



ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

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THE ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

PURSUANT to the powers contained in the Dog Control Act 1996 and the Local Government Act 2002 and any other authority enabling the Council in that behalf, the Rotorua District Council HEREBY RESOLVES to make the following Bylaws:

1. Short Title

This Bylaw shall be known as "The Rotorua District Council Dog Control Bylaw 2005".

2. Commencement

This Bylaw shall come into force on the 1st day of February 2006.

3. Repeal

As from the day that this Bylaw comes into force the Rotorua District Council Dog Control Bylaw 1990 shall be repealed.

4. Interpretation

In this Bylaw, unless the context otherwise requires:

"Act" means the Dog Control Act 1996.

("Area Prohibited to Dogs" means an area designated as such by resolution of the Council and those areas shown in the Second Schedule.)

("At Large" means free or at liberty without any physical restraint by a person, but shall not include a dog under the command of a person exercising the dog in a designated exercise area.)

"Council" means the Rotorua District Council.

"..Control" in any public place means on a leash not greater than two (2) metres in length unless the dog(s) is/are on an area designated by Council as a Dog Exercise Area"

(or, unleashed but under verbal restraint or command when in a rural area not stated as prohibited.)

(i) "It shall be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if:

(a) he/she proves that the dog is a "working dog" as defined in Section 2 of the Act and was, at the time of the alleged offence, being used for that purpose" or

(b) if that person who is the owner or in charge of a dog/s is in a rural area not prohibited to dogs by any provision of this Bylaw or any Act, is a licensed or permitted hunter and has that dog/s under his or her control by way of voice or whistle or hand signal and the dog/s is/are being used for hunting activities at the time.

"District" means the Rotorua District.

"Dog includes any dog, bitch, neutered dog or spayed bitch.

"Dog Control Officer" means a Dog Control Officer appointed by the Council under Section (11) of the Act.

"Dog Ranger" means a Dog Ranger appointed by the Council under Section 12 of the Act.

"Guide Dog" has the same meaning as defined in Section 2 of the Principal Act

"Hearing Ear Dog" has the same meaning as defined in Section 2 of the Principal Act

"Impound" means to impound in a public pound or in any vehicle used in the transporting of dogs to a public pound.

"Leash" means a length of cord, chain or other material no longer than two metres in length that at one end can be secured to a dog and the other end can be securely held by a person and has the strength to restrain the dog in any situation.

"Menacing Dog" has the same meaning as defined in Section 33A and Section 33C of the Dog Control Amendment Act 2003.

"Microchip" an approved transponder to be implanted for the purpose of providing permanent identification of any dog.

"Owner" has the same meaning as defined in Section 2 of the Principal Act.

"Principal Act" means the Dog Control Act 1996.

"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 and applies to every road, street, footpath, footway, court, alley and thoroughfare of a public nature, or open to or used by the public as of right, and to every place of public resort so open or used. Also means any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

"Owner" has the same meaning as defined in Section 2 of the Principal Act.

"Working dog"

Working dog shall have the same meaning as defined in Section 2 of the Dog Control Act 1996.

5. Control of Dogs

- (i) Every dog owner who fails to keep his dog under control at all times commits an offence.
- (ii) Without limiting the generality of subclause (i) of this clause, a dog shall be deemed to be not under control:
 - (a) If it is found at large on any land or premises other than a public place without the consent (expressed or implied) of the occupier or person in charge of that land or those premises; or
 - (b) No dog owner or person having the dog in their possession shall cause or permit any dog kept by them to enter or remain in any public place unless the dog is kept under control by the way of a leash not greater than two (2) metres in length held by that person, unless that dog is in an area set aside by the Rotorua District Council and stipulated in the Third Schedule to this Bylaw as a designated Dog Exercise Area.
 - (c) No dog owner or person having a dog in their possession shall cause or permit any dog owned by them to be in any public place to be at large unless that dog is in an area set aside by the Rotorua District Council for the exercise of dogs as stipulated in the Third Schedule to this Bylaw.
- (iii) Where a dog is not under control in terms of subclause (ii) of this clause, a dog control officer or dog ranger may seize the dog and either return it to its owner or impound it.
- (iv) Notwithstanding the provisions of subclause (i) of this clause the Council may by resolution permit the exercising of dogs in or on any public place specified in that resolution provided such dogs are kept under continual control and for the purpose of this subclause there shall be deemed to be sufficient control if the dogs are under the continued supervision of a person responsible for the dogs and capable of directing the dog by voice command, whistle, or by hand signal.
- (v) Any resolution made pursuant to subclause (iv) hereof shall be publicly notified in the manner provided by the Local Government Act 2002.

