

MATAMATA-PIAKO DISTRICT COUNCIL DOG CONTROL BYLAW 2005

1.0 TITLE, COMMENCEMENT AND APPLICATION

1.1 This bylaw shall be cited and referred to as the Matamata-Piako District Council Dog Control Bylaw 2005.

1.2 This bylaw shall come into force and take effect on 1 August 2005.

1.3 This bylaw applies to the Matamata-Piako District.

1.4 This bylaw repeals all existing Matamata-Piako District Council Dog Control Bylaws.

2.0 INTERPRETATION

In this bylaw, unless the context otherwise requires:

"At large" means free, or at liberty in a public place, without any physical restraint by a person, but shall not include a dog under the oral and visual command of a person exercising the dog in a designated dog exercise area.

"Confined" means enclosed securely in a building or, tied securely to an immovable fixture on a premise, or within an enclosure from which the dog cannot escape.

"Companion dog" has the same meaning as in the Dog Control Act 1996.

"Control" means a dog physically restricted so that it is not at large and includes any dog inside any enclosure, or a dog under the oral and visual command of a person exercising the dog in a designated dog exercise area or on any private property.

"Council" means the Matamata-Piako District Council.

"Dog control officer" and **"dog ranger"** means a dog control officer and dog ranger appointed by the Matamata-Piako District Council under sections 11 and 12 of the Dog Control Act 1996.

"Foul" means the deposit of any faeces.

"Guide dog" has the same meaning as in the Dog Control Act 1996.

"Hearing ear dog" has the same meaning as in the Dog Control Act 1996.

"Leash" means a length of cord, chain, or other material no longer than two metres, that at one end can be secured to a dog and the other end securely held by a person and includes retractable leashes.

"Nuisance" means anything annoying, harmful or offensive to a community or a member of it.

"Owner" in relation to any dog, 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 (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 Dog Control Act 1996, the Animal Welfare Act 1999, the National Parks Act 1980, the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

"Public place" means 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 includes every road, footpath, right of way, berm, arcade, court or other thoroughfare of a public nature open to or used by the public, and every reserve subject to the Reserves Act 1977.

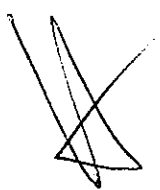
"Urban area" includes:

- (a) all areas zoned as Residential or Business under the Matamata-Piako District Plan; and
- (b) all the rural settlements within the Matamata-Piako District including Waitoa, Waihou, Waharoa, Rukumoana, Tahuna and Te Poi; and
- (c) any area where five or more dwellings are constructed within a 250 metre radius.

"Working dog" has the same meaning as in the Dog Control Act 1996.

3.0 CONTROL OF DOGS IN PUBLIC PLACES

3.1 No dog shall be kept unless appropriate means are provided and used to ensure that the dog is confined to its owner's property so that the dog is



unable to gain uncontrolled access to any other property, public place or private way.

- 3.2 Clauses 4.0 and 5.0 shall not apply to a guide dog, hearing ear dog, companion dog or to any working dog while the dog is working.

4.0 AREAS PROHIBITED TO DOGS

- 4.1 The Council may designate by resolution any public place to be an area prohibited to dogs and added to the First Schedule of this bylaw. Prohibited areas may also be deleted from the First Schedule by an ordinary resolution of Council which is publicly notified.
- 4.2 The owner of a dog shall not permit that dog to enter or remain in a prohibited area at any time or during such periods as specified in the resolution or this bylaw unless the Council is satisfied that the owner has permitted a dog to enter or remain in a prohibited area for the purpose of attending a veterinary in which case that dog must be under the control of the owner.

