



**THE MASTERTON DISTRICT
COUNCIL CONSOLIDATED
BYLAW 2012**

PART SEVEN

CONTROL OF DOGS

Masterton District Council

The Consolidated Bylaws 2012
comprising parts one to eighteen
were adopted at the Council Meeting
held on Wednesday 14th August 2013.

The Consolidated Bylaws 2012 came into force
throughout the Masterton and South Wairarapa
Districts on the 1st September 2013

MASTERTON DISTRICT COUNCIL CONSOLIDATED BYLAW 2012

Part 7 – CONTROL OF DOGS

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Referenced Documents

Dog Control Act 1996
Local Government Act 1974

FOREWORD

This bylaw draws from the New Zealand 9201 Standard Part 12: Dog Control. NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make bylaws.

Reference should be made to Masterton District Council Consolidated Bylaw 2008: Part 1 Introductory for any other definitions not included in this Part.

1 SCOPE

- 1.1** The purpose of this Part of the Bylaw is to set standards of control that must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.
- 1.2** This Part of the Bylaw is not the only or major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as registration, barking dogs, dogs attacking people or stock and other matters.
- 1.3** The Dog Control Bylaw is made pursuant to the provisions of the Dog Control Act 1996 and the Local Government Act 2002.
- 1.4** Both the Bylaw and the Act allow for legal action with consequent fines.

2 DEFINITIONS AND INTERPRETATION

- 2.1** These definitions are set out in Part 1 Introductory.

3 DOGS TO BE UNDER CONTROL AT ALL TIMES

- 3.1** The owner or any person in charge or having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his/her direct control.

4 SHELTER

- 4.1** Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.
- 4.2** No dog owner shall keep such a dog in the district except in a properly constructed shelter with a rainproof roof.
- 4.3** No dog owner shall keep their dog in the district over night beneath the floor of any residential building, or in the case of a residential building which has more than one floor, in the under-floor area i.e. beneath the bottom or ground floor of that residential building.

4.4 No dog owner may keep their dog on any premises zoned urban in the District Plan in a kennel standing or being nearer than three meters to the boundary of those premises.

4.5 No owner shall keep a dog in any kennel that is not kept in clean in sanitary condition.

5 AREAS WHERE DOGS ARE PROHIBITED AND AREAS WHERE DOGS MUST BE ON A LEASH

5.1 The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in a vehicle.

The streets and public places as resolved from time to time shall be detailed in schedule A of this Part of the Bylaw.

5.2 The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in a vehicle or is at all times on a hand held leash.

The streets and public places as resolved from time to time shall be detailed in schedule B of this Part of the Bylaw.

5.3 No person shall cause, permit or suffer any dog of which he/she is the owner or which is in his/her charge to enter or remain on any other public place within the district controlled by the Council not covered by 5.1 or 5.2 hereof unless such dog is kept under continuous and effective control.

5.4 An officer may require the owner of any dog that is being carried in a vehicle in a prohibited area as detailed in 5.1 and 5.2 to remove the dog from the prohibited area if the officer considers the dog to be a nuisance due to reasons of noise or aggressive behaviour.

6 CONTROL OF DOGS WANDERING INCLUDING ON PRIVATE PROPERTY

6.1 Any person shall commit an offence against this Bylaw if they fail to keep any dog under continuous and effective control.

6.2 Any dog found not under continuous and effective control in any public place may be seized and detained by any authorised officer, or by a person employed by the Council in that public place.

6.3 Any dog/animal that is caught in a Masterton District Council trap will be classified as impounded and therefore it will be an offence for any person, whether he or she is the owner of the dog/animal, to interfere with or attempt to release the animal from the trap.

7 HEALTH OF DOGS

- 7.1** Every owner of a dog that has a contagious disease shall ensure that it is confined and is not allowed to be free or at large in a public place.
- a. Every owner of a dog which is a bitch in season must at all times keep that dog confined so that it is unable to wander at large whether on any private or public land or place.
 - b. Notwithstanding Clause 7(b) any such dog can be adequately exercised on any private land occupied by the owner of the dog, or any other private land with the consent of the occupier, but at all times while it is being exercised it must be kept under effective control by the owner with a leash or chain securely attached to the collar of the dog.
 - c. Clause 7(c) does not apply to a bitch in season that is also a working dog.

8 DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH

- 8.1** The owner of any dog or the owner or the occupier of any premises whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to health.
- 8.2** If, in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to health, the Council or any person duly authorized on that behalf by 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, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
 - c) Require such dog or dogs to be tied up or otherwise confined during specified periods;
 - d) Require such dog or dogs to be confined at all times by way of additional fencing controlling access within a property
 - e) To clean and keep clean the dog kennel and associated area;
 - f) Take such other action as the Council deems necessary to minimize or remove the likelihood of nuisance or injury to health.
- 8.3** 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 commit an offence against this Part of this Bylaw.

