



KAIKOURA DISTRICT COUNCIL

KAIKOURA DISTRICT (CONTROL OF DOGS) BYLAW 2006

The Kaikoura District Council hereby makes by special order the following bylaw in accordance with the powers conferred upon it by the Dog Control Act 1996 and the Local Government Act 2002 and any other Act enabling it in that behalf.

1.1 Short Title

1.1.1 The title of this bylaw shall be the Kaikoura District (Control of Dogs) Bylaw 2006.

1.2 Commencement

1.2.1 This bylaw shall come into force on 24th of November 2006.

1.3 Application of Bylaw

1.3.1 Except as herein expressly provided, this Bylaw shall apply to the whole District.

1.4 Principles of Interpretation

1.4.1 Every provision in this bylaw shall be deemed to have been adopted to provide for the regulation and control of dogs within the Kaikoura District. This shall be taken into account in interpreting this bylaw, which shall receive such fair, large and liberal construction or interpretation as will best ensure the attainment of the public good and the achievement of the foregoing purposes and objects according to their true intent, meaning and spirit.

1.5 Interpretation

1.5.1 In this bylaw, unless the context otherwise requires, the terms used in this bylaw shall have the meaning given to them in the Dog Control Act 1996, save that for the purposes of this Bylaw, the following terms shall have the following meanings:

"Designated Dog Exercise Area" means a Public Place or Public Area designated for the exercise of dogs in accordance with clause 2.5 of this bylaw.

"District" means the Kaikoura District.

"Prohibited Public Place" means a place in which dogs are prohibited in accordance with clause 2.1 of this bylaw.

"Temporary Prohibited Public Place" means any area so designated in accordance with clause 2.3 of this bylaw.

"Leash" means an adequate restraint not exceeding 2 meters in length and held by a person physically capable of restraining the dog.

- 1.5.2 Words importing the singular include the plural and vice versa. Words importing the masculine include the feminine and vice versa.
- 1.5.3 The headings to the clauses are intended for the convenience of reference and shall not affect the construction or interpretation thereof.

1.6 Bylaws Revoked

- 1.6.1 All bylaws made by the Kaikoura District Council or its predecessors in force in the district at the time of the coming into force of this bylaw, which relate to any matter or thing to which this bylaw relate, or any bylaws inconsistent with this bylaw are hereby revoked as from the date of the coming into force of this bylaw, so that any bylaw revoked by this bylaw shall remain in force so far as it relates to anything done or any offence committed, prosecution or proceeding commenced, right or liability accrued, license issued, notice given or order made under or against any of the provisions thereof, before the coming into force of this bylaw. All licenses issued under any revoked bylaw shall, after the coming into operation of this bylaw, be deemed to have been issued under this bylaw and be subject to the provisions hereof.

1.7 Serving of Orders and Notices

- 1.7.1 Except where otherwise expressly provided for in any Act, in any case in which it is provided by this bylaw that an order may be made on any person or that a notice be given to any person requiring that person to do or abstain from doing anything, or any notices are required by this bylaw to be given or sent to any person, such order or notice may be delivered to that person either personally or by sending the same, by post, to the last known place of abode or business of that person or in the case of a person shown as the owner of a dog on a dog's register for the time being in force, by post to the address shown in the register.

1.8 Offences

- 1.8.1 Every person commits an offence against this bylaw who:

- (a) does, or causes to be done, or knowingly permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided for by this bylaw; or
- (b) omits or neglects to do, or knowingly permits, or suffers to remain undone, anything which under this bylaw, ought to be done by that person at the time and in the manner therein provided; or
- (c) does not refrain from doing anything which under this bylaw that person is required to abstain from doing; or
- (d) knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) refuses or neglects to comply with any notice duly given to that person under this bylaw; or
- (f) obstructs or hinders any officer or employee of the Council (including any Dog Control Officer or Dog Ranger) in performance of any duty to be discharged by that officer or ranger or employee under or in the exercise of any power conferred upon that officer, ranger or employee by this bylaw; or
- (g) fails to comply with any notice or direction given under this bylaw.