5.0 LEASH CONTROL AREAS

- 5.1 The Council may designate by resolution any public place to be a leash control area for dogs and added to the Second Schedule of this bylaw. Leash control areas may also be deleted from the Second Schedule by an ordinary resolution of Council which is publicly notified.
- 5.2 The owner of a dog shall not take that dog into any designated leash control area unless the dog is controlled on a leash by a person capable of physically restraining the dog.
- 5.3 Nothing in clause 5.0 or the Second Schedule of this bylaw authorises the owner of any dog to permit that dog to enter or remain in a prohibited area at any time or during such periods as specified in a resolution pursuant to clause 4.0 or this bylaw.

6.0 DOG EXERCISE AREAS

- 6.1 The Council may designate by resolution any public place to be a dog exercise area and added to the Third Schedule of this bylaw. Dog exercise areas may also be deleted from the Third Schedule by an ordinary resolution of Council which is publicly notified.

- 6.2 Any dog may be exercised at large in a designated dog exercise area provided that it is under the control of a person capable of physically restraining the dog and of exercising oral and visual control over the dog.

7.0 MINIMUM STANDARDS FOR ACCOMODATION

- 7.1 Every person shall, in respect of every dog in the care of that person provide:
- 7.1.1 Adequate kennelling or other housing so sited as to ensure adequate shade, warmth and dry conditions, and of a sufficient size to allow the dog to move freely, stretch out, stand up or recline.
 - 7.1.2 Such kennel or means of confinement shall be so situated as to ensure that the dog shall not, while in its kennel or otherwise confined, be within two metres of the boundary of the owner's property.
 - 7.1.3 Proper care and attention, sufficient food and water, adequate exercise and ensure the provision of veterinary care when required.

8.0 LIMITATION ON THE NUMBER OF DOGS KEPT

- 8.1 No occupier of a property within an urban area shall keep or permit to be kept on each separate premise more than two dogs of a greater age than three months without obtaining a permit under this clause.
- 8.2 Every application for a permit shall be accompanied by any fee prescribed by Council resolution and issued subject to such terms and conditions required to ensure that a nuisance does not occur.
- 8.3 Council may cancel a permit where the holder fails to comply with any of the terms or conditions.
- 8.4 This clause does not apply to a registered boarding kennel, veterinary clinic or animal hospital, permitted on the site under the Matamata-Piako District Plan.

9.0 DOG CONTROL AT NIGHT

- 9.1 All dogs shall be tied up or otherwise confined, within the owner's property, during the period commencing not earlier than half an hour after sunset on any one day and ending not later than half an hour before sunrise on the following day.

9.2 This clause shall not apply to a working dog while the dog is working or a dog in a dog exercise area or leash control area under the control of a person capable of physically restraining that dog.

10.0 FOULING IN PUBLIC PLACES

10.1 The owner of any dog shall not permit that dog to foul any public place or land not the property of, or occupied by that owner.

10.2 In the event that a dog fouls in a public place, no offence against this bylaw shall be committed provided that the owner immediately removes the foulings to a suitable place of disposal. Where a litter receptacle, with a plastic liner, is available the owner may dispose of the foulings therein.

11.0 DUTY TO AVOID NUISANCES

11.1 A person must not keep a dog on any land or premise if:

11.1.1 the dog causes a demonstrable nuisance; or

11.1.2 the dog exposes a significant risk to the health or safety of others;
or

11.1.3 the dog rushes at persons or intimidates persons lawfully on public or private property.

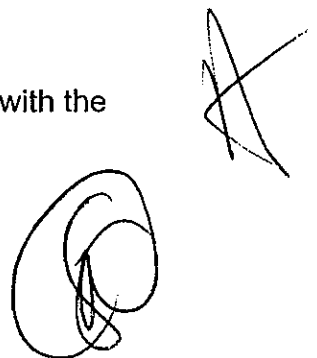
11.2 No person shall allow a bitch in season to enter or remain in a public place or on any land or premise other than the land or premise of the owner of the bitch, without the consent of the occupier or person in charge of that land or premise. The bitch shall be confined within a dog-proof enclosure on the owner's property for the duration of her oestrous cycle. The bitch shall be regularly exercised under control during this period of confinement.

