

DRAFT Bylaw

DRAFT DOG CONTROL

TITLE:	Ashburton District Council Dog Control Bylaw 2016
GROUP:	Strategy & Compliance
RESPONSIBILITY:	Environmental Monitoring Manager
DATE ADOPTED:	XXX 2021
COMMENCEMENT:	XXX 2021
NEXT REVIEW DUE:	XXX 2026

1. Title

The title of this bylaw is the Ashburton District Council Dog Control Bylaw 2016.

2. Purpose

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 three or more dogs and nuisances caused by dogs;
- minimise the potential for dogs to cause harm, distress or nuisance to the community, animals, or wildlife;
- regulate dog-related matters to enable the enforcement of the Ashburton District Council Dog Control Policy 2021; and
- support the intent of the Dog Control Act 1996.

3. Related documents

- Animal Welfare Act 1999
- Ashburton District Council Dog Control Policy 2021
- Ashburton District Council Explanatory Bylaw 2016
- Dog Control Act 1996
- Local Government Act 2002.

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5. Application

This bylaw applies to all dog owners or those responsible for dogs in Ashburton District. This bylaw should be read in conjunction with the Ashburton District Council Dog Control Policy 2021, the Dog Control Act 1996, the Animal Welfare Act 1999 and the Local Government Act 2002.

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.

6. Definitions

In this bylaw, unless the context otherwise requires:

Bylaw means the Ashburton District Council Dog Control Bylaw 2016.

Council means Ashburton District Council.

Dangerous dog means a dog classified as dangerous pursuant to section 31 of the Dog Control Act 1996.

Disability assist dog has the same meaning as section 2 of the Dog Control Act 1996 and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability.

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

Dog Control Officer means a Dog Control Officer appointed under section 11 of the Dog Control Act 1996.

Dog Exercise Area means a designated area where owners can exercise their dogs off-leash, provided they remain under effective control and comply with the requirements of this bylaw and the Dog Control Act 1996.

Dog Park usually means a dog exercise area that is fenced.

Leash means an adequate restraint, and may include a lead attached to a collar or a harness, that allows for the control of a dog when in a public place.

Menacing dog means a dog classified as menacing pursuant to section 33A of the Dog Control Act 1996.

Nuisance means things such as barking, rushing, attacking or otherwise causing injury, damage or harm.

Owner has the same meaning as section 2 of the Dog Control Act 1996, and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it.

Playground means an outdoor area or area with playground equipment, provided or maintained by the Council for public use (in particular, used by children). This definition includes skate parks and paddling pools.

Public place has the same meaning as section 2 of the Dog Control Act 1996, and generally means a place that is open to the public whether or not it is private property.

Rural area means properties within rural A, B and C zones of the Ashburton District Plan.

Under effective control means the dog is responsive to its owner's commands and is not creating any sort of nuisance to people, domestic animals or any other wildlife. Nuisance in this sense means things such as barking, rushing, attacking or otherwise causing injury, damage, harm or distress.

Urban area means any area not within rural A, B and C zones of the Ashburton District Plan.

Working dog has the same meaning as section 2 of the Dog Control Act 1996 and generally means any dog carrying out functions and duties:

- relating to farming, such as the herding of stock,
- under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management or conservation, and
- under the direction of a private security guard in execution of their duties.

7. Control of dogs in all public places and at all times

- 7.1. Dogs must be kept on a leash in all public places and at all times (except areas specified as Dog Exercise Areas in Part B, Schedule 1).
- 7.2. Every owner of a dog must exercise control over it and must prevent it from wandering or remaining at large or free in any public place or private way.
- 7.3. Owners must ensure that dogs are wearing current registration tags while on any land that is not their own.
- 7.4. Every dog owner or person in charge of a dog must carry plastic bags or other effective means to remove and dispose of any fouling (dog faeces) produced by their dog when in a public place, or land that is not the dog owner's land.
- 7.5. Every dog owner or person in charge of a dog must remove and appropriately dispose of any fouling (dog faeces) produced by their dog in public places or on land that is not their own land.

8. Areas where dogs are prohibited

- 8.1. Dogs are prohibited from the areas specified in Part A, Schedule 1.

