

Waitaki Dog Control Bylaw 2014



Credit: S. Gilsdorf

Waitaki Dog Control Bylaw 2014

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Contents

1. TITLE AND COMMENCEMENT	3
2. KEEPING OF DOGS.....	4
2.1 Registration and micro-chipping	4
2.2 Control of dogs	4
2.3 Dog welfare	4
2.4 Removal of dog faeces.....	4
2.5 Minimum standards for accommodation of dogs.....	4
2.6 Dogs kept at a minimum distance from boundary	5
2.7 Bitch in season to be confined	5
2.8 Diseased dogs	5
2.9 Neutering of dogs.....	5
2.10 Dogs becoming a nuisance or injurious to health	6
3. DOG ACCESS RESTRICTIONS IN PUBLIC PLACES	7
3.1 General controls	7
4. CLASSIFICATION OF DOG OWNERS AND THEIR DOGS	8
4.1 Selected owner status	8
4.2 Probationary dog owners	9
4.3 Disqualified dog owners	9
4.4 Dangerous dogs	9
4.5 Menacing and prohibited dogs	10
4.6 Disability assist dogs	10
4.7 Working dogs	11
5. ENFORCEMENT	12
5.1 Seizure and impoundment of wandering dogs	12
5.2 Release from the pound.....	12
6. OFFENCES.....	13
SCHEDULE 1: Lead-only dog areas	15
SCHEDULE 2: Designated off-lead dog exercise areas	22
SCHEDULE 3: Prohibited dog areas	25
SCHEDULE 4: Interpretation	30

1. TITLE AND COMMENCEMENT

This bylaw is made pursuant to the powers contained in the Local Government Act 2002 and the Dog Control Act 1996 (including its amendments) for the purposes of promoting public safety and the effective regulation of dogs within the Waitaki District.

1.1 This Bylaw is to be known as the “Waitaki Dog Control Bylaw” for Waitaki District Council (now referred to as *Council*) and comes into force on **3 November 2014**.

1.2 This Bylaw applies to the Waitaki District. Nothing in this Bylaw shall derogate from the Dog Control Act 1996 (now referred to as the *Act*) or its amendments.

1.3 This Bylaw is made under the:

- (a) Local Government Act 2002;
- (b) Dog Control Act 1996; and
- (c) Sections 29 and 64 of the Health Act 1956.

1.4 The Waitaki Dog Control Bylaw 2014 repeals all previous bylaws relating to dog management and control in the Waitaki District, and in the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw will prevail.

2. KEEPING OF DOGS

2.1 Registration and micro-chipping

2.1.1 All dogs must be registered with Council after they are three months of age, and dog owners must ensure the ongoing annual registration of their dog/s as required under section 36 of the Act.

2.1.2 Dogs are required to be micro-chipped in the following circumstances:

- (a) All dogs first registered on or after 1 July 2006 (except working dogs as defined in section 36A (2A) of the Act which are exempt);
- (b) All dogs classified as dangerous or menacing dogs within two months from the date of classification;
- (c) All dogs impounded and released by the local authority for the second time;
- (d) Unregistered dogs that are impounded and released.

2.1.3 A vet or a trained microchip inserter must carry out any micro-chipping of a dog.

2.1.4 The owner must provide verification that the dog has been micro-chipped at the time of registration.

2.2 Control of dogs

2.2.1 The owner of a **Dangerous or Menacing** dog shall ensure that the dog does not enter or remain in any public place unless the dog is muzzled and kept under **continuous control** on a lead or chain.

2.2.2 Dog owners must ensure at all times that their dog is under effective control, and when their dog is on their property, it is either under the **effective control** of a person, or is confined to ensure that it cannot freely leave the property.

2.2.3 Dog owners must fully comply with their obligations under:

- (a) the Act; and
- (b) the Waitaki Dog Control Policy.

2.3 Dog welfare

2.3.1 No person, being the owner or person in possession of any dog will without reasonable excuse neglect that dog so that it suffers unreasonable or unnecessary pain, suffering or distress.

2.3.2 Dog owners must comply fully with their obligations under the Animal Welfare Act 1999.

2.4 Removal of dog faeces

2.4.1 The owner or any person in possession of a dog that defecates in a public place or private way or on land or premises other than that occupied by the owner shall immediately remove or cause to be removed the faeces left by the dog.

2.4.2 The owner or any person in possession of a dog must carry a suitable receptacle to accommodate dog faeces at all times when in public places.

2.4.3 Where a public litter bin or similar receptacle is used to dispose of the faeces, they must be suitably wrapped or contained to prevent such receptacle from being fouled.

2.5 Minimum standards for accommodation of dogs

2.5.1 Every dog owner must provide suitable housing or kennelling for their dog/s which:

- (a) is weatherproof, dry, clean and gives the dog adequate space, warmth and shade; and
- (b) is situated in a position that does not cause a nuisance to any person.

2.5.2 Selected Owners only may apply for a permit to accommodate **more than three dogs** (excluding NZKC registered breeders or any approved property used for the business of dog boarding kennels) over the age of three months on an urban residential zoned property (as defined in the Waitaki District Plan), or a rural-residential property with equal to or less than a 2,500m² site.

2.5.3 A permit will be required to accommodate **more than three working dogs** over the age of three months on an urban residential zoned property (as defined in the Waitaki District Plan), or a rural-residential property equal to or less than a 2,500m² site.

2.5.4 All existing dog owners with **more than three dogs** who currently hold Selected Owner status, and who reside on an urban residential zoned property (as defined in the Waitaki District Plan), or a rural-residential property with equal to or less than a 2,500m² site will be granted an existing rights status (and will not need to apply for a permit) until such time as there is a need to register new dogs to the property, or when one or more of the Selected Owner status criteria have not been met.

2.6 Dogs kept at a minimum distance from boundary

Should any nuisance condition arise from a dog being housed, confined or restrained on any private premises within three metres of the boundary of the premises the owner may, by formal notice be required to relocate the dog at a distance not less than three metres from any boundary.

2.7 Bitch in season to be confined

The owner of any bitch must keep the dog confined but adequately exercised while such dog is in season.

2.8 Diseased dogs

Every dog owner must ensure that any dog known to be infected with a contagious disease is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

2.9 Neutering of dogs

2.9.1 Every dog classified by Council as Dangerous under Section 31 of the Act, or any dog so classified as Dangerous which is transferring to the Waitaki District is required to be neutered within one month of notification.

2.9.2 All dogs over the age of three months and classified as Menacing are required to be neutered within one month of notification as per the provisions of section 33E of the Act.

2.9.3 Where a dog classified as Dangerous or Menacing and is required to be neutered, the Owner shall be notified in writing of the requirement. The notice shall specify the date by which the dog shall be neutered, being not less than two weeks from the issue of the notice. The notice shall be served on the Owner in accordance with the Act and shall contain details on rights of appeal.

2.9.4 An extension to the timeframe required for neutering a dog may be considered by Council upon receipt of written notice from a Vet in the following circumstances:

- i. a bitch is in season and /or;
- ii. a condition has been identified rendering it unsafe to operate on the dog.

2.10 Dogs becoming a nuisance or injurious to health

2.10.1 The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall take adequate precautions to prevent the dog or dogs from becoming a nuisance.

2.10.2 If in the opinion of an Animal Control Officer or his/her agent, the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the Animal Control Officer may, by notice in writing, require the Owner or Occupier of the premises, within the time specified in such notice, not being less than two weeks, to do all or any of the following:

- i. To reduce the number of dogs kept on the premises;
- ii. To alter, reconstruct or otherwise improve the accommodation for dogs;
- iii. To require such dogs to be tied up or otherwise confined;
- iv. To take other precautions as may be considered necessary.

3. DOG ACCESS RESTRICTIONS IN PUBLIC PLACES

3.1 General controls

3.1.1 Subject to the exceptions described in clauses 3.1.2 and 3.1.4, no Owner or Responsible Person of any dog shall cause or permit the dog to be in any Prohibited dog area, declared by resolution of Council and as indicated in Schedule 3 of this Bylaw.

3.1.2 A dog **on a lead** and under **continuous control** may pass through a Prohibited dog area when it used as a thoroughfare and/or no other reasonable access exists to an area where a dog may be exercised.

3.1.3 Within a Designated off-lead dog exercise area, including those areas declared by resolution of Council and listed in Schedule 2 of this Bylaw, the Owner or Responsible Person of a dog shall ensure that the dog is under **effective control** at all times.

3.1.4 The following dogs are exempt from the prohibitions identified in Schedule 1 of this Bylaw:

- (a) Bona-fide Guide dogs;
- (b) Certified Hearing Ear dogs;
- (c) Companion dogs (certified by the Top Dog Companion Trust);
- (d) Any dogs belonging to a “specified agency” pursuant to section 2 of the Act e.g. Police dogs;
- (e) Dogs being used by Security guards;
- (f) Dogs securely confined in or on a vehicle.