11.3 If in the opinion of a dog control officer or dog ranger, any dog or dogs or the keeping of any dogs is creating or likely to create a nuisance or a breach of this bylaw the dog control officer or dog ranger may, by notice in writing, require the owner or occupier of the premise to take such steps as are required to remove the nuisance or comply with this bylaw.

11.4 Any person who is given a notice under clause 11.3 of this bylaw shall comply with the notice within the time specified in the notice.

12.0 IMPOUNDING OF DOGS

12.1 Any dog found at large (whether or not it is wearing a collar with the proper registration tag attached):

A handwritten signature, possibly 'A', is located in the bottom right corner of the page. Below it is a large, circular scribble or stamp.

12.1.1 in a public place or on any other land or premise without the consent of the occupier in charge of that land or premise; or
12.1.2 in any public place in breach of this bylaw;

may be seized by a dog control officer or dog ranger and impounded or the occupier or person in charge of the land, premise or public place may seize the dog and deliver it into the custody of a dog control officer or dog ranger for impounding.

12.2 Any dog impounded under clause 12.1 shall not be released until the impounding fees set by resolution of Council and the full registration fee, if the dog is unregistered, have been paid.

12.3 If a dog, impounded in accordance with this bylaw is not claimed and the fees payable have not been paid within seven days after the owner has received written notice in accordance with section 69 of the Dog Control Act 1996, that dog may be destroyed, sold or otherwise disposed of by or on behalf of the Council.

12.4 If the owner of a dog so impounded is not known and cannot be identified from the dog registration label or by any other means, the Council may, after the expiration of seven days after the date of seizure of the dog, destroy, sell or otherwise dispose of the dog.

13.0 OFFENCES AND PENALTIES

13.1 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 or to an infringement fee prescribed under the Local Government Act 2002.

13.2 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.

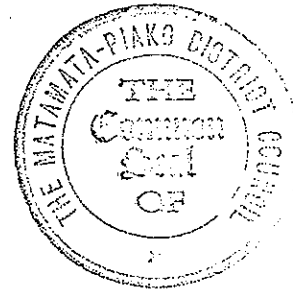



14.0 GENERAL

14.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.

This bylaw was duly made at a meeting of the Matamata-Piako District Council held on 6 July 2005 after completion of the Special Consultative Procedure.

The Common Seal of the **Matamata-Piako District Council** was hereunto affixed pursuant to a resolution of Council on the 28th day of July 2005 in the presence of:





Mayor



Chief Executive

FIRST SCHEDULE

PROHIBITED AREAS

The owner of a dog shall not permit that dog to enter or remain in any of the prohibited areas listed below at any time or during such periods as are specified below unless the Council is satisfied that the owner has permitted a dog to enter or remain in a prohibited area for the purpose of attending a veterinary in which case that dog must be under the control of the owner.

All parts of the District

Within 15 metres of any children's playground or play equipment.

Matamata

The central business area including associated service lanes and public parking areas, between the hours of 8.00am to 6.00pm namely:

- Arawa Street – from Rawhiti Avenue to Tainui Street.
- Broadway – from Hetana Street to Meura Street.
- Rewa Street – all of the street.
- Tainui Street – from Broadway to Arawa Street.
- Tui Street – from Arawa Street to Meura Street.

Morrinsville

The central business area including associated service lanes and public parking areas, between the hours of 8.00am to 6.00pm namely:

- The area bounded by, but not including Anderson Street, Canada Street, Allen Street and Lorne Street.

Te Aroha

The central business area including associated service lanes and public parking areas, between the hours of 8.00am to 6.00pm namely:

- Boundary Street – from Church Street to Rewi Street.
- Kenrick Street – from Church Street to Rewi Street.
- Rewi Street – from Rolleston Street to Lawrence Avenue.
- Whitiker Street – from Rolleston Street to Burgess Street.

Waharoa

The rest area on the western side of State Highway 27 between Mowbray Road and Pitt Street.

Handwritten signature and initials in the bottom right corner of the page.

