

# Grey District Council Dog Control Bylaw 2015

**This bylaw was adopted by the Grey District Council  
at an Ordinary Meeting held on 11 May 2015  
following consideration of submissions received  
as part of the Special Consultative procedure**

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# GREY DISTRICT COUNCIL DOG CONTROL BYLAW 2015

## EXPLANATORY NOTE

This Bylaw supplements the provisions of the Dog Control Act 1996 for the care and control of dogs and gives effect to the Grey District Council's Policy on Dogs.

### 1.0 SHORT TITLE, COMMENCEMENT AND APPLICATION

1.1 This Bylaw shall be known as the Grey District Council Dog Control Bylaw 2015.

This bylaw shall come into force as soon as finally confirmed by Council after having followed the process prescribed by Section 157 of the Local Government Act 2002.

1.2 This Bylaw applies to the Grey District.

1.3 This Bylaw repeals all existing Grey District Council Dog Control Bylaws.

### 2.0 INTERPRETATION

2.1 In this Bylaw, unless the context requires otherwise:

**Act** means the Dog Control Act 1996.

**Beach** means any land covered and uncovered by the ebb and flow of the tide between mean low water springs and mean high water springs, but does not include any such land along the banks of any river or stream.

**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.

**Council** means the Grey District Council.

**District** means the Grey District.

**Dog Owner** means every person who:

- (a) Owns the dog; or
- (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) The parent or guardian of a person under the age of 16 years who—
  - (i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
  - (ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under the Act, the Animal Welfare Act 1999, the National Parks Act 1980, the Conservation Act 1987, or any order made under the Act or the Animal Welfare Act 1999.

**On a Leash** means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a capable person so that the dog cannot break loose.

**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** means:

- (a) 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; and
- (b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
- (c) For the purposes of clarity, this includes any Beach or Reserve.

**Reserve** means:

- (a) Any land vested in the Council and declared as a reserve by resolution of the Council, under section 14 of the Reserves Act 1977; or
- (b) Any park, domain or recreational area under the control or ownership of the Council.

**Working Dog** means:

- (a) Any guide dog, hearing ear dog, or companion dog:
- (b) Any dog—
  - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally 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; or
  - (ii) Kept solely or principally for the purposes of herding or driving stock; or
  - (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
  - (v) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - (vi) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
  - (vii) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
  - (viii) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or

- (ix) Declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

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

#### **3.1 Prohibited Areas**

Every dog owner must ensure that his or her dog does not enter or remain in any public place designated as a prohibited area in the First Schedule.

#### **3.2 Leash Control Areas**

Every dog owner must ensure that his or her dog is kept on a leash in every private way or any public place designated as a leash control area in the Second Schedule.

#### **3.3 Off Leash Areas**

Every dog owner may exercise his or her dog, except any dog classified as a dangerous dog, other than on a leash, but must keep the dog under control, in any public place designated as an off leash area in the Third Schedule.

#### **3.4 Designated Dog Exercise Areas**

Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control, in any public place designated as a dog exercise area in the Fourth Schedule.

### **4.0 EXEMPTIONS**

4.1 Clauses 3.1 and 3.2 do not apply to the owner of:

- (a) A working dog while it is working; or
- (b) Any dog which is confined completely within a vehicle or cage;
- (c) Any dog which is secured on the open tray of a vehicle; or
- (d) Any dog taking part in a special event approved by Council, such as a dog show or dog training seminar.
- (e) Any dog(s) in hunting situation on public land have a requirement to be on a leash.
- (f) Any dog where the owner is resident within the commercial centre of Greymouth as defined in the First Schedule **and** where the owner has a permit to keep the dog within this area.

4.2 The decision to issue a permit as referred to in clause 4.1(f) above shall be based upon the following criteria:

- (a) An exercise management plan which provides for the dog to be regularly exercised outside of the commercial centre.
- (b) The provision on the owner's property of appropriate space:
  - To provide the dog with shelter
  - To provide toileting without causing a nuisance or fouling in a public place
  - To ensure that the dog does not cause other nuisances (e.g. barking)
- (c) Past owner history, e.g. verifiable complaints;

- (d) The type of dog; and
- (e) Any other factors considered relevant by Council.

A property inspection will be required to obtain such a permit and a charge – based on the appropriate staff hourly rate – will be made to recover the costs of assessing the property and issuing the permit.

## **5.0 LIMITATION ON NUMBER OF DOGS**

5.1 No dog owner/s may keep more than two dogs over the age of three months for more than 14 days on any property in the Grey District unless that owner/s holds a valid permit for that purpose, issued by the Council.

5.1.1 The limitation above does not apply to working dogs (as defined in 2.1) in the rural environmental area.

5.2 Every application for a permit must supply the information that the Council requires to issue the permit and must be accompanied by any fee prescribed from time to time by resolution of the Council.

5.3 Every application for a permit will be considered on its individual merits, taking into account:

- (a) Location of property
- (b) Intensity of residential development surrounding the property;
- (c) Consent of adjacent owners;
- (d) Size of property;
- (e) Fencing and housing of the dogs;
- (f) Removal of faeces;
- (g) Management factors e.g. availability of supervision for the dogs;
- (h) Personal factors e.g. single/elderly people;
- (i) Past owner history e.g. complaints;
- (j) Type of dog; and
- (k) Any other factors considered relevant by Council.