9 CAUSING DOGS TO BECOME UNMANAGEABLE

- 9.1** Any person shall commit an offence against this Bylaw who behaves so as to cause any dog in any street, private street, or public place to become restive or unmanageable.

10 LIMITATION AS TO NUMBER OF DOGS ALLOWED

- 10.1** The number of dogs allowed is limited as follows:

- a) No occupier of any property in an area which has a predominantly urban character under the District Plan prepared by Council shall allow or cause to remain or keep on such premises, three or more dogs, over the age of three months (whether or not such dogs are registered) unless such occupier shall be the holder of a licence for such purpose from the Council.
- b) Such licence may be issued upon or subject to such terms, conditions, restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be a breach of this bylaw.
- c) Any person wishing to keep three or more dogs on any premises as provided in the Bylaw shall make written application to the Council in such form as may be required by the Council for a licence and shall give to the Council such information in respect of the application as the Council may require.
- d) For every such licence there shall be paid to the Council such fee as the Council may decide from time to time by resolution passed in that respect and such licence shall remain in force until the 30th day of June, following the date of issue of such licence.
- e) The fee for such licence shall be payable in addition to and separate from the dog control fees payable under the Dog Control Act 1996.

11 DOGS FOULING PUBLIC AREAS

- 11.1** Where any dog defecates in any public place or private way or land or premises other than that occupied by the owner of the dog, that owner must remove the faeces forthwith and dispose of it in a hygienic manner.

12 CONVICTION AND FINES

- 12.1** Every person commits an offence under this Part of the Bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by these Bylaws, and is liable to:

- a) The penalty provisions of section 683 of the Local Government Act 1974;
or
- b) Any other penalty pursuant to the Dog Control Act 1996; or

- c) Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.

13 POWER TO AMEND BY RESOLUTION

13.1 The Council may from time to time by resolution publicly notified:

- a) Add schedules
- b) Make additions or deletions from the schedules
- c) Substitute new schedules

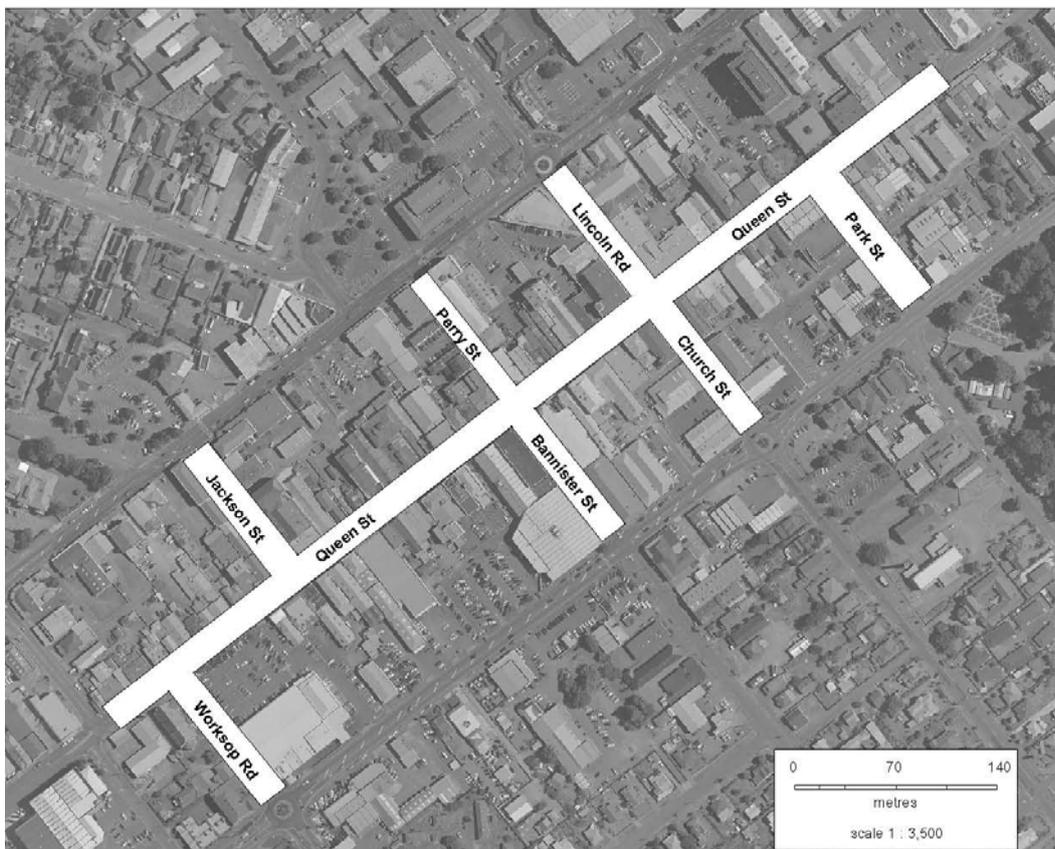
SCHEDULE A – AREAS WHERE DOGS ARE PROHIBITED

(Except when in a vehicle)

- The central area of Masterton. That is –
 - Queen Street, from Renall Street to King Street
 - Workshop Road between Queen Street and Dixon Street
 - Jackson Street
 - Perry Street between Queen Street and Chapel Street
 - Lincoln Road between Queen Street and Chapel Street
 - Bannister Street between Queen Street and Dixon Street
 - Church Street between Queen Street and Dixon Street
 - Park Street
- The aviary at Queen Elizabeth Park
- All children's play areas.