SECOND SCHEDULE

LEASH CONTROL AREAS

The owner of a dog shall not take that dog into any of the designated leash control areas listed below unless the dog is controlled on a leash by a person capable of physically restraining the dog.

- The urban area, excluding those areas set out in the Third Schedule.
- Prohibited areas outside the period specified that dogs are prohibited from entering.
- All of the area known as and occupied by the Matamata Aerodrome.

THIRD SCHEDULE

DOG EXERCISE AREAS

A dog may be exercised free of restraint in any of the dog exercise areas listed below, provided that it is under the control of a person capable of physically restraining the dog and of exercising visual and oral control over the dog.

Matamata

- Centennial Drive –from Tainui Street to Broadway.
- Centennial Drive North - from Rawhiti Avenue to Tawari Street.
- Neil Algar Reserve – from Peria Road.

Morrinsville

- Murray Oaks Reserve – State Highway 26.
- That part of the Morrinsville Recreation Reserve off Anzac Avenue adjacent to the Waitakaruru Stream.
- The Morrinsville River Walk from Avenue Road to the Morrinsville-Walton Road.

Te Aroha.

- The area adjacent to the Waihou River and known as the Te Aroha Boat Ramp.

MATAMATA-PIAKO DISTRICT COUNCIL POLICY ON DOGS

1. OBJECTIVES

1.1 Council has the following objectives:

- 1.1.1 To minimise danger, distress and nuisance caused by dogs to the community generally.
- 1.1.2 To minimise the nuisance created by dogs fouling public places.
- 1.1.3 To provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners.
- 1.1.4 To promote and enhance community awareness of dog control issues and owner responsibility.
- 1.1.5 To fund the cost of dog control activities from fees and charges levied on dog owners in accordance with Council's funding policy.

2. POLICIES

2.1 General

In order for Council to achieve its objectives, it has formulated the following policies. These policies, including the implementation methods, will guide Council in the administration of the Dog Control Act 1996 and its amendments ("the Act"), the Dog Control Bylaw ("the Bylaw"), and the community outcomes and performance measures set out in the Long-Term Council Community Plan. They will also signal to the public the approach to be adopted by Council in its implementation of the Act.

2.2 Policies for Objective (1.1.1) Danger, Distress and Nuisance.

- 2.2.1 Dogs in public places must be under the direct control of their owners at all times.
- 2.2.2 Dogs are prohibited from specified areas ("prohibited areas") including:

- a. children's playgrounds,
- b. areas of intense public use;
- c. areas of high ecological value; and
- d. other areas as resolved by Council from time to time.

2.2.3 The following criteria will be used for the assessment of prohibited areas:

- a. the intensity and frequency of public use;
- b. whether the presence of dogs would create a danger to the health and safety to users of any area;
- c. whether the ecological values of an area have been identified and established as needing protection from animals (including dogs) in any reserve management plan; and
- d. the attitudes of reserve users.

2.2.4 In the preparation and review of any reserve management plan, the Council will consider the appropriateness of prohibiting dogs from any reserve taking into account the criteria for assessment of suitable prohibited areas set out in clause 2.2.3.

2.2.5 Amendments to the list of prohibited areas may occur outside the reserve management plan process where the need arises. In such circumstances the Council will publicly notify its intentions and hear any submissions.

2.3 Policies for Objective (1.1.2): Dog Fouling

2.3.1 Dog owners must remove faeces deposited in any public place by any dog under their control.

2.3.2 Dog owners will be encouraged to carry disposal bags, and to use and dispose of these responsibly.

2.4 Policies for Objective (1.1.3): Dog Exercise Areas

2.4.1 Adequate areas will be available where owners can exercise dogs at large provided any owner so doing remains present and keeps that dog under control.

