

CLUTHA DISTRICT COUNCIL REGULATORY BYLAWS

PART 6

DOG CONTROL

Pursuant to the powers vested in it by the Local Government Act 1974, the Dog Control Act 1996 and all other powers thereunder enabling the Clutha District Council makes this Bylaw.

1. Short Title

This Bylaw may be cited as "The Clutha District Council Dog Control Bylaw 2006".

2. Commencement

This Bylaw shall come into force on the 2nd day of July 2006.

3. Object of Bylaw

The object of this Bylaw is to control the keeping of dogs in the area of the Clutha District Council.

4. Interpretation

In this Bylaw, unless the context otherwise requires -

Approved	means approved by the Council or by any Officer of the Council authorised in that behalf.
District	means the District of Clutha.
Council	means the Clutha District Council or any committee, sub-committee or authorised officer of the Clutha District Council who by definition under the Local Government act has authority in the matter.
District Plan	means the Clutha District Plan pursuant to the Resource Management Act 1991.
Dog Control Officer	means a dog control officer as defined in Section 11 of the Dog Control Act 1996.
Dog Ranger	means a dog ranger as defined in Section 12 of the Dog Control Act 1996.
Owner	means owner as defined in Section 2 of the Dog Control Act 1996.
Public Place	has the meaning assigned to the term by Section 2 of the Dog Control Act 1996 and the Schedule attached to this Bylaw.

Reserve	means any park, garden, plantation, forest, open space or ground set apart for public recreation or enjoyment and which is controlled or administered by the Council.
Road	means a road as defined in Section 315 of the Local Government Act 1975.
Working Dog	has the meaning assigned to the term by Section 2 of the Dog Control Act 1996.

5. Shelter for Dogs

- 5.1 The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size, constructed on well drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel with access to clean water. All kennels or places of confinement shall be kept in a clean and sanitary condition. A place of confinement may include a dwelling.
- 5.2 No owner of any dog shall keep the dog on any premises or in any kennel or place of confinement, other than a dwelling, any part of which is nearer than 2 metres to any boundary. Existing use rights shall apply unless a nuisance is created.

6. Control of Dogs

- 6.1 **Leash Control Areas** - The owner or any person for the time having charge of any dog shall ensure the dog does not enter or remain in any public place in the Urban, Industrial, Rural Settlement Resource Areas (as defined by the Clutha District Plan) or all public cemeteries unless it is kept on a leash, chain or lead which is secured or held so the dog cannot break loose.
- 6.2 The provisions of 6.1 shall not apply to a working dog carrying out the work in respect of which the dog has been registered.
- 6.3 Notwithstanding the provisions of 6.1, in any public place within the 'non-designated' area i.e. generally being the Rural, Transitional and Coastal Resource Area as defined by the District Plan (but excluding any Dog Prohibited area), or in any designated Dog Exercise Area (see Schedule A) a dog may be exercised without being restrained provided such a dog is kept under continuous control whilst being exercised.

For the purpose of this clause there shall be deemed to be sufficient control if such dog is under continuous surveillance of some responsible person and the dog does not give rise to any reasonable complaint as to its behaviour whilst being exercised.

- 6.4 **Dog Prohibited Areas** - Notwithstanding any other provision of this bylaw (with the exception of Clause 12) the entry of dogs on to any public place specified in Schedule A is prohibited.

7. Fouling by Dogs

No person (being the owner or a person having control or charge of any dog) shall permit or suffer the dog to foul with faecal matter any public place or any land or premises other than land or premises occupied by that person provided that no offence shall be deemed to have been committed against this bylaw where the owner or person having control or charge of the dog removes the faecal matter

immediately after the dog has deposited the droppings. Where a public litter bin or similar receptacle is used to dispose of the faecal matter, they must be suitably wrapped or contained to prevent fouling such receptacles.

8. Infectious or Infested Dogs

No person being the owner or having control or charge of any infectious or infested dog shall take the same into any public place or permit such dog to enter or remain in a public place except when being taken to a veterinary clinic.

9. Nuisances

9.1 The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall:

- a) Take adequate precautions to prevent the dog or dogs or the keeping of dogs from becoming a nuisance.
- b) Keep every bitch in season confined but adequately exercised.
- c) Keep such dog or dogs tied up (or otherwise confined), unless they are being exercised off the premises on a leash.

9.2 If, in the opinion of Council, any dog or dogs, or the keeping thereof on any premises has become or is likely to become a nuisance, 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, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs.
- c) Require such dog or dogs to be tied up or confined during specified periods.
- d) Take such other action as Council deems necessary to minimize or remove the likelihood of nuisance.

10. Licence to Keep More Than Two Dogs

10.1 No more than two dogs of registrable age (whether or not such dogs are registered) may be kept on any premises situated in the urban, industrial, or rural settlement resource areas as defined by the Clutha District Plan unless the owner or occupier is the holder of a licence to keep more than two dogs.

10.2 No licence shall be granted to the owner or occupier of any premises if such premises by reason of inadequate size, location or detrimental effect on any premises would be inappropriate for the housing of three or more dogs.

10.3 A licence issued under this clause is subject to the conditions set by Council. Any breach of such conditions or other terms, conditions or restrictions shall be a breach of this bylaw. Any licence may be revoked by Council for breach of conditions or in the event of change of circumstances relating to: -

- the premises
- the owner or occupier thereof
- the dogs kept or remaining on such premises

- 10.4 Applications for licences to keep more than two dogs shall be made on the form supplied by Council and shall provide such information in respect of the application as Council may reasonably require.
- 10.5 There shall be paid to Council upon application for every such licence such fee as Council from time to time by resolution publicly notified prescribe and every such licence shall remain in force for the period of twelve months following the date of issue unless revoked and may then be renewed at no ongoing cost.
- 10.6 The fee for such licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

11. Impounding of Dogs

When any contravention of Clause 6 occurs, or where any dog (whether or not wearing the proper registration label or disc) is found at large in breach of any provisions of this Bylaw or the Dog Control Act 1996, the dog may be impounded in accordance with Section 52 of the Dog Control Act 1996.

12. Suspend

Council may by resolution suspend the provisions of any part of this bylaw for such periods and locations as may be specified for the operation of organised dog or animal events.

13. Breach of Bylaw

Any person contravening or offending against or committing, permitting, or suffering a breach of any of the foregoing provisions shall be liable to prosecution or infringement notice for an offence against this bylaw.

14. Penalty

Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500 and, where the breach is a continuing one, to a further fine not exceeding \$50 for every day on which the breach has continued.

15. Repeals

All other Bylaws in force in the Clutha District prior to the 2nd day of July 2006 for the purposes of the control of dogs, are hereby repealed.

The foregoing Bylaw was duly made by the Clutha District Council by Special Consultative Procedure and adopted at a meeting held on 22 June 2006 and ordered to come into force on the 2nd day of July 2006.