4. CLASSIFICATION OF DOG OWNERS AND THEIR DOGS

4.1 Selected owner status

4.1.1 Dog owners who meet the following criteria may apply to Council to have “**Selected owner**” status:

- (a) No dog owned by them in the last two years has:
 - i. Been impounded, chased or returned home by a Council Animal control officer, or
 - ii. Been the subject of any bona-fide complaint.
- (b) The dog owner has not received infringement notices from Council in the last two years.
- (c) The owner has been a registered dog owner who has resided within the Waitaki District for at least one year. An exemption to this may be made for dogs transferring from another district where written evidence has been provided from the relevant local authority that this status or similar was held previously.
- (d) The dog/s is not classified as Dangerous.
- (e) The dog/s is not classified as Menacing by breed.
- (f) The owner's property is suitably fenced and gated to ensure it is dog-proof.
- (g) The owner's section size is appropriate for the number and size of the dog/s.
- (h) All dog(s) owned or kept by the owner have been registered, kept and controlled in accordance with the Act and the current Waitaki Dog Control Bylaw.
- (i) All dog registration fees have been paid for the past two years by due date.
- (j) The dog/s is micro-chipped (excluding working dogs).
- (k) Any information regarding the purchase of, death, sale or transfer of dogs to and from the applicant's property, including movement of any pups born on the premises, shall continue to be notified in writing to the Council within one month.
- (l) Any change of residential address shall be notified in writing to the Council within one month.
- (m) Any faecal matter (droppings) deposited by the applicant's dog(s) in any public place or on any land other than that occupied by the applicant will be removed appropriately and deposited in a suitable receptacle.
- (n) The applicant understands that any breach of the Selected owner status conditions will lead to the immediate cancellation of their privileges under this Policy. The owner may appeal such a decision to Council within 7 days.

4.1.2 All applications for permit will require a site assessment by a Council Animal control officer.

4.1.3 Council Animal control staff reserves the right to make a property inspection when re-assessing any application for permit.

The following classifications are those defined under the Act. Any classification pursuant to the Act will apply to the dog, or dog owner, regardless of their location in New Zealand.

4.2 Probationary dog owners

4.2.1 A dog owner may be classified as a 'probationary' owner if that person;

- (a) incurs more than three infringement offences within two years; or
- (b) is, or has been, convicted of any offence (not including an infringement notice) relating to dog treatment and control under the Act, the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980; or
- (c) Council Animal Control officers have determined that the owner has ill-treated their dog/s.

4.2.2 A 'probationary' classification applies for two years from the date of the offence, unless terminated earlier as allowed for in the Act.

4.2.3 While classified as 'probationary' a dog owner that person;

- (a) may not become the registered owner of a dog (unless the person was the registered owner of the dog on the date of the offence, or the date of the third infringement offence in respect of which the classification was made);
- (b) must dispose of any unregistered dog in his/her care in a manner that does not constitute an offence under any Enactment within two weeks;
- (c) will be charged a 50% surcharge on all dog control fees payable during the classification period. Such fees are calculated on a pro-rata basis for any period outside a full registration year. If the surcharge is not paid within one month, the dog shall cease to be registered;
- (d) may be required to attend a dog education programme.

4.3 Disqualified dog owners

4.3.1 Pursuant to the Act the Council may disqualify any probationary dog owner from owning any dog if that owner commits any offence in terms of the Act.

4.3.2 Disqualification may apply for up to five years after the offence has taken place.

4.3.3 A disqualified owner;

- (a) may not be in possession of a dog for the period of disqualification; and
- (b) must dispose of every dog that he or she owns within two weeks of any conviction under the Act.

4.3.4 Disposal of a dog must be in accordance with the Act and not to any person living at the same address as the disqualified owner.

4.4 Dangerous dogs

4.4.1 The Council may declare any dog Dangerous if:

- (a) the owner has been convicted of an attack offence under section 57(2) of the Act; or
- (b) the Council has sworn evidence that the dog has shown aggressive behaviour on one or more occasions; or
- (c) there are reasonable grounds to believe that the animal has threatened the safety of any person or animal; or
- (d) the owner admits the dog is a threat to the safety of any person, animal or stock.

4.4.2 A dog classified as Dangerous must be:

- (a) muzzled when in public; and
- (b) neutered or spayed within one month of classification; and
- (c) kept in a fenced area that is separated from the access to any dwelling house.

4.4.3 Dangerous dogs must not be sold or given away without the Council's approval.

4.4.4 Any dog classified as Dangerous after 1 December 2003 must be micro chipped.

4.4.5 If the owner of a Dangerous dog does not meet the requirements of the Act the Council may do any of the following:

- (a) seek an order for destruction;
- (b) impose fines;
- (c) pursue a criminal action.

4.4.6 A dog that is declared Dangerous by the Council will be subject to a 50% surcharge of the usual dog control registration fee.

4.4.7 Any complaints of dog attacks causing serious injury will be referred to the Police as a criminal matter.

4.5 Menacing and prohibited dogs

4.5.1 The Council may classify any dog as 'Menacing' under section 33A-F of the Act if:

- (a) a dog is considered to pose a threat to any person or livestock; and
- (b) a dog has not been classified as dangerous; and/or
- (c) Council has reasonable grounds to believe that a dog belongs, or is bred, wholly or predominately from one of the five breeds listed in the Act as Menacing.

4.5.2 A dog classified as Menacing must;

- (a) be muzzled in a public place; and
- (b) be implanted with a microchip within two months after classification.

4.5.3 The following type and/or breed of dog are classified as Menacing dogs under Schedule 4 of the Act:

- (a) American Pit Bull Terrier (breed)
- (b) Dogo Argentino (type)
- (c) Brazilian Fila (type)
- (d) Japanese Tosa (type)
- (e) Perro de Presa Canario (type).

4.5.4 The Council requires any dog classified as menacing to be neutered within one month's notification as per the requirements of section 33E of the Act.

4.5.5 It is unlawful to import any of the dogs listed in section 4.5.3 of this Bylaw.

4.6 Disability assist dogs

4.6.1 Notwithstanding anything in this Bylaw, any Disability assist dog accompanying and assisting a person with a disability, or any person genuinely engaged in the dog's training may enter and remain:

(a) in any Premises registered under regulations made pursuant to section 120 of the Health Act 1956; or
(b) in any Public Place: subject to compliance with any reasonable condition imposed by the Occupier or person having control of the Premises or Public Place, as the case may be.

4.7 Working dogs

Working dogs are defined in the Act (see Schedule 1 of this Policy for interpretation). In the Waitaki district, working dogs must be kept solely or principally for the purposes in the 'working dog' definition, which does not include farm pets (which is also defined).

5. ENFORCEMENT

5.1 Seizure and impoundment of wandering dogs

5.1.1 Any dog found at large in any public place at any time in contravention of this Bylaw or any other Bylaw made by Council under any other Act, whether or not it is wearing a collar having the proper registration label or disc attached, may be seized and impounded by an Animal Control officer.

5.1.2 The provisions of Section 69 of the Act shall apply to the impounding of any dog.

5.2 Release from the pound

5.2.1 It is an offence to attempt to unlawfully release a dog from a Council pound or to be in possession of a dog that has been unlawfully released from such a pound.

5.2.2 Where a dog is claimed by its owner, the dog will not be released from the Pound until all fees and charges have been paid, and all other requirements in accordance with the Act are met.

5.2.3 The dog owner must satisfy an officer that he or she is the rightful owner of the dog or has been duly authorised by the owner to act in that capacity.

5.2.4 Where a dog is released from the Pound to a new owner, the new owner is not required to pay a standard release fee, but is required to pay the cost of registration and an adoption fee. The new owner must also agree to arrange and pay for the dog to be vaccinated and neutered. The requirement for neutering will not apply to a working dog.

5.2.5 Council will not re-home any dog classified as Dangerous or Menacing or any dog considered by Council Animal Control staff to pose a risk to public safety.

5.2.6 No impounded dog will be released to an organisation for research purposes.


6. OFFENCES


6.1 Every person commits an offence under this part of the Bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by this Bylaw, and is liable to:


- (a) the penalty provisions of Section 242 of the Local Government Act 2002; or
- (b) any other penalty pursuant to the Act on summary conviction to a fine not exceeding \$20,000; or
- (c) be served with an infringement notice pursuant to Section 66 of the Act.

The Waitaki District Dog Control Bylaw 2014 was made by the Waitaki District Council at a meeting of the Council held on 17 September 2014.