9. Dogs near playgrounds

- 9.1. No person, being the owner or person in charge of any dog, must allow that dog to enter or remain upon any part of a public place which is within 1 metre of any playground or playground equipment, whether such equipment is temporary, or is permanently erected.

10. Exceptions to prohibited dog control areas

- 10.1. Nothing in this bylaw restricting access to any public place applies to Disability Assist Dogs.
- 10.2. Nothing in this bylaw restricting access to any public place applies to a working dog that is under the effective control of its owner or handler while that dog is being worked or while it is being taken to and from its work.
- 10.3. Nothing in this bylaw restricting access to any public place applies to any dog that is being worked as a hunting dog by a person undertaking legal hunting activities.

11. Dog Exercise Areas

- 11.1. Dogs may be exercised free of physical restraint in those locations specified in Part B, Schedule 1 as being designated dog exercise areas.
- 11.2. The owner must have the dog under effective control at all times and remain within the dog exercise area while the dog is off lead. Dogs must not be left unattended.

12. Licence for three or more dogs kept on any given property

- 12.1. Any dog owner that wishes to register any dog at a property smaller than one hectare (<10,000m²) where there will, as a result, be three or more dogs registered, must:
 - 12.1.1 apply to Council for the relevant licence on the appropriate form
 - 12.1.2 pay the relevant licence inspection or re-inspection fee; and
 - 12.1.3 allow an inspection or re-inspection of their property as to the suitability of the number and type of dogs applied for that are kept there.
- 12.2. A licence relates firstly to the specified property where the dog will be kept on an ongoing basis, to the owner of that dog and the dog registered. A licence is not transferrable to another property, to a new owner at the same property or to different dogs at the same property.
- 12.3. A licence will not expire, but will need to be reapplied for if the dogs registered at that property change.
- 12.4. A licence may be granted, have conditions imposed, or be refused, at the discretion of the attending Dog Control Officer. In considering whether consent should be granted, the attending Dog Control Officer shall have regard to:
 - 12.1.4 whether the property size is suitable for the breed and number of dogs;
 - 12.1.5 whether there is adequate fencing;
 - 12.1.6 whether there is dog-free access to the property;
 - 12.1.7 whether the location of kennels is appropriate, and that the kennels are suitable and provide adequate shelter for the breed and number of dogs;
 - 12.1.8 the previous history of the dog owner in relation to complaints or nuisance; and
 - 12.1.9 whether the owner is complying with and familiar with their obligations under the Dog Control Act 1996 and the Ashburton District Council Dog Control Bylaw 2016 and Dog Control Policy 2021.
- 12.5. The licence fee and re-inspection fee will be set annually through the Annual Plan or Long-Term Plan process.
- 12.6. Any licence issued under a previous Ashburton District Council Dog Control Bylaw is deemed to be a licence issued under this bylaw.
- 12.7. Any breach of a licence or of any conditions imposed on a licence is considered a breach of this bylaw. The Council may revoke the licence as a result of a breach, whether or not it prosecutes the breach.

13. Dogs on vehicles

- 13.1. Every dog owner or person in charge of a dog that is on the open tray of a vehicle (such as a ute or truck) in a public place must ensure the dog is secured by a leash that is sufficiently short in length to prevent the dog from reaching beyond the tray.

14. Microchipping upon release from pound

- 14.1. No dog shall be released from any pound either operated by the Council or on behalf of the Council unless:
- 14.1.1 it has a microchip implanted in that dog and the details of that dog and its ownership have been recorded by the Council
 - 14.1.2 proof of ownership and identity of the dog is established and payment made of:
 - a poundage fee as set by Ashburton District Council;
 - any boarding and sustenance fee;
 - in the case of any unregistered dog of registerable age, the current annual fee payable under this bylaw; and
 - any charge in connection with advertising of such dog.

15. Welfare of dogs

- 15.1. Every owner of a dog is required to comply with the obligations as set out in section 54 of the Dog Control Act 1996 and sections 9, 10 and 11 of the Animal Welfare Act 1999.
- 15.2. Every owner of a dog shall ensure their dog is:
- adequately housed;
 - receives proper and sufficient food and water; and
 - regularly and adequately exercised.