2.4.2 Exclusive dog exercise areas will not be provided.

2.5 Policies for Objectives (1.1.4): Education and Information Programmes

- 2.5.1 Education programmes will be promoted to enhance responsible dog ownership and to assist in community awareness and the prevention of dog attacks.
- 2.5.2 Media publicity will be used to promote public awareness of:
 - a. dog registration;
 - b. Council's Dog Control Policy;
 - c. Council's Dog Control Bylaw;
 - d. the use of infringement notices; and
 - e. educational programmes about dogs.
- 2.5.3 Dog owners will be encouraged to attend an approved dog training course or the Council operated Voluntary Owner Licence course.

2.6 Policies for Objective (1.1.5): Funding

- 2.6.1 Fees will be set annually by Council resolution.
- 2.6.2 Levels of service will be set out in the Long-Term Council Community Plan.
- 2.6.3 Fines and infringement fees will be used to fund dog control activities.

3. IMPLEMENTATION METHODS

The following methods will be used to give effect to the policies:

3.1 Enforcement

- 3.1.1 The Act and the Bylaw will generally be enforced by Matamata-Piako District Council Animal Control Officers.
- 3.1.2 Infringement notices will be issued at the discretion of Council for the following offences:
 - a. wilful obstruction of dog control officer or ranger;
 - b. failure or refusal to supply information or wilfully providing false particulars;
 - c. failure to supply information or wilfully providing false particulars about dog;

- d. failure to comply with any bylaw authorised by the section;
- e. failure to comply with effects of disqualification;
- f. failure to comply with effects of classification of dog as dangerous dog;
- g. fraudulent sale or transfer of dangerous dog;
- h. failure to comply with effects of classification of dog as menacing dog;
- i. failure to implant microchip transponder in dogs classified as dangerous or menacing, or those registered for the first time after 1 July 2006;
- j. false statement relating to dog registration;
- k. failure to register dog;
- l. fraudulent procurement or attempt to procure replacement dog registration label or disc;
- m. failure to advise change of dog ownership;
- n. failure to advise change of address;
- o. removal, swapping, or counterfeiting of registration label or disc;
- p. failure to keep dog controlled or confined;
- q. failure to keep dog under control;
- r. failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise;
- s. failure to carry leash in public; and
- t. allowing dog known to be dangerous to be at large unmuzzled or unleashed.

3.1.3 Unless there are unusual circumstances in any particular case, infringement notices will not be waived.

Attendance at an approved dog education/obedience class will be considered in lieu of a fine for the first offence.

3.2 Dog Classification

3.2.1 The Act provides for the classification of dogs by Council. Dogs may be classified as either a dangerous dog or a menacing dog. These classifications will be applied in accordance with the guidelines set out in the Schedule, except where classification is mandatory under the Act.

3.2.2 Classification of any dog as dangerous or menacing imposes additional obligations on an owner in the control of their dog. Council's Animal Control Officers will provide further information on this as required by dog owners.

3.2.3 Council may require menacing dogs to be neutered.

3.3 Dog Owner Classification

3.3.1 The Act provides for the classification of owners by Council. Owners may be classified as probationary owners, or may be disqualified from owning a dog where offences have been committed against the Act or other dog-related Acts. These classifications will be applied at the discretion of Council, except where classification is mandatory under the Act.

3.3.2 Classification as Probationary Owners:

- a. a person may be classified as a Probationary Owner where that person has been convicted of an offence against the Act or another dog-related Act, or has committed three or more infringement offences within a continuous period of 24 months;
- b. unless there are unusual circumstances in any particular case, the classification shall continue for a period of 24 months.

3.3.3 Disqualified Owners

Unless there are unusual circumstances in any particular case, Probationary Owners will be disqualified from owning a dog for up to 5 years if they have been convicted of an offence against the Act or another dog-related Act, or have committed three or more infringement offences within a continuous period of 24 months.

3.4 Prohibited Areas

3.4.1. The Bylaw identifies those areas where dogs are prohibited.

3.4.2. Appropriate signs will be erected to identify prohibited areas.

3.5 Leash Control Areas

3.5.1. The Bylaw identifies those areas where dogs must be on a leash or otherwise restrained.

3.6 Dog Fouling

- 3.6.1 The Bylaw requires a dog owner to clean up any fouling of a public place by the person's dog.

