;
- (c) Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs;
- (d) Require such dog or dogs to be tied up or otherwise confined during specific periods;
- (e) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

5.13.2 The owner of every dog shall ensure it does not create a nuisance by:

- (a) Obstructing the lawful passage of persons in public places;
- (b) Rushing and frightening persons in a public place or lawfully on private property;
- (c) Destroying, tear or otherwise interfere with any refuse container whether the container is on private property or in a public place.

5.14 PERMIT TO KEEP MORE THAN ONE DOG

5.14.1 No more than one dog of register-able age (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 permit to keep two or more dogs; or,
- (b) The premises are zoned rural or rural/residential in the operative Dunedin City District Plan.

5.14.2 No permit shall be granted to the owner or occupier of any premises if the premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the housing of two or more dogs.

- 5.14.3 If the property in which the dog owner resides is leased/rented, the written consent of the property owner is required to keep two or more dogs on that property. A copy of this consent must be provided to the Council with the application for the permit.
- 5.14.4 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.
- 5.14.5 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 or the animals kept on the premises.
- 5.14.6 Applications for permits to keep more than one dog 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.
- 5.14.7 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 12 months.
- 5.14.8 The fee for such permits shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

5.15 NEUTERING OF DOGS

- 5.15.1 The Council may require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog neutered or spayed whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.

5.16 OFFENCES

- 5.16.1 Every person who contravenes or permits a contravention of this bylaw commits an offence.
- 5.16.2 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.

5.17 SAVINGS

- 5.17.1 Every licence issued under the Dunedin City Council Dog Control Bylaw 2004 to keep more than one dog shall continue in effect unless revoked under clause 5.10.

SCHEDULE A - DESIGNATED DOG EXERCISE AREAS

(Refer to Maps in Schedule E)

Those areas marked with signs in the following locations and which are shown on the maps within Schedule E:

Cemetery Road – East Taieri

Forrester Park – Norwood Street

Kew Park – Corner of Easter Crescent and Forbury Road

Rotary Park – Highcliff Road

Shand Park – Brighton Road, Green Island

Shand Park – Brighton Road, Green Island – small breed dog-park

Wakari Reserve

SCHEDULE B - AREAS WHERE SPECIFIC CONTROLS APPLY

(Refer to Maps in Schedule E)

(Explanatory Note: the written description of the areas listed below must be read together with the maps in Schedule E.)

For all areas listed below dogs may be off a leash during daylight hours unless otherwise stated.

Cemeteries

Dogs under continuous control on a leash are permitted in cemeteries owned by DCC.

Chisholm Park Golf Course

Schedule E outlines two areas of this golf course:

- 1 The area closest to the golf club permits dogs *on a leash*; and
- 2 The area closest to the beach (also termed Ocean Beach Domain) permits dogs *without a leash*.

Sports grounds (excluding DCC owned golf courses)

Dogs are permitted *off a leash* on DCC owned sports grounds in areas that are not marked playing fields and must be *on a leash* when games are being played.

South of Dunedin

Brighton Recreation Reserve (dogs must be under continuous control on a leash in dune areas)

Island Park Recreation Reserve (dogs must be under continuous control on a leash in dune areas)

Ocean View Recreation Reserve (dogs must be under continuous control on a leash in dune areas)

Otokia Creek track to the start of Brighton Beach (on a leash) Westwood Recreation Reserve
Woodside Glen Track (DCC and DOC)

Smalls Beach

Dogs to be on a leash on the beach east of the middle track and may be off the leash to the west of the track, subject to temporary bans when required for wildlife protection purposes.

Other Areas

Any other area marked on the maps in schedule E as "allowed off leash".