16. Classification of owners

- 16.1. For the purposes of this bylaw and for the registration of dogs in terms of fees set by Ashburton District Council, the following classifications of owners apply throughout the Ashburton District (the definition of urban and rural as stated in this bylaw apply):
- 16.1.1 **Urban owners** – means owners of dogs resident within an urban area of the district. An urban area is an area not within rural A, B, and C of the Ashburton District Plan
 - 16.1.2 **Rural owners** – means owners of dogs resident within rural A, B, and C of the Ashburton District Plan
 - 16.1.3 **Responsible dog owners** – means owners of dogs resident within an urban area (as defined by this bylaw) who have demonstrated they have met the terms and conditions of the ‘Responsible Dog Owner’ category defined in the Ashburton District Council Dog Control Policy 2021.

17. Neutering of dangerous and menacing dogs

- 17.1. In accordance with the sections 32(1)(c) and 33E(1)(b) of the Dog Control Act 1996 all dogs classified as dangerous or menacing must be neutered.

18. Dogs becoming a nuisance or injurious to health

- 18.1. 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(s), or the keeping thereof, from becoming a nuisance or injurious to the health of the public.
- 18.2. If, in the opinion of Council, the dog(s) or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to health, Council or any person duly authorised in that behalf by 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:
 - reduce the number of dogs kept on the premises;
 - construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog(s);
 - require such dog(s) to be tied up or otherwise confined during specified periods;
 - take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health; and
 - clean and keep clean the dog kennel and associated area.
- 18.3. 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 and may also be guilty of an offence under the Dog Control Act 1996.
- 18.4. Where a dog owner refuses or fails to work with Council to manage the behaviour of a dog that is causing a nuisance or is potentially injurious to health, the Council can classify a dog as a menacing dog under section 33A of the Dog Control Act 1996.
- 18.5. Similarly there are certain circumstances where Council has no option but to classify a dog as a dangerous dog in accordance with section 31 of the Dog Control Act 1996.
- 18.6. Dogs that have been classified as a dangerous dog or a menacing dog attract additional restrictions or obligations not ordinarily required of a dog owner. Those requirements and/or restrictions are set out in the Dog Control Act 1996 or as otherwise explained in the decision/notice informing the owner of the dog's new classification.

19. Conviction and fines

- 19.1. Every person who fails to comply with this bylaw commits an infringement offence under Schedule 1 of the Dog Control Act 1996 and may be served with an infringement notice and be liable to pay an infringement fee. These offences are listed in schedule 2 of this bylaw.
- 19.2. Dependent upon the nature of the failure, any breach of this bylaw could also result in charges being laid under the Animal Welfare Act 1999 and the resulting penalties will apply.
- 19.3. Every person who fails to comply with this bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.

Schedule 1

Part A – Areas where dogs are prohibited

1. All boat ramps and slipways
2. All cemeteries
3. All playing surfaces of public sports grounds
4. Within one metre of any playground or playground equipment
5. In any public Council owned building
6. Ashton Beach (see map 6)
7. Lake Camp reserve area (see map 7)
8. Lake Clearwater hut area (see map 7)
9. Lake Clearwater shores
10. Lake Heron shores
11. Maori Lakes shores

Explanatory note

Department of Conservation owns and has control over the shores of Lake Clearwater, Lake Heron and the Maori Lakes. For further information about dog access on public conservation land managed by the Department of Conservation, please contact the Department of Conservation directly.

Part B – Dog exercise areas

Please refer to the following maps for details of dog exercise areas:

Map 1 – Ashburton Dog Exercise Areas

- Ashburton District Council Dog Park
- Pioneer Park
- Digby Park
- Patching Street Reserve
- Small Bone Drive Reserve
- Devon Park.

Map 2 – Argyle Park Dog Exercise Areas

Map 3 – North East Ashburton Dog Exercise Area

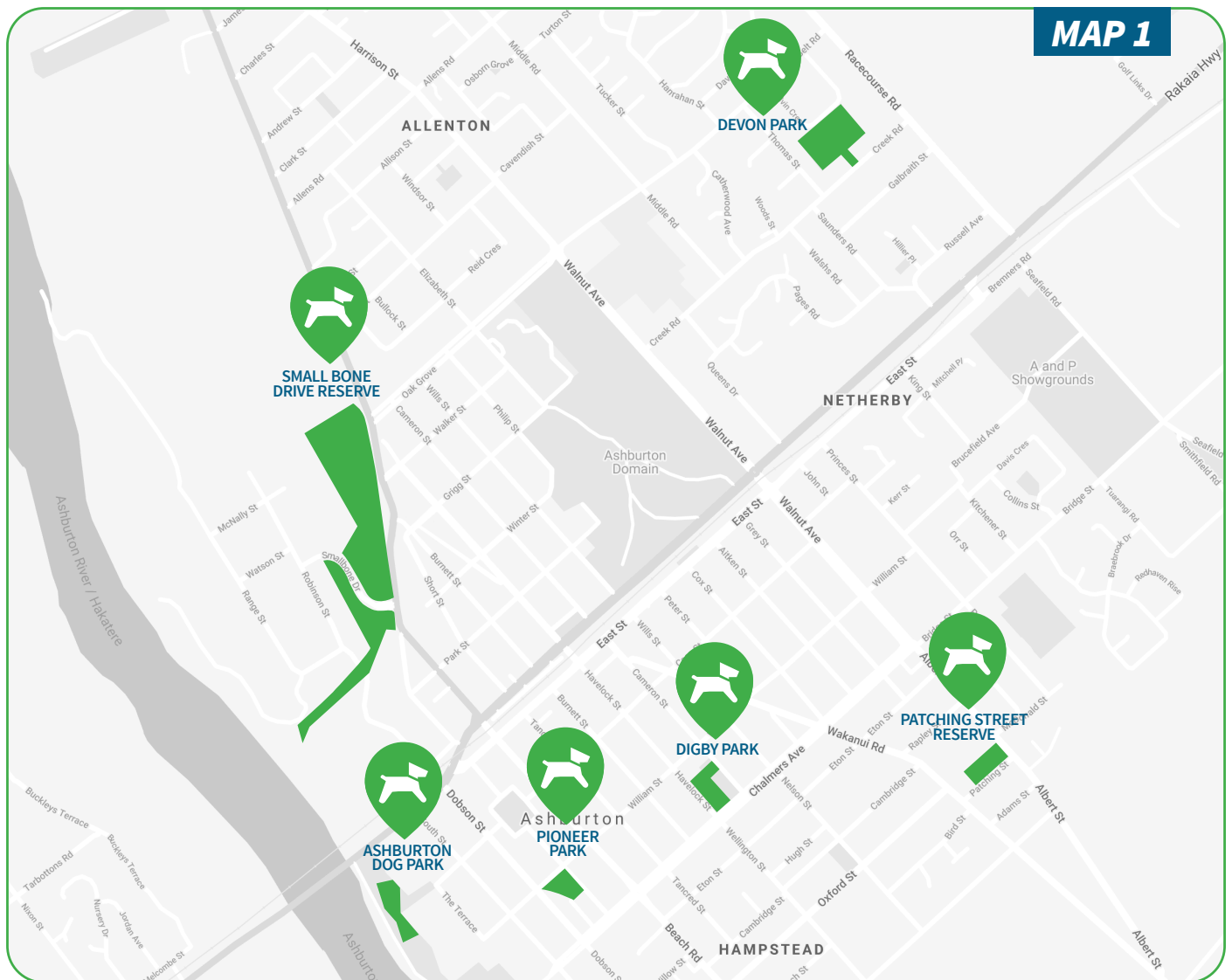
Map 4 – Tinwald Dog Exercise Areas

- The Green
- George Glassey Park.

Map 5 – Methven Dog Park

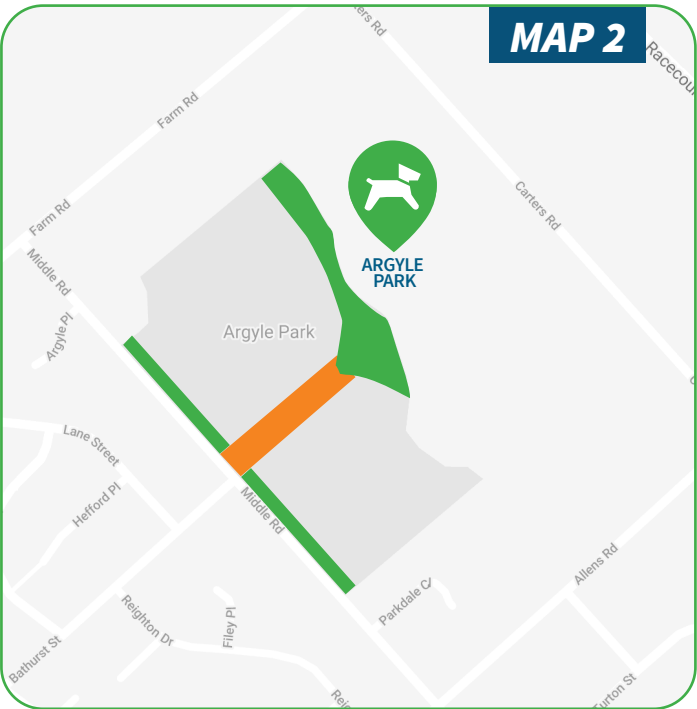
Dog Exercise Areas

Ashburton Dog Exercise Areas



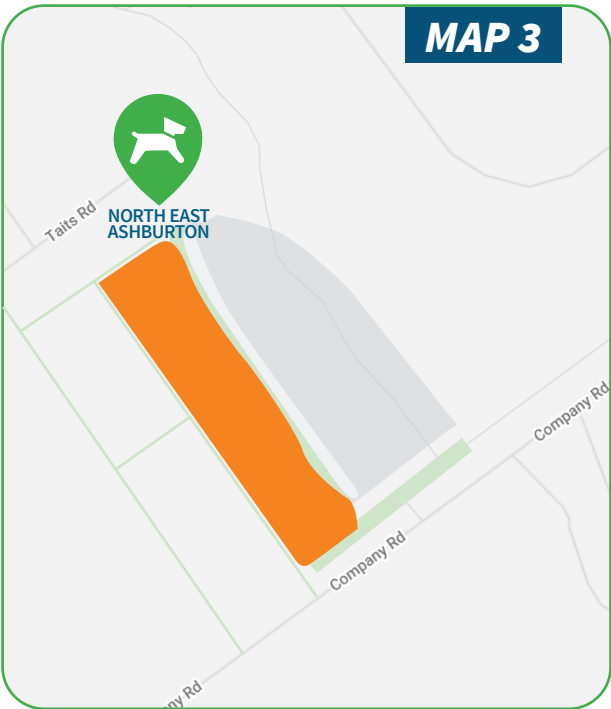
Dog Exercise Areas

Argyle Park Exercise Areas



- Current dog exercise areas
- Proposed dog exercise areas

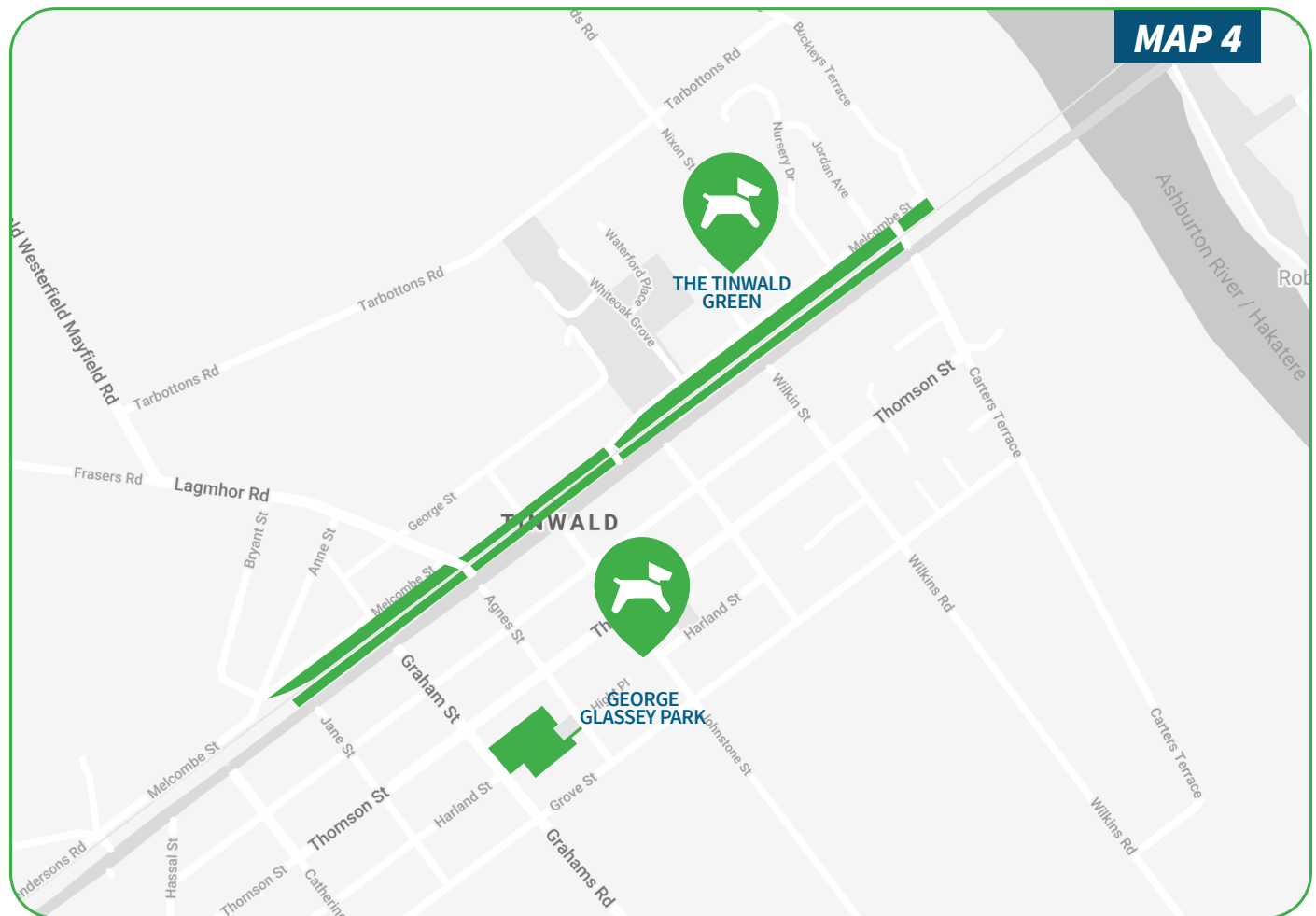
North East Ashburton Dog Exercise Area



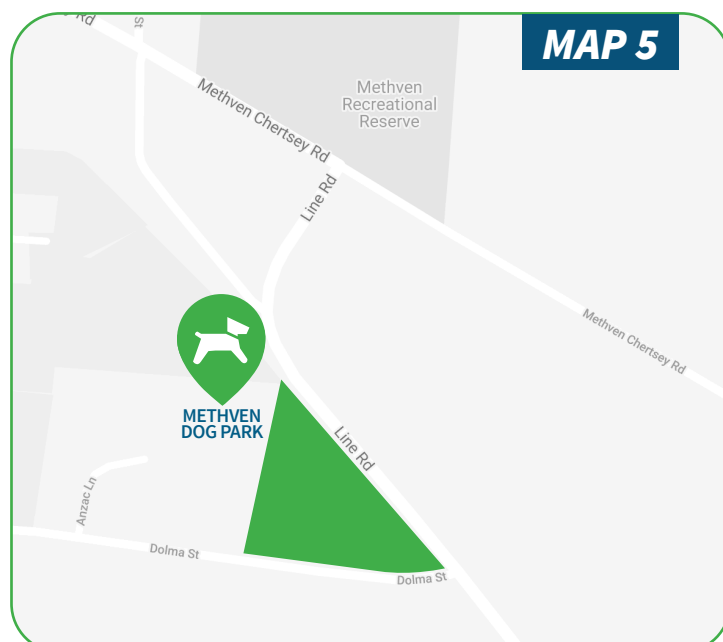
- Proposed dog exercise areas

Dog Exercise Areas

Tinwald Dog Exercise Areas

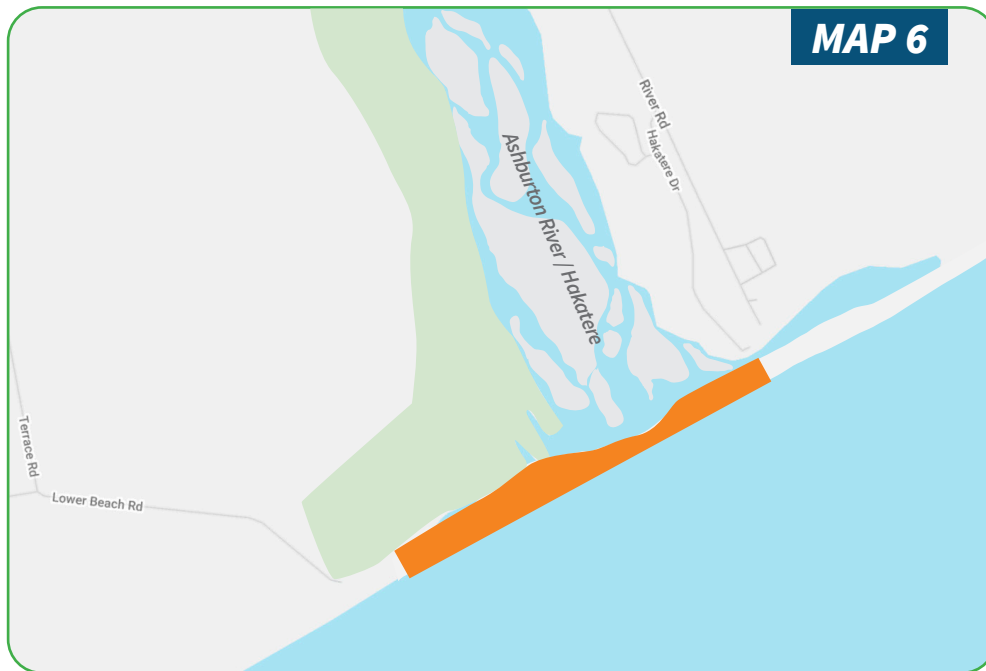


Methven Dog Park



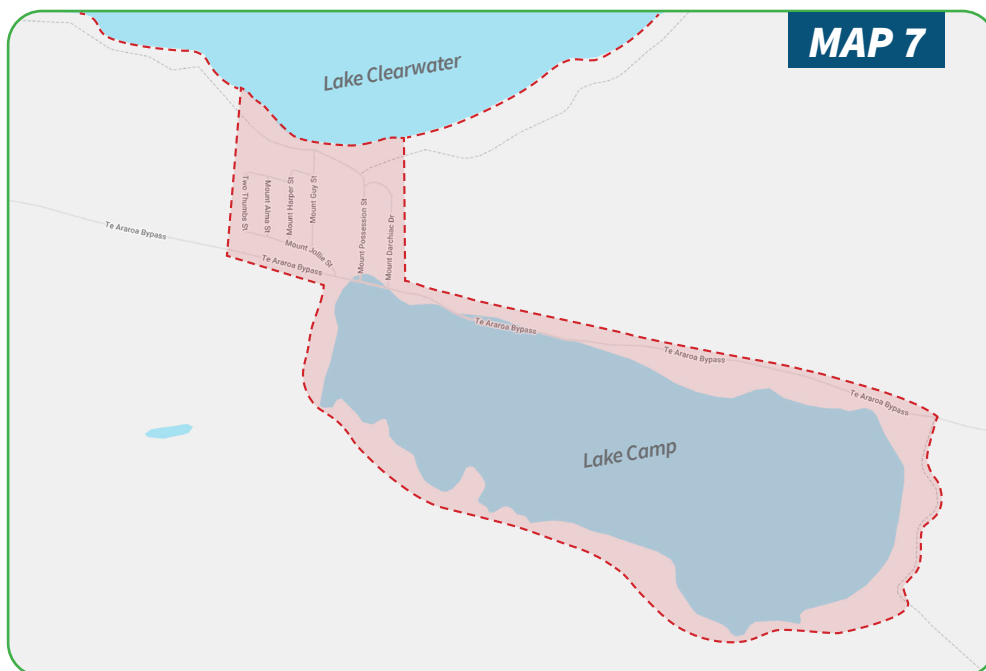
Prohibited Dog Areas

Ashton Beach



■ Proposed prohibited area

Lake Camp & Lake Clearwater Hut Settlement



■ Prohibited area

--- Prohibited area

Schedule 2

Infringement offences and fees (as per Dog Control Act 1996)

Section	Description of offence	Infringement fee
18	Wilful obstruction of dog control officer or 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	\$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