3.7 Dog Exercise and Recreation

- 3.7.1 The Bylaw provides for a dog to be exercised off a leash in specified areas provided that it is under the direct control of its owner.
- 3.7.2 The Bylaw identifies where it is permitted to exercise dogs on designated reserves.

3.8 Education Programmes

- 3.8.1 Council will offer several education programmes free of charge as follows:
- a. education presentations are available and offered to all schools. These presentations are based on dog control, animal welfare, prevention of dog attacks and hygiene;
 - b. Council will consider financial or resource support for approved animal control education programmes;
 - c. information pamphlets will be distributed to help owners identify and rectify dog control problems;
 - d. the news media will be used to promote public awareness of: dog registration; Council's Policy on Dogs and Dog Control Bylaw; and the use of infringement notices;
 - e. the Council will as it considers necessary allow areas of public land to be used for approved dog obedience and agility training classes and events.

3.9 Funding

- 3.9.1 Dog registration fees will be set annually to reflect the actual costs associated with the control of dogs and in accordance with Council's financial strategy.
- 3.9.2 Fines and infringement fees for dog control offences will be credited to the dog control account.
- 3.9.3 A Voluntary Owner Licence Scheme has been implemented which entitles owners who qualify to lower dog control fees, thus rewarding and encouraging responsible dog ownership.
- 3.9.4 An application for reduced dog control fees can be made by any owner where the following can be demonstrated that the owner has:
- a. not been the subject of justified complaints and has not been prosecuted for dog control offences within the previous two years;

- b. not had dogs impounded within the previous two years; and
- c. not kept an unregistered dog within the previous two years.

3.9.5 Dog control fees paid by owners of dangerous dogs are to be paid at a rate 50% above the normal rate.

SCHEDULE

DOG CLASSIFICATION GUIDELINES

| Scale | Attack circumstances | Injury | Victim Impact | Action Taken |
|-------|---|--|---------------|---|
| 1 | Victim rushed at, no physical contact made. Dog aggressive and menacing | No injury to victim | Low | Verbal/written warning |
| | | | High | Written warning |
| 2 | Victim rushed at, physical contact made. Dog aggressive and menacing | Minor/no bite marks to victim, bruising, minor laceration | Low | Written warning Reparation for torn clothes |
| | | | High | Written warning Reparation for torn clothes Menacing dog classification |
| 3 | Victim rushed at, physical contact made. Dog aggressive and menacing | Minor injury to victim with bite marks and swelling to bite area | Low | Menacing dog classification |
| 4 | Victim rushed at, physical contact made. Dog aggressive and dangerous | Injury to victim, bite marks, laceration and swelling | Low | Dangerous dog classification |
| | | | High | Dangerous dog classification Possible prosecution |
| 5 | Victim attacked, physical contact made. Dog very aggressive and dangerous | Limited external injury to victim that required medical care | High | Dangerous dog classification Possible prosecution |
| 6 | Victim attacked, physical contact made. Dog very aggressive and dangerous | Limited external injury to victim that required doctors medical surgery, serious lacerations requiring medical repair | High | Dangerous dog classification Prosecution |
| 7 | Victim attacked, physical contact made. Dog very aggressive and dangerous | Severe external injury to victim that required hospitalization | High | Prosecution |
| 8 | Victim attacked, physical contact made. Dog very aggressive and dangerous | Severe external injury to victim that required hospitalization and major surgery to affected limbs | High | Prosecution under s 57(2) Possible prosecution under s 58 |
| 9 | Victim attacked, physical contact made. Dog very aggressive and dangerous | Severe external injury to victim that required hospitalization and major surgery to affected limbs and possible reconstruction or microsurgery | High | Prosecution under s 57(2) and prosecution under s 58 |