5.4 Every permit may be issued on such terms and conditions as Council considers appropriate and these conditions shall be complied with within one month of issue of permit or the permit may be revoked.

5.5 Every permit and conditions shall be personal to the applicant, limited to the premises in respect of which it has been issued, and remain in force unless revoked by Council.

5.6 If a dog owner has committed a breach of any conditions attached to the permit and has received written notification to remedy the breach, the dog owner shall comply with such conditions within 14 days from the date of the notice or Council may revoke the permit.

5.7 On revocation of the permit, the dog owner shall reduce the number of dogs to that allowed within 28 days of the permit being revoked.

5.8 Every owner who, on the effective date of this Bylaw and Dog Control Policy, has more than two dogs in terms of section 5.1 above **and** who has a history of being a responsible owner shall receive a permit for such additional dogs automatically and at no charge.

#### **6.0 BITCHES IN SEASON AND DISEASED DOGS**

6.1 Every dog owner must ensure that any bitch in season is continuously contained on his or her property in a secure and inaccessible manner so that it cannot freely leave the land or premises, or another dog enter those land or premises.

6.2 Every dog owner must ensure that any dog infected with a contagious disease is continuously contained on his or her property in a secure manner so that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

#### **7.0 DOGS ON VEHICLES**

7.1 Every dog owner allowing a dog (other than a working dog) to ride on the open tray of a vehicle shall ensure that it is secured by a short lead or chain at all times and kept under control.

#### **8.0 REMOVAL OF FAECES**

8.1 Where any dog defecates in a public place, or on land or premises other than that occupied by the owner, the dog owner must remove the faeces immediately and dispose of them in a way that does not cause a nuisance.

#### **9.0 OFFENCES AND PENALTIES**

9.1 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable to an infringement fee of \$300 or a fine not exceeding \$20,000 and where the offence is a continuing one, then to a further fine not exceeding \$50 for every day or part thereof during which the offence has continued.

9.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this Bylaw.

#### **10.0 DOGS ON BEACHES**

10.1 Any Dog Control Officer or Dog Ranger may order the owner, or any person in charge of a dog, to remove such dog from any beach or bathing reserve if, in the opinion of the Dog Control Officer or Dog Ranger, the presence of the dog is likely to cause annoyance, inconvenience, danger or be hazardous to the health of the public for the time such beach or bathing reserve is being used. Any person who fails to promptly obey such order commits an offence against this bylaw.

## **First Schedule - PROHIBITED DOG AREAS**

### **Criteria for assessment of 'Dog Prohibited Areas':**

1. Where there is intense public use.
2. Where the reasonable enjoyment of a reserve would be significantly compromised by the visual presence of dogs, the presence of faeces and the likelihood of occasional dog harassment.
3. Where the conservation or ecological values would be adversely threatened by the presence of dogs.
4. Where space is limited as on narrow access ways or walkways where the presence of dogs could be threatening to pedestrians.
5. Any cemetery unless permitted by the person or organisation having control of that cemetery and subject to compliance with any reasonable conditions imposed.
6. On or within 10 metres of any area that is developed or marked out as a playground or contains children's play equipment.
7. Any area developed or marked out as a sports field, including spectator area, or any outdoor court, skateboard park or cycle park.

### **Existing Prohibited Dog Areas (shown in red on following maps)**

1. The Greymouth commercial centre including the following streets:  
Mawhera Quay, Mackay Street, Boundary Street, Guinness Street, Herbert Street, Tarapuhi Street, Albert Street, Lord Street, Tainui Street, Werita Street, Waite Street, Custom Street.
2. The shopping section of McGowan Street, Runanga.
3. All parks, playgrounds and recreational areas.



## **Second Schedule – LEASH CONTROL AREAS**

Every dog owner must ensure that his or her dog (other than a working dog) is kept on a leash in every private way or the following public places:

- (a) Any public place not included in the First Schedule or Third Schedule.
- (b) Any road, including footpath and berm.
- (c) Part of Cobden Aromahana Sanctuary and Recreation area, Cobden Lagoon (marked in yellow on the map on page 17).

### **Explanation**

To enable animal control staff to take enforcement action when dealing with dog owners whose dogs are causing problems not covered by legislation. Dog owners may leave their dogs to roam in a public place claiming the dog is under voice control. The leash law allows the Council to insist that dogs are properly restrained to prevent them causing a nuisance.

### **Third Schedule – OFF LEASH AREAS**

*Off Leash Areas are marked in green on the following maps*

Every dog owner may exercise his or her dog, except any dog classified as a dangerous dog, other than on a leash but must keep the dog under control, in the following public places:

- (a) Preston Road - existing dog exercise area.
- (b) Corner Nelson Quay/Hill Quay, Cobden – dog exercise area.
- (c) Any other area specifically developed by the Council for the sole purposes of exercising dogs.
- (d) Cobden Beach, Blaketown Beach, Karoro Beach, Paroa Beach, Rapahoe Beach and the Greymouth Floodwall (excluding Mawhera Quay).
- (e) Rural public land and river banks not otherwise excluded in the Policy and Bylaw.

## **Fourth Schedule – DOG EXERCISE AREAS (FULLY FENCED)**

*Dog Exercise Areas are marked in green on the following maps*

Criteria for the assessment of suitable dog exercise areas:

1. That the area be of sufficient size to allow exercise without conflict with other owners.
2. The presence of dogs in the reserve would have minimal impact on other users.
3. No children's playground within the reserve.
4. Would not require development costs.