1.9 Offenders to Give Names

- 1.9.1 Any person who, in the opinion of a Dog Control Officer or a Dog Ranger, is committing or has committed a breach of any of the provisions of this bylaw, shall if so requested by the Dog Control Officer or Dog Ranger, supply his or her full name and address.

1.10 Penalties

- 1.10.1 Every person who commits a breach of this bylaw shall be liable to a fine not exceeding \$500.00 and where the breach is a continuing one, to a further fine not exceeding \$50.00 for every day or part of the day during which the breach continues.

2. PUBLIC PLACES

2.1 Prohibited Public Place

- 2.1.1 No Owner of any dog shall permit their dog to enter or remain in any Prohibited Public Place. This clause shall not apply to Guide Dogs or Companion Dogs carrying out the work for which they have been trained.
- 2.1.2 The following areas, and as more particularly shown on the plan annexed to this bylaw as Appendix A, are hereby designated Prohibited Public Places:

- Takahanga Domain

- Gooches Beach Recreation Reserve (within 10 metres of play equipment)
- South Bay Recreation Reserve (next to Finz Restaurant, South Bay Pde)
- Bayview Street Park
- Churchill Street Park (within 10 metres of play equipment)
- Seal Colony carpark and Peninsula walkway
- Jimmy Armers Beach and Recreation Reserve (from 1 Nov - 31 Mar)
- Walkway from Scarborough Terrace to South Bay
- South Bay Domain (fenced off sports area only)
- Wildlife Reserve adjacent to Lyell Creek (Ludstone Road, opposite Kaikoura Motels)
- South Bay Commercial Boat Park, Moa Point and small craft marine facility area
- Garden of Memories
- Reservoir Site, Scarborough Terrace
- Kaikoura Cemetery
- Recreation Reserve, Gillings Lane
- Gillings Lane/ Beach Road playground (within 10 meters of play equipment)

2.2 Non-Prohibited Public Places

2.2.1 Dogs are permitted in every area within the Kaikoura District except for:

- a) Those areas designated a prohibited public place (including any Temporary Prohibited Public Place) in accordance with clause 2.1 or 2.3 of this bylaw.
- b) Those areas designated public places where dogs are required to be on a leash in accordance with clause 2.4 of this bylaw.
- c) Any areas designated as controlled or closed areas under the Conservation Act 1987.
- d) Any other area where dogs are prohibited or restricted in accordance with any other applicable enactment, policy or bylaw.
- e) Any private land (except with the consent of the landowner or occupier within the meaning given to that term in the Local Government (Rating) Act 2002).

2.3 Temporary Prohibited Places

2.3.1 Council may, from time to time, declare by resolution any public place not already a Prohibited Public Place to be a Temporary Prohibited Public Place for a specified time.

2.3.2 Council shall give such reasonable public notice of its intention to declare any public place to be a Temporary Prohibited Public Place, whether by way of

advertisement, signage or otherwise as it deems appropriate and circumstances allow.

2.4 Public Places and Areas Where Dogs are Required to be Kept Under Control on a Leash

2.4.1 The Owner of a dog shall keep it under control in a public place, (other than a Designated Dog Exercise Area as specified by Council in clause 2.4 of this bylaw).

For the purposes of this clause "under control" means that the dog is effectively secured by leash, chain or lead or otherwise physically restrained so that the dog cannot break loose. This clause shall not apply to any Guide Dog or Companion Dog carrying out the work for which they have been trained.

2.4.2 The following areas, and as more particularly shown on the plan annexed to this bylaw as Appendix A, are hereby designated public places where dogs are required to be on a leash:

- West End (between SHI and Esplanade)
- Lydia Washington Walkway (West End to Deal Street)
- Annie Boyd Walkway (Torquay Street to Killarney Street)
- Takahanga Terrace to Killarney Street Walkway
- Peninsula Walkway (Torquay Street to Scarborough Street)
- Dempseys Track (Torquay Street to Scarborough Street)
- Churchill Street (West End to Scarborough Street)
- Beach Road (Mill Road to Ludstone Road/Churchill Street intersection)

2.4.3 No person, being the Owner of any dog, shall take any diseased or mangy dog onto any public place or allow such dog to enter or remain in a public place.