- (vi) A dog owner shall not allow his dog to enter or remain in or on any part of any camping ground operated under the jurisdiction of the Council unless he has first obtained its written consent.
- (vii) All dogs are prohibited from the following areas:
 - (a) Any public building under the control of the Council.
 - (b) Any public baths or other bathing places owned or controlled by the Council.
 - (c) Any reserve or public reserve within the meaning of the Reserves Act 1977.
 - (d) Whilst dogs are prohibited from being exercised in any Cemetery within the District, they are permitted to accompany any person visiting a grave or memorial, provided the dog is on a lead at all times.
 - (e) Any airport.
 - (f) Any schools and kindergartens, including play areas.
 - (g) Those Streets within the Central Business District of the City of Rotorua as are set out in the Second Schedule to this Bylaw along with any portion of any roading or footpath fronting any suburban shopping area in the District.
- (viii) None of the prior subclauses of this clause shall apply to a guide dog, a hearing ear dog, or a dog owned or used by the New Zealand Police or a Licensed Security Guard.

6. Obligations of Dog Owner

- (i) A dog owner shall ensure that:
 - (a) The dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - (b) The dog receives adequate exercise;
 - (c) The whole of any kennel or run is maintained in a sanitary condition at all times so as to prevent the creation of any nuisance or state which is injurious to public health.
- (ii) For the purposes of subclause (i)(a) of this clause, proper and sufficient shelter shall comprise a weatherproof kennel or place of confinement constructed on dry ground. In the case of a kennel without other means of confinement, it shall have a fixed chain which allows the dog free movement about the kennel. The kennel or place of confinement shall have access to clean water. The standards for shelter imposed by this subclause may be waived in any particular case where a dog owner provides proper and reasonable evidence that his dog is normally housed within the confines of a dwelling house or other suitable building.
- (iii) Every dog owner who keeps a dog beneath the bottom or ground floor of a residential building commits an offence.
- (iv) Every dog owner who keeps his dog in any kennel or run which is closer than two (2) metres from any open drain, water course, lake or boundary of any premises commits an offence.
- (v) Every dog owner who keeps a dog in any kennel or run which is not further than nine (9) metres from any residential dwelling on a neighbouring property commits an offence.

7. Fouling in Public Places

Every dog owner who fails to immediately remove from any public place or from any private property of which he/she is not the occupier, faeces deposited by his/her dog, commits an offence. If the dog owner places such faeces in a public litter bin or similar receptacle, the faeces must be wrapped or contained in order to prevent fouling of such litter bin or receptacle.

8. Female and Diseased Dogs

- (i) No dog owner or any person with a dog in their possession that is infected with any contagious disease including mange or distemper shall allow that dog in any public place unless that dog is being taken into the care of a veterinary surgeon.
- (ii) No dog owner shall permit any female dog owned by him/her in any public place while that dog is knowingly in season.

9. Aggravation of Dogs

Every person who, without lawful excuse, behaves or acts in such a way, or who uses a device so as to aggravate or cause distress to any dog in any public place, or on any private property, so that it becomes restive or unmanageable, commits an offence.

10. Nuisances

- (i) Every dog owner commits an offence if he fails to:
 - (a) Take adequate precautions to prevent the dog from becoming a nuisance or injurious to public health;
 - (b) Take such steps as are necessary to prevent his dog from becoming a nuisance or annoyance to residents in the neighbourhood by barking and howling or by obstructing members of the public going about their lawful business in public places.
- (ii) If in the Council's opinion any dog or the keeping of that dog on any premises has become or is likely to become a public nuisance or injurious to public health, it may give written notice to the dog owner requiring all or any of the following things to be done within a time specified in such notice:
 - (a) Reduce the number of dogs kept on the premises; or
 - (b) Require the dog, or such greater number of dogs as Council may specify, to be tied up or otherwise confined during specific periods; or
 - (c) Take such other action as the Council deems necessary to minimise or remove the likelihood of public nuisance or injury to public health.
- (iii) Any dog owner to whom notice is given under subclause (ii) of this clause who fails to comply with the notice within the time therein specified commits an offence.

