

Waikato District Council Dog Control Bylaw 2015

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and the Dog Control Act 1996 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

Introduction

1.0 Short title, commencement and application

- 1.1 The bylaw shall be known as the "Waikato District Council Dog Control Bylaw 2015".
- 1.2 The bylaw shall apply to the Waikato district.
- 1.3 The bylaw shall come into force on 1 May 2015.

2.0 Revocation

The following bylaws are hereby revoked from the day this bylaw comes into force: "Waikato District Council Dog Control Bylaw 2007" and the "Franklin District Council Dog Control Bylaw 2010".

3.0 Purpose

The purpose of this bylaw is to support and give effect to Waikato District Council's Dog Control Policy. The objective of this policy is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs to dogs and their owners, while minimising danger, distress, and nuisance to the community generally.

This bylaw should be read in conjunction with the Waikato District Council Dog Control Policy and cannot be inconsistent with that Policy.

4.0 Definitions

For the purposes of this bylaw, the following definitions shall apply, unless inconsistent with the context:

Act	Means the Dog Control Act 1996.
Animal Control Officer	Means an Animal Control Officer appointed by the Waikato District Council under Section 11 of the Act.
At large	Means at liberty, free, not restrained and includes any dog, whether on a leash or not, that is present in any area included in the areas where Council has prohibited the presence of dogs under the

provisions of this bylaw. Dogs effectively caged or confined to pens or vehicles shall not be considered to be at large in any prohibited area or public place.

Confined	Means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.
Council	Means the Waikato District Council or any person or committee authorised to act on its behalf.
Disability assist dog	Has the same meaning defined in Section 2 of the Act.
Dog control fee	Means any fee prescribed under Section 37 of the Act.
Dog ranger	Means a dog ranger appointed by Council under Section 12 of the Act and includes part time and honorary dog rangers.
Multi-unit housing	Means any residential development, whether of attached or detached structures or a combination thereof, which provides for the existence or establishment of more than one household. Included in this is: <ul style="list-style-type: none">• Fully detached or semi-detached residential units• Terraced houses• Apartment buildings• Developments on large sites, such as retirement villages.
Nuisance	Has the same meaning defined in Section 29 of the Health Act and includes anything annoying, harmful or offensive to a community or a member of it, including noise, smell, threatening behavior.
Owner	Has the same meaning defined in Section 2 of the Act.
Papakaainga housing	Means housing on land in the Papakaainga Policy area or in a specific area identified in the district plan rules, which is for the extended family and whanau of the land owners, and includes kaumatua flats.
Person	Has the same meaning defined in Section 29 of the Interpretation Act 1999 and includes a natural person, company, corporation and any body of persons whether incorporated or not.
Premises	Means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, tent, structure or enclosed space, or part of the same whether temporarily or permanently occupied. For the purposes of this bylaw, all land, buildings, structures and places adjoining each other and occupied together shall be deemed to be the same premises.
Private way	Means any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.
Public place	Has the same meaning as defined in Section 2 of the Act and includes place open to or being used by the public. Excludes: <ul style="list-style-type: none">a) a controlled dog area or open dog area under Section

26zs of the Conservation Act 1987; or

- b) a national park constituted under the National Parks Act 1980;
- c) or Te Urewera, as defined by Section 7 of the Te Urewera Act 2014

Single dwelling premise Means an area of land which contains residential buildings designed for, or occupied exclusively by, one household unit and includes any ancillary buildings which are connected to that household. For the purposes of this Bylaw, a household means any groups of people occupying buildings in a shared domestic situation.

Working dog Has the meaning as defined in Section 2 of the Act

5.0 Prevention of nuisance

5.0 No person shall keep a dog in a manner which creates or is likely to create a nuisance or which is, or is likely to be, injurious to the health of any person.

5.1 The owner or occupier of any premises where any dog(s) are customarily kept shall:

- (a) Take adequate precautions to prevent the keeping of such dogs from becoming a nuisance or injurious to health;
- (b) Take such steps as are necessary to prevent the dog(s) from becoming a nuisance or annoyance by persistent barking or howling or by obstructing members of the public going about their lawful business in public places.

5.2 No person shall cause any dog to become restive or unmanageable or incite any dog to fight with or attack any other animal or person.

5.3 If, in the opinion of an Animal Control Officer, the keeping of any dogs on any premises does not comply with clause 5.1 of this bylaw, the Animal Control Officer may, by written notice, require the owner or occupier of such premises to do all or any of the following:

- a) Reduce the number of dogs kept on the premises; and/or
- b) Construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house or contain the dog or dogs; and/or
- c) Require the dog or dogs to be tied up or otherwise confined during specified periods; and/or
- d) Take such other action as the Animal Control Officer deems necessary to minimise or remove the likelihood of nuisance or injury to health.

5.4 Any person who is given notice under clause 4.3 of this bylaw shall comply with such notice within the time specified in the notice.

6.0 Dogs in public places

6.1 Any person being in possession of any dog (whether the owner of the dog or not) which is in a public place shall keep that dog under control at all times.

6.2 Every dog shall be kept under leash control while that dog is in a public place. Public places includes all roads, footpaths, boat ramps and slipways.

- 6.3** No dog shall be allowed to enter or remain in any public place:
- a) Which is specified as a prohibited area in Schedule One in Waikato District Council Dog Control Policy.
 - b) On permanently installed children's play equipment; or
 - c) On skateparks; or
 - d) On Council Cemeteries; or
 - e) Which is developed or marked out as a sports field surface.
- 6.4** The Council may, by resolution, designate any public place to be a prohibited area within which no dog shall be allowed to enter or remain for any such period as may be specified in the resolution.
- 6.5** Clauses 6.1 to 6.4 shall not apply to:
- a) Any working dog while it is working; or
 - b) Any disability assist dog; or
 - c) Any dog which is confined completely within a vehicle or cage; or
 - d) Any dog being taken to or from veterinary premises; or
 - e) Any dog taking part in a special event approved by Waikato District Council, such as a dog show, dog obedience show, or surf lifesaving event.
- 6.6** The owner or person in possession or control of a dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove any faeces deposited by that dog and dispose of them in an appropriate manner.

7.0 Neutering of dogs

- 7.1** The owner of a dog that has been found on more than one occasion to be not kept under control may be required by the Council to neuter the dog.
- 7.2** In accordance with the Act, any dog that has been classified as menacing or dangerous must be neutered within one month after the receipt of the notice of classification. If the dog is not in a fit condition to be neutered within the specified time, the owner must produce a certificate from a registered veterinarian certifying that the dog is unable to be neutered at that point in time. The owner must advise when it is anticipated that the dog may be neutered.
- 7.3** Any dog being adopted from the pound will be required to be de-sexed.

8.0 Dog exercise areas

- 8.1** The Council may, by resolution, designate certain public areas to be dog exercise areas.
- 8.2** Dogs may be exercised free of restraint in those dog exercise areas specified in the Schedule One in the Dog Control Policy 2022 or by Council resolution, provided that they are kept under continuous control.
- 8.3** Dogs may be exercised on short or long training leads, provided that they are kept under continuous control.

10.0 Impounding of dogs

- 10.1** Any dog found at large (irrespective of wearing a collar with the proper registration disc or tag attached):
- a) In a public place or private way or on any other land or premises without the consent of the occupier or person in charge of that land or those premises; or

b) In any public place or private way in breach of this bylaw;

may be seized by a Animal Control Officer or dog ranger and impounded; or the occupier or person in charge of the land, premises or public place may seize the dog and deliver it into the custody of a Animal Control Officer or dog ranger for impounding.

- 10.2** Any dog impounded by the Council will be held in one of the facilities designated as a pound. Council pounds are located in Ngaruawahia and Pukekohe.
- 10.3** Any dog which has been impounded by the Council will not be released until such time as any fees prescribed and payable under clauses 1 and 1 0.5 of this bylaw have been paid.
- 10.4** The owner of any dog impounded by the Council is liable for such fees and charges in respect of poundage, sustenance and giving notice, as contained in the Council's schedule of fees and charges.
- 10.5** The Council will set a graduated scale of fees for the repeated impounding of the same dog.
- 10.6** If a dog impounded in accordance with this bylaw is not claimed and the fees prescribed and payable under clauses 10.4 and 10.5 are not paid within seven days after the owner has received written notice in accordance with Section 69 of the Act, that dog may be destroyed or sold or otherwise disposed of by or on behalf of the Council. A person to whom a dog is sold under this shall become the registered owner of that dog.
- 10.7** If Council is unable to identify the owner of a dog which has been impounded, 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.

11.0 Keeping of dogs

- 11.1** No person shall keep more than two dogs of an age greater than three months at each single dwelling premise except as follows;
- Multi-unit housing and Papakaainga housing where owners may have one dog per household; or
 - Premises which are authorised to be a boarding kennel or dog care centre; or
 - Where the dogs are working dogs and are kept within a single dwelling premise within the Rural zone; or
 - Where a permit has been obtained from the Council.

Advisory Note – Council permits are required for keeping of three or more two dogs, where the above exemptions in 11.1 do not apply. Where dogs are kept in the rural zone, the limit of two dogs per single dwelling premise is in addition to working dogs.

12 Permits for keeping more than two dogs

- 12.0** Every application for a permit shall be accompanied by such permit fees as may be prescribed from time to time by a publicly notified resolution of the Council.
- 12.1** The Council may issue a permit subject to any terms or special conditions which are considered to be necessary by the Council.

- 12.2** A permit will be issued only for the number of dogs as is specified in the application. Any additional dogs which are obtained by the owner will render the permit invalid and a new application will have to be made.
- 12.3** Council may cancel permits in circumstances where the holder of a permit has failed to comply with any of the conditions required by the permit.
- 12.4** Council will decline any application to keep more than two dogs where one of the dogs intended to be kept on a premises has been classified as dangerous under the Act.

13.0 Bitches and diseased dogs

- 13.1** No person shall cause or permit a bitch in season to enter or remain in a public place or on any land or premises other than the land or premises of the owner of the dog, without the consent of the occupier or person in charge of that land or premises.
- 13.2** No person shall cause or permit a dog suffering from mange or other infectious diseases to enter or remain in a public place or on any land or premises, other than the land or premises of the owner of the dog or a registered veterinary clinic.
- 13.3** Every dog described under clauses 12.1 and 12.2 shall be confined, and provided with proper care and sufficient food, water and veterinary care, and adequately exercised during that period of confinement.

14.0 Minimum standards of accommodation and care for dogs

- 14.1** Any person who owns or has a dog in their control or possession shall provide:
- a) Adequate kenneling or other housing that is so sited as to ensure adequate shade, warmth and dry conditions, and is of a sufficient size to allow the dog to freely move, stretch out, stand up or recline;
 - b) Proper care and attention;
 - c) Sufficient food and water;
 - d) Adequate exercise; and
 - e) Veterinary care when required.

15.0 Dogs on Vehicles

- 15.1** Any dog which is being allowed to ride on the open tray of a utility vehicle in a public place shall be secured by a lead short enough so that the dog cannot fall from the tray and can be kept under control at all times. This does not apply to the owner of a working dog while it is working.

16.0 Offences and penalties

- 16.1** Any person who fails to comply with the requirements of this bylaw commits an offence and may be liable to a penalty under the Local Government Act 2002 or the Dog Control Act 1996, as the case maybe.

17.0 General

- 17.1** Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 17.2** Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 13 April 2015.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

Activity	Key Date	Council Resolution
Bylaw made	13 April 2015	WDC
Bylaw reviewed	On Day Month 2031	TBC
Next review date	By Day Month 2031	TBC
Amendments		

Schedule one: Control of Dogs in public places

Unless provided for in the Animal Control Act 1996 or Waikato District Council Dog Control Bylaw, a dog that enters or remains in a public place must be secured on a leash and kept under continuous control. Public places includes:

- Any public area
- All roads (including footpaths and road reserves)
- All boat ramps and slipways.

Exceptions apply where otherwise specified in this Schedule. Maps of these areas are attached to the Dog Control Policy 2022.

Prohibited Areas (District Wide)

No person shall permit any dog to enter or remain in a prohibited area whether it is under control or not, except a working dog while it is working, a dog confined in or on a vehicle, a dog being taken to or from veterinary premises.

Guidance note: exceptions to these restrictions are listed in Section 5.6 of the Bylaw.

Locality	Description of area and times	Map #
District wide	<p>Dogs are prohibited from being on :</p> <ul style="list-style-type: none"> • Council playgrounds. This includes fenced or unfenced, surfaced or unsurfaced playgrounds • Council cemeteries • Sport field playing surfaces • Skateparks <p>Dogs should also be on a lead near playgrounds when they are in use. This is good practice to prevent dogs rushing at children or intimidating them, which could cause an accident.</p> <p>At all times, including public holidays</p>	NA
Huntly	<p>Any street or public place within the central business area of Huntly, including Main Street, Council carpark and rear accesses, at all times including public holidays.</p> <p>At all times, including public holidays.</p>	1
Ngaruawahia	<p>Any street within the central business area of Ngaruawahia township including Jesmond Street, from the junction with Great South Road, to the roundabout with Market Street. Business side of Great South Road Ngaruawahia between Martin and Market Streets.</p> <p>At all times including public holidays.</p>	2
Raglan	<p>Within the Raglan Kopua Camping Grounds, the domain, the playground and picnic area of the foreshore of Opotoru inlet from the footbridge to the boat ramp</p> <p>At all times including public holidays</p>	3
Port Waikato	<p>Within 250 metres north or south of any lifesaving patrolled areas on Port Waikato Beach and Sunset Beach from 10am to 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March the following year.</p>	4

Hakarimata Scenic Reserve	Area from Brownlee Avenue to the dam site on the walkway. At all times, including public holidays.	5
Waireinga Scenic Reserve	Carpark area leading up to Department of Conservation walkway. At all times, including public holidays.	6
Tuakau	Alexandra Redoubt Reserve, in grassy cemetery areas.	24

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Dog Exercise Areas

A dog may be exercised in the areas below free of restraint if kept under continuous control by its owner. Where there is a presence of stock, all dogs must remain leashed.

Note: Council may from time to time by resolution under the Dog Control Bylaw designate additional dog exercise areas.

Locality	Description of area	Map #
Huntly	The fenced area on the shore of Lake Hakanoa situated at the end of Onslow Street in the Huntly Domain	7
	The grassed area along the Waikato River on Riverview Road known as the Riverview Reserve.	8
	Fenced dog park on the corner of Fairfield Avenue and Graham Place	9
Ngaruawahia	Regent Street Reserve. The grassed area from Great South Road to the end of area bordering Turangawaewae Marae.	11
	The fenced area on the corner of Great South Road and Ellery Street situated beside Te Mana O Te Rangi.	12
	Waipa Esplanade Reserve from the Pony Club along the grassed area to the area below Princess Street.	13
Raglan	The fenced area on the corner of Wallis Street and John Street known as Aro Aro Reserve.	14
	The beach area located west of Raglan Holiday Park Papahua.	3
	From the Wainui Reserve carpark at the western end of Te Riria Kereopa Memorial Drive to 300 metres north of the northern walkway at Ngarunui Beach below the Wainui Reserve.	15
	Beach areas from the wharf, the Cliffs, Cox's Bay, Lorenzen Bay, The Doughboys and Moonlight Bay.	16
Te Kauwhata	Fenced areas on the Te Kauwhata Recreation Reserve. Excludes roading areas.	17
Horotiu	Fenced AFFCO Park on Horotiu Road and State Highway 1. Does not include area located by playground	18
	Riverside Reserve on Horotiu Bridge Road.	19
Karioitahi Beach	The beach area known as Karioitahi beach	22
Port Waikato	Sunset beach, beyond 250 metres north or south of any lifesaving patrolled areas. This extends along the shoreline to Maretai Bay, but does not include the reserve area. Note: The area within the lifesaving patrolled areas is prohibited from 10am to 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March from the following year. This is specified in the Prohibited areas schedule.	4

Tuakau	Les Batkin Reserve, in the marked areas specified from Tuakau Bridge to (but excluding) the toilet block and from the carpark entrance to the northern boundary. Note: The rest of Les Batkin Reserve is on lead, from the carpark entranceway to the northern boundary. Dogs are prohibited in the Les Batkins playground area.	23
	The grass area at the end of Kowhai Street known as Kowhai Reserve	25
	The fenced area in Whangarata Domain.	26
	Centennial Park	27
Pokeno	The fenced area of Pokeno Domain on the southern side of the tennis courts	28
Tamahere	Te Awa Reserve Walkway grassy area, but does not include playground area or walkway	29
	Tamahere Park, located by Tamahere Community Centre and between carpark and road.	30