



THE OPOTIKI DISTRICT COUNCIL DOG CONTROL BYLAW 2008

EXPLANATORY NOTE

The Opotiki District Council Dog Control Bylaw 2008 was made in accordance with the Local Government Act 2002 and Section 20 of the Dog Control Act 1996. The objective of this Bylaw is to give effect to the Opotiki District Council's Policy on Dogs (2004) as amended in 2008, which regulates the control of dogs so they do not cause danger, distress or nuisance to the community. Dog Control covers matters such as restrictions on dogs in public places, standard of accommodation for dogs and nuisances caused by dogs.

Schedule 1 contains a series of District Maps which detail the restrictions on dogs in public places, and forms part of this Bylaw. Schedule 1 may be amended from time to time in accordance with Section 151(2) of the Local Government Act 2002.

The Opotiki District Council Dog Control Bylaw 2008 is not the only major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as registration, barking dogs, dogs attacking people or stock and other related matters.

The Opotiki District Council Dog Control Bylaw 2008 should be read in conjunction with the Dog Control Act 1996 and its subsequent amendments. This Bylaw and the Dog Control Act 1996 allow for legal action to be taken with consequent fines.

CONTENTS

1. Title
2. Commencement
3. Repeals
4. Interpretations
5. **Control of Dogs**
 - 5.1 Identifies Public Places
 - 5.2 Dog Exercise Areas / Off Lead Areas
 - 5.3 Dog Prohibited Areas
 - 5.4 Dog Restriction Areas
 - 5.5 All other Public Places
6. Bitches in Season
7. Diseased Dogs
8. Duty to Avoid Nuisance
9. Fouling of Public Places and Land
10. Continuous Barking
11. Limit on Number of Dogs on a Premises
12. Minimum Standards for Accommodation of Dogs
13. Impounding
14. Breach of Bylaw

The Opotiki District Council Dog Control Bylaw 2008

This Bylaw is made in accordance with the Local Government Act 2002 and Dog Control Act 1996.

1. Title

This Bylaw shall be known as "The Opotiki District Council Dog Control Bylaw 2008."

2. Commencement

This Bylaw shall come into force on the 1st day of July 2008.

3. Repeals

As from the date that this Bylaw comes into force the Opotiki District Council Bylaw 1990 Chapter 12 1972 Control of Dogs, shall be repealed.

4. Interpretations

"Animal Control Officer" means an Animal Control Officer appointed by the Opotiki District Council under Section 11 of the Dog Control Act 1996.

"At large" means at liberty, free, not restrained.

"Coastal Zone" means land zoned accordingly in the Operative Opotiki District Plan, 22 September 2005.

"Coastal Settlement Zone" means land zoned accordingly in the Operative Opotiki District Plan, 22 September 2005.

"Companion dog" means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog. The purpose of these dogs is to assist disabled people by opening doors, cupboards, fridges, fetching the phone and products from supermarket shelves, etc.

"Confined" means a dog enclosed securely in a building or vehicle or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

"Control" means a dog that is restrained on a leash; the dog is confined, for example in a vehicle or cage; the dog is under verbal command restraint when off the leash in an exercise area.

"Council" refers to the Opotiki District Council or the Officer appointed by Council delegation.

"Dangerous dog" has the same meaning as in Section 31 of the Dog Control Act 1996.

"De-sexed" has the same meaning as "neutered."

"Disturb" used in the context of bird breeding areas means to scare and alarm protected birds and/or destroy, break or damage bird nests and eggs.

“Dog Control Officer” has the same meaning as Animal Control Officer above.

“Dog exercise area” means areas where dogs are to be exercised at large, without a lead. However, the person exercising the dog must be able to control the dog and ensure that the dog does not create a nuisance, annoyance or distress to any person or animal or any damage to property.

“Dog prohibited area” means areas where dogs are not permitted to be at any time, unless confined in a vehicle.

“Dog ranger” means a Dog Ranger appointed by the Opotiki District Council under Section 12 of the Dog Control Act and includes an honorary dog ranger.

“Dog restricted area” means areas where dogs are prohibited at specified times and/or maybe required to be on a leash. For some playing fields for example, dogs would be prohibited whilst games are being played.

“Dwelling” means a self-contained residence of one household.

“Guide dog” means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog.

“Hearing ear dog” means a dog certified by the Hearing Association (Incorporated) as being a hearing ear dog or a dog under training as a hearing ear dog.

“Leash” means an adequate restraint held by a responsible person physically capable of restraining the dog.

“Limit” means restrict the number of dogs in specific zones.

“Menacing dog” in relation to any dog classified under Section 33 of the Dog Control Act 1996.

“Mixed Activity Zone” means land zoned accordingly in the Operative Opotiki District Plan, 22 September 2005.

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

“Off-lead area” has the same meaning as “dog exercise area”.

“Ohiwa Harbour Zone” means land zoned accordingly in the Operative Opotiki District Plan, 22 September 2005.

“Owner” in relation to any dog, means 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, or
- (c) The parent or guardian of a person under the age of 16 years who-
 - Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition, and
 - Is a member of the parent or guardian’s household and
 - Lives with and is dependent on the parent or guardian

but does not include a person who has seized or taken custody of a dog 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.

“Person” includes not only a natural person but also a corporation sole and body of persons whether incorporated or not.

“Pest dog” means a dog kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993.

“Prohibit” means to debar or forbid.

“Public place” means a place-

- (a) That is under the control of the territorial authority; and
- (b) That is open to, or being used by, the public, whether or not there is a charge for admission; and
- (c) Includes –
 - a. A road, whether or not the road is under the control of a territorial authority; and
 - b. Any part of a public place.

“Residential Zone” means land zoned accordingly in the Operative Opotiki District Plan, 22 September 2005.

“Restricted” means to control where dogs have access to either by specified times or leash.

“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, rabbit, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

“Town Centre Zone” means land zoned accordingly in the Operative Opotiki District Plan, 22 September 2005.

“Working dog” means-

- (a) Any guide dog, hearing ear dog, or companion dog.
- (b) Any dog kept by the Police, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries, the Ministry of Defence, or Department of Conservation principally for the purposes of carrying out the functions, powers and duties of those Departments of State.

“Worry” means a dog that attacks, charges, rushes, or generally causes a nuisance to stock.

5. Control of Dogs

5.1 The Council shall control which public places dogs may enter; be restricted or be prohibited from entering; Schedule 1 attached details current Dog Control areas together with maps of these areas.

5.2 Dog Exercise areas / Off Lead areas

5.2.1 The Council may by publicly notified resolution declare any place to be a dog exercise / off lead area.

5.2.2 Within dog exercise / off lead areas, the dog is permitted to be exercised freely at large. However, the dog owner is required to carry a leash at all times and shall ensure that the dog is under continuous and effective control.

5.3 Dog Prohibited Areas

5.3.1 The Council may by publicly notified resolution declare any place to be a dog prohibited area.

5.4 Dog Restricted Areas

5.4.1 The Council may by publicly notified resolution declare any place to be a dog restricted area and specify times and/or that dogs must be on a leash.

5.5 All Other Public Places

5.5.1 The owner of a dog shall not cause; permit or allow such dog to enter or remain in or on any part of any street or public place unless the dog is kept under control. The dog is required to be either on a leash or under the owners control and the owner is carrying a leash.

6. Bitches in Season

- 6.1 The owner of any bitch, knowing it to be in season, shall not take; permit or allow the bitch to enter or remain in any public place.
- 6.1.1 All bitches in season are required to be confined / inaccessible to roaming dogs, given proper care and attention, sufficient food and water and be adequately exercised.

7. Diseased Dogs

- 7.1 The owner of any diseased dog shall not cause, permit or allow such dog to enter into any public place.
- 7.1.2 All diseased dogs must receive veterinary care.
- 7.1.3 All diseased dogs must be confined, given proper care and attention, sufficient food and water and adequate exercise.

8. Duty to Avoid Nuisance

- 8.1 The owner of any dog and the owner of any premises on which any dog is kept shall take adequate precautions to prevent the dog or the keeping thereof from becoming a nuisance or injurious to health.
- 8.1.1 If, in the opinion of the Council or an authorised officer, any dog and the keeping thereof on any premises has become or is likely to become a nuisance or injurious to health, the Council or an authorised officer 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) Construction, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain the dog or dogs;
 - (c) Require the 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;
 - (e) Require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against Section 53 of the Dog Control Act 1996);
 - (f) Require the owner of a dog to attend an approved dog obedience course.
- 8.1.2 Any person to whom notice is given under the preceding provisions 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 the Bylaw.

9. Fouling of Public Places and Land

- 9.1 The owner of a dog that defecates in any public place, private land or premises other than that occupied by the owner must remove the faeces forthwith and dispose of it in a hygienic manner. Public places for the sake of clarification includes any dog exercise area or dog restricted area.

9.1.1 The owner of a dog must remove all dog faeces on their property on a daily basis and dispose of it in a hygienic manner.

10. Continuous Barking

10.1 A dog owner shall not keep a dog in such conditions that they could cause a health risk to the dog or member of the community or create a nuisance to the community by persistent barking or howling.

11. Limit on Number of Dogs on a Premises

11.1 No more than two (2) dogs older than three months are permitted per dwelling in the following zones (except with a permit obtained from the Council):

- Residential Zone
- Mixed Activity Zone
- Ohiwa Harbour Zone
- Coastal Settlement Zone
- There are no limits in the Rural Zone or Coastal Zone.

Exceptions to this limit apply to boarding kennels, veterinary clinics and the Duke Street Pound.

11.1.2 The permit shall be in the form contained in the Second Schedule of this Bylaw and may contain such terms, conditions or restrictions as an authorised Officer of Council may deem fit to impose in any particular case.

11.1.3 If the permit is breached in any way it may be revoked by an authorised Officer of the Council at any time.

12. Minimum Standards for Accommodation of Dogs

12.1 Every dog owner must provide accommodation which meets the following minimum standards:

- Weather-proof kennel or place of confinement in which there is sufficient room for the dog to stand up and turn around. Failure to keep a dog controlled or confined is an infringement and the owner may be fined.
- The kennel or place of confinement must be:
 - A solid structure sheltered from the elements, with a roof and floor and to be constructed on dry ground; and
 - Allow access to clean water at all times and be kept in a clean and sanitary condition.
 - The kennel must not be located nearer than 1 metre to any boundary of an adjoining property.

13. Impounding

13.1 A warranted Dog Control Officer may impound a dog, whether or not it is wearing a collar or has a registration label that is found at large in breach of this Bylaw.

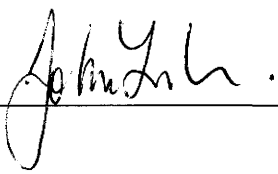
- 13.1.1 Council may require any dog owner whose dog is impounded to pay the impounding fee together with a daily sustenance fee for the dog during the period that it is impounded at such fee as determined by Council from time to time.
- 13.1.2 Any impounded dog, if not claimed by the owner and all fees paid to Council within seven (7) days after receipt by the dog owner of either written or oral notice of the impounding; or
- 13.1.3 Its owner is unknown to the Council or cannot be found within seven (7) days of the impounding; then the dog may be destroyed by the Council or sold by the Council to any person who shall thereupon be the lawful owner of the dog.
- 13.1.4 The destruction or sale of any impounded dog shall not relieve the person who was the owner before the dog's destruction or sale of liability for any offence under this Bylaw or for payment of any fees payable under this Bylaw.

14. Breach of Bylaw

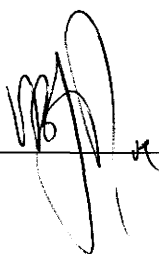
- 14.1 Every person who commits a breach of any of the provisions in this Bylaw shall be liable on summary conviction to:
 - (a) the penalty provisions of the Local Government Act 2002, and/or
 - (b) the infringement penalty provisions of the Dog Control Act 1996, and/or
 - (c) any other penalty pursuant to the Dog Control Act 1996.

This Bylaw was duly made by the Opotiki District Council by a resolution passed on the 11th day of March 2008 and was confirmed following consideration of community submissions received during a special consultative procedure by a resolution (No 461) passed on the 17th day of June 2008.

The common Seal of the Opotiki District Council was here to affixed in the presence of



Mayor



Chief Executive



Schedule 1

DOG CONTROL AREAS

DOG EXERCISE AREAS / OFF LEAD AREAS

- Beaches (except for those areas on beaches identified as dog prohibited areas)
- Opotiki Township Stop Banks
- Volkner Island

DOG PROHIBITED AREAS

- Church Street from Kelly Street to Richard Street
- Hikutaia Domain
- Rose Garden Pre-School
- Effluent Ponds (Snells Beach)
- Upton Park
- Waioeka Spit (East end)
- Waiaua Spits (both sides of Waiaua River mouth)
- Waiotahi Spit (dotterel breeding area)

DOG RESTRICTED AREAS

- Burdette Park : dogs are permitted on a leash
- Forsyth Park : dogs are permitted on a leash
- Memorial Park : dogs are permitted when no games are being played
- Rose Garden : dogs are permitted on a leash
- Rugby Park / Princess Street Reserve : dogs are permitted when no games are being played
- Waioeka Domain on Otara Road : dogs are permitted when no games are being played

Schedule 2
LICENCE PURSUANT TO CLAUSE 11
OPOTIKI DISTRICT COUNCIL DOG
CONTROL BYLAW 2008

The Opotiki District Council hereby licences

Of Opotiki, to keep dogs on the premises described below, subject however to such conditions and restrictions as are herein set out.

Description of licensed premises:

Conditions:

This licence shall remain in force until the 30th day of June 20.....

DATED at Opotiki this day of 2008

For and on behalf of the Council: _____
Dog Control Officer

Owner No: Receipt No:

Fee Paid \$: Date:

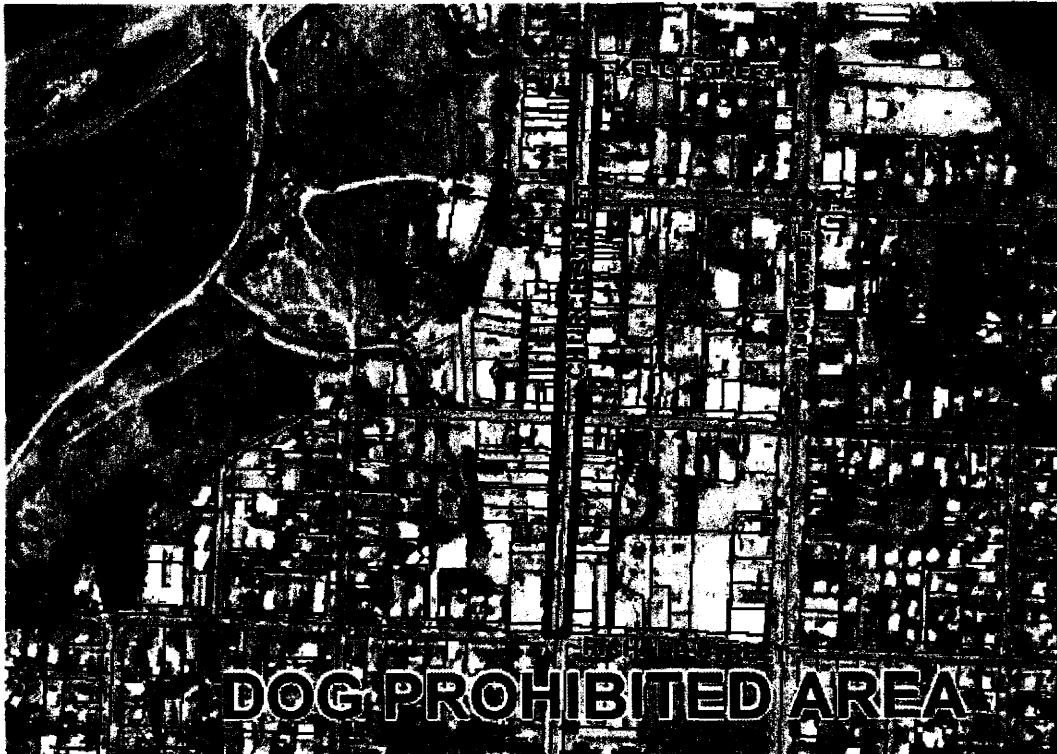
DOG EXERCISE AREAS

VOLKNER ISLAND DOG EXERCISE AREA



DOG PROHIBITED AREAS

CHURCH STREET DOG PROHIBITED AREA



EFFLUENT PONDS (SNELLS BEACH) DOG PROHIBITED AREA



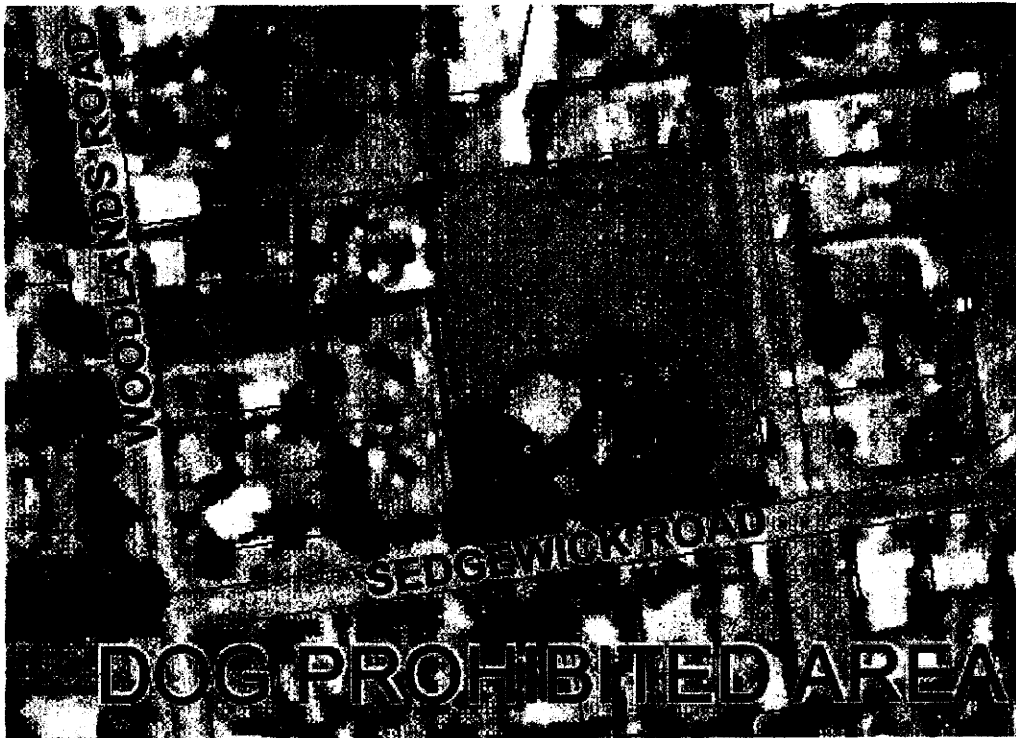
HIKUTAIA DOMAIN DOG PROHIBITED AREA



ROSE GARDEN DOG PROHIBITED AREA



UPTON PARK DOG PROHIBITED AREA



WAIOTAH SPIT DOG PROHIBITED AREA



WAI'AUA SPITS DOG PROHIBITED AREAS



DOG RESTRICTED AREAS

BURDETT PARK DOG RESTRICTED AREA



FORSYTH PARK DOG RESTRICTED AREA



MEMORIAL PARK DOG RESTRICTED AREA



PRINCESS STREET RESERVE DOG RESTRICTED AREA



ROSE GARDEN DOG RESTRICTED AREA



WAI OEKA DOMAIN DOG RESTRICTED AREA

