

Masterton District Council
Control of Dogs Bylaw 2019

Commencement

The Control of Dogs Bylaw came into force throughout the Masterton district on 8 July 2019.

Adoption

Date	Summary of Amendments	Adopted By
14 August 2013	Part 7: Control of Dogs first adopted	Masterton District Council
28 March 2018	Schedules updated as part of Dog Policy review	Masterton District Council
26 June 2019	Removed from the Consolidated Bylaw 2012 and continued as a standalone bylaw. Minor amendments.	Masterton District Council

Masterton District Council

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List of Schedules

- Schedule A – Areas where dogs are prohibited
- Schedule B – Areas where dogs are permitted only if on a hand held leash
- Schedule C – Dog exercise areas

Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Dog Control Act 1996
- Local Government Act 2002

Foreword

This bylaw is made under section 20 of the Dog Control Act 1996 and section 145 of the Local Government Act 2002 (LGA). 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.

1. Title and Commencement

- 1.1. The title of this bylaw is Masterton District Council Control of Dogs Bylaw 2019.
- 1.2. This bylaw shall come into force throughout the Masterton district on 8 July 2019.

2. Scope

- 2.1. The purpose of this 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.
- 2.2. This bylaw is not the only 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.

3. Definitions

Disability Assist Dog: A dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability:

- Hearing Dogs for Deaf People New Zealand;
- Mobility Assistance Dogs Trust;
- New Zealand Epilepsy Assist Dogs Trust;
- Royal New Zealand Foundation of the Blind;
- Top Dog Companion Trust; or
- an organisation specified in an Order in Council made under section 78D.

Officer: A Dog Control Officer and has the same meaning as stated in section 2 of the Dog Control Act 1996.

Owner: Has the same meaning as the Dog Control Act 1996, being, In relation to any dog, every person who:

- a) Owns the dog; or
- b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

- c) The parent or guardian of a person under the age of 16 years who:
- i. is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - ii. is a member of the parent or guardian's household living with and dependent on the parent or guardian;
 - iii. but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or any other Act.

Public Place: 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. Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Urban Area: Any area zoned residential, commercial or industrial in the Wairarapa Combined District Plan, unless otherwise stated.

4. Dogs to be Under Control at All Times

- 4.1. 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.

5. Shelter

- 5.1. 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.
- 5.2. No dog owner shall keep such a dog in the district except in a properly constructed shelter with a rainproof roof.
- 5.3. No dog owner shall keep their dog in the district overnight 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.
- 5.4. No dog owner may keep their dog on any premises in an urban area in a kennel standing or being nearer than three metres to the boundary of those premises.
- 5.5. No owner shall keep a dog in any kennel that is not kept in clean in sanitary condition.

6. Areas Where Dogs are Prohibited and Where Dogs must be Kept on a Leash

- 6.1. 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 bylaw.
- 6.2. 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 bylaw.

- 6.3. 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 not covered by 6.1 or 6.2 unless such dog is kept under continuous and effective control.
- 6.4. An officer may require the owner of any dog that is being carried in a vehicle in a prohibited area as detailed in 6.1 and 6.2 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.

7. Control of Dogs Wandering Including on Private Property

- 7.1. Any person shall commit an offence against this bylaw if they fail to keep any dog under continuous and effective control.
- 7.2. Any dog found not under continuous and effective control in any public place, or on the private property of any person who is not the owner, may be seized and detained by an officer, or by a person employed by the Council in that public place.
- 7.3. Any dog that is caught in a Council trap will be classified as impounded and therefore it will be an offence for any person (except an officer), whether he or she is the owner of the dog, to interfere with or attempt to release the dog from the trap.

8. Health of Dogs

- 8.1. Where a dog has a contagious disease, its owner shall ensure that it is confined and is not allowed to be free or at large in a public place.
- 8.2. 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.
 - a) Notwithstanding Clause 8.2, 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.
 - b) Clause 8.2(a) does not apply to a bitch in season that is also a working dog.

9. Dogs becoming a Nuisance or Injurious to Health

- 9.1. 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.
- 9.2. 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 authorised 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.
- 9.3. Any person to whom notice is given under Clause 9.2 who fails to comply with such notice within the required time, shall commit an offence against this bylaw.

