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# ASHBURTON DISTRICT COUNCIL BYLAW

## CHAPTER 6 - DOG CONTROL

### SCOPE

The purpose of this Bylaw is to set standards of control which must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than two dogs and nuisances caused by dogs.

It should be realised that this Bylaw is not the only or major document regulating the control of dogs and the actions of dog owners. The Dog Control Act 1996 also addresses various issues such as registration, dangerous dogs, barking dogs, dogs attacking people or stock and other matters. Both this Bylaw and the Dog Control Act 1996 make provision for legal action and consequent fines.

### INTERPRETATION

**601** In this Bylaw:-

**DISABILITY ASSIST DOG** means a dog certified by 1 of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- (a) Hearing Dogs for Deaf People New Zealand:
- (b) Mobility Assistance Dogs Trust:
- (c) New Zealand Epilepsy Assist Dogs Trust:
- (d) Royal New Zealand Foundation of the Blind:
- (e) Top Dog Companion Trust:

an organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

**DOG CONTROL OFFICER** means a dog control officer appointed under Section 11 of the Dog Control Act 1996.

**DOG RANGER** means a dog ranger appointed under Section 7 of the Dog Control Act 1996 and includes an honorary dog ranger.

**DOG** includes any dog male or female whether or not spayed or neutered and of any age.

**OWNER**, has the same meaning as defined in Section 2 of the Dog Control Act 1996.

**PUBLIC PLACE** has the same meaning as defined in Section 2 of the Dog Control Act 1996.

**URBAN AREA** shall be any area defined in the operative or proposed District Plan of the Council, as being zoned "Residential" or "Township".

**WORKING DOG** has the same meaning as defined in Section 2 of the Dog Control Act 1996.

## **EXCLUSION**

**602** Nothing in this Bylaw shall prohibit any dog certified as a Disability Assist Dog while acting in that capacity from entering any premises or area where dogs are otherwise prohibited from being under the provisions of this Bylaw.

## **DOGS TO BE KEPT UNDER EFFECTIVE CONTROL AT ALL TIMES**

**603** The owner or any person in charge or having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his/her direct control at all times.

## **WELFARE OF DOGS ON PRIVATE AND PUBLIC PROPERTY**

**604** Every owner of a dog shall ensure that the dog is provided with adequate food, water and shelter and that no unnecessary suffering is caused to the dog by the manner of the shelter.

## **LIMITATION AS TO NUMBER OF DOGS TO BE KEPT**

**605** No occupier of any property in any urban area shall allow or cause to remain or keep on such premises for any period exceeding fourteen days, three or more dogs, over the age of three months (whether or not such dogs are registered) unless such occupier shall be the holder of a licence for such purpose from the Council.

**605.1** Such licence may be issued upon or subject to such terms, conditions or restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be a breach of this Bylaw and will result in cancellation of the licence.

**605.2** Any person desiring to allow or cause to remain or to keep three or more dogs on any premises as provided in the Bylaw shall make written application to the Council in such form as may be required by the Council for a licence and shall give to the Council such information in respect of the application as the Council may require; except that no application shall be accepted by the Council unless the applicant is first classified as a Selected Owner in accordance with this Bylaw and the Dog Control Policy.

**605.3** For every such licence there shall be paid to the Council such annual fee as the Council may decide from time to time by resolution passed in that respect.

**605.4** The fee for such licence shall be payable in addition to and separate from the dog control fees payable under the Dog Control Act 1996.

### **BREEDING OR BOARDING KENNELS**

**606** No person shall establish or maintain any hospital, or breeding kennel for dogs except on a site for which a Resource Consent has been obtained in that behalf and subject to such conditions as the Council may impose. For the purpose of this clause the expression "hospital, or breeding kennel" shall include any establishment where dogs of a greater age than three months are accommodated for the purpose of treatment, custody or breeding.

### **CLASSIFICATION OF OWNERS**

**607** For the purpose of this Bylaw and for the registration of dogs under the terms of section 37 of the Dog Control Act 1996 the following shall be the classifications of owners throughout the Ashburton District.

- (a) Urban Owners shall be the owners of dogs resident within an urban area of the District.
- (b) Rural Owners shall be the owners of dogs resident within those parts of the Ashburton District excluded from the Urban Area.
- (c) Selected Owners shall be the owners of dogs resident within an Urban Area as defined by this Bylaw who have demonstrated to the Council that they have met the terms and conditions of the Selected Owner Policy of the Council and have therefore been granted Selected Owner Status by the Council.