SCHEDULE A

AREAS WHERE DOGS ARE PROHIBITED



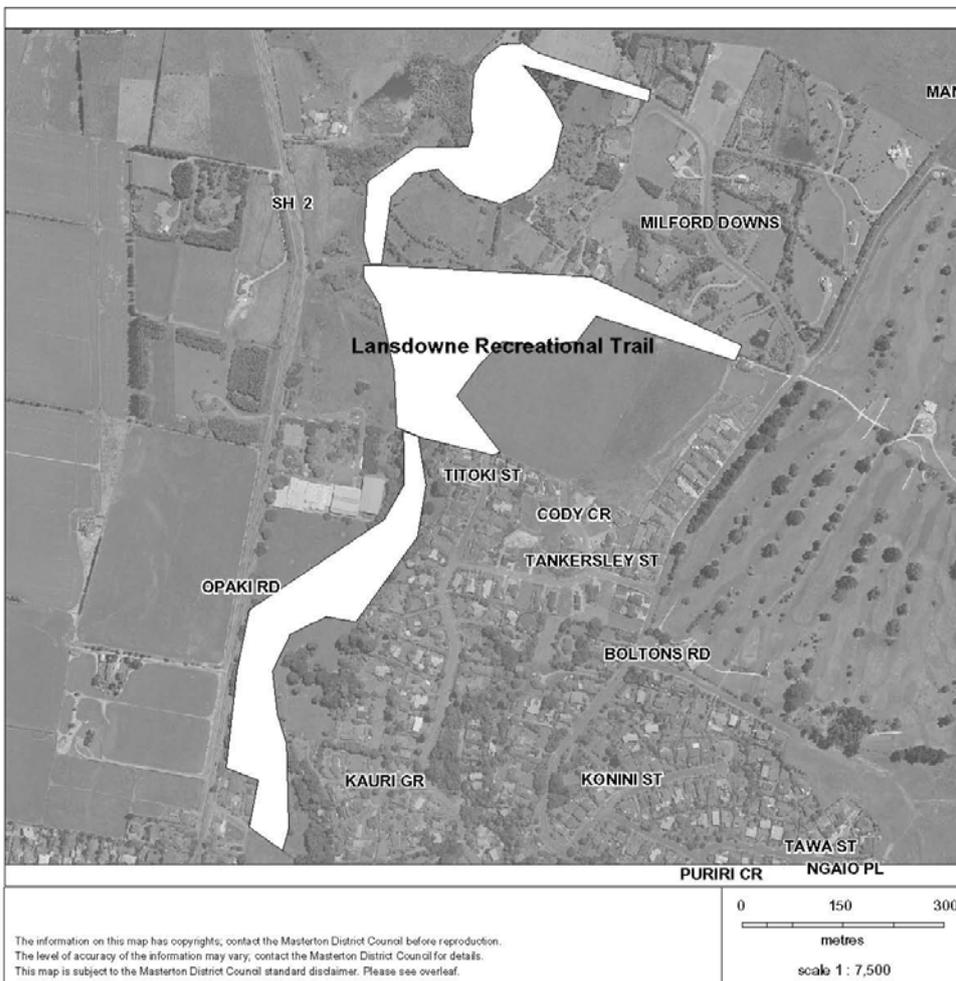
SCHEDULE B – AREAS WHERE DOGS ARE PERMITTED ONLY IF ON A HAND HELD LEASH

(Or in a vehicle)

- The coastal settlement of Riversdale and Castlepoint between 20 December and 31 January
- The Lansdowne Trail at the end of Fourth Street
- Signposted areas of Henley Lake between 1 August and 30 November
- Areas zoned urban in the District Plan, outside the dog prohibited area.

SCHEDULE B

Lansdowne Recreational Trail - Dogs permitted only if on a handheld leash



SCHEDULE C – DOG EXERCISE AREAS

- Henley Lake – all areas controlled by the Henley Lake Management Plan with the exception of leash restrictions imposed between 1 August and 30 November in signposted areas.
- Waipoua River banks up to and including top of the stop bank
- Ritimona Reserve
- Waingawa River Bank and South Road from the intersection with Manaia Road south.
- Castlepoint Beach, beach front north of DOC reserve (aka the Basin)
- Riversdale Beach, beach front and Southern Reserve
- Ruamahunga River bank, town side north of Te Ore Ore Road bridge
- Renall Street Railway reserve.