
DOG MANAGEMENT BYLAW

2018

**Pursuant to Section 10 of the
Dog Control Act 1996
and every other enabling
power and authority.**

To come into force: 4 February 2019

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Explanatory note: The Dog Management Bylaw 2018 supplements rather than duplicates other dog owner obligations, including but not limited to, the Dog Control Act 1996, Animal Welfare Act 1999 and related codes of welfare, Reserves Act 1977, Conservation Act 1987, Wildlife Act 1953, Resource Management Act 1991 and the Far North District Council District Plan.

Council's Dog Management Policy 2018 should be read in conjunction with this Bylaw.

1 Former Bylaw Repealed

- 1.1 At the date this Bylaw comes into force, the *Far North District Council Dog Control Bylaw 2006* is repealed.
- 1.2 All approvals, permits and other acts of authority that originated under the *Far North District Council Dog Control Bylaw 2006* and all applications shall, for the purposes of this Bylaw, continue as if they had originated under this Bylaw.
- 1.3 The revocation of the *Far North District Council Dog Control Bylaw 2006* shall not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw, and such proceedings may continue to be dealt with and completed.

2 Interpretation

AUTHORISED OFFICER means any person authorised by the Council to act on its behalf.

CONFINED means enclosed securely in a building or tied securely to an immovable fixture on a premises or within an enclosure from which the dog cannot escape.

COUNCIL means the Far North District Council.

DISABILITY ASSIST DOG has the same meaning as the Dog Control Act 1996. This can include a dog trained (or in training) to assist a person with a disability, any guide dog, hearing ear dog, or companion dog.

LEASH means an adequate physical restraint held at one end by the person in charge of the dog and attached at the other end to a dog from which the dog cannot escape.

MENACING DOG means any dog classified as menacing under sections 33A or 33C or 33ED of the Dog Control Act 1996.

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

NUISANCE has the same meaning as defined in Section 29(k) of the Health Act 1956. This means where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health.

OFF-LEASH AND UNDER CONTROL means that a dog is kept under control by means of voice commands, hand signals, whistles or other effective means that results in immediate direct control of the dog.

ON-LEASH means that a dog is kept under control by means of a leash which is attached to the dog so that the dog cannot break loose, and which is held by a person physically capable of restraining and controlling the dog.

PARK means any park, domain or recreational area under the control or ownership of the Council.

PREMISES means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

PUBLIC PLACE has the same meaning as in the Dog Control Act 1996. This can include a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place. This includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

UNDER CONTROL in relation to a dog, means that the owner or person appearing to be 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 that results in immediate direct control of the dog.

WORKING DOG has the same meaning as the Dog Control Act 1996. This can include any dog that works for the Government, the Police, is a disability assist dog, or is part of commercial activity.

3 Exemptions

- 3.1 Disability Assist Dogs are exempt from restrictions and prohibitions on Dog Access Areas, except in Special Character Areas of the Dog Management Policy, where Disability Assist Dogs must be on-leash.
- 3.2 Working Dogs are exempt from restrictions and prohibitions on Dog Access Areas (Clause 4) and Confinement of Dogs (Clause 7), if they are being used for the purpose for which they are kept.

4 Dog Access Areas Dog Control Act 1996 s 20(1)(a-d)

- 4.1 Every person in charge of a dog must ensure that the dog does not enter or remain in any place identified as a Prohibited Area in Schedule 1 of Council's Dog Management Policy.
- 4.2 Every person in charge of a dog must ensure that the dog is kept on a leash and under control in any place identified as an On-leash Area in Schedule 1 of Council's Dog Management Policy.

- 4.3 A person in charge of a dog may exercise the dog off-leash and under control in any area identified as an Off-leash Area in Schedule 1 of Council's Dog Management Policy.

5 Changes to Dog Management Bylaw Dog Control Act 1996 s 10(7),(8),&(8A)

- 5.1 This Bylaw may be amended at any time using the process known as the "special consultative procedure" and must be amended whenever it is necessary to match any amendment being made to the Council's Dog Management Policy, in order to ensure that the Bylaw is not inconsistent with the Policy.

6 Shelter and Housing Dog Control Act 1996 s 20(1)(e)

- 6.1 Dogs must have dry and shaded shelter. This:
(a) applies when a dog is on land or premises owned or occupied by the dog's owner or the person in charge of the dog; but
(b) does not apply when a dog is temporarily tethered or confined.
- 6.2 The owner of, and every person in charge of, the dog must:
(a) ensure that the dog has access at all times to an area (a lying area) that:
(i) is large enough to allow the dog to stand up, turn around, and lie down in a natural position; and
(ii) is fully shaded; and
(iii) is dry; and
(iv) is ventilated; and
(v) provides the dog with protection from extremes of heat and cold; and
(b) ensure that the dog has access at all times to water; and
(c) ensure that the dog has access at all times to an area in which to urinate and defecate away from its lying area; and
(d) ensure that faeces or urine do not accumulate in any area in which the dog is kept.