### **CONTROL OF DOGS IN PUBLIC PLACES**

**608** The owner of any dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in or on a vehicle. The streets and public places as resolved from time to time shall be detailed in Part A of the First Schedule of this Bylaw.

**608.1** The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in or on a vehicle or is at all other times on a hand held leash. The streets and public places as resolved from time to time shall be detailed in Part B of the First Schedule of this Bylaw.

**608.2** Areas where dogs may be exercised at large but under direct control of their owners are indicated in Part C of the First Schedule of this Bylaw.

**608.3** Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is at all times kept under control by a chain that is sufficiently short in length as to prevent the dog from leaving the tray or endangering passers-by.

**608.4** An authorised officer may require the owner of any dog that is being carried in or on a vehicle in a prohibited area as detailed in Part A of the first schedule of this Bylaw to remove the dog from the prohibited area if the officer considers the dog to be a nuisance.

### **DOGS FOULING PUBLIC AREAS**

**609** Where any dog defecates in any public place or private way or land or premises other than that occupied by the owner of the dog, that owner must remove the faeces forthwith and dispose of it in a hygienic manner.

### **MICROCHIPPING UPON RELEASE FROM POUND**

**610** No dog shall be released from any pound either operated by the Council or on behalf of the Council unless:

- (a) it has a microchip implanted in that dog and the details of that dog and its ownership recorded by the Council.
- (b) proof of ownership and identity of the dog is established and payment made of:
  - (i) A poundage fee as set by the Ashburton District Council from time to time by resolution publicly notified.
  - (ii) Any boarding and sustenance fee.
  - (iii) In the case of any unregistered dog of registerable age, the current annual fee payable under this Bylaw.
  - (iv) Any charge in connection with advertising of such dog.

### **INFECTED DOGS**

**611** No person being the owner of any dog, or being in charge of any dog infected with an infectious disease shall take the dog or permit or suffer the dog to enter or remain in any public place.

### **BITCHES IN SEASON**

**612** No person being the owner of any bitch in season shall take that bitch or permit or suffer that dog to enter or remain in any public place in an urban area. Such bitch shall be confined but adequately exercised while in season.

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

**613** The owner of any 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 the health of the public.

**613.1** 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.
- (e) To clean and keep clean the dog kennel and associated area.

**613.2** 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 this Bylaw.

#### **BURIAL OF DEAD DOGS**

**614** No person shall neglect to bury or to cause to be buried the body or part of the body of any dog belonging to him or in his charge or keeping that may have died. At least 750mm of cover shall be provided on the body or part thereof.

#### **CAUSING DOGS TO BECOME UNMANAGEABLE**

**615** Any person shall be guilty of an offence against this Bylaw who behaves so as to cause any dog in any street, private street, or public place to become restive or unmanageable.

#### **CONVICTION AND FINES**

**616** Every person who commits a breach of any of the provisions of this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000.

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# ASHBURTON DISTRICT COUNCIL BYLAW

## CHAPTER 6 - CONTROL OF DOGS

### FIRST SCHEDULE

#### PART A - AREAS WHERE DOGS ARE PROHIBITED

1. All cemeteries throughout the District.
2. All children's playground areas and paddling pool areas within the District.
3. All playing surfaces of Public sports grounds
4. In any Public Library.
5. Lake Clearwater Hut area.
6. Lake Camp

#### PART B - AREAS WHERE DOGS ARE PERMITTED ONLY IF ON A HAND HELD LEASH

1. All public places in any urban area other than those areas detailed in Part C of this schedule.

#### PART C - AREAS WHERE DOGS MAY BE EXERCISED AT LARGE BUT UNDER THE DIRECT CONTROL OF THEIR OWNERS

1. All public places in other than urban areas excepting that, through Reserve Management Plans, this Bylaw authorises Management Boards to establish separate and independent dog control policies non compliance with which shall be an offence under this Bylaw.
2. The area in Tinwald adjacent to the main south railway line south of the Ashburton River bridge and known as "The Green".
3. Pioneer Park.
4. Digby Park.
5. Patching Street Reserve (excluding children's play area).
6. Devon Park (excluding children's play area).
7. George Glassey Park (excluding children's play area).
8. Smallbone Drive Reserve.