



Dog Control Bylaw

1. Short Title

2. Commencement

This Bylaw shall come into force on 01 July 2015

3. Repeal

- a) From the date this Bylaw comes into force, any previous Bylaws and their amendments, purporting to control dogs within the Kaikoura District shall be repealed.
- b) All approvals, permits and other acts of authority which originated under the Dog Control Bylaw 2006 or any previous Bylaw, and all applications, shall for the purpose of this Bylaw continue as if they had originated under this Bylaw.
- c) The revocation of the Dog Control Bylaw 2006 shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws has not been revoked.

4. Application of Bylaw

Except as expressly provided, this Bylaw shall apply to the whole of the Kaikoura District.

5. Purpose

The purpose of the Bylaw is to give effect to the Kaikoura District Council's Dog Control Policy and to provide for matters set out in the Dog Control Act 1996.

6. Interpretation

In this bylaw, unless the context otherwise requires, the terms used in this bylaw shall have the meaning as given to them in the Dog Control Act 1996, except for the purposes of this bylaw, the following terms shall have the following meanings;

"Dog Exercise Area" means a public place or public area designated for the exercise of dogs in accordance with clause 10 of this bylaw.

"District" means the Kaikoura District.

“Prohibited Public Place” means a place where dogs are not allowed in accordance with clause 8 of this bylaw.

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

7. Obligations of Dog Owner

- 7.1 Every owner shall ensure that:
- a. The dog is kept from prohibited areas as specified in clause 8.
 - b. The dog is kept under control at all times.
 - c. The dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter.
 - d. The dog receives adequate exercise.
 - e. The dog does not create a nuisance or health hazard.
 - f. Access to the owner’s dwelling house is unhindered by dogs.
 - g. The dog is adequately controlled when in or on a vehicle.
 - i. Faeces deposited by the dog are removed immediately and disposed of.
 - j. All dogs are registered in accordance with the Dog Control Act 1996.

8. Prohibited Areas for Dogs

- 8.1 Except for the dogs listed below, dogs are prohibited from the following areas:
- Takahanga Domain
 - Gooches Beach Recreation Reserve within 10 metres of play equipment
 - Recreation Reserve (next to 103 South Bay Parade) within 10 metres of play equipment
 - Bayview Street Park within 10 metres of the play equipment
 - Churchill Street Park within 10 metres of the play equipment
 - Point Kean Seal Colony area and car park and the Peninsula walkway
 - Jimmy Armers Beach and Recreation Reserve from 1 November to 31 March each year
 - South Bay Domain, fenced off sports areas only
 - Wildlife reserve adjacent to Lyell Creek (Ludstone Road corner)
 - South Bay commercial boat park, Moa Point and the small craft marine facility area
 - Garden of Memories
 - Reservoir Site Scarborough Street (the Lookout)
 - Kaikoura Cemetery
 - Gillings Lane / Beach Road Recreation Reserve within 10 metres of play equipment
- 8.2 The following working dogs are not prohibited from the areas listed above as long as the dogs are carrying out their function as working dogs:
- a. Disability assist dogs as fined in section 2 of the Dog Control Act 1996;
 - b. Specialist rescue dogs; and
 - c. Any dog kept by the Police or any Constable, the Customs Department or the Ministry of Defence, any Security Officer or any Officer or Employee of any such Department of State solely for the purposes of carrying out the functions, powers and duties of the Police or the Department of State or that Constable, Office or Employee.

9. Dog On-Leash Areas

9.1 Dogs are allowed in the following areas as long as they are on a leash:

- West End (between State Highway 1 and Esplanade)
- Lydia Washington Walkway (West End to Deal Street)
- Annie Boyd Walkway (Torquay Street to Killarney Street)
- Takahanga Terrace to Killarney Street Walkway
- Dempsey's Track (Torquay Street to Scarborough)
- Tom's Track (Torquay Street to Scarborough Street)
- Track from Torquay Street to Scarborough Street via Nga Niho Pa
- Churchill Street (West End to Scarborough Street)
- Beach Road (Mill Road to Ludstone Road/ Churchill Street intersection)

10. Dog Exercise Areas

10.1 Dogs may be exercised at large in the following areas. Dogs in these areas must be kept under control at all times.

- South Bay Recreation Reserve (South Bay Foreshore)
- South Bay Recreation Reserve (near the start of the peninsula walkway)
- South Bay Domain (area from South Bay Parade / State Highway 1 corner to the Kowhai River on the seaward side of State Highway 1)
- Beach Foreshores (except Jimmy Armers Beach and South Bay Commercial Boat Park)
- River beds and the Queens Chain adjoining rivers (Esplanade Reserves and Strips)
- Recreation Reserve on the South bank of the Kowhai River
- Churchill Park (Dogs are prohibited within 10m of play equipment)

11. Control of Dogs

11.1 Every owner shall –

- a. Ensure that in all public places the dog is kept under control at all times.
- b. Ensure that the dog, if not under control, is tied up or otherwise confined to the owner's property.
- c. Ensure adequate absentee control of the dog.