SCHEDULE C - AREAS WHERE A HUNTING PERMIT IS REQUIRED

(Refer to maps in Schedule E)

Permits are necessary to take your dog into the following areas for hunting purposes: Allans Beach Wildlife Management Reserve (DOC)

Chalkies (DOC)

Maungatua Scenic Reserve (DOC) Silverpeaks (DOC)

Taieri Gorge Scenic Reserve – Outram Glen (DOC)

Woodside Glen Track (DOC)

SCHEDULE D - AREAS WHERE DOGS ARE PROHIBITED

Commercial areas*

The Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street and George Street which lie between the Exchange and Knox Church.

King Edward Street, South Dunedin between Hillside and Macandrew Roads.

***Except**

This prohibition does not apply to disability assist dogs, police dogs and dogs being used by security guards, working dogs, dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle. No offence shall be committed when a dog securely controlled by means of lead, leash or chain is being taken through the defined area to the nearest area where the dog may be exercised by a resident of the defined area.

Children's Playgrounds

Areas developed and equipped as children's playgrounds.

Sports Grounds

On all **marked playing surfaces** (excluding DCC owned golf courses).

Protected Wildlife

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 the presence of wildlife or stock.

Beach Areas

Designated areas of bathing beaches where lifeguards mark the safe areas for swimming by the placement of flags.

Brighton Beach

All of the area within the bay from the Big Rock to opposite 909 Brighton Road at the North end of the domain including Barneys Island and all of the beach within the confines of Brighton Road.

St Clair Beach and Esplanade

- (a) All of the beach from the Salt Water Pool to the northern end of the sea wall, **except**, dogs *on a leash* may have access to the beach between 8.00pm and 8.00am the following day.
- (b) The park on Victoria Road adjoining the playground area and the playground area itself.

Recreation

Broad Bay Beach Reserve Botanic Garden

Macandrew Bay Beach Reserve

Woodhaugh Gardens (other than on defined walking tracks).

Conservation/Wildlife Areas

Allans Beach north east of where access track enters the beach (DOC)

Aramoana Beach from Keyhole Rock north to Heyward Point (DOC)

Aramoana Ecological Area – salt marsh and wetland (DOC)

Aramoana-Heyward Point (DOC)

Boulder Beach (DOC)

Burns Park (DOC)

Careys Creek (DOC)

Deep Stream Scenic Reserve (DCC and DOC)

Grahams Bush Walk (DOC)

Grangers Road Track (DOC)

Leith Saddle (DOC)

Hereweka/Harbour Cone (Dogs not permitted except for farm management purposes (DCC)

Hyde-Middlemarch Rail Trail (DOC)

Goat Island (DOC)

Lighthouse Reserve (Taiaroa Head and DCC)

Matanaka (DOC)

Mount Cargill (DCC)

Mill Creek Track (DOC)

Okia Reserve (DCC and Yellow Eyed Penguin Trust) Organ Pipes (DCC)

Orokonui (DOC)
Otekiho Reserve (DCC and Yellow Eyed Penguin Trust)
Outram Glen to Lee Stream (DOC)
Pilots Beach Recreational Reserve (DCC)
Quarantine Island (DOC)
Sandymount and associated track network (DOC)
Sandfly Bay (DOC)
Seal Point Road to Sandfly Bay (DOC)
Sutton Salt Lake Scenic Reserve (DOC)
Taiaroa Head (DCC and DOC)
Tunnel Beach (DOC)
Victory Beach (Yellow Eyed Penguin Trust)
Warrington Spit and Rabbit Island – from the first break water point from the north (DCC)

Tracks

41 Peg Track District Road
Aramoana – Heyward Point Track (DOC)
Buskin Road (Otago Peninsula)
Highcliff Road to Hoopers Inlet Lime Kilns (Private)
Mount Charles (Private and DOC)
Nyhon Track
Paradise Road and Track Pipikaretu Beach (Private)
Quoin Cliff (Private)
Track Ridge Road Track

SCHEDULE E – MAPS

- 1 This schedule comprises a map showing areas where dogs are prohibited, must be under continuous control on a leash or are allowed off leash. The maps, together with the written description of areas in schedules A - D form part of this bylaw.
- 2 www.dunedin.govt.nz/dog-control-bylaw