

## **APPENDIX 2**

The title of this Bylaw shall be the Selwyn District Council Dog Control Bylaw 2012.

# **DOG CONTROL BYLAW 2012**

## **PRELIMINARY MATTERS**

- i. SHORT TITLE
- ii. COMMENCEMENT

This Bylaw shall come into force on the 1st December 2012

- iii. REPEAL

- a) As from the date this Bylaw comes into force, any previous Bylaws and their amendments, purporting to control dogs within the Selwyn District shall be repealed.
- b) All approvals, permits and other acts of authority which originated under the Dog Control Bylaw 1997 or the Dog Control Bylaw 2006, 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to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

- iv. APPLICATION OF BYLAW

- a. This Bylaw shall apply to the Selwyn District Council.
- b. This Bylaw does not apply to land administered by the Department of Conservation. The Reserves Act 1977. The Reserves Act 1977, the National Parks Act 1980 and the Conservation Act 1987 have their own Dog Control provisions.
- c. In the event of any inconsistency between this Bylaw and the Dog Control Act 1996, the provisions of the Act shall prevail.

- v. PURPOSE

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

## 2. INTERPRETATION

- i. **“ABSENTEE CONTROL”** means a dog kept securely tied up or otherwise effectively confined (in the absence of the owner) so as to prevent it being a nuisance or annoyance.
- ii. **“APPROVED”** means approved by the Council or by any Officer thereof appointed for that purpose.
- iii. **“COUNCIL”** means the Selwyn District Council or Delegated Authority.
- iv. **“DANGEROUS DOG”** means a dog classified as dangerous under section 31 of the Dog Control Act 1996.
- v. **“DISABILITY ASSIST DOG”** has the meaning set out in Section 2 of the Dog Control Act 1996.
- vi. **“DISTRICT”** means the Selwyn District as defined in the Local Government Reorganisation (Canterbury Region) Order 1989 and delineated on Survey Office Plan No. 18064 deposited with the Chief Surveyors of the Canterbury Land District.
- vii. **“DOG CONTROL OFFICER”** is as defined in section 2 of the Dog Control Act 1996.
- viii. **“DOG RANGER”** is as defined in section 2 of the Dog Control Act 1996.
- ix. **“LEASH”** means a lead of durable material or chain which may be extendable but is capable of retracting and locking at a maximum length of 1 metre.
- x. **“LICENCE”** means a written confirmation from the Council, approving the keeping of more than the permitted number of dogs on the applicant's property and setting out the required conditions to be met.
- xi. **“NEUTERED DOG”** is as defined in section 2 of the Dog Control Act 1996.
- xii. **“OWNER”** is as defined in section 2 of the Dog Control Act 1996.
- xiii. **“POUND”** means a facility designated for the custody of dogs as required under Section 67 of the Dog Control Act 1996.

- xiv. **“PUBLIC EVENT”** means an organised recreation, sporting or social activity occurring within a defined area and a defined timeframe.
- xv. **“PUBLIC PLACE”** is as defined in section 2 of the Dog Control Act 1996.
- xvi. **“RESTRICTED SPEED ZONES”** means public places within and adjoining Township Zones where speed limit restrictions apply using the speed limit sign to define these areas.
- xvii. **“TOWNSHIP ZONE”** means the Township Zones as described in the Selwyn District Plan and includes Roads and Footpaths within the Township Zones.
- xviii. **“UNDER CONTROL”** means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.
- xix. **“WORKING DOG”** is as defined in section 2 of the Dog Control Act 1996

### 3. OBLIGATIONS OF DOG OWNER

#### 3.1. Every owner shall ensure that:

- a. The dog is kept from prohibited areas as specified in clause 4.
- 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. No more than the maximum number of dogs permitted under this Bylaw are kept on the owner's property.
- g. Access to the owner's dwelling house is unhindered by dogs.
- h. The dog is adequately controlled when in or on a vehicle.
- i. Faeces deposited by the dog are removed immediately.
- j. All dogs are registered in accordance with the Dog Control Act 1996.