The Common Seal of the Waitaki District Council was affixed in the presence of:


Mayor

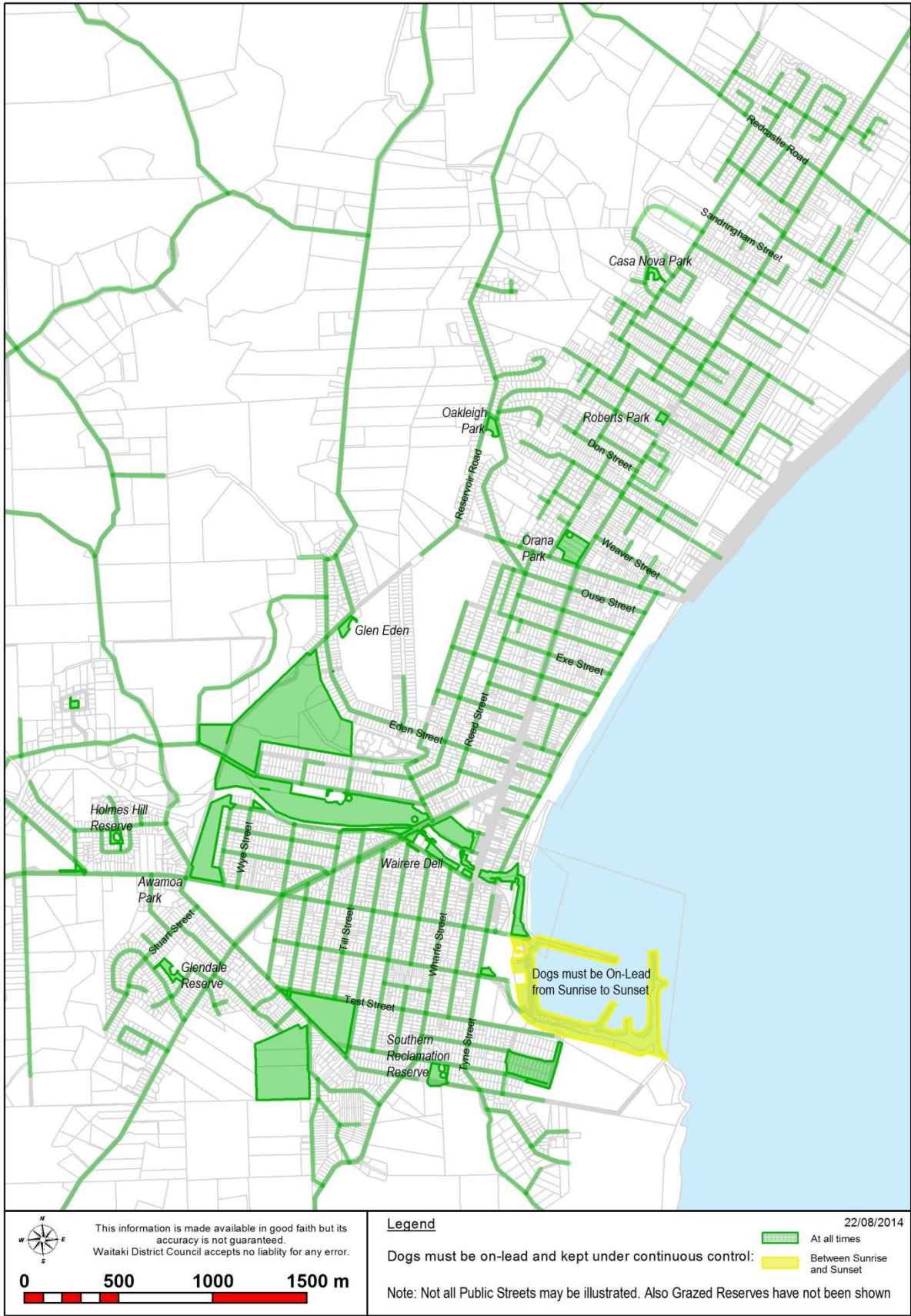

Chief Executive



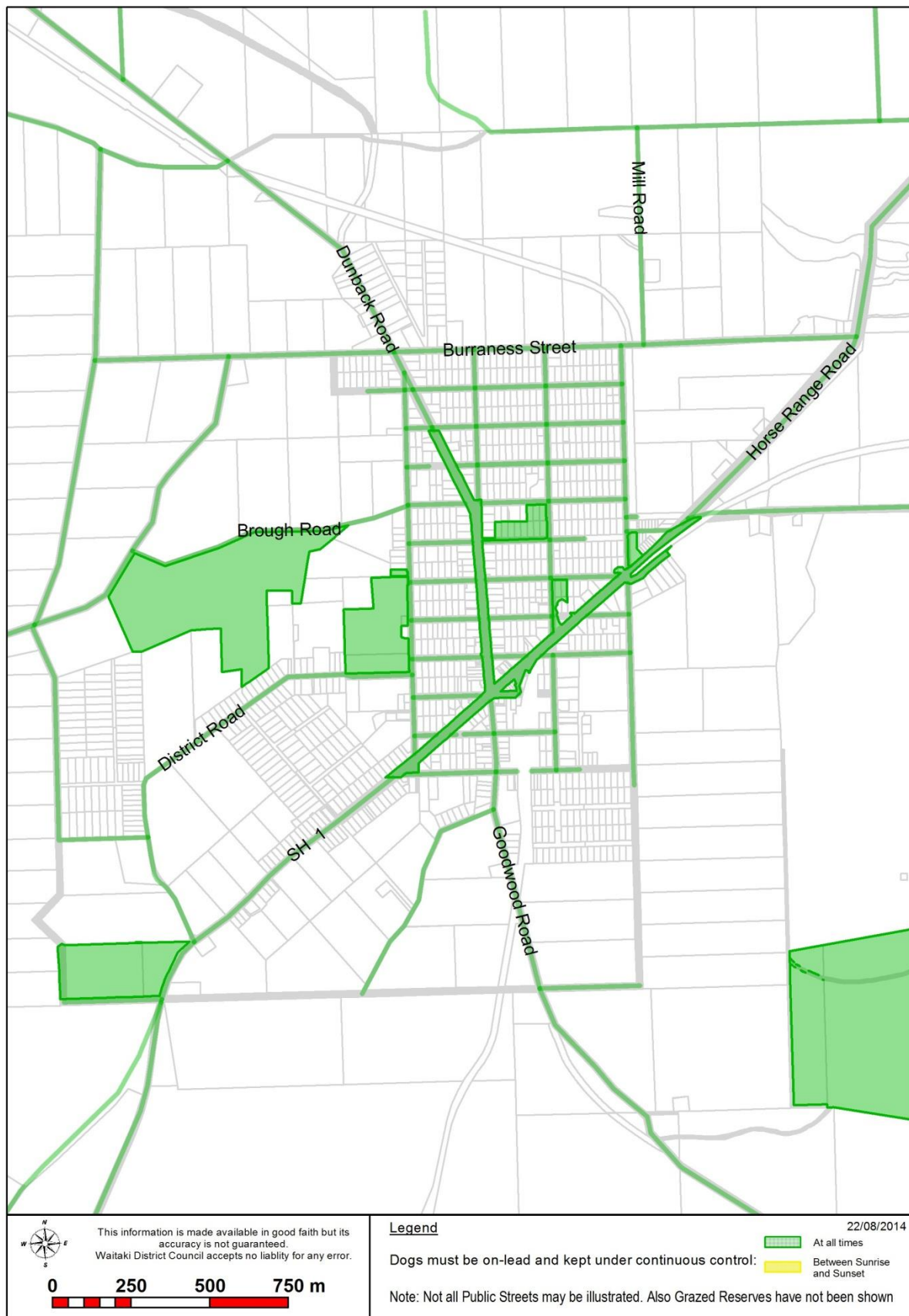
SCHEDULE 1: Lead-only dog areas

1. Dogs are required to be **on-lead** and kept under **continuous control** at all times in all Council reserves (including cemeteries) not listed as Designated off-lead dog exercise areas or Prohibited dog areas in Schedules 2 and 3.
2. Dogs are required to be kept under **continuous control** and **on-lead at all times** in the following public places namely:
 - (a) All public streets;
 - (b) All grazed Council reserve areas.
3. Providing that a dog/s is kept under **continuous control**, the following area is provided for as a **lead-only area between the hours of sunrise and sunset**:
 - (a) Oamaru Harbour coastal area (between and inclusive of Holmes Wharf and the commercial Oamaru Penguin Colony).
 - (b) Every dog shall be kept **on-lead and under continuous control** when it is likely to injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife (excluding working dogs that are under the control of their owner, and/or being taken by their owner to or from the place where the dog is to be or has been employed as a working dog).

