

# CARTERTON DISTRICT COUNCIL CONTROL OF DOGS BYLAW 2004

## 1.0 Short Title

This Bylaw may be cited as the Carterton District Council Control of **Dogs Bylaw 2004 ?**

## 2.0 Commencement

These Bylaws shall come into force **DATE?**

## 3.0 Interpretation

“**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.

## 4.0 Prohibited Public Places

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

- The children’s play area of Carrington Park
- The children’s play area of Howard Booth Park
- The public Swimming Baths in Pembroke Street
- The Landfill in Dalefield Road

Nothing in clause 4.0 of this bylaw shall apply to any dog which is a guide dog, a hearing ear dog, a companion working assistance 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.

Sites to be appropriately signposted.

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

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

- The Central Business area of Carterton in High Street from the Victoria/ Wakelin Street Intersection at the south end to the High Street entrance of the Rugby grounds and the Carterton Car Sales Used Car Yard ??? being a distance of 106 metres from the Belvedere / Park Road intersection with High Street and the North end.
- Memorial Square
- Cemetery
- Camping Ground

Sites to be appropriately signposted.

### **6.0 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.

### **7.0 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.

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

- 1) 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.

- 2) 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.

### **9.0 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 offensive or likely to be injurious to health.

### **10.0 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. 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.

### **11.0 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.

### **12.0 Maximum number of Dogs in an Urban Ward**

- 1) 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 ward of the Carterton District except with the written consent of the Council and in accordance with any conditions thereof.
- 2) Applications to keep more than two dogs on any one property in the Urban Ward 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.

### **13.0 Offences and Penalties**

Every person who commits a breach of the provisions of this Bylaw shall be liable on summary conviction to a fine in accordance with **Section 683 Local Government Act 1974**, not exceeding \$20,000.

### **14.0 Fees**

The structure of dog control fees will be aligned with the Annual Plan programme 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 50% rebate for guide dogs / hearing ear dogs / companion working assistance dogs.
- 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.
- Any other factors that have a direct bearing on the incidence of the spread of cost and administering the activity.
- Substantial penalty fee in accordance with section 37(2) (t) in recognition of the effect on cash flows and collection costs of late payments.

### **15.0 Owner Education Programmes**

Continuation of current initiatives and where possible enhancement being:

Minimum of one annual visit to dog owners in the urban ward and tri-annual in the rural ward for education, dog control, dog welfare and registration status.

Information educational leaflet to be handed to owners.

Promote educational opportunities regarding dog control, dog welfare and registration status to schools, Taratahi Training Farm and other interest groups.

### **16.0 Dog Obedience Courses**

Endorse existing initiatives as follows:

Encourage dog obedience courses including some financial sponsorship through the Wairarapa Dog Obedience Club.

Co-ordinate with the SPCA Wairarapa Branch in respect of owner education, school education programmes regarding matters concerning the welfare and control of dogs.

## **17.0 Classification of Owners**

Owners will be classified in accordance with the fee structure, e.g. neutered dogs.

Owners with dogs in the probationary, menacing and disqualified category will be classified in accordance with the procedures in the Act.

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

Sections 21 to 33F of the Act. These sections will be used as a method of last resort and having clearly notified any offending dog owner of the implications.

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

**18.2** 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.

## **19.0 Issuing Infringement Notices**

Sections 65 and 66 of the Act. Each Authorised Officer of the Council will have delegated authority to issue infringement notices in accordance with sections 65 and 66. 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 Section 66(4) (f). The Hearings Committee will be the Chairman of Council's Resource Management and Administration Committee (or in his absence or unavailability the Deputy Chairman) Plus any two members of the Resource Management & Administration Committee plus the General Manager or in his absence the Corporate Services Manager. The Chairman or in his absence the Deputy Chairman and General Manager or in his absence the Corporate Services Manager to have power to act in appointing the other two members of the Hearings Committee.

## **20.0 ANIMAL ESTABLISHMENTS**

No person shall establish or maintain any animal boarding establishment, cattery or refuge centre without first obtaining Resource Consent from the Carterton District Council.

## **21.0 Lands in the District Designated Under the Conservation Act 1987 or National Parks Act 1980**

The Department of Conservation have advised no such areas are classified. Any such identified areas notified to Council by the Department of Conservation shall be included in the Dog Policy.

### **Factors Taken into Account in Reaching this Policy In adopting the Policy Council has had regard to the following factors:**

The exercise and recreational needs of dogs and their owners.

To minimise danger, distress and nuisance to the community generally.

Legislative requirements.

Knowledge of staff to existing practice and problem areas.

Policies are reasonable and easily interpreted.

Policies are realistically enforceable.

This policy shall remain in force until such time as Council in accordance with Section 10(8) Dog Control Act 1996 proposes any amendment in accordance with the special consultative procedures.

This policy was adopted by resolution of Council on **Date????**

KEY: Black denotes CDC existing bylaw

Blue denotes MDC amended draft 2004

Green denotes WCC amended bylaw 2004

Red denotes requiring changes through CDC input