#### **4. PROHIBITED AREAS FOR DOGS – PUBLIC PLACES**

4.1 Except for dogs listed in clause 4.2 below, dogs are prohibited from the following areas:

- a. All children's playgrounds in public places (including a five (5) metre perimeter of those areas and any playground equipment);
- b. All schools specified in Appendix 2 to this Bylaw;
- c. All hard-court recreation areas in public places such as netball or tennis courts (including a five (5) metre perimeter of those areas);
- d. All golf courses on Council Reserves as specified in Appendix 2 to this Bylaw;
- e. All marked playing or sports fields in Council Reserves (including a five (5) metre perimeter); at times when the marked playing or sports field is in use for an organised public event;
- f. Council Reserves at times when the Reserve is in use for an organised Public Event; (except when the use is only of a marked playing or sports field, in which case paragraph (e) above applies);
- g. All Council skate parks as specified in Appendix 2 to this Bylaw.
- h. The Arthurs Pass National Park under the National Park Act 1980

4.2 The following working dogs are not prohibited from the areas listed in clause 4.1 as long as the dogs are carrying out their function as working dogs:

- a. Disability assist dogs as defined 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, Officer or Employee.

#### **5. DOG EXERCISE AREAS**

5.1 The areas specified in Appendix 3 to this Bylaw are designated as dog exercise areas where dogs may be exercised at large. Dogs in those areas must be kept under control at all times.

## **6. DOG ON-LEASH AREAS**

- 6.1. The following public places are areas where dogs are permitted, but must be controlled on a leash fixed to the collar of the dog at all times:
- a. "Restricted Speed Zones" or "Township Zones" including roads and footpaths; and
  - b. Public parks and Council reserves or other public places not otherwise designated as dog prohibited areas under clause 4 of this Bylaw or dog exercise areas under clause 5 of this Bylaw.

## **7. CONTROL OF DOGS**

- 7.1. 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.
- 7.2. 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.
- 7.3. Where in the opinion of –
- i. The occupier of any land or premises, or of 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 on 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.

- 7.4. 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 cause the dog to be returned to its owner or impounded.
- 7.5. 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.
- 7.6. The owner or occupier of any premises whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the keeping of such dogs from becoming a nuisance or injurious to health.
- 7.7. If the Dog Control Officer is of the opinion that the keeping of dogs on any premises is or 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.
- 7.8. Dogs shall not be tethered in any public place within five (5) metres of any commercial premises (except for dogs confined by leash or chain on open trays of vehicles), unless the circumstances are such that the dog does not create a nuisance or health hazard as defined in clauses 9.2 and 9.3 below.

## **8. DOGS AT NIGHT**

- 8.1. During the period from half an hour after sunset to half an hour before sunrise, all dogs must be kept:
  - On a leash held by such owner and securely attached to the collar or harness on such dog, or similarly secured so that the dog is under control;
  - Tied up fast by a leash or chain which is securely attached to the collar on such dog;
  - Confined on the owner's property by fencing or in a fully enclosed yard so that such dog cannot escape; or
  - Confined in a kennel, shed or other building so that such dog cannot escape.

This sub-clause shall not apply to dogs in any dog exercise area or any dog registered as a working dog that is under control and working.

- 8.2. During the period specified in clause 8.1 the owner of a dog, while it is kept under proper control, shall ensure that such dog is provided with adequate shelter and that no unnecessary

suffering is caused to such dog by the manner in which such proper control is exercised.

- 8.3. Any dog found at large in any public place or private way in contravention of clause 8.1, may be impounded under the provisions of Section 52 of the Dog Control Act 1996.

## **9. NUISANCES AND HEALTH HAZARDS**

- 9.1. The owner of every dog shall ensure that the dog does not create a nuisance or health hazard.

- 9.2. For the purposes of clause 9.1 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 belongings in these areas.
- e. The dog emits persistent and loud barking or howling.