### **Existing Dog Exercise Areas**

- Preston Road, adjacent to the dog pound (fully fenced)

### **Recommended Dog Exercise Areas**

- Cobden Beach
- Blaketown Beach
- Karoro Beach
- Paroa Beach
- Rapahoe Beach
- The Greymouth Floodwall (excluding Mawhera Quay)
- Specified dog exercise areas at Preston Road and corner Nelson Quay/Hill Quay, Cobden (fully fenced)

# MAPS

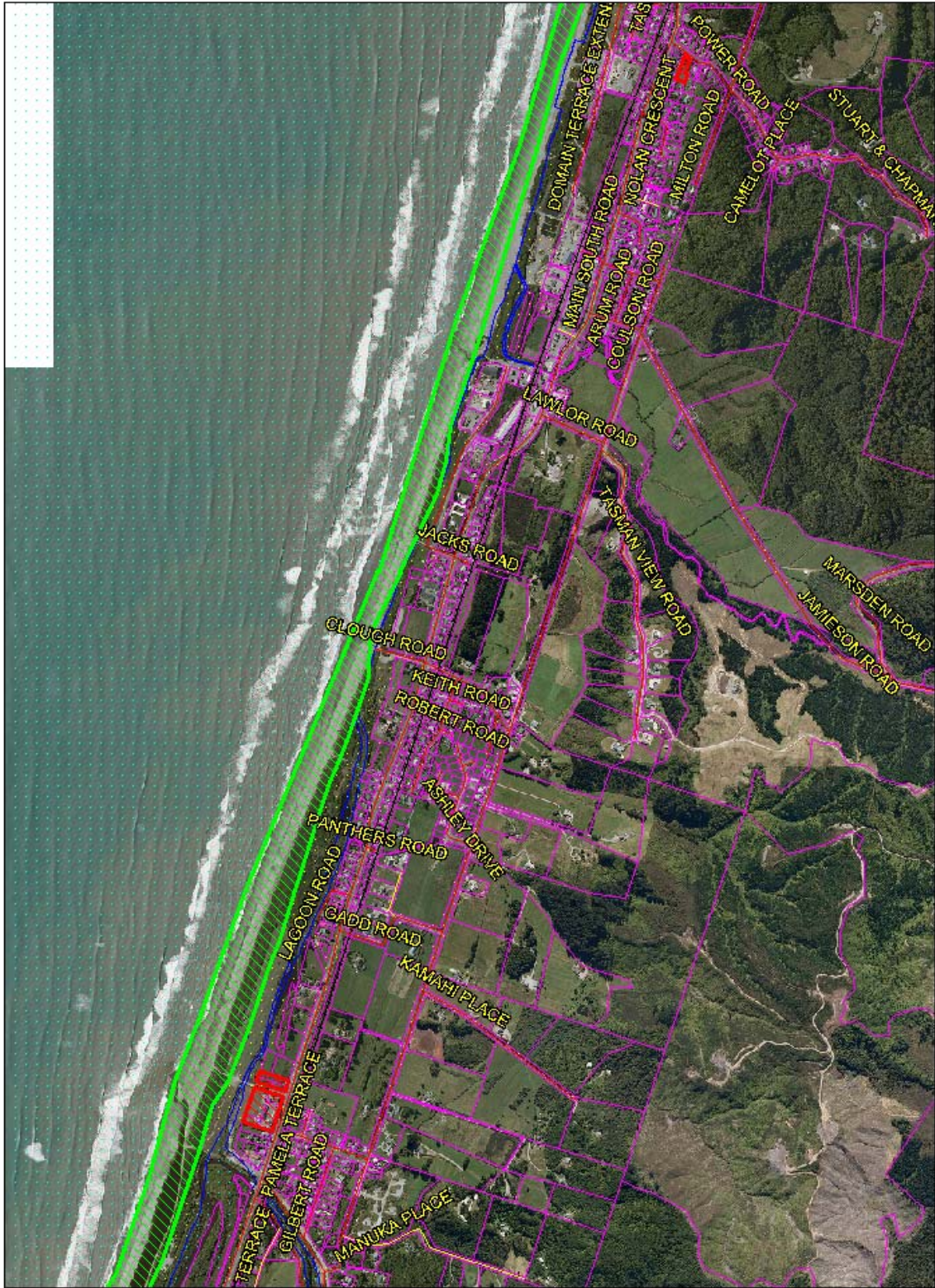


Prohibited Areas



Exercise Areas

Greymouth

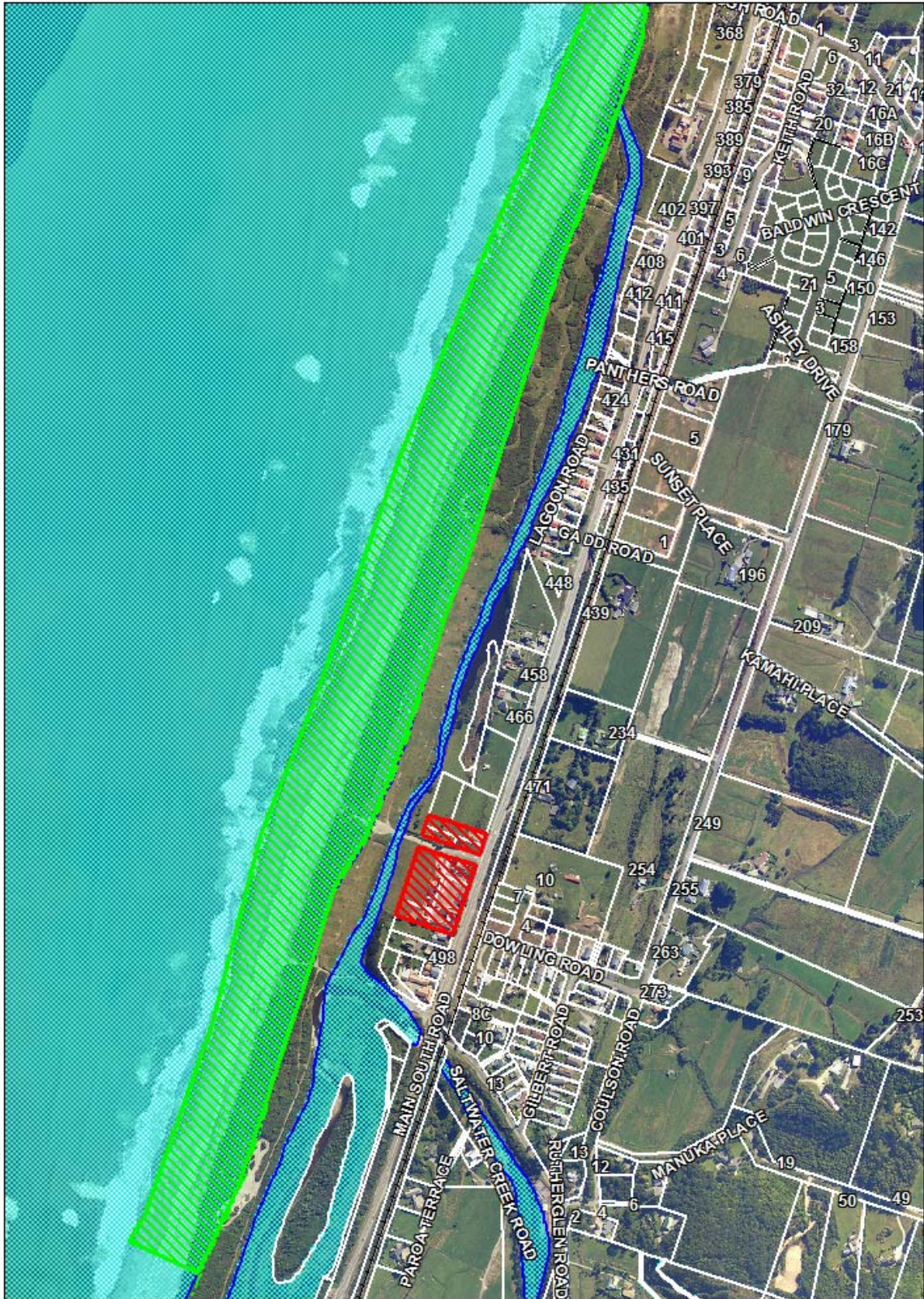


Prohibited Areas



Exercise Areas

Karoro

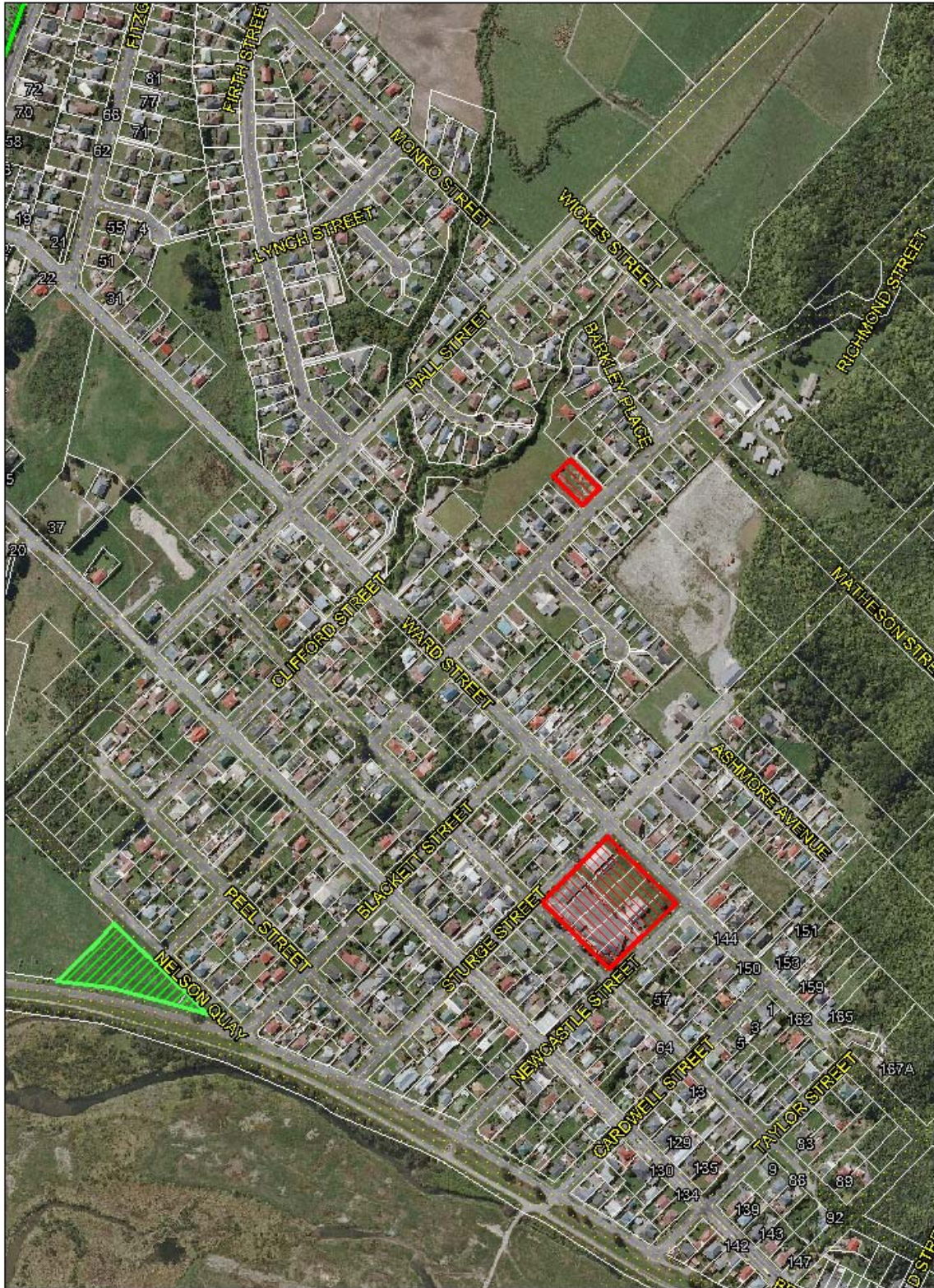