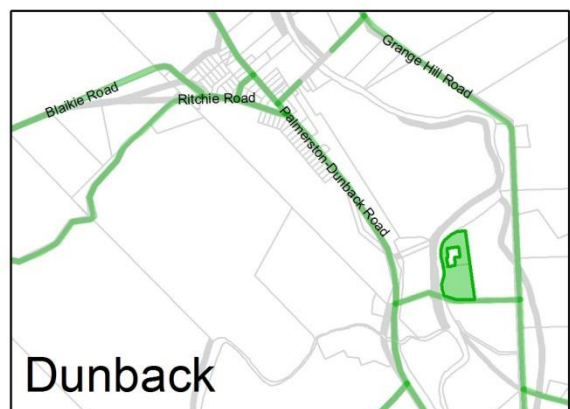
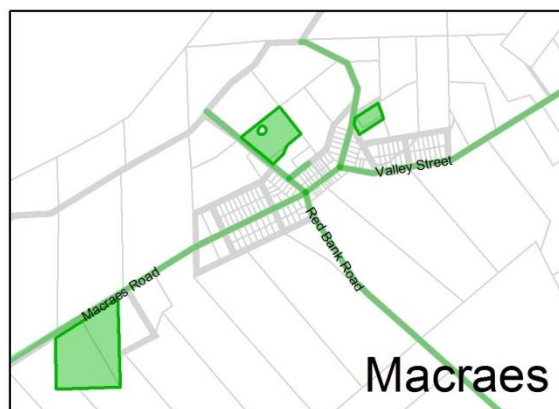
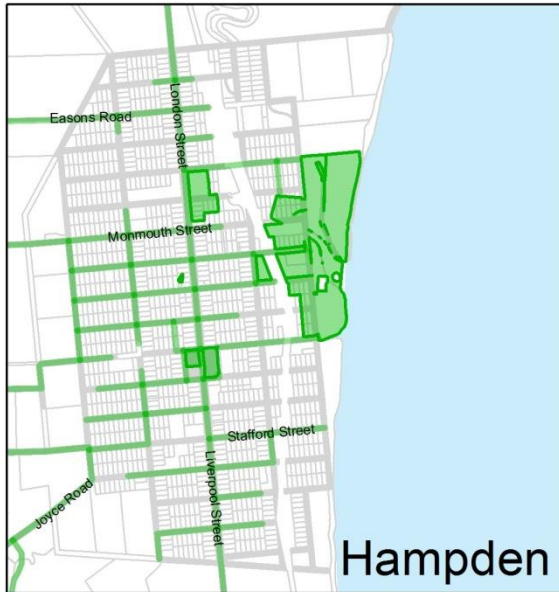
Dog Control Bylaw 2014: Lead only Areas Oamaru







Dog Control Bylaw 2014: Lead only Areas Palmerston

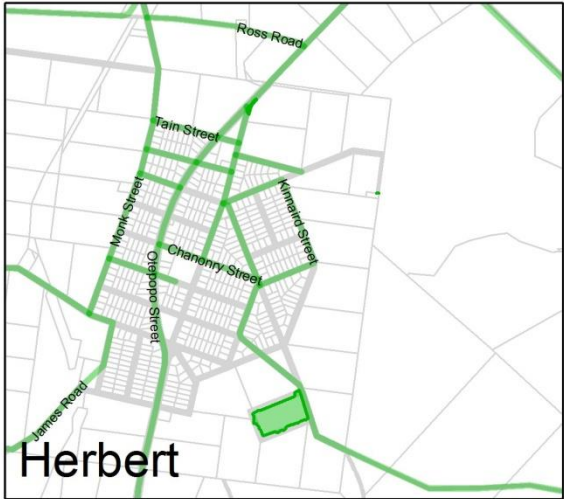
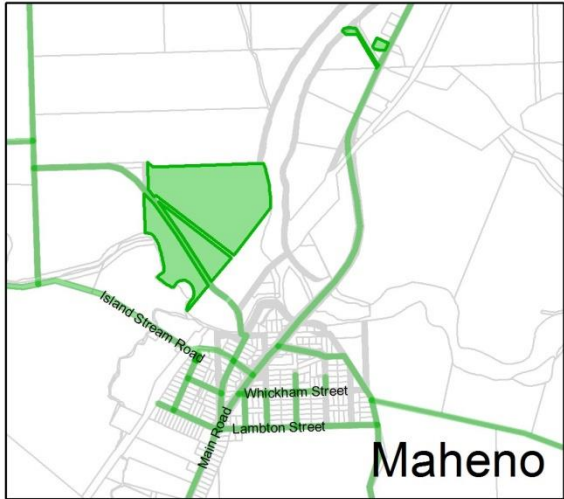


Dog Control Bylaw 2014: Lead only Areas Waihemo



 <p>This information is made available in good faith but its accuracy is not guaranteed. Waitaki District Council accepts no liability for any error.</p> <p>0 500 1000 1500 m</p> 	<p>Legend</p> <p>Dogs must be on-lead and kept under continuous control:</p> <ul style="list-style-type: none">  At all times  Between Sunrise and Sunset <p>Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown</p> <p style="text-align: right;">22/08/2014</p>
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Dog Control Bylaw 2014: Lead only Areas Corriedale Townships



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Legend

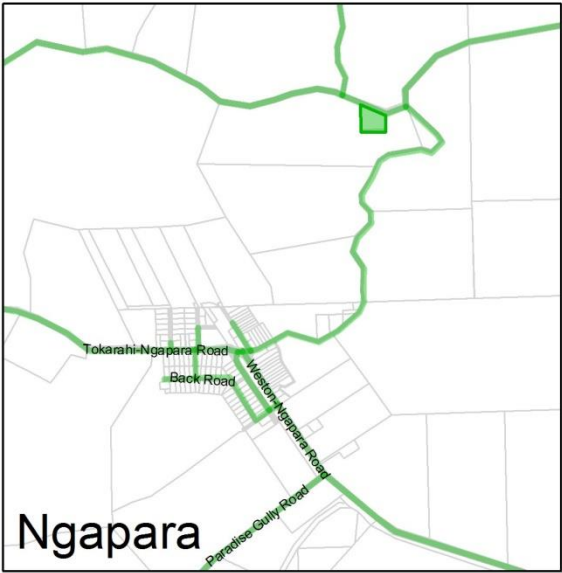
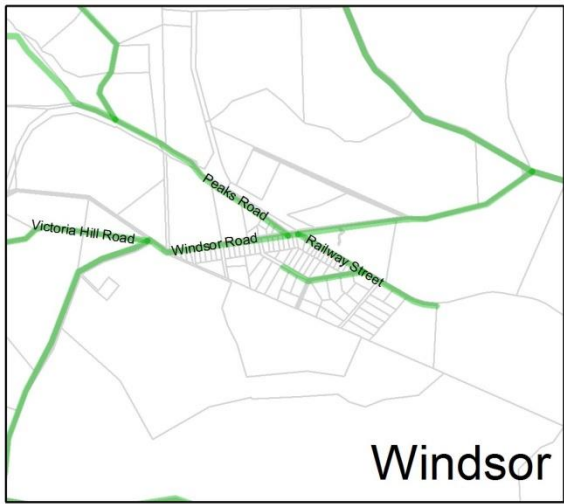
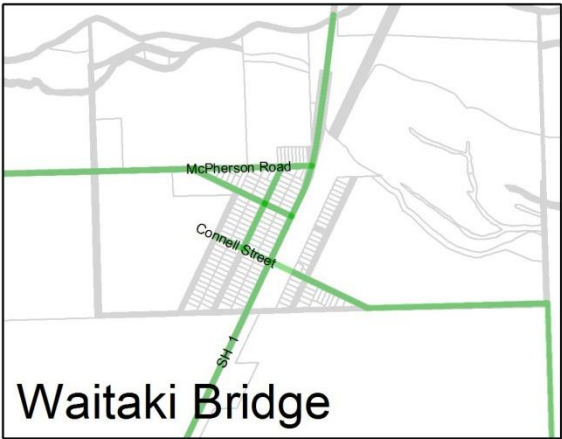
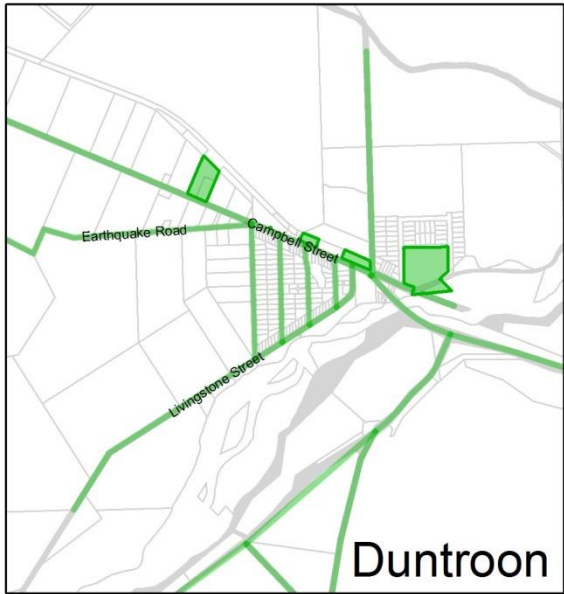
Dogs must be on-lead and kept under continuous control:

- At all times
- Between Sunrise and Sunset

Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown

22/08/2014

Dog Control Bylaw 2014: Lead only Areas Corriedale Townships



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Legend

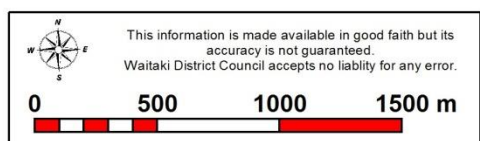
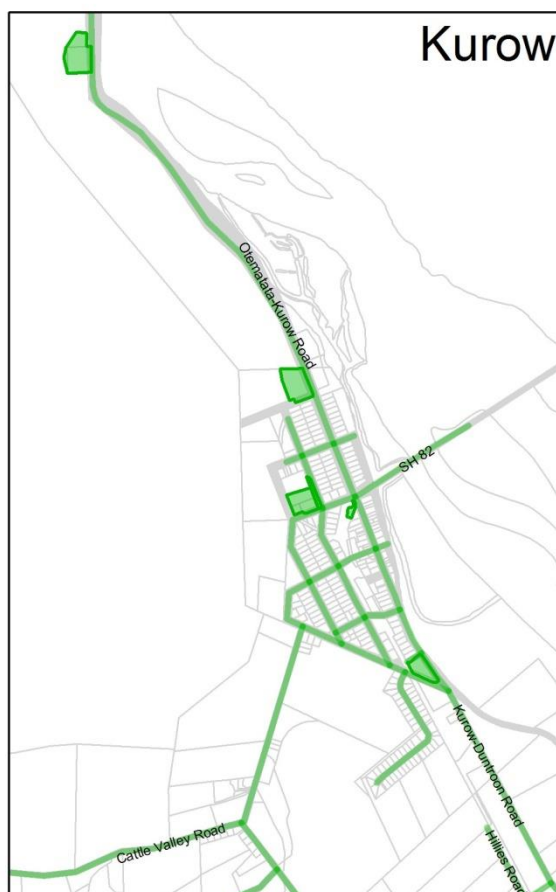
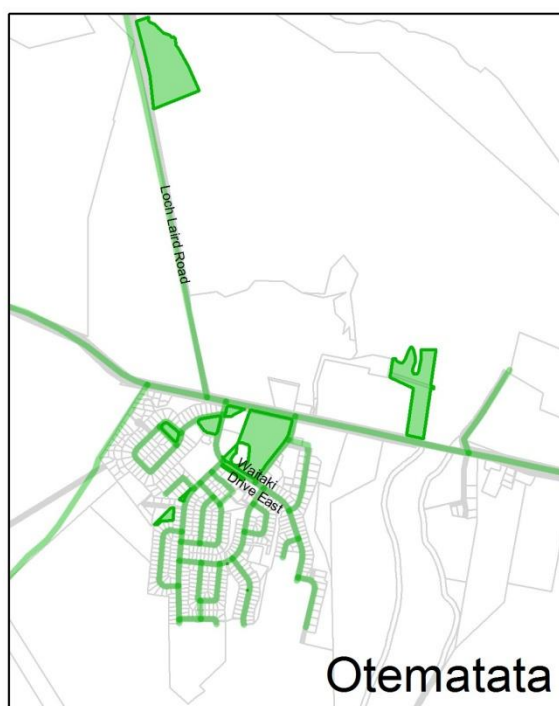
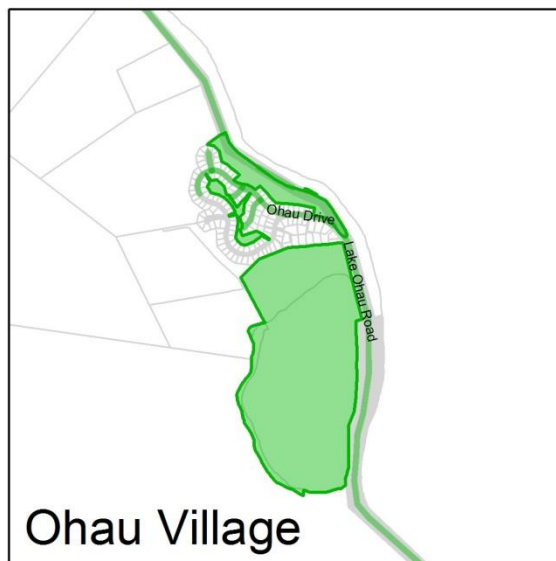
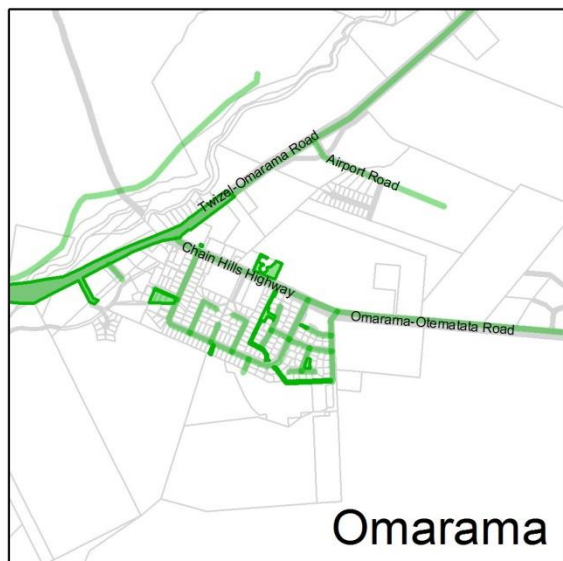
Dogs must be on-leash and kept under continuous control:

- At all times
- Between Sunrise and Sunset

Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown

22/08/2014

Dog Control Bylaw 2014: Lead only Areas Ahuriri



Legend

Dogs must be on-lead and kept under continuous control:

- 22/08/2014
- At all times
 - Between Sunrise and Sunset

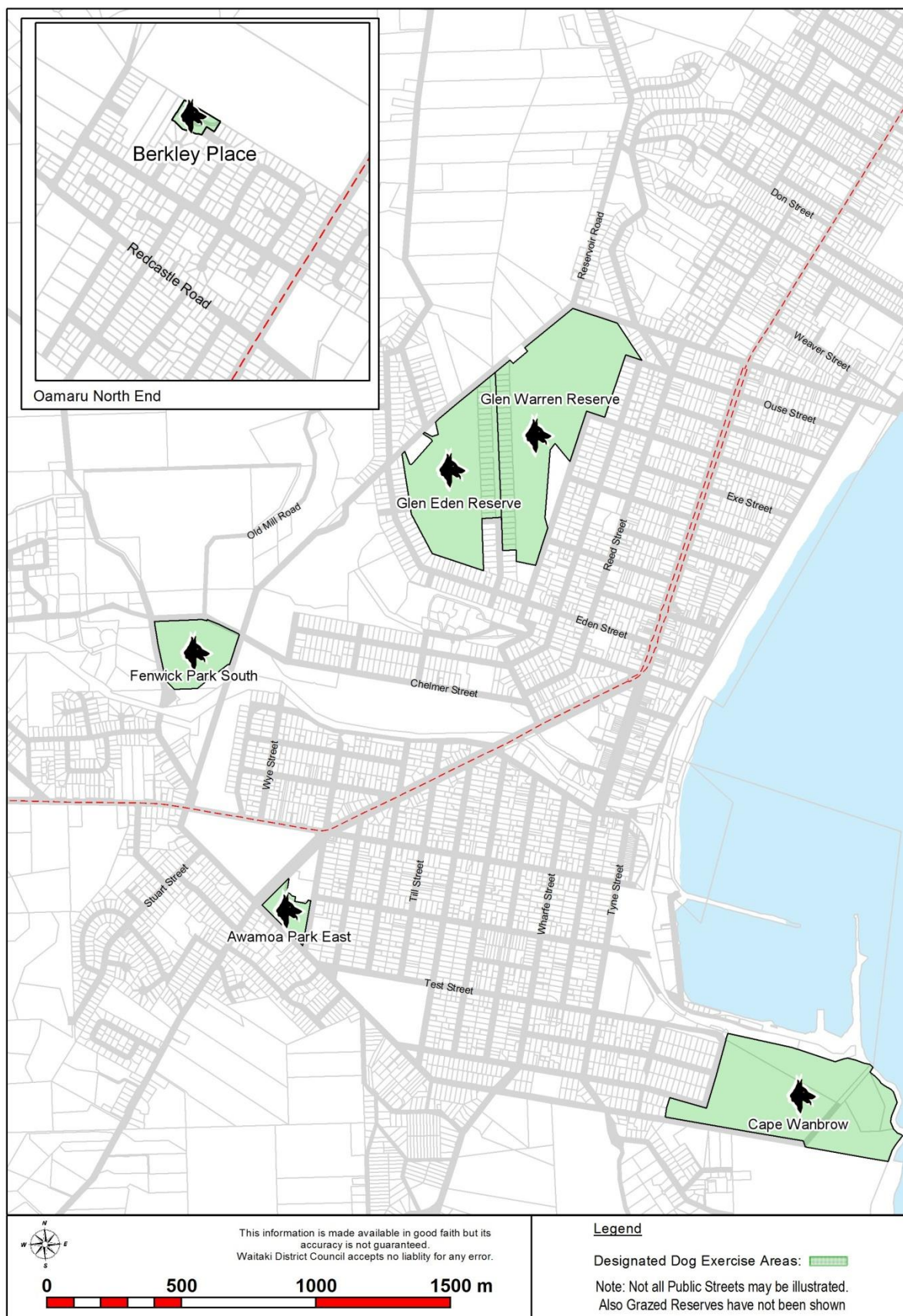
Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown

SCHEDULE 2: Designated off-lead dog exercise areas

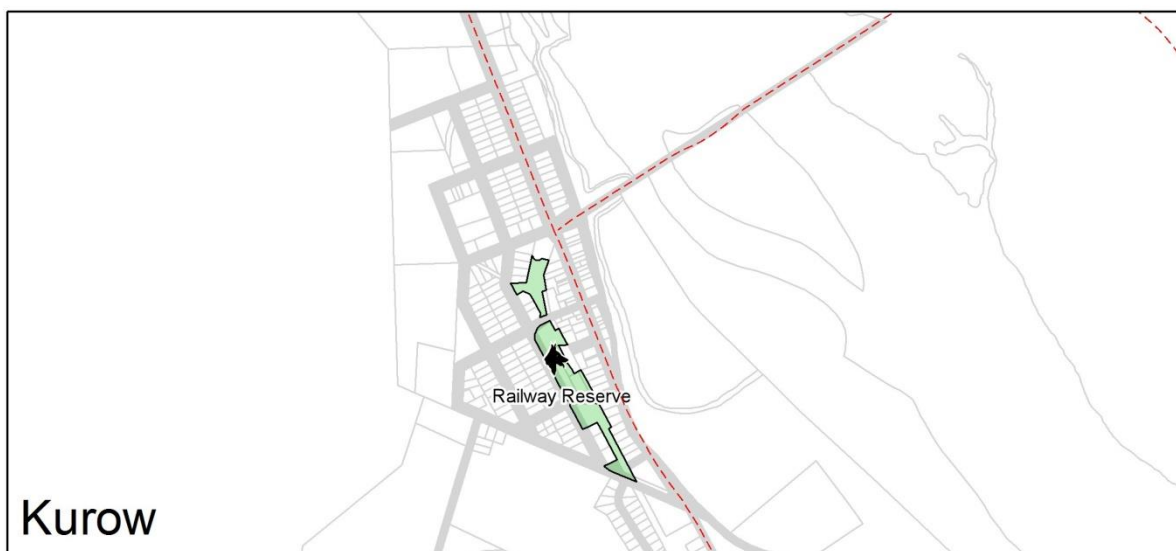
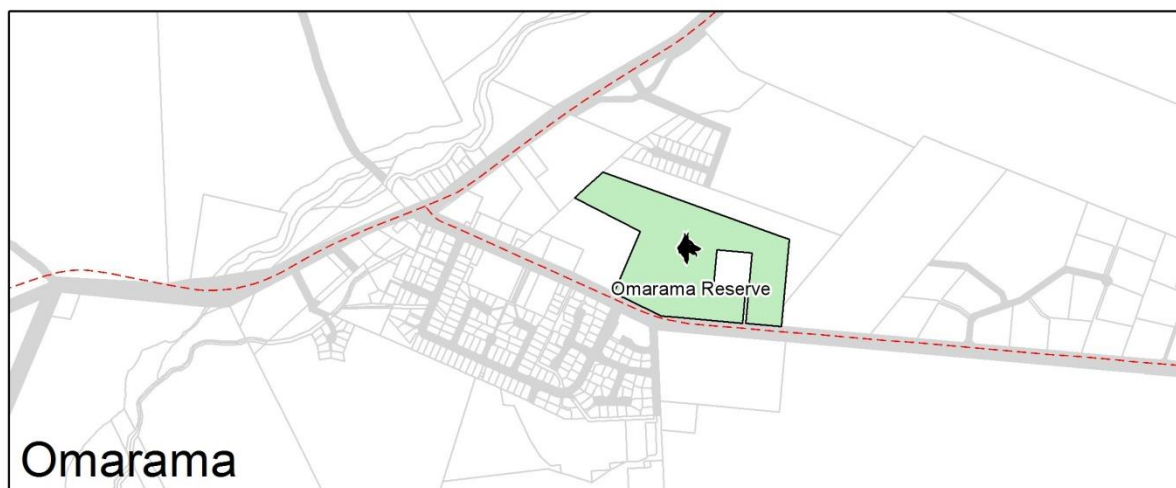
1. Providing that a dog/s is kept under **effective control**, the following areas are provided for as **designated off-lead dog exercise areas at all times** (excluding within 10 metres from children's playground equipment where dogs are prohibited)

OAMARU:	<ul style="list-style-type: none">• Berkeley Place Park• Fenwick Park South• Awamoa Park East• Cape Wanbrow*(see restrictions for grazed areas),• Glen Eden Reserve*(see restrictions for grazed areas and access during lambing season)• Glen Warren Reserve* (see restrictions for grazed areas and access during lambing season)
KUROW:	<ul style="list-style-type: none">• Kurow Railway Reserve
OTEMATATA	<ul style="list-style-type: none">• Sefton Place Reserve
OMARAMA:	<ul style="list-style-type: none">• Omarama Recreation Reserve (eastern end).

Dog Control Bylaw 2014: Exercise Areas Oamaru



Dog Control Bylaw 2014: Exercise Areas excl Oamaru



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Legend

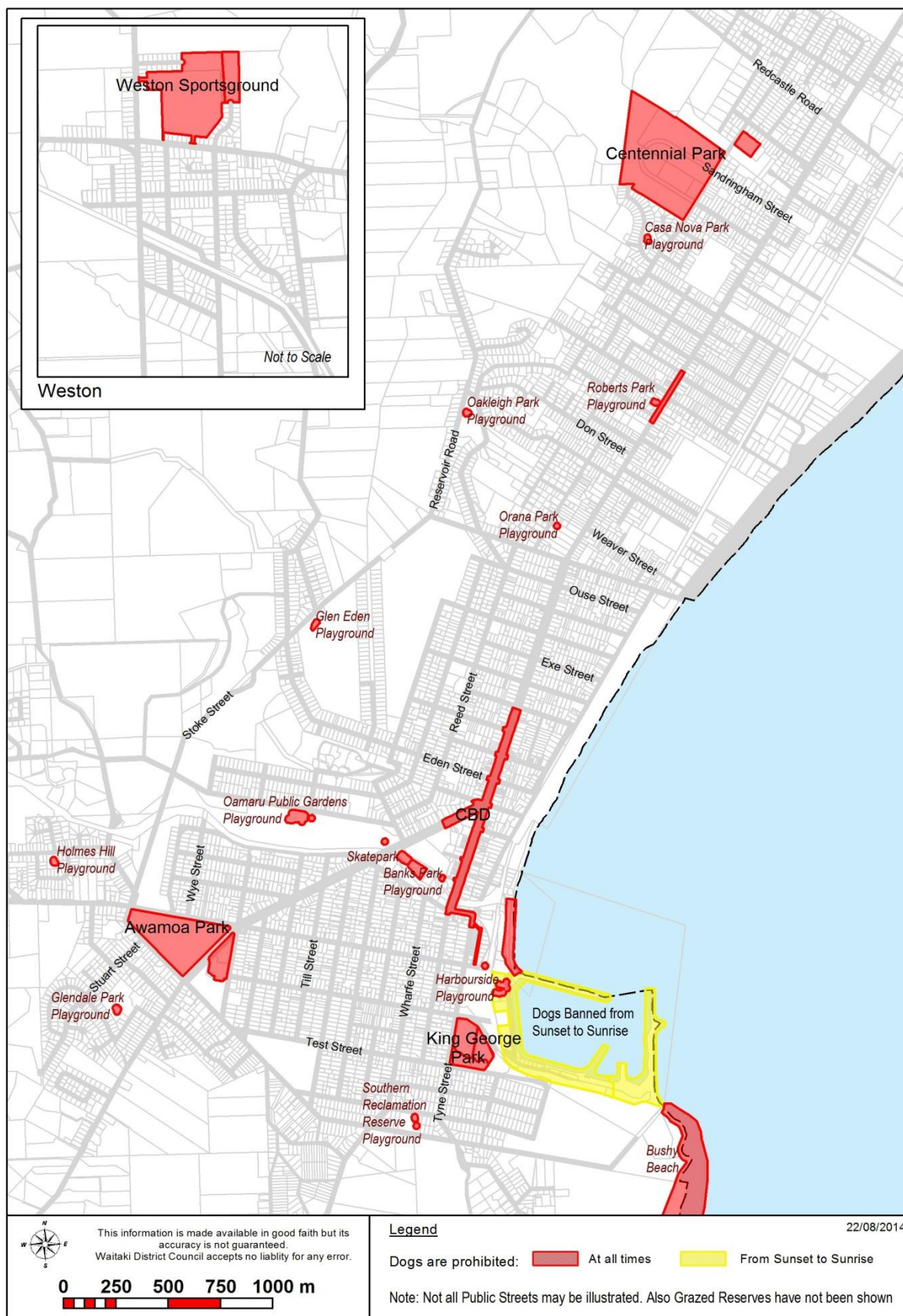
Designated Dog Exercise Areas: 

Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown

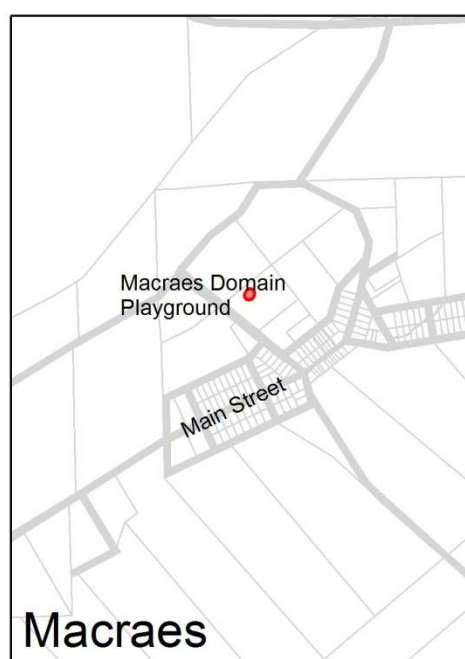
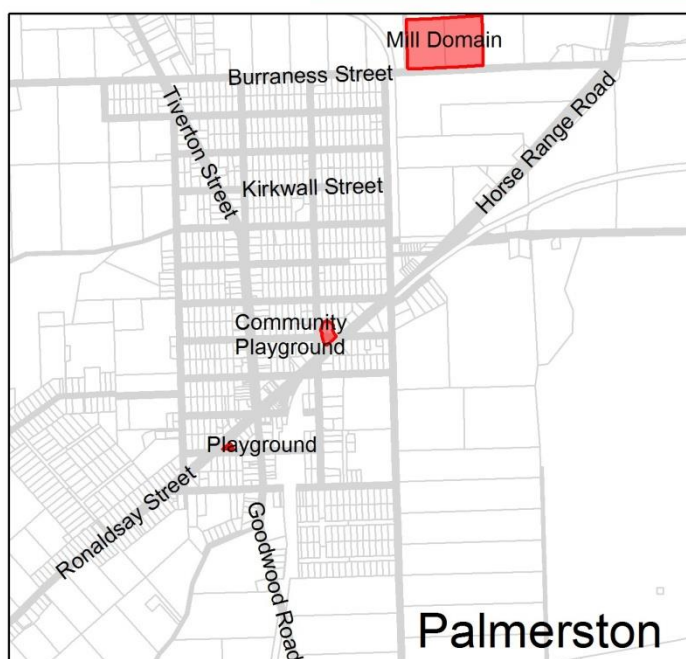
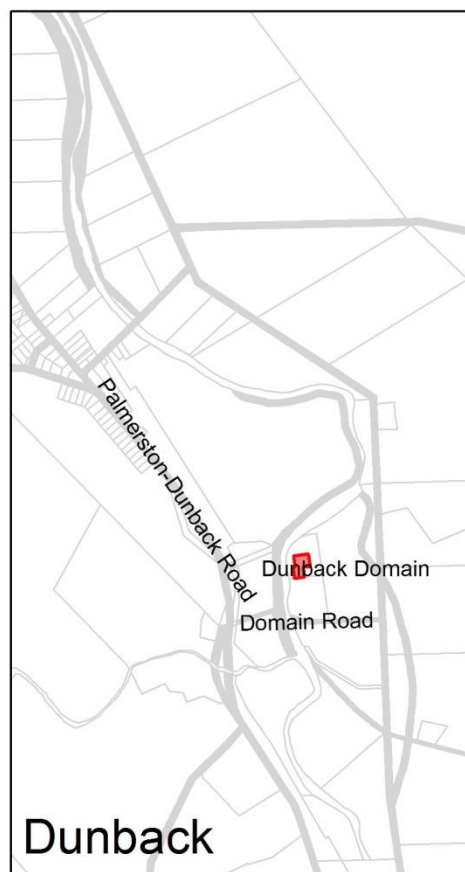
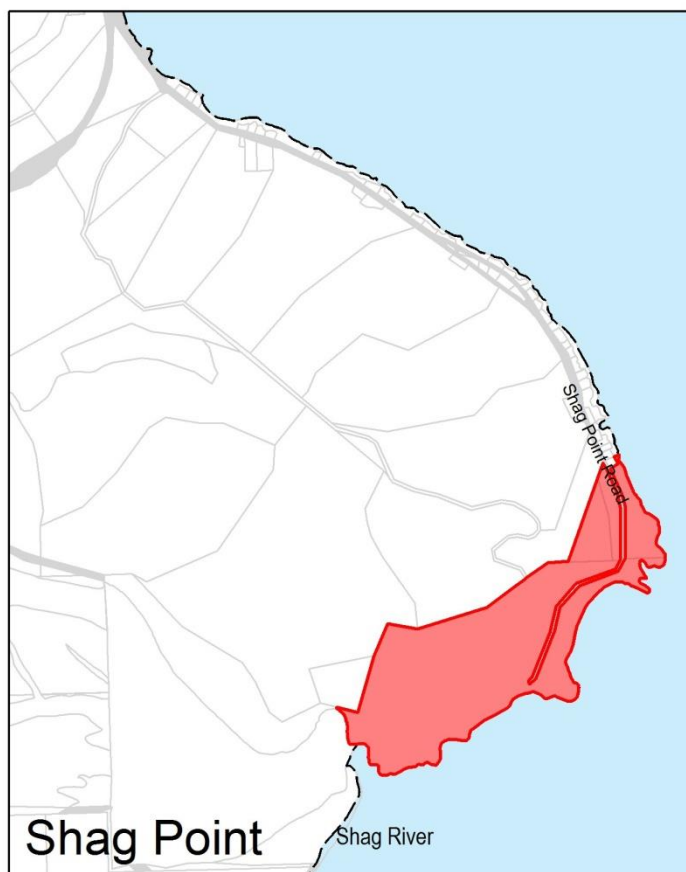
SCHEDULE 3: Prohibited dog areas

1. No dogs are allowed to remain in any Prohibited dog area identified in Schedule 3 of this Bylaw namely:
 - (a) Commercial areas of central Oamaru: Thames Street, Severn Street (between the intersection with Usk Street and Isis Street), Harbour Street; and between Farnham Street and Clare Street at the north-end shopping area of Oamaru
 - (b) Oamaru coastal area between Harbourside Gardens and Holmes Wharf
 - (c) Oamaru coastal area between the commercial Oamaru Penguin Colony and Bushy Beach
 - (d) Moeraki coastal area between Okahau Point and Katiki Point
 - (e) Shag Point Scenic Reserve
 - (f) Kakanui Esplanade Reserve coastal area
 - (g) All sportsgrounds – namely: Centennial Park, Weston Park, King George Park, Awamoa Park West, Mill Domain, Kurow Domain
 - (h) Within 10 metres of children’s play equipment on Council managed reserves
 - (i) Within 10 metres of any identified protected wildlife colony throughout the District
 - (j) **Between the hours of sunset and sunrise:** Oamaru Harbour coastal area between Holmes Wharf and the commercial Oamaru Penguin Colony
 - (k) In all relevant public reserves during the lambing season.

Dog Control Bylaw 2014: Prohibited Areas Oamaru and Weston



Dog Control Bylaw 2014: Prohibited Areas Waihemo



This information is made available in good faith but its accuracy is not guaranteed. Waitaki District Council accepts no liability for any error.

0 250 500 750 1000 m

Legend

Dogs are prohibited: ■ At all times ■ From Sunset to Sunrise

Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown

22/08/2014

Dog Control Bylaw 2014: Prohibited Areas Kakanui, Hampden and Moeraki



This information is made available in good faith but its accuracy is not guaranteed. Waitaki District Council accepts no liability for any error.