10. Causing Dogs to become Unmanageable

- 10.1. 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.

11. Limitation as to Number of Dogs Allowed

- 11.1. 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) The Council may decide by resolution that a fee must be paid before a licence is granted.
 - 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.

12. Dogs Fouling Public Areas

- 12.1. 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 immediately and dispose of it in a hygienic manner.

13. Offences and Penalties

- 13.1. Every person commits an offence under this bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by the bylaw, and is liable to:
- a) the penalty provisions of section 242 of the Local Government Act 2002; 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.

14. Power to Amend by Resolution

- 14.1. 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
- 14.2. Where Council intends to make a resolution under clause 14.1, consultation will be undertaken in accordance with the requirements of section 156 of the LGA.

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
- The aviary at Queen Elizabeth Park
- All children's play areas

Schedule B: Areas Where Dogs are Permitted only if on a Hand Held Leash

(Or in a vehicle)

- Areas zoned urban in the District Plan, outside the dog prohibited area.
- Any area developed or marked out as a sports field during sporting events, or any outdoor court, skateboard park or cycle park
- The coastal settlement of Riversdale and Castlepoint between 20 December and 31 January
- Northern end of Riversdale Beach (north of the estuary)
- Southern Reserve at Riversdale Beach
- Far end of the reef at Castlepoint Beach, by the area known as 'the gap'
- Signposted areas of Henley Lake between 1 August and 30 November

Schedule C: Dog Exercise Areas (Areas where Dogs can be Exercised Off-Leash)

- 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 to protect breeding birds
- Lansdowne Recreation Trail (including Ngāti te Korou Reserve)
- Waipoua River banks up to and including top of the stop bank
- Waingawa Northern River Bank and South Road from the intersection with Manaia Road South
- Castlepoint Beach beach-front north of DOC reserve (also known as the Basin), excluding the far end of the reef where birds breed (by the area known as ‘the gap’) and the period between 20 December and 31 January*
- Riversdale Beach beach-front (excluding the northern end and Southern Reserve where birds breed) except between 20 December and 31 January*
- Ruamāhunga River bank, town side north of Te Ore Ore Road bridge, including Percy’s Reserve
- Renall Street Railway reserve

* This period is excluded due to increased population over the holiday period.

Appendix B: Infringement Fees

Infringement fees are applied as per Schedule 1 of the Dog Control Act 1996.

Section	Description of Offence	Infringement Fee
s.18	Wilful obstruction of a dog control officer or ranger.	\$750.00
s.19(2)	Failure or refusal to supply information or wilfully providing false particulars.	\$750.00
s.19A(2)	Failure to supply information or wilfully providing false particulars about a dog	\$750.00
s.20(5)	Failure to comply with any bylaw authorised by the section	\$300.00
s.23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
s.24	Failure to comply with obligations of probationary owner	\$750.00
s.28(5)	Failure to comply with effects of disqualification.	\$750.00
s.32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300.00
s.32(4)	Fraudulent sale or transfer of dangerous dog.	\$500.00
s. 33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300.00
s.33F(3)	Failure to advise person of muzzle and leashing requirements	\$100.00
s.36A(6)	Failure to implant microchip transponder in dog.	\$300.00
s.41	False statement relating to dog registration.	\$750.00
s.41A	Falsely notifying death of dog	\$750.00
s.42	Failure to register dog.	\$300.00
s.46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc.	\$500.00
s.48(3)	Failure to advise change of dog ownership.	\$100.00
s.49(4)	Failure to advise change of address.	\$100.00
s.51(1)	Removal, swapping, or counterfeiting of registration label or disc.	\$500.00
s.52A	Failure to keep dog controlled or confined.	\$200.00
s.53(1)	Failure to keep dog under control.	\$200.00
s.54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300.00
s.54A	Failure to carry leash in public place.	\$100.00
s.55(7)	Failure to comply with barking dog abatement notice	\$200.00
s.62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300.00
s.62(5)	Failure to advise of muzzle and leashing requirements	\$100.00
s.72(2)	Releasing dog from custody	\$750.00