11. Limitation of Number of Dogs on any Land or Premises

- (i) No owner of any premises or dog owner shall keep or cause to be kept or have in his/her care more than two (2) dogs of a greater age than three months within the Urban Fence, unless a Kennel Licence has been obtained from the Council permitting more than two (2) dogs to be kept at those premises.
- (ii) The Licence shall be in the form contained in the First Schedule to this Bylaw, and may contain such terms, conditions or restrictions as an authorised officer of Council may deem fit to impose in any particular case.
- (iii) If the Licence is breached in any way, it may be revoked by an authorised officer of Council at any time.
- (iv) Every application for a Licence shall be submitted in writing on the prescribed form addressed to the Council and signed by the applicant. Before issuing a Licence, the Council may request the applicant to give to it such further information as it may reasonably require. At the time an application for a Licence is made to the Council, the applicant shall pay the application fee as determined by Council from time to time by Resolution publicly notified.
- (v) Every dog owner who breaches any of the terms, conditions or restrictions contained in the Licence issued to him by the Council commits an offence.

12. Impounding

- (i) A dog control officer or dog ranger may impound a dog, whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto, found at large in any public place in breach of any of the other provisions of this Bylaw.
- (ii) Council may require any dog owner whose dog is impounded to pay the impounding fee together with a daily sustenance fee for the dog during the period that it is impounded as such fees as determined by Council from time to time by Resolution and publicly notified.

13. Disposal of Impounded Dogs

Where any dog is impounded under this Bylaw and:

- (a) It is not claimed by the dog owner and all fees are not paid to Council within seven (7) days after receipt by the dog owner of either written or oral notice of the impounding; or

- (b) Its owner is unknown to the Council or cannot be found within seven (7) days of the impounding; then the dog may be destroyed by the Council or sold by the Council to any person who shall thereupon be the lawful owner of the dog. Such destruction or sale shall not relieve the person who was the dog owner before the dog's destruction or sale of liability for any offence under this Bylaw or for payment of any fees payable under this Bylaw.

14. Offences and Penalties

- (a) Every person who commits a breach of any of the provisions in this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000.00.
- (b) Failure to comply with any part of this Bylaw may result in the offender being issued with an Infringement Notice in accordance with the first schedule of the Principal Act.

15. Dispensing Power


Where in the opinion of the Council:

- (a) A full compliance with any of the provisions of this Bylaw would needlessly and unfairly affect any person; or
- (b) Needlessly and unfairly affect the business operation of any such person; or
- (c) Cause undue loss or inconvenience to any person without any advantage to the public; then –

In any such case or cases the Council may, on the special application of any such person so affected and subject to a report thereon by the officer of the Council usually or for the time being charged with the control or administration of that aspect of dog control in question, by resolution (the power to so dispense being hereby reserved) dispense with the observance or performance or relax the strict observance or performance of any of the provisions of this Bylaw, or otherwise modify the same. Any such dispensation, relaxation or modification shall not relieve such person from his obligation to comply with the provisions of this Bylaw as so varied.

This Bylaw was duly made by the Rotorua District Council by a resolution passed on the 10th day of October 2005 and was confirmed, following consideration of community submissions received during a special consultative procedure, by a resolution passed on the 25th day of October 2005.

The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in
the presence of:



DEPUTY Mayor



Chief Executive



FIRST SCHEDULE

LICENCE PURSUANT TO CLAUSE 11
ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

The Rotorua District Council hereby licences

of Rotorua, to keep Dogs on the premises described below, subject however to such conditions and restrictions as are herein set out.

Description of licensed premises:

Conditions:

This Licence shall remain in force until the 30th day of June 20.....

DATED at Rotorua this day of 20.....

For and on behalf of the Council

Dog Control Officer

Owner No.

Receipt No.

Fee Paid \$

Date:

SECOND SCHEDULE**CENTRAL BUSINESS DISTRICT**

- a) Whakaue Street from its intersection with Hinemaru Street to its intersection with Rangiuru Street.
- b) Pukaki Street from its intersection with Hinemaru Street to its intersection with Rangiuru Street.
- c) All of Arawa Street.
- d) Haupapa Street from its intersection with Ranolf Street to its intersection with Hinemaru Street.
- e) Pukuatua Street from its intersection with Ranolf Street to its intersection with Hinemaru Street.
- f) Hinemoa Street from its intersection with Ranolf Street to its intersection with Hinemaru Street.
- g) Eruera Street from its intersection with Ranolf Street to its intersection with Hinemaru Street.
- h) Amohau Street from its intersection with Ranolf Street to its intersection with Hinemaru Street.
- i) Fenton Street from its intersection with Amohau Street to its intersection with Whakaue Street.
- j) Tutanekai Street from its intersection with Amohau Street to its intersection with Lake Road.
- k) All of Amohia Street.
- l) Hinemaru Street from its intersection with Amohau Street to its intersection with Whakaue Street.
- m) All of Rangiuru Street.
- n) Lake Road from its intersection with Tutanekai Street to its intersection with Rangiuru Street.