Prohibited Areas



Exercise Areas

Paroa

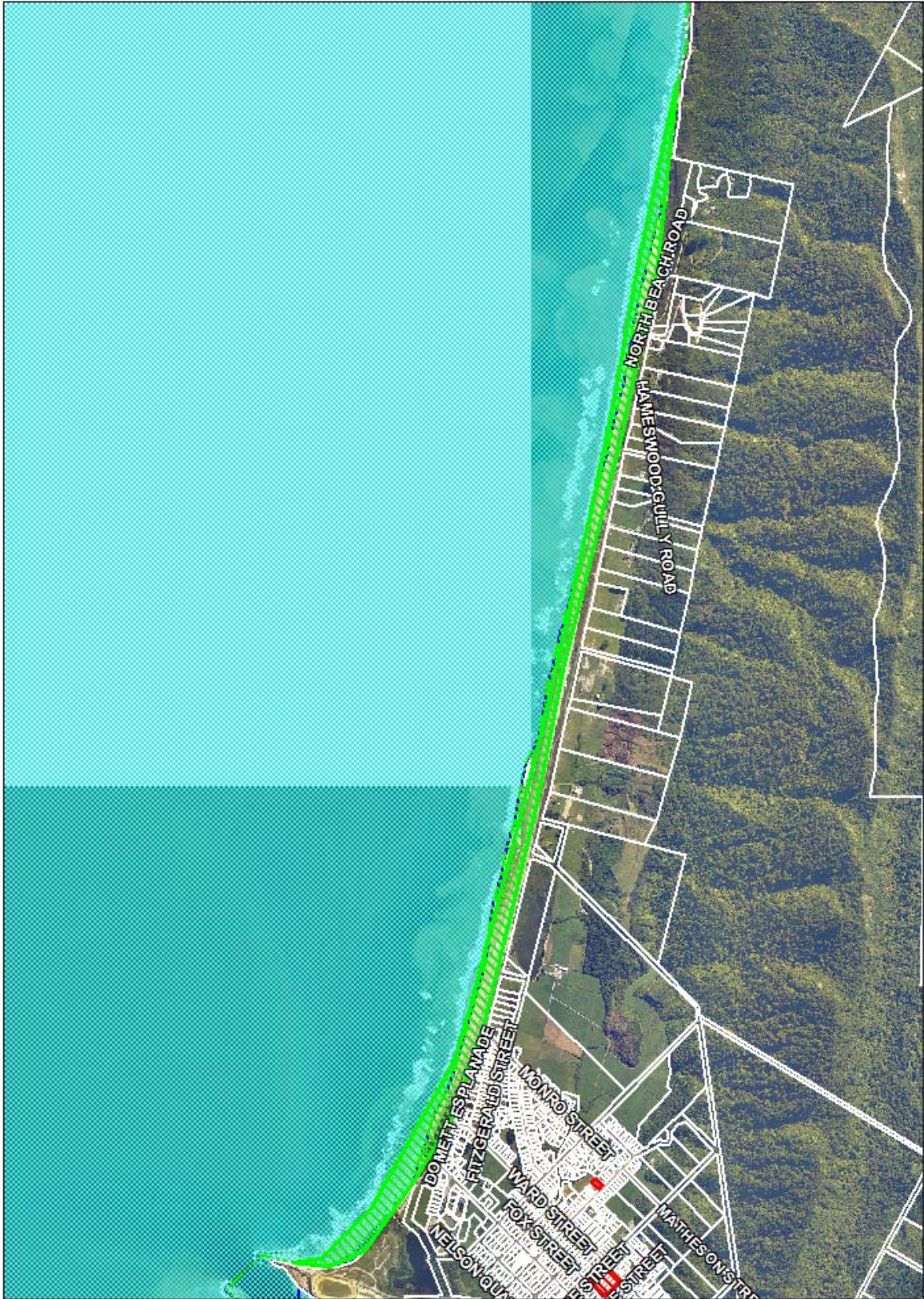


Prohibited Areas



Exercise Areas

Cobden



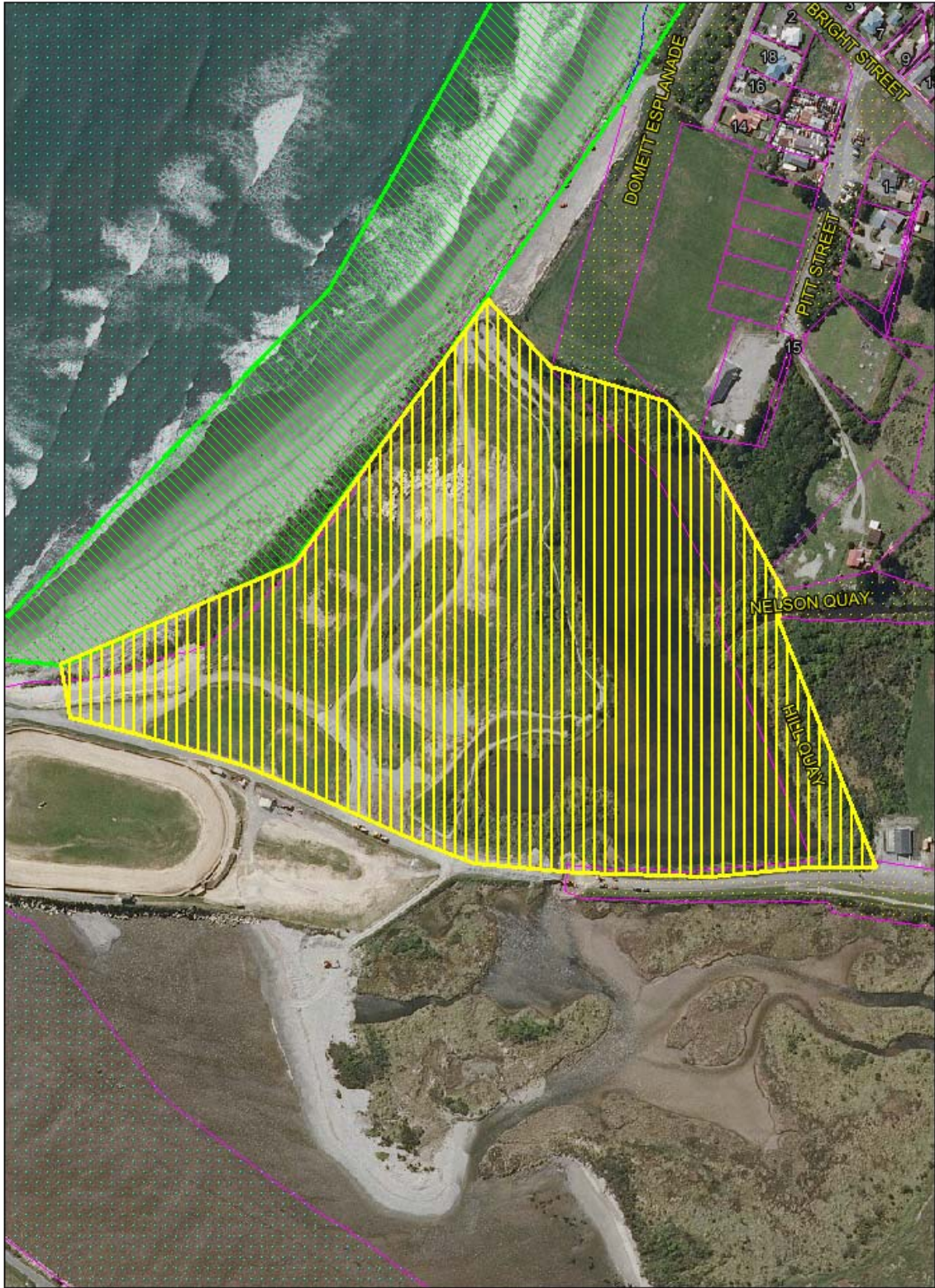
Prohibited Areas



