



**CARTERTON**  
DISTRICT COUNCIL

## **Control of Dogs Bylaw**

### **Short title**

This bylaw is the Carterton District Council Dog Control Bylaw (2017)

### **Purpose**

The purpose of this bylaw is to balance the recreational needs of dogs and their owners with appropriate controls to minimise the potential for harm, distress or nuisance that may be caused by dogs.

The objectives of this bylaw are:

- a) to promote the responsible management of dogs in public places
- b) to provide for the recreational needs of dogs and their owners
- c) to minimise the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

### **Interpretation**

the Act	The Dog Control Act 1996
Continuous Control	Means the act of a dog being kept under the control of a person to prevent that dog causing a nuisance or a danger to other persons, animals, damage to property and includes a dog on a leash.
District	Means the Carterton District.
Leash	Means a lead which is capable of restraining the dog.
Person	Means the owner or such other person who has a dog in their possession or control.
Public Place	(a) 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 a place is lawfully entitled to exclude any person or object from that place, and

- (b) Includes any aircraft, hovercraft, ship or ferry or vessel, train or vehicle carrying or available to carry passengers for reward.

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

### **Prohibited Public Places**

Dogs shall be prohibited in the areas of the District specified as:

- a) The children's play area of Carrington Park
- b) The children's play area of Howard Booth Park
- c) The public Swimming Baths in Pembroke Street
- d) The Landfill in Dalefield Road
- e) The Children's play area of Bird Park

Nothing in this clause shall apply to any disability assist dog or any dog which is used by the Police or any security guard in the course of their respective functions and duties and to any dog which is secure in or restrained on any vehicle.

### **Dogs in Public Places on a Leash**

Dogs shall, unless restrained on a leash, be prohibited in those areas of the District specified as:

- a) The Central Business area of Carterton in High Street from the Victoria/ Wakelin Street Intersection at the south end, terminating at High Street North, being the far boundary of the Society of St Vincent de Paul grounds on the western side and the property currently occupied by Wright Pools & Spas, on the eastern side, a distance of 106 metres from the Belvedere / Park Road intersection.
- b) Memorial Square
- c) Cemetery
- d) Camping Ground

### **Dogs in All Other Public Places**

In all public places other than those in which dogs are prohibited or required to be on a leash, dog owners must use or carry a leash and dogs must be under continuous control of a person at all times. Dogs found in a contravention of these Bylaws may be seized or impounded by an authorised officer forthwith.

### **Dog Exercise Areas**

No specific dog exercise areas are defined. There are sufficient open spaces around the district in parks and reserves and on low traffic rural road verges where it is appropriate for dogs to be exercised.

## **Minimum standards of Accommodation of Dogs**

The owner of any dog shall provide adequate accommodation for the dog. Kennels are to be provided on a hard surface, provide shelter from the elements and be free from dampness. Kennels are to be kept in a clean condition.

## **Dogs Causing or Becoming a Nuisance or Injurious to Health**

The owner of the dog or owner or occupier of any premises whereupon any dog or dogs are customarily kept shall take adequate precaution to prevent the dog or dogs or the keeping thereof from becoming a nuisance or injurious health.

If in the opinion of the Council's Dog Control Officer the dog or dogs or the keeping thereof on premises has become or is likely to become a nuisance or injurious to health, the Council, the Dog Control Officer or any person duly authorised on that behalf of 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 or reconstruct or otherwise improve the kennels or buildings used to house or contain dogs.
- c) Require such dog or dogs to be tied up or otherwise confined.
- d) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.

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.

## **Barking Dogs**

No owner of any dog in the district or owner, or occupier of any premises shall suffer or permit such dog to bark in such a manner or for such a period as to be persistent, loud barking or howling.

## **Defecating dogs and removal of faeces**

The owner of any dog that defecates in a public place or on land or premises other than that occupied by the dog owner shall immediately remove the faeces. This excludes working dogs being used to drive stock on roads, Police and security dogs, hearing ear dogs, guide dogs and companion working assistance dogs in the course of their functions and duties.

## **Restriction on Diseased Dogs**

Any dog which is infected with mange, distemper or other infectious disease, shall not be taken or lead in any public place.

## **Maximum number of Dogs within the Urban zone area**

No owner or any other person in charge of or in control of any dog shall keep, confine, control or harbour more than two dogs over the age of three months on any one property within the urban area of the Carterton District except with the written consent of the Council and in accordance with any conditions thereof.