- 9.3. For the purpose of clause 9.1 a health hazard means where a dog is kept in circumstances which are offensive, or likely to be injurious to the public health.

- 9.4. 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.

## **10. LIMITATION ON NUMBER OF DOGS**

- 10.1. No person

- a. shall keep more than two (2) dogs on any property of less than four hectares in size, regardless of the zoning, without holding a licence issued from the Council for that purpose.
- b. shall keep more than four (4) dogs on any property of a greater size than four hectares regardless of the zoning,

without holding a licence issued from the Council for that purpose (except where such dogs are working dogs used by farmers, shepherds or musterers for bona fide farming practices).

- 10.2. Persons who wish to obtain a licence to keep more than the specified number of dogs in clause 10.1 above may apply to the Council, in writing, and such application shall be accompanied by an appropriate application fee as set by the Council resolution.
- 10.3. A licence issued by Council may be subject to such terms, conditions and restrictions as the Council considers appropriate.
- 10.4. An application made in accordance with clause 10.2 above shall state the number of dogs to be kept, the breed of dogs, and acknowledgement that all conditions of any licence issued by the Council will be complied with and include the signed written views of all adjoining neighbours.
- 10.5. The granting of a licence will be in the 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.
  - b. The likelihood of noise, waste or other nuisance being created by keeping of the additional animals.
  - c. The views of other persons affected.
  - d. The past history of adequacy of the owner or person in charge of the dogs to prevent nuisances occurring. This shall include any history of complaint or noise, faecal deposit, wandering or threatening behaviour of dogs previously kept by the owner, including any impounding records.
  - e. The need or otherwise of additional dogs to be kept.
  - f. 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 being applied for.
  - g. Whether the granting of the licence may compromise neighbourhood amenity.
- 10.6. A license 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.
- 10.7. 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.



**11. MENACING DOGS Section 33A Dog Control Act 1996 menacing by deed and section 33C Dog Control Act 1996 menacing by Breed**

- 11.1. 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. Every owner of a dog which is required to be neutered under this section must within one (1) month after the receipt of a notice confirming the requirement, produce to the Council a certificate issued by a veterinarian certifying that the dog has been neutered.
- 11.2. Every owner of a dog classified as menacing under section 33C must, if required by the Council (or an Animal Control Officer on behalf of the Council), within one (1) month after the receipt of notice of the classification, produce to the Council a certificate issued by a veterinarian certifying that the dog has ben neutered.

**12. DOGS IN VEHICLES**

- 12.1. No person shall keep or leave any 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.
- 12.2. A dog kept or left in a motor vehicle shall be provided with adequate ventilation.
- 12.3. No person shall allow any dog to ride or remain on the open tray of a vehicle unless it is under tight control by a 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.
- 12.4. Clauses 12.2 and 12.3 shall not apply where any dog is adequately confined on the rear of a vehicle by means of a wire cage or similar device.

**13. APPLICATION FOR REGISTRATION / DOG CONTROL FEES**

- 13.1. Dog owners must register their dogs annually not later than the first day of August of each year.
- 13.2. 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.

- 13.3. Subject to clause 13.2, where an unregistered dog is purchased or otherwise acquired, the new owner must make an application to register the dog forthwith.
- 13.4. Dog control fees shall be fixed annually by resolution of the Council, in accordance with the Dog Control Act 1996.
- 13.5. No registration fee will be payable for Disability Assist Dogs.

#### **14. REMOVAL OF FAECES**

- 14.1. 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.
- 14.2. 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.
- 14.3. Failure of the dog owner to comply with clauses 14.1 or 14.2 is an offence and may result in enforcement action being taken by a dog control officer or dog ranger.

#### **15. HOSPITAL OR BOARDING FACILITIES**

- 15.1. No person shall establish or maintain, without a licence, any hospital home or boarding facility for dogs within the district, except to the extent that these activities are provided for under the District Plan, or have been granted a Resource Consent under the Resource Management Act 1991 or have existing use rights under that Act. Any Resource Consent may be subject to conditions of approval.


