

## CHAPTER 10

# CONTROL OF DOGS

### 1001 **INTERPRETATION**

1001.1 This Bylaw is to be read in conjunction with the Stratford District Council Dog Control Policy.

1001.2 In this Bylaw, unless the context requires:

1001.3 “Continuous Control” means the owner has sufficient control over the dog to prevent the dog causing a nuisance to other animals or members of the public, or damage to property.

1001.4 “Dog Exercise Area” means a public place which has by resolution of Council, pursuant to the Dog Control Act 1996 S20(1)(d), been designated as a dog exercise area under the Dog Control Policy.

1001.5 “Leash” means a lead which is capable of restraining a dog.

1001.6 “Owner” means, in relation to any dog, every person who

- (a) Owns the dog; or
- (b) Has the dog in his or her possession, 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) 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 dependant on the parent or guardian: -

but does not include any person who has seized or taken custody of the dog under this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animals Protection Act 1960.

1001.7 “Prohibited Public Place” means a public place which has by resolution of Council, pursuant to the Dog Control Act 1996 S20(1)(a), been designated as a prohibited public place under the Dog Control Policy.

1001.8 “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.

1002 **PERIOD OF CONFINEMENT**

1002.1 The owner or any person in charge or having control of any dog in the district, shall, during the period commencing half an hour after sunset on each day and ending half an hour before sunrise on the next day, keep such dog securely tied up or otherwise effectively confined or under his direct control.

1003 **PROHIBITED PUBLIC PLACES**

1003.1 No owner of any dog shall permit their dog to be in any prohibited public place.

1004 **LEASH CONTROLLED PUBLIC PLACES**

1004.1 No owner of any dog shall permit their dog to be in a leash controlled public place except when that dog is controlled on a leash.

1005 **DOG EXERCISE AREA**

1005.1 The owner of a dog that is within a dog exercise area shall keep the dog under continuous control but shall not be obliged to keep the dog on a leash.

1006. **TEMPORARY DESIGNATIONS**

1006.1 Council may from time to time either impose or suspend a designation as a prohibited or leash controlled public place for a specified period, occasion or event.

1006.2 Council shall give public notice of such a change in designation by way of a public notice in the Stratford Press and appropriate signage in the area concerned.

1007 **ACCOMMODATION OF DOGS**

1007.1 During the said period mentioned in Clause 1002.1 hereof every owner of a dog so confined or controlled as aforesaid shall ensure that the said dog is provided with adequate shelter and that no unnecessary suffering is caused to such dog by the manner of the said confinement or control.

1008 **KEEPING OF MORE THAN TWO DOGS**

1008.1 It shall not be permissible to keep or permit to suffer to be kept on any premises/property within the district (not being a in a Rural area) more than two dogs of a greater age than three months – except in pursuance of and in conformity with a licence from the Council so to do.

1008.2 Every application for any such licence shall be in writing addressed to the Council and signed by the applicant but no such application, and no payment of or receipt for any fee paid in connection with such application or licence or for any renewal of licence shall confer any right, authority or immunity on the person making such application or payment. Every applicant for such a licence shall give to the Council or its officers such further information as it or they may require.

1008.3 Any such licence -

- (a) shall be issued or renewed only upon the payment of such licence fee as may be prescribed by Council by resolution;

- (b) shall be issued only upon receipt of the consent of the occupiers of the adjoining properties;
- (c) may be issued upon or subject to such terms, conditions or restrictions as the Council or its duly authorised officer may impose in any particular case, (whether as to the maximum number of dogs which may be kept on the premises, precautions to be taken to prevent their becoming a nuisance or to prevent a nuisance arising, or otherwise);
- (d) shall remain in force from the time it is granted until the 30th day of June next following, and shall be renewable annually on the 1st day of July in each year.

1008.4 The Council may refuse to renew or may suspend, revoke or cancel any licence which it may previously have granted if it is satisfied that the licensee has allowed a nuisance to exist on the premises, or where there has been a failure to comply with all or any of the terms, conditions or restrictions of the licence or any subsequent notice issued by Council.

1009 **RESPONSIBILITY TO REMOVE FAECES**

1009.1 The owner of any dog that defecates on a public place or on land or premises other than that occupied by the owner, shall immediately remove the faeces.

1010 **CONFINEMENT OF BITCHES IN SEASON**

1010.1 The owner of any bitch shall keep the animal confined but adequately exercised whilst in season.

1011 **IMPOUNDING OF DOGS AT LARGE**

1011.1 Any dog found at large in any public place in contravention of any of Clauses 1002 through Clause 1006 hereof, whether or not it is wearing a collar having the proper registration tag attached, may be seized and impounded by any person duly authorised by Council.

1012 **DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH**

1012.1 The owner of the dog or the owner or the occupier of any premises whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to health.

1012.2 If, in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to health, the Council or any person duly authorised in that behalf by 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) construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
- (c) require such dog or dogs to be tied up or otherwise confined during specified periods;
- (d) take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.

1012.3 Any person to whom notice is given under the preceding provision of this clause who fails to comply with such notice within the time therein specified shall be guilty of an offence against this Part of this Bylaw.

1013 **MANGY OR DISEASED DOGS**

1013.1 No person owning or having control or charge of any mangy or diseased dog shall take the same into any public place or permit or suffer such dog to enter or remain thereon or wander free and at large.

1014 **CUSTODY OF DOGS**

1014.1 As soon as practicable after any dog has been impounded, the Council shall in the case of a dog wearing a current registration tag or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded and that unless the dog is claimed and any fee referred to herein paid within seven days of the receipt of such notice, it may be sold, destroyed or otherwise disposed of in such manner as the Council thinks fit; and after the expiry of that period the Council may so dispose of the dog.

1014.2 Where the owner of the dog is not known and cannot be identified from the dog registration tag, Council may, after the expiration of seven days after the date of seizure of the dog, sell, destroy or otherwise dispose of the dog in such manner as it thinks fit.

1014.3 Any dog impounded shall only be released to the owner upon the owner paying to Council:

- (a) Fees for the sustenance of the dog.
- (b) The Poundage Fee.
- (c) The cost of giving notice of the impounding to the owner.
- (d) The cost of any newspaper advertisement placed for the purpose of notifying the owner of impounding.

# SCHEDULE

## NO DOG AREAS

1. In Broadway (including the footpaths thereof) between the northern roundabout situated at the intersection of Broadway and Regan Street and the southern roundabout situated at the intersection of Broadway and Fenton Street.
2. Prospero Place.
3. Within 20 metres of any children's playground equipment which is on land controlled by Council except any public road or footpath adjacent such an area.
4. Egmont National Park except with a Department of Conservation permit.
5. Whanganui National Park except with a Department of Conservation permit.
6. Areas gazetted as **CONTROLLED DOG AREAS** under the Conservation Act 1987, except with a Department of Conservation permit.
7. Pembroke Road, from the Egmont National park Gate to the Plateau carpark being the entire length of the road which is bounded on both sides by the National Park.
8. Manaia Road, from the Egmont National Park Gate to the Dawson Falls Road end carpark, being the entire length of the road which is bounded on both sites by the National Park.