7 Confinement of Dogs Dog Control Act 1996 s 20(1)(g)

- 7.1 The person in charge of a dog shall, from half an hour after sunset until half an hour before sunrise, keep the dog tied up or otherwise confined, unless the dog is on a leash or under continuous control.

8 Removal of Faeces Dog Control Act 1996 s 20(1)(h)

- 8.1 The person in charge of a dog that defecates in a public place or on land other than that occupied by the owner must immediately remove the faeces and dispose of them in an appropriate waste container.

9 Bitches in Season Dog Control Act 1996 s 20(1)(i)

- 9.1 No bitch in season can be exercised in any public place.
- 9.2 Every person in charge of a bitch in season must ensure that the bitch is confined but adequately exercised on private land or premises.

10 Impounding Dog Control Act 1996 s 20(1)(j)

- 10.1 The following may be impounded by an Authorised Officer:
(a) any dog that is unattended in a public place and which is causing a nuisance, disturbance or distress
(b) any dog straying in a public place or onto private property, whether or not it is causing a nuisance, disturbance or distress
(c) any dog that is not under the immediate control of its owner.

- 10.2 Council's operating procedures will apply when any dog has been impounded.
- 10.3 Full compliance with the Dog Control Act 1996, Council's Dog Management Policy and Council's Dog Management Bylaw is required before any dog may be released from impoundment. For avoidance of doubt, this includes the neutering of menacing dogs as required by Council's Dog Management Policy 2018.

11 Neutering **Dog Control Act 1996 s 20(1)(k)&(l)**

- 11.1 Any dog owned by an owner classified as Probationary under the Dog Control Act 1996 must be neutered.
- 11.2 Where any dog has been impounded on more than two occasions, Council will require the neutering of that dog prior to the dog's release from the pound.

12 Dogs In or On Vehicles **Dog Control Act 1996 s 20(1)(l)**

- 12.1 A person who leaves a dog in a stationary vehicle must ensure that the dog does not display signs of shade-seeking behaviour, as well as one or more of the following signs consistent with heat stress:
- (a) excessive panting;
 - (b) excessive drooling;
 - (c) hyperventilation.
- Shade-seeking means that the dog is compulsively seeking out and placing, or attempting to place, itself in the shadiest, coolest part of the vehicle that it can access.
- 12.2 The owner of, and every person in charge of, a dog transported on the open deck or open trailer of a moving motor vehicle (other than a moped, a motorcycle, or an all-terrain vehicle) on a public road must;
- (a) ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage); and
 - (b) if the dog is secured by a tether, ensure that the tether is short enough to prevent the dog's legs from reaching over the sides of the open deck of the vehicle or open trailer, but long enough to allow the dog to stand or lie down in a natural position.
- 12.3 Clause 12.2 does not apply when farm dogs are unsecured on the open deck or open trailer of a moving motor vehicle on a public road while involved in driving or managing livestock (for example, when moving livestock from one paddock to another that is down the road).

13 Diseased Dogs **Dog Control Act 1996 s 20(1)(l)**

- 13.1 No dog infected with a contagious disease may be exercised in any public place.
- 13.2 Every person in charge of a dog must ensure that any dog infected with a contagious disease is confined on their land or premises in such a manner that it cannot leave the land or premises, other than when being transported to a registered veterinary clinic for treatment.

14 Nuisance **Dog Control Act 1996 s 20(1)(f, l)**

- 14.1 No person shall cause any dog to become unmanageable or aggressive.

- 14.2 A person must not keep a dog on any land or premises if the dog causes any nuisance or disturbance, is injurious to health, or prevents lawful access to land or premises.
- 14.3 A person in charge of a dog must ensure that when the dog is accommodated and/or confined on a property the dog is prevented from entering into or onto any adjoining land.
- 14.4 If any dog causes any nuisance or disturbance or is injurious to health, an Authorised Officer may, by notice in writing, require within a specified time the owner of the dog to:
- (a) reduce the number of dogs kept on the owner's premises;
 - (b) construct, reconstruct, alter or otherwise improve the kennels or other accommodation used to house, contain or restrain the dog;
 - (c) require the dog to be tied up or otherwise confined during specified periods;
 - (d) take action to minimise or resolve the nuisance.

15 Offences and Penalties

- 15.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the Dog Control Act 1996 and the Local Government Act 2002.