2.5 Designated Dog Exercise Areas

2.5.1 The Council may, from time to time, declare by resolution any public place to be a Designated Dog Exercise Area.

2.5.2 Within a Designated Dog Exercise Area, the Owner of a dog shall ensure that the dog is at all times under adequate supervision.

For the purposes of this clause "adequate supervision" means that although the dog is not required to be secured by leash, chain or lead, it must be controlled by the Owner so as not to be in breach of clause 4.1.1 of this bylaw.

2.5.3 The following areas, and as more particularly shown on the plan annexed to this bylaw as Appendix A, are hereby designated dog exercise areas.

- South Bay Recreation Reserve (South Bay foreshore)
- South Bay Recreation Reserve (near start of walkway to Seal)
- Colony but excluding the walkway where dogs are prohibited).

- South Bay Domain (area planted in pine trees from corner of South Bay Parade to Kowhai River)
- Beach Foreshores (except Jimmy Armers Beach and South Bay Commercial Boat Park)
- River beds and the Queens Chain adjoining rivers (Esplanade Reserves or Strips)
- South Bay Domain (except the fenced sports ground area where dogs are prohibited).
- Recreation Reserve (rest area on south bank of the Kowhai River)
- Churchill Park (Dogs are prohibited within 10m of play equipment)

3. OBLIGATIONS OF OWNERS

3.1 Confinement of Dogs

3.1.1 The Owner of any dog shall provide means of confining the dog upon the Owner's property so that it is unable to gain access to any other private property or to any public place.

3.2 Removal of Dog Faeces

3.2.1 Any person, being the Owner of a dog which defecates in a public place or on land or premises other than that occupied by the owner, shall immediately remove and dispose of the faeces.

3.3 Limitation on Number of Dogs

3.3.1 No person shall keep within the residential areas of the townships of Kaikoura, Oaro, Goose Bay, Peketa, Hapuku, Rakautara, Clarence, and Kekerengu, more than two dogs aged six months or more unless the Owner has an appropriate license from the Council.

3.3.2 In applying for a license to keep more than two dogs as required by clause 3.3.1 above, an Owner shall demonstrate that he or she has attained the status of a Responsible Dog Owner in accordance with the criteria outlined in Appendix I to the Kaikoura Dog Control Policy 2006.

4. IMPOUNDING OF DOGS

4.1 Impounding of Dogs in Breach of this Bylaw

4.1.1 Any dog found at large:
 (a) in breach of clauses 2.1, 2.3 or 2.4 of this bylaw, whether or not it is wearing a registration label or disc as required by the Dog Control Act 1996; or

(b) on any land or premises other than a public place or a private way without the consent (express or implied) of the occupier or person in charge of that land or premises-
may be seized and impounded by a Dog Control Officer or a Dog Ranger.

4.1.2 As soon as practicable after any dog has been impounded the Council shall:

(a) in the case of a dog wearing a registration label or disc or where the Owner of the dog is known, give written notice to the Owner that the dog has been impounded and that unless the dog is claimed and any fee payable paid within 7 days of the receipt of the notice, it may be sold, destroyed, or otherwise disposed of in such a manner as the Council sees fit; and after the expiry of that period the Council may so dispose of the dog.

(b) where the Owner of the dog is not known or despite reasonable enquiry cannot be identified, the Council may, after the expiration of 7 days after the date of the seizure of the dog, sell, destroy, or otherwise dispose of the dog in such a manner as it thinks fit.

4.1.3 The sale, destruction or disposal of any dog in accordance with this bylaw shall not relieve the Owner of the dog of liability for the payment of any fees or penalties payable under this bylaw.

5. FEES

5.1 The Council may, from time to time, by resolution, set any fees payable in respect of any matter for which it is authorized to charge pursuant to the:

5.1.1 Local Government Act 2002;

5.1.2 Dog Control Act 1996; and

5.1.3 this bylaw.

6. ATTESTATION

This bylaw was made by Special Order passed at a meeting of the Kaikoura District Council held on 21st June 2006 and (meantime having been publicly notified) confirmed at a meeting of the said Council held on 15th November 2006 and at the last meeting aforesaid it was ordered to come into force on 24th November 2006.

The Common Seal of the
Kaikoura District Council
was hereto affixed in the
presence of-

Authorised Signatory

Authorised Signatory