Exercise Areas

Cobden Beach



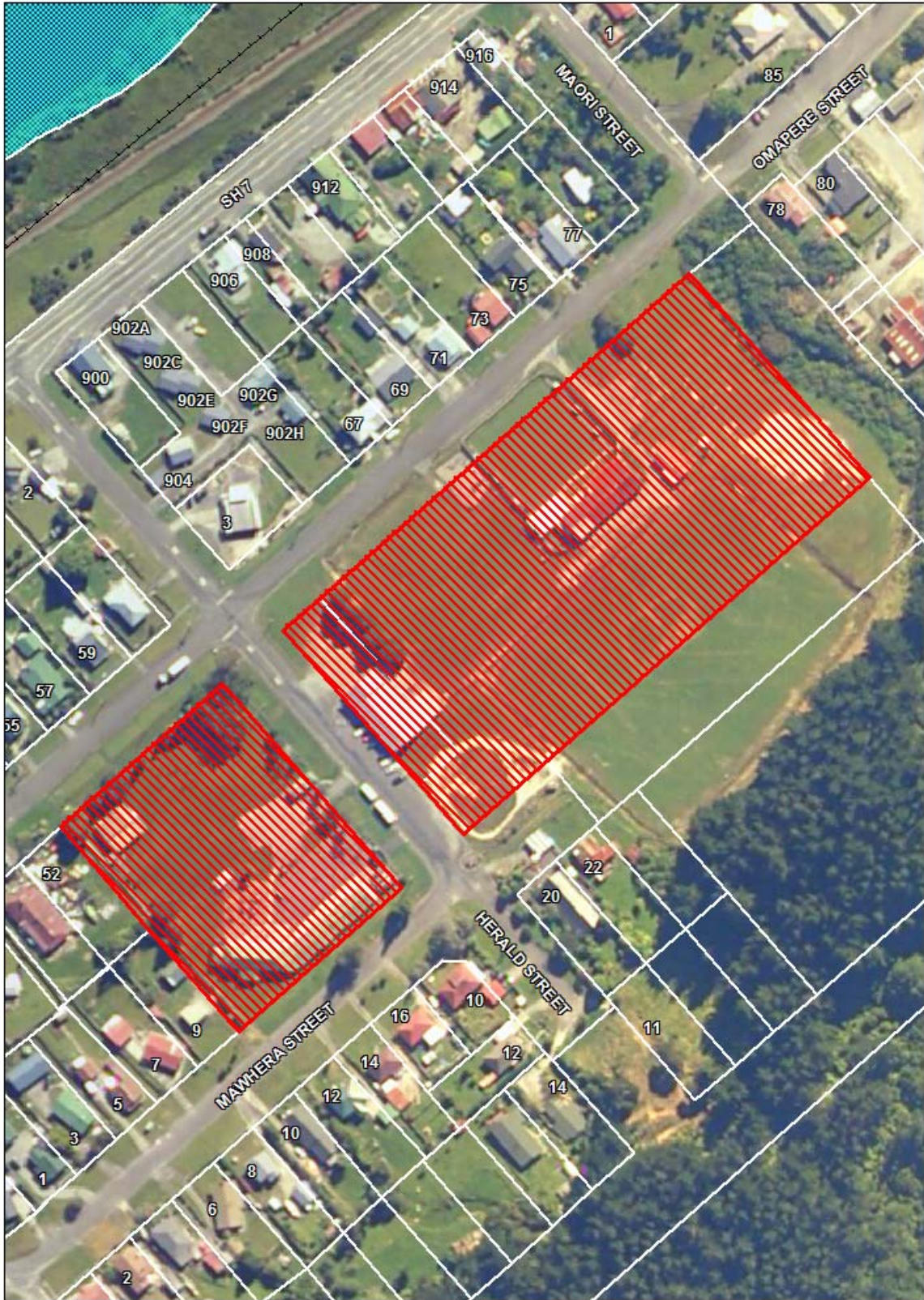


Leash Control Area



Exercise Areas

Cobden



Prohibited Areas



Exercise Areas

Dobson

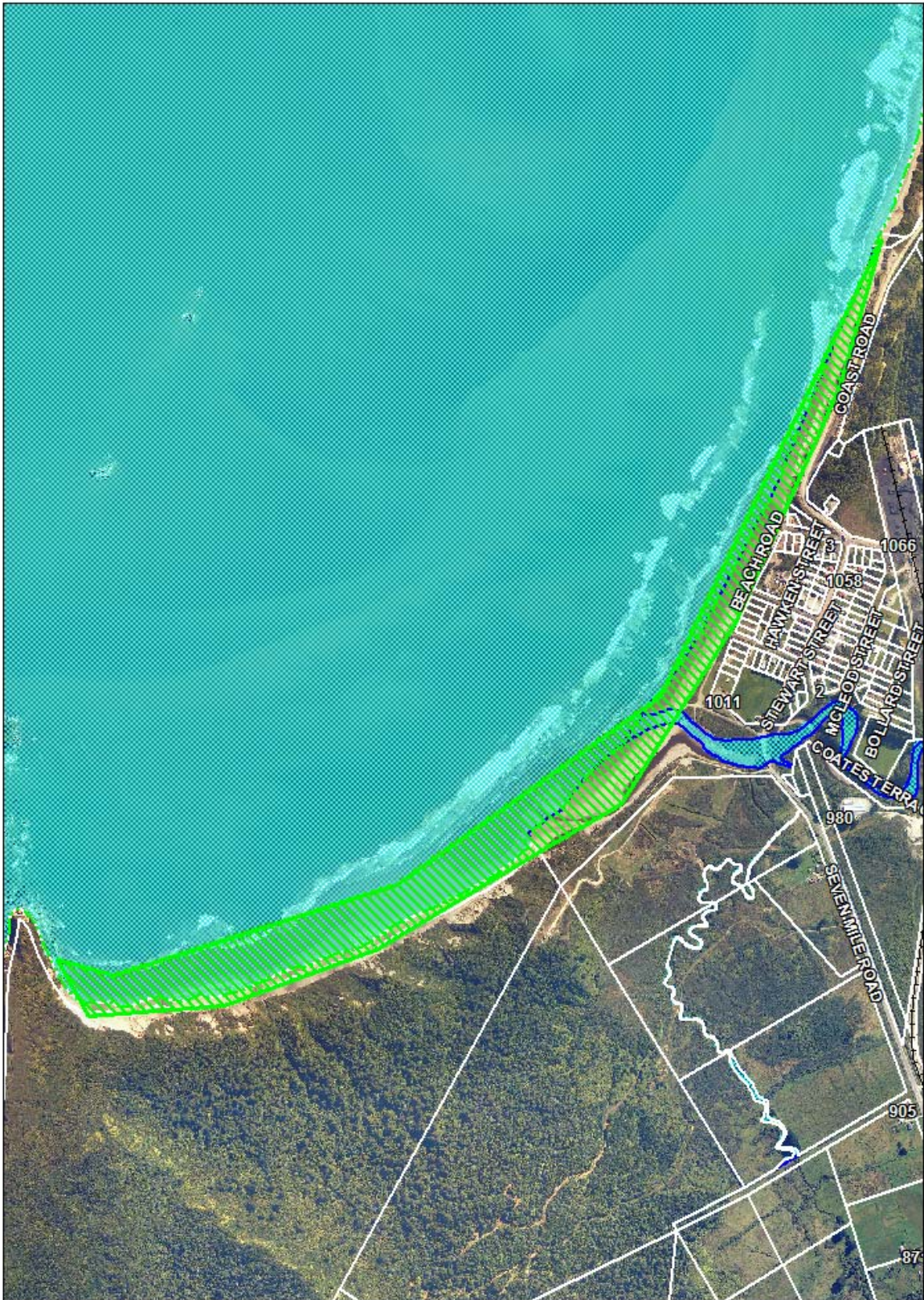


