

PART 3 DOG CONTROL

24. Objectives

24.1. The objectives for dog control in this bylaw are:

- (a) To control the keeping of dogs to prevent danger, distress and nuisance to the community generally.
- (b) To avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children.
- (c) To ensure the public can use streets and public amenities without fear of attack or intimidation by dogs.
- (d) To encourage responsible dog ownership.
- (e) To ensure wildlife are not endangered by uncontrolled dogs.
- (f) To ensure opportunities for exercise and the recreational needs for dogs and their owners.
- (g) To ensure that the fees charged to dog owners provide cost recovery for providing a dog control service to the district and that the fees for different categories of dogs are proportionate to the workload created by each for Council's animal control team.

25. Definitions

25.1. For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply.

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.
Scientific Reserve	Is a reserve as outlined under the Reserves Act 1977 for the purpose of protecting and preserving in perpetuity for scientific study, research, education, and the benefit of the country, ecological associations, plant or animal communities,

types of soil, geomorphological phenomena, and like matters of special interest.

Working Dog

Has the meaning assigned to the term by section 2 of the Dog Control Act 1996.

Wildlife

Means wildlife as defined in section 2 and as described in section 3 of the Wildlife Act 1953 or marine mammal as defined in section 2 of the Marine Mammals Protection Act 1978.

26. Shelter for Dogs

- 26.1. The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size constructed on well drained ground. A place of confinement may include a dwelling.
- 26.2. In the case of a kennel without other means of confinement, the dog shall be provided with a restraint which allows the dog free movement about the kennel with access to clean water.
- 26.3. All kennels or places of confinement shall be kept in a clean and sanitary condition.
- 26.4. 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.
- 26.5. Existing use rights shall apply unless a nuisance is created.

Notes not forming part of the bylaw: [The Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 13\)](#) include requirements for all owners or persons in charge of a dog to provide the dog with dry and shaded shelter.
[The Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 47\)](#) include requirements for all owners or persons in charge of an animal that is collared or tethered.

27. Control of Dogs

- 27.1. Notwithstanding the provisions of the Leash Control Areas and excluding any Dog Prohibited Areas described in this bylaw, in any public place within ‘non- designated’ areas i.e., generally being the Rural, Transitional and Coastal Resource Areas (as defined by the District Plan), or in any designated Dog Exercise Area (see **Schedule B**) a dog may be exercised without being restrained provided such a dog is kept under continuous control whilst being exercised.
- 27.2. For the purpose of the above 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.

27.3. Leash Control Areas

- 27.3.1. 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 or Industrial Resource Areas or Rural Settlements (as defined by the 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.
- 27.3.2. Dog owners must place their dogs on a leash when they are within 20 metres of wildlife.
- 27.3.3. The provisions of the Leash Control Areas shall not apply to a working dog carrying out the work in respect of which the dog has been registered.

27.4. Dog Prohibited Areas

- 27.4.1. Notwithstanding any other provision of this bylaw (with the exception of the 'suspension of provisions' section) the entry of dogs on to any public place specified in **Schedule B** is prohibited.

28. Fouling by Dogs

- 28.1. 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. 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.
- 28.2. 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.

29. Infectious or Infested Dogs

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

30. Nuisances

- 30.1. 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 female dog in season confined but adequately exercised. Keep such dog or dogs tied up (or otherwise confined), unless they are being exercised off the premises on a leash.

30.2. 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.

Note not forming part of the bylaw: [The Animal Welfare \(Care and Procedures\) Regulations 2018 \(section 47\)](#) include requirements for all owners or persons in charge of an animal that is collared or tethered.

31. Licence to Keep More than Two Dogs

31.1. 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 or Industrial Resource Areas or in Rural Settlements (as defined by the District Plan) unless the owner or occupier is the holder of a licence to keep more than two dogs.

31.2. 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 more than two dogs.

31.3. A licence issued for more than two dogs 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.

31.4. Any licence may be revoked by Council for breach of conditions or in the event of change of circumstances relating to:

- (a) The premises.
- (b) The owner or occupier thereof.
- (c) The dogs kept or remaining on such premises.

- 31.5. 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.
- 31.6. 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.
- 31.7. The fee for such licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.
- 31.8. A Dog Control Officer may seize any dog kept at a premises and impound any dog at the owner's expense where:
- (a) More than two dogs are kept at the premises where a licence is required and there is no licence permitting the keeping of more than two dogs or the licence has been revoked by the Council.