11.2 Every owner shall in accordance with section 52 of the Dog Control Act 1996 –

Ensure that any dog under their control is not permitted to roam or be at large on any land or premises without the consent (express or implied) of the occupier or person in charge of that land or premises.

11.3 Where in the opinion of –

- i. The occupier of the land or premises, or any other person acting with the authority of such occupier (whether express or implied) or
- ii. Any person in any public place,

a dog is likely to cause annoyance or distress to any person or animal or damage to any property of the land or premises or in any public place, the occupier or person may seize the dog and cause the dog to be returned to its owner, or to be delivered into the custody of a Dog Control Officer or Dog Ranger.

- 11.4 Where a dog is delivered into the custody of a Dog Control Officer or Dog Ranger under this section, the dog control officer or dog ranger may return the dog to its owner or impound the dog.
- 11.5 The occupier of any premises whereon any kennel or enclosures in which dogs are kept or housed shall maintain and keep them in a clean condition.
- 11.6 The owner or occupier of any premises whereon any dog/s are customarily kept shall take adequate precautions to prevent the keeping of such dogs from becoming a nuisance or injurious to health.
- 11.7 If the Dog Control Officer is of the opinion that the keeping of dogs on any premises is or is likely to become a nuisance or injurious to health, he or she may by way of notice to the occupier of those premises prohibit the keeping of dogs on those premises.

12. Shelter for Dogs

- 12.1 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.
- 12.2 Dog Control Officers will have discretion to determine what is reasonable.
- 12.3 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.

13. Nuisances and Health Hazards

- 13.1 The owner of every dog shall ensure that the dog does not create a nuisance or health hazard.
- 13.2 For the purposes of clause 13.1 a dog creates a nuisance when:
 - a. The dog obstructs the lawful passage of a person in public places; or
 - b. The dog rushes at or frightens any person in a public place, or any person who is lawfully present on private property; or
 - c. The dog destroys tears or otherwise interferes with any refuse receptacle container or bag whether the container is on private property or in a public place.
 - d. The dog disrupts the recreational enjoyment of persons in public places and/or urinates/defecates on a person's belonging in these areas.
 - e. The dog persistently barks loudly or howls.
- 13.3 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:
 - a. Reduce the number of dogs kept on the premises.
 - b. Order the permanent removal of a single dog on the property.

- c. Construct, alter, reconstruct or otherwise improve the kennels, places of confinement, other buildings or fencing used to house or contain such dog or dogs (Dog Control Officers will have the discretion to determine what is acceptable or reasonable).
- 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.

13.4 For the purpose of clause 12.1 a health hazard means where a dog is kept in circumstances which are offensive, or likely to be injurious to the public health.

13.5 The owner of every bitch in season shall keep it continuously confined on their property whilst the bitch is in that condition. Where the bitch in season must be taken from the owner's property, the bitch shall be confined at all times.

14. Number of Dogs Permitted in the Urban Area

14.1 No more than two dogs are allowed to be kept on a property in the residential areas within the Kaikoura township and outlying township settlements of Oaro, Goose Bay, Peketa, Hapuku, Rakautara, Clarence and Kekerengu without a licence.

14.2 A licence issued by Council may be subject to terms, conditions and restrictions as the Council considers appropriate.

14.3 The granting of a licence shall be in Council's absolute discretion. In considering whether consent should be granted, the Council shall have regard to:

- a. The adequacy of the housing, exercising and fencing control that will be provided.
- c. The likelihood of noise, waste or other nuisance being created by additional animals.
- d. The view of other persons affected.
- e. Whether the property subject to the application is in the Council's view of sufficient size to keep the breed of dogs and/or the number applied for.
- f. Whether the granting of the licence may compromise neighbourhood amenity.

14.4 A licence may be reviewed and/or cancelled by Council for breach of its terms, conditions or restrictions or following receipt by the Council of two substantiated complaints.

14.5 Any owner holding a licence who wishes to increase the number of dogs permitted on the property under the licence must make a fresh application to the Council for the total number of dogs to be kept on the property.

15. Menacing Dogs (Section 33A Dog Control Act 1996 menacing by deed and section 33C menacing by breed)

15.1 Dogs classified as menacing under Section 33A of the Dog Control Act 1996 may be required to be neutered. In exercising this discretion the Council will take into account the likely effectiveness of neutering in reducing the dogs aggressive behaviour. One month after receiving a notice under this section the owner must provide a certificate issued by a veterinarian certifying the dog has been neutered.