Prohibited Areas



Exercise Areas

Runanga

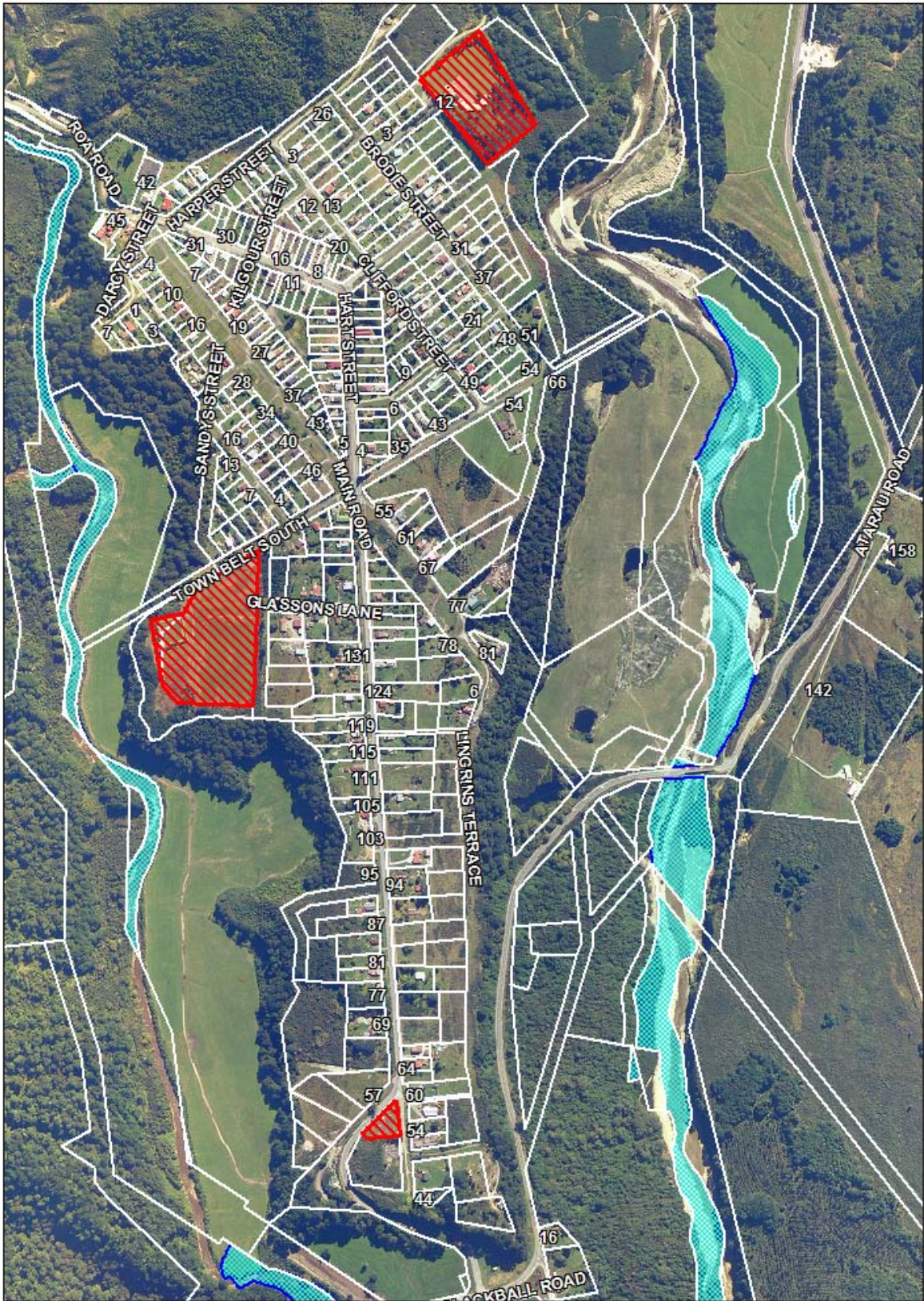


Prohibited Areas



Exercise Areas

Rapahoe



Prohibited Areas



Exercise Areas

Blackball