32. Impounding of Dogs

- 32.1. When any contravention of the Control of Dogs section of this bylaw 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.

33. Suspension of Provisions

- 33.1. 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.

34. Breach of Bylaw

- 34.1. 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.

35. Penalties

- 35.1. Every person who commits a breach of this bylaw is liable to a fine not exceeding \$300 or that prescribed under section 242(4) of the Act.

SCHEDULE B¹ DOG CONTROL – DOG EXERCISE AREAS AND DOG PROHIBITED AREAS

36. Dog Exercise Areas

36.1. The fenced and signed area at Centennial Park in Balclutha named Clutha Vets Dog Park.

37. Public Places from which Dogs are Prohibited²

37.1. Areas laid out and equipped as children's playgrounds.

37.2. The designated playing area of all sports grounds.

37.3. All school grounds.

37.4. All swimming pools.

37.5. Any premises used for the manufacture, preparation, storage, or the sale of food.

Note: The following public places from which dogs are prohibited are mapped on pages 30 to 35.

37.6. Between the 'no dog' signs at Kaka Point which covers an area from the rocks at the northern end of the beach to the public toilets to the south of the surf lifesaving clubrooms as illustrated in **Map 5**.

37.7. The beach from the Nuggets Fishing Camp breakwater at Tirohanga south to the boundary of the Nuggets Lighthouse Reserve³ as illustrated in **Map 6**.

37.8. All land administered by the Yellow Eyed Penguin Trust (the Trust) under the Conservation Act or Reserves Act⁴ or administered by the Trust under the Reserves Act

¹ Schedule B may be amended from time to time in terms of the special consultative procedure set down in sections 83 and 86 of the Local Government Act 2002.

² These prohibition's do not apply to:

- Guide-dogs for the blind.
- Registered disability assist dogs.
- Registered search and rescue dogs.
- Police dogs.
- Dogs being used by property guards (as defined in the Private Security Personnel and Private Investigators Act 2010).
- Dogs being used to fulfil the functions of the Department of Conservation where landowner permission has been granted.
- Dogs confined in an efficient container or securely confined in or by lead or restraint on a vehicle.
- Organised events held by Kennel Clubs/dog obedience clubs/dog trials etc.

³ This prohibition does not apply to farm working dogs used for the purpose of moving stock.

⁴ Where public land is administered by another body who has legal jurisdiction, staff and resources to enforce dog control, (for example the Department of Conservation) the other administering body and not Council will be responsible for enforcing dog control on this land.

for public conservation land. Specifically, the following significant breeding areas for yellow-eyed penguins and/or blue penguins³:

- 37.8.1. Sandy Bay beach and foreshore and fenced penguin breeding area as illustrated in **Map 7**.
- 37.8.2. Catlins Heads within the fenced penguin breeding area as illustrated in **Map 8**.
- 37.8.3. Jacks Blowhole and Penguin Bay within the Tunnel Rock Scenic Reserve and Blowhole viewing area as illustrated in **Map 9**.
- 37.8.4. Hinahina Cove as illustrated in **Map 10**.
- 37.8.5. The northern cliff end of Purakaunui Bay beach as illustrated in **Map 11**.
- 37.8.6. Harts Rock penguin breeding area, located south of Purakaunui Bay beach as illustrated in **Map 12**.
- 37.8.7. Cosgrove Creek Scientific Reserve (Long Point Rd, Purakaunui) as illustrated in **Map 13**.
- 37.8.8. Long Point (Irihuka) beach and foreshore from Haywards Point to the tip of Long Point and including the east side of Long Point from the tip to Waterfall Bay/Chasm Island DOC Reserve as illustrated in **Map 14**.

Note: Map 3 is an overview map of the *mapped* dog prohibited areas and is provided for information purposes only.

Map 3 Overview of Mapped Public Places from which Dogs are Prohibited

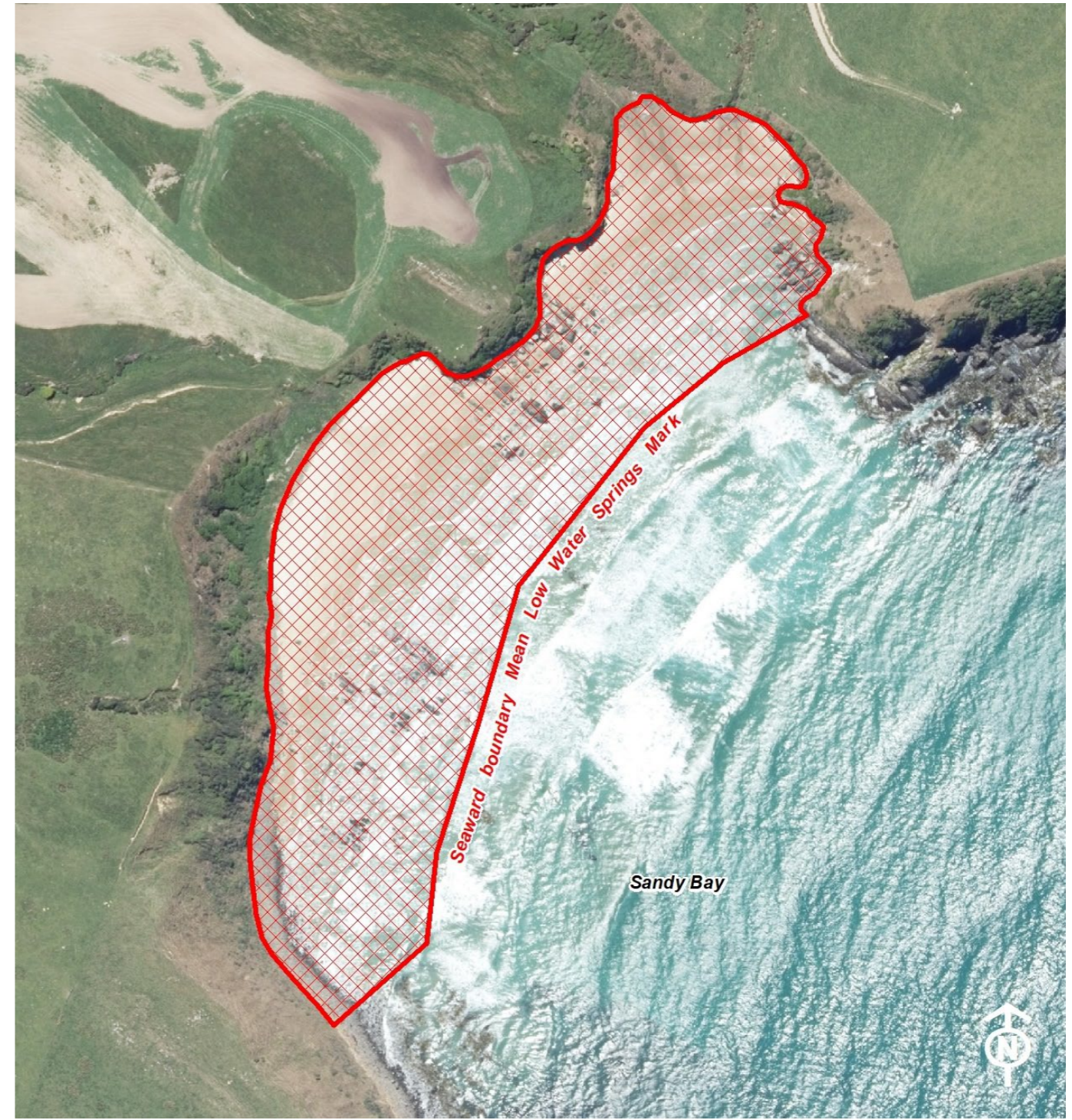


Map 4 Kaka Point Beach Dog Prohibited Area



Map 5 Tirohanga South to the Boundary of the Nuggets Lighthouse Reserve Dog Prohibited area

Map 6 Sandy Bay Beach Dog Prohibited Area



Map 7 Catlins Heads Dog Prohibited Area



Map 8 Jacks Blowhole Dog Prohibited Area



Map 9 Hinahina Cove Dog Prohibited Area



Map 10 Purakaunui Bay Beach Dog Prohibited Area



Map 11 Harts Rock Dog Prohibited Area



Map 12 Cosgrove Creek Scientific Reserve Dog Prohibited Area



Map 13 Long Point (Irihuka) Dog Prohibited Area

