



# **Kaipara District Policy on Dogs and Dog Management Bylaw**

**July 2009**



*Kaipara te Oranganui*

**KAIPARA  
DISTRICT**

*Two Oceans Two Harbours*



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## Kaipara District Policy on Dogs

### Kaipara District Policy on Dogs<sup>1,2</sup>

#### 1 Interpretation

In this Policy, the following words and phrases shall have the following meanings:

**‘The Act’** means the Dog Control Act 1996

**‘The Bylaw’** means the Kaipara District Dog Management Bylaw

**‘Council’** means the Kaipara District Council

**‘Disability Assist Dog’** means 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:

- 1 Hearing Dogs for Deaf People New Zealand; or
- 2 Mobility Assistance Trust; or
- 3 New Zealand Epilepsy Assist Dogs Trust; or
- 4 Royal New Zealand Foundation of the Blind; or
- 5 Top Dog Companion Trust; or
- 6 An organisation specified in an order in Council made under section 78D of the Act.

**‘District’** means the district of the Kaipara District Council

**‘Leash’** means an adequate restraint not exceeding two metres in length and held by a person physically capable of restraining the dog.

**‘Owner’** in relation to any dog, means 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 b) of this definition; and
  - ii) Is a member of the parents or guardian’s household living with the dependant on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Act, or the Animal Welfare Act 1999, or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Act or the Animal Welfare Act 1999.

#### **‘Public Place’**

- a) Means a place that, at any time is open to or is being used by the public, whether free of charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and

<sup>1</sup> Nothing in this Policy absolves any dog owner from their responsibilities as defined by the Dog Control Act 1996.

<sup>2</sup> The regulatory aspects of the Kaipara District Policy on Dogs are applied through the Kaipara District Dog Control Bylaw

- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train or vehicle carrying or available to carry passengers for reward.

**‘Working Dog’** shall mean:

- a) Any Disability Assist Dog
- b) Any dog:
  - i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the police or the Department of State or that constable, officer, or employee; or
  - ii) Kept solely or principally for the purposes of herding or driving stock; or
  - iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Bio Security Act 1993; or
  - v) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties and powers of that Department; or
  - vi) Kept by the Aviation Security Service under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally of carrying out the functions, duties, and powers of that service; or
  - vii) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
  - viii) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
  - ix) Declared by resolutions of Council to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

**‘Urban’** means land zoned residential, commercial or industrial in the Kaipara District Plan.

## 2 Education

Council will seek to educate dog owners to provide for the welfare and control of their animals.

Education will also be offered to raise public awareness about being safe around dogs. Approximately 10% of the dog control contract will be directed toward education and will include the following activities provided at no charge:

Bite Prevention	A training programme for organisations where people have to enter properties on a regular basis.
School Visits	Visits to school to develop children's awareness about safety around dogs, dog control, hygiene, and animal welfare.
Field Days	Staff a dog education stand at the Northern Wairoa Agricultural Field Days.
Dog Owner Manual	Distribution of education pamphlets to help owners identify and rectify problems.
Owner Responsibility Awareness	Education material on owner responsibility is distributed to owners with registration forms, when claiming impounded dogs and as a part of routine patrols.

Regular media releases on dog control and welfare issues.

## 3 Enforcement

Council will use a range of enforcement activities to ensure that dogs are under control including:

- Urban Patrols targeted at areas of need
- Response to complaints within an agreed time frame
- Regular door-to-door checks for unregistered or neglected dogs

## 4 Infringement Fines

### Issuing of infringement notices

Under the Principal Act, where any person is alleged to have committed an offence, that person may be either proceeded against summarily or be served with an infringement notice. Infringement notices cover the following offences and the fee, which can be imposed (as at the date of adoption of this Policy), is listed below. The amounts below are as specified by the Act.

### Infringement Offences and Fees

Section	Brief Description	Fee \$
18	Wilful obstruction of Dog Control Officer	750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	750
19A(2)	Failure to supply information or wilfully providing false particulars about a dog	750
20(5)	Failure to comply with any Bylaw authorised under Section 20 of the Act	300
23A(2)	Failure to undertake dog owner education or dog obedience course or both	300

24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC (1)	Failure to comply with effects of classification of dog as menacing	300
33F(3)	Failure to advise person of muzzle and leashing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to registration	750
41A	False