0 250 500 750 1000 m

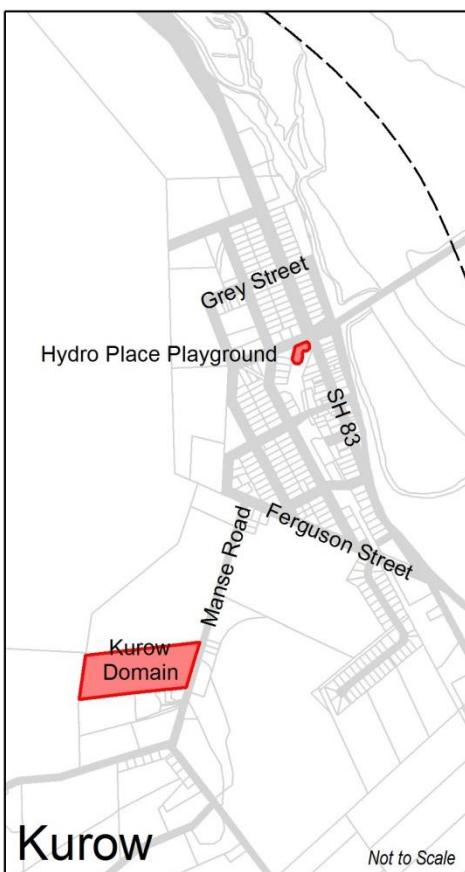
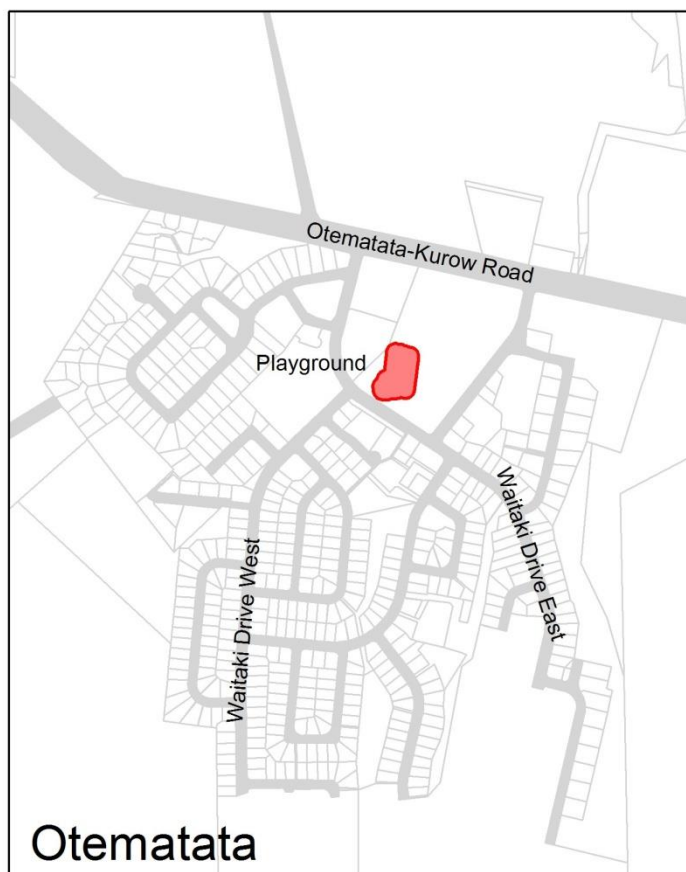
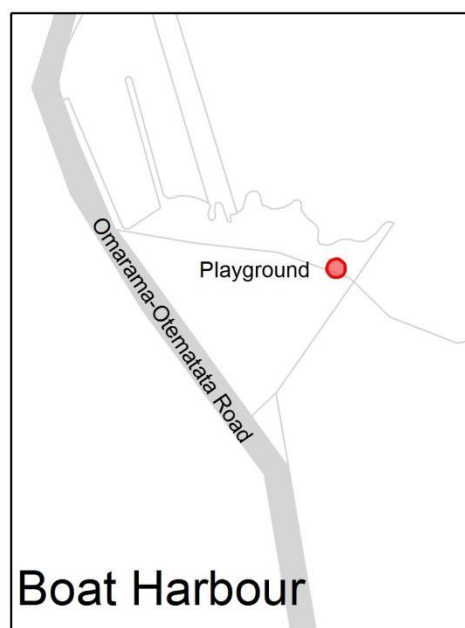
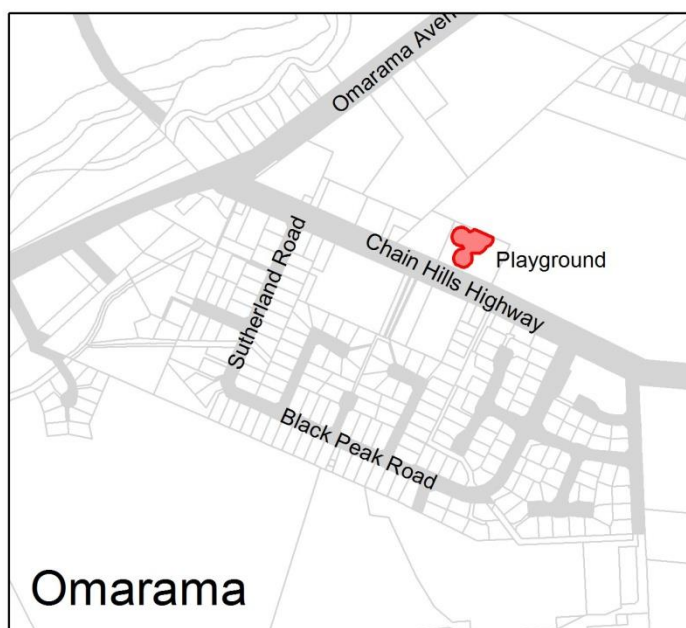
Legend



Dogs are prohibited: At all times From Sunset to Sunrise

Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown

22/08/2014

Dog Control Bylaw 2014: Prohibited Areas Ahuriri



 <p>This information is made available in good faith but its accuracy is not guaranteed. Waitaki District Council accepts no liability for any error.</p> <p>0 200 400 600 m</p> 	<p>Legend</p> <p>Dogs are prohibited: At all times From Sunset to Sunrise</p> <p>Note: Not all Public Streets may be illustrated. Also Grazed Reserves have not been shown</p> <p style="text-align: right;">22/08/2014</p>
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SCHEDULE 4: 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 and includes a warranted officer exercising powers under section 17 of the Act.

Continuous control means that the dog is kept under control by means of a lead which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.

Council means the Waitaki 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:

- (a) Hearing Dogs for Deaf People New Zealand
- (b) Mobility Assistance Dogs Trust
- (c) New Zealand Epilepsy Assist Dogs Trust
- (d) Royal New Zealand Foundation of the Blind
- (e) Top Dog Companion Trust
- (f) An organisation specified in an Order in Council made under section 78D of the Act.

District means the area administered by the Waitaki District Council.

Designated off-lead dog exercise area means any area set out in Schedule 2 of this Bylaw as an off-lead exercise area for dogs and their owners.

Effective control means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a lead, voice commands, hand signals, whistles or other effective means.

Farm pet dog means a dog kept on a rural property of 4 hectares in size or greater for the purpose of a pet, and not for solely or principally for the purposes of a working dog (see working dog definition).

Infringement notice means an offence specified in Schedule 1 of the Act.

Lead means an adequate restraint capable of restraining a dog.

Menacing dog means a dog which poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or any characteristics typically associated with the dog's breed or type; or which is specified as menacing by breed in Schedule 4 of the Act.

Nuisance means excessive barking or any activity or behaviour that result in inconvenience or annoyance to member of the community.

Neutered dog means a dog that has been sprayed 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 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) 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 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 Conservation Act 1987 or any regulation made under any of those Acts.

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:
- (c) A public place does not include a private vehicle.

Prohibited dog area means a public place within the District where a dog is prohibited either generally or at specified times.

Reserve means any land set aside for public purpose under the management or control of Council that is subject to the Reserves Act 1977.

Responsible person refer to clause (b) under the definition of "Owner."

Rushing dog means any dog in a public place that

- (a) rushes at, or startles, any person or animal in a manner that causes—
 - i. any person to be killed, injured, or endangered; or
 - ii. any property to be damaged or endangered; or
- (b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.

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.

Suitable receptacle means a plastic bag, a paper bag or any acceptable container.

Urban area means an area which is either within or adjacent to the built-up area of a town, village or settlement.

Working dog

- (a) any disability assist dog; and/or
- (b) 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

 - i. Kept solely or principally for the purposes of herding or driving stock; or
 - ii. 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
 - iii. 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 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
- viii. 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.

In the Waitaki District, working dogs must be kept solely or principally for the purposes set out above, and this definition does not include a farm pet dog.