THIRD SCHEDULE

DESIGNATED DOG EXERCISE AREAS

That the following Reserve areas be formally set aside as Dog Exercise Areas where dogs may be exercised off a lead providing they are under constant supervision and control of their owner(s) or the person(s) who at the time the animal(s) is/are being exercised has the dog in his or her possession and that the new Schedule be read as the Fourth Schedule and inserted as follows:

1. **Ngongotaha -**
Reeme Street Reserve
Reeme Street to Tauhi Street
2. **Ngongotaha -**
Western Road Reserve (Elliott Park)
Access from Western Road and Kokiri Street (via footbridge)
3. **Boiella Park -**
Flat area, entrance off Kawaha Point Rd
Central to Koutu/Kawaha Point locality
4. **Fairview Road Reserve -**
Access from Bell, Fairview and Park Roads
5. **Linton Park East -**
Access from Edmund Rd, Kamahi Place, Homedale Street
6. **Blomfield Street Reserve -**
Western perimeter Goldie Street/Pukehangi Road
7. **Pullar Park -**
Between Sunset Primary and Intermediate Schools, adjacent to Otomatea Stream
8. **Wright Park -**
Access off Icarus Place, Pegasus Drive, Castor Place, Helena Place and Orion Street
9. **Simmonds Crescent Reserve (now Tihi Reserve) -**
Access Simmonds Crescent, Day Place and Tihi Road
10. **Boyes Park -**
Access Carlton, Wylie, Duncan and Ranolf Streets
11. **Pererika Street (Town Belt) -**
Area from St Michael's Scout Hall to Telecom entrance
12. **McIntyre Avenue -**
Access McIntyre Avenue and Marguerita Street
13. **Larcy Rd Reserve -**
Access Larcy and Lynbert Roads

14. Coulter Road Reserve -

Access Wingrove and Coulter Roads

15. Corlett Street Reserve

Access from Corlett or Konene Streets

16. Linton Park West**17. Morey Street Reserve**

Access from Morey Street

18. Jackson Park

Access from Springfield and Otonga Roads and McDowell Street. Excluding all playground areas and sportsfields within the reserve.

19. Sala Street Reserve**20. Hannahs Bay Reserve**

Excluding that part of the Reserve situated to the West of the North-Eastern drain and bounded by the lake foreshore to the North, Willow Avenue to the West and the wetland area to the South, and further excluding all playground areas and all barbecue areas within the reserve and excluding that area used by the Rotorua Pony Club for events when an organised event is in progress.

21. Devon Street West/Utuhina Stream Reserve

Including that part of the reserve located between Devon Street West (opposite the International Stadium and associated playing fields) and the banks of the Utuhina Stream, as is more particularly described by signs at the reserve."

22. Rotorua Racecourse

Access after 9am off Fenton Street (only available when the Reserve is not in use for Race Meetings or other functions).

23. Lakeside Reserves -

Rotoiti Okere Road Reserve

Rerewhakaaitu Brett Road Reserve

Okaro Lake Okaro Reserve

Rotoma Merge Lodge

Blue Lake Area bounded by wooden fence to right of boat ramp

Okareka

Acacia Road (signed area to left of boat ramp along lake edge to intersection with Loop Road)

Boyes Beach – ***Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised on or off a lead, provided they are under the strict control of the person exercising the dog.***

Tarawera

Spencer Road (area adjacent to lake bounded by Rangiuru Bay Reserve and Stoney Point Point. Area is to left of the wooden fence at Rangiuru Bay to the right of the boat ramp at Stoney Point.) ***Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.***

Cliff Road – off Spencer Road (Reserve area at end of Cliff Road adjoining Lake Tarawera).

Rotorua

Reeme Sreet – fenced area adjacent to lake to right (south) of boat ramp.

Mourea – area at end of Waana Street.

Hannahs Bay – area at northern end of reserve adjacent to lake.

Hamurana – area adjacent to lake between Fryer Road and Hamurana Stream Mouth – ***The dog exercise area commences opposite Fryer Road, extending to the post and rail fence located 47 metres east of the intersection of Kaska and Hamurana Roads. For reasons of road safety, dogs in this area, when exercised off a lead, must not be closer than 2 metres from the road edge.***

Dog on Leash Area – From the area enclosed by a post and rail fence opposite the intersection of Kaska and Hamurana Roads to the mouth of the Hamurana Stream mouth, dogs must be on a leash between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside of these times dogs may be exercised off a lead provided they are under the strict control of the person exercising the dog. Dogs are prohibited at all times from within 10 metres of the Children's Playground and the BBQ facilities located on this portion of the Reserve.