15.2 Every owner of a dog classified as menacing under Section 33C must, if required by the Council (or Dog Control Officer on behalf of Council), within one month after receiving notice of the

classification, produce to the Council a certificate issued by a veterinarian certifying that the dog has been neutered.

16. Dogs in Vehicles

- 16.1 No person shall keep or leave a dog in a motor vehicle unless the dog is securely confined within that vehicle so as not to constitute a nuisance or endanger any person.
- 16.2 A dog kept or left in a motor vehicle shall be provided with adequate ventilation.
- 16.3 No person shall allow any dog to ride or remain on the open tray of a vehicle unless it is under tight control by chain, rope, or other device to prevent the dog from falling from the vehicle. The dog shall be adequately secured to prevent it from being a nuisance or endangering any person.
- 16.4 Clause 16.3 shall not apply where the dog is adequately confined on the rear of a vehicle by means of a wire cage or similar device.

17. Impounding of Dogs in Breach of Bylaw

- 17.1 Any dog found at large:
 - a. In breach of clauses 8 and 9 of this bylaw, whether or not it is wearing a registration label of disk 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 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.
- 17.2 As soon as practicable after any dog has been impounded the Council shall:
 - a. In the case of a dog wearing a registration 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 receipt of the notice the dog may be sold, destroyed or otherwise disposed of in such a manner as the Council see fit. After the expiry of the 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 seizure of the dog, sell, destroy, or otherwise dispose of the dog in such a manner as it thinks fit.
- 17.3 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 under this bylaw.

18. Removal of Faeces

- 18.1 The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner shall immediately remove the faeces from that place and dispose of it in a sanitary manner into a suitable receptacle.
- 18.2 The owner or person in charge of a dog in any public place must carry a suitable receptacle for the removal of any faeces defecated by that dog.
- 18.3 Failure of the dog owner to comply with clauses 18.1 or 18.2 is an offence and may result in enforcement action being taken by a Dog Control Officer or Dog Ranger.

19. Application for Registration / Dog Control Fees

- 19.1 Dog owners must register their dogs annually not later than the first day of August of each year.
- 19.2 Where a dog is less than three months of age, an application to register the dog shall be made before the dog attains the age of three months.
- 19.3 Subject to clause 19.2, where an unregistered dog is purchased or otherwise acquired, the new owner must make an application to register the dog forthwith.
- 19.4 Dog control fees shall be fixed annually by resolution of the Council, in accordance with the Dog Control Act 1996.
- 19.5 No registration fee will be payable for Disability Assist Dogs.

20. Offences and Breaches

- 20.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty provisions outlined in Section 242(4) of the Local Government Act 2002.
- 20.2 Any breach of this bylaw also amounts to an infringement offence under Section 65(1) of the Dog Control Act 1996 which may result in the issuing of an infringement notice requiring the payment of an infringement fee of up to \$750.

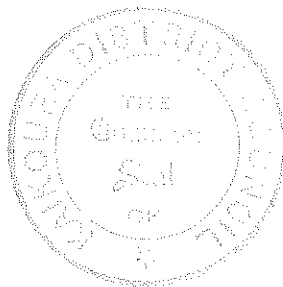
21. Infringement Offences and Fees

Extract from the Dog Control Act 1996

Section	Brief Description of Offence	Infringement Fee
18	Wilful obstruction of Dog Control Officer or Dog Ranger	\$750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$750
19A(2)	Failure to supply information or wilfully supplying false particulars about a dog	\$750
20(5)	Failure to comply with any bylaw authorised by section 20 of the Act	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300
24	Failure to comply with obligations of probationary owner	\$750
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as a dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dogs	\$500
33EC(1)	Failure to comply with the effects of classification of dog	

	as menacing dog	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to dog registration	\$750
41A	Falsely notifying death if dog	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent attempt to procure replacement label or disc	\$500
48(3)	Failure to advise change of ownership of dog	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal or swapping of labels or discs	\$500
52A	Failure to keep a dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54A	Failure to use or carry a leash in a public place.	\$100
54(2)	Failure to provide care and attention, to supply proper and sufficient food, water and shelter, and to provide adequate exercise	\$300
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing a dog known to be dangerous to be at large unmuzzled or unleashed	\$300
62(5)	Failure to advise of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750

The **COMMON SEAL** of the)
KAIKOURA DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with resolution made by the Council)
on 15 April 2015)
in the presence of:)




_____ **Mayor**


_____ **Chief Executive**