Applications to keep more than two dogs on any one property in the urban area shall be in the form as contained in the first schedule hereto and subject to the payment of an administrative application fee approved by resolution of Council.

### **Offences and Penalties**

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.

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.

*For the purpose of clarity, many matters not covered by this bylaw are already covered by the Dog Control Act 1996, and breaches of those matters can result in the issuing of infringement notices (otherwise known as instant fines). The amounts for these infringements range from \$100 to \$750 and are set out in the Act.*

### **Fees**

The structure of dog control fees will be aligned with the Annual Plan process each year. Council's policy measures on which Annual Plan consideration will be based will include.

Calculation of an average base charge reached by the total budgeted costs of dog control divided by the estimated number of dogs in the district.

- a) A 50% rebate for guide dogs / hearing ear dogs / companion working assistance dogs.
- b) Discount for neutered dogs in the urban ward, as a preventive measure in terms of dog temperament, dog control, reduced wandering dogs and indiscriminate breeding.
- c) Any other factors that have a direct bearing on the incidence of the spread of cost and administering the activity.
- d) Substantial penalty fee in accordance with section 37(2)(t) of the Dog Control Act 1996 in recognition of the effect on cash flows and collection costs of late payments.

### **Classification of Owners**

Owners will be classified in accordance with the fee structure as set under the Annual Plan, e.g. neutered dogs. Owners with dogs in the probationary, menacing, dangerous and disqualified category will be classified in accordance with the procedures in the Act.

### **Probationary Owners, Owners of Menacing Dogs & Disqualified Owners**

Under Sections 21 to 33F of the Dog Control Act:

These sections will be used as a method of last resort and having clearly notified any offending dog owner of the implications.

All such dogs classified as menacing by breed, as under the Dog Control Amendment Act 2003, shall be required to be neutered.

All such dogs classified as menacing by deed (dogs that are considered to pose a threat, because of observed or repeated behaviour), as under the Dog Control Amendment Act 2003, shall be required to be neutered.

### **Issuing Infringement Notices**

The Act provides for infringement notices for certain offences under the Act. Infringement notices can be served at the time of the offence on the owner as defined in the Act and generally the person in charge of the dog. The infringement requires an infringement fee to be paid or for the owner to request a court hearing in respect of the alleged offence. Infringement fees are set out under schedule 1 of this bylaw.

Each Authorised Officer of the Council will have delegated authority to issue infringement notices in accordance with sections 65 and 66 of the Act. Immediate issue of infringement notices will occur where cases warrant. In other instances infringement fees and notices will be issued as an intermediary step between having given the appropriate warning or notice and cases of summary prosecution through the District Court in serious or persistent cases.

Council will establish a Hearings Committee with delegated power to act for purpose of hearing and determining a request from any person issued with an infringement notice under the Act.

## SCHEDULE 1

### Infringement Offences and Fees

Section	Description of Offence	Infringement fee
18	Wilful obstruction of a dog control officer or ranger	750.00
19(2)	Failure or refusal to supply information or wilfully providing false particulars	750.00
19A(2)	Failure to supply information or wilfully providing false particulars about a dog	750.00
20(5)	Failure to comply with any bylaw authorised by the section	300.00
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300.00
24	Failure to comply with obligations of probationary owner	750.00
28(5)	Failure to comply with effects of disqualification	750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300.00
32(4))	Fraudulent sale or transfer of dangerous dog	500.00
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300.00
33F(3)	Failure to advise person of muzzle and leashing requirements	100.00
36A(6)	Failure to implant microchip transponder in dog	300.00
41	False statement relating to dog registration	750.00
41A	Falsely notifying death of dog	750.00
42	Failure to register dog	300.00
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	500.00
48(3)	Failure to advise change of dog ownership	100.00
49(4)	Failure to advise change of address	100.00
51(1)	Removal, swapping or counterfeiting of registration label or disc	500.00
52(A)	Failure to keep dog controlled or confined	200.00
53(1)	Failure to keep dog under control	200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise	300.00
54A	Failure to carry leash in public	100.00
55(7)	Failure to comply with barking dog abatement notice	200.00
62(4)	Allowing dog known to be dangerous to be at large un-muzzled or unleashed	300.00
62(5)	Failure to advise of muzzle and leashing requirements	100.00
72(2)	Releasing dog from custody	750.00