#### **16. OFFENCES AND BREACHES**


- 16.1. 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.

*Section 242(4) states "a person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000."*

- 16.2. 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 payment of an infringement fee of up to \$750, refer Appendix 1.

The **COMMON SEAL** of the )  
**SELWYN DISTRICT COUNCIL** )  
was hereunto affixed, in accordance )  
with the Resolution made by the )  
Council on 01 December 2012 )  
in the presence of: )

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Executive



## APPENDIX 1 OF DOG CONTROL BYLAW 2012

### EXTRACT FROM THE DOG CONTROL ACT 1996

#### FIRST SCHEDULE

Section 65 (1)

#### Infringement Offences and Fees

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 providing false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by the section 20 of this 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 dangerous dog	\$300
32(4)	Fraudulent sale or transfer of dangerous dog	\$500
33EC(1)	Failure to comply with 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 of dog	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
48(3)	Failure to advise change of dog ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
55(7)	Failure to comply with barking dog abatement notice.	\$200
62 (4)	Allowing 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

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54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
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62 (4)	Allowing 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

## **APPENDIX 2 OF DOG CONTROL BYLAW 2012**

### **Prohibited Areas – Schools**

Except for days such as pet days or similar or specific days for events such as dog obedience training or trials designated by the School Principal, the following schools are prohibited to dogs:

#### Secondary Schools

Ellesmere College, Darfield High, Rolleston College

#### Primary Schools

Broadfield, Burnham, Clearview, Darfield, Glentunnel, Greendale, Hororata, Kirwee, Leeston, Lemonwood Grove, Lincoln, Prebbleton, Rolleston, Sheffield, Southbridge, Springfield, Springston, Tai Tapu, West Rolleston.

### **Prohibited Areas – Golf Course on Council Reserves**

The Ellesmere, Greendale, Hororata, Tai Tapu and Weedons Golf courses.

### **Prohibited Areas – Skate parks**

The Darfield, Leeston, Prebbleton and Rolleston Skate Parks.

### **Prohibited Areas – Council Reserves**

Springston South Domain (R3048 and R4349)



## APPENDIX 3 OF DOG CONTROL BYLAW 2012

Subject to the dog prohibited areas listed in Clause 4 and Appendix 2 of this Bylaw, the following areas are designated as dog exercise areas where dogs may be exercised off leash but must be kept under control at all times.

### Council parks and reserves

- Brookside Park (Rolleston)
- Castle Hill Recreation Reserve
- Chamberlains Ford Recreation Reserve
- Coalgate Recreation Reserve
- Coes Ford Recreation Reserve
- Darfield Domain
- Dunsandel Domain
- Dryden Reserve (Rolleston)
- Edendale Reserve
- Foster Park (Rolleston) (not including grazed area and hockey turf)
- Glentunnel Domain
- Greendale Recreation Reserve
- Greenpark Memorial Park
- Hororata Reserve (not including picnic area, main gate to and including playground, tennis court **and** lake area)
- Kirwee Recreation Reserve
- Kowai Pass Domain
- Leeston Dog Exercise Area
- Leeston Park
- Lincoln Domain
- McHughes Forest Park
- Mead Reserve
- Osborne Park (Doyleston)
- Prebbleton Domain
- Preston Avenue Reserve (West Melton)
- Rakaia Huts Recreation Reserve
- Rhodes Park (Tai Tapu)
- Foster Park Dog Exercise Area
- Rolleston Recreation Reserve
- Sheffield Domain
- Southbridge Park
- Springston Recreation Reserve
- Waihora Domain (Motukarara)
- Weedons Reserve
- Westview Park (Darfield)
- West Melton Domain
- Whitecliffs Domain

**Other public places**

- Roadsides outside of Townships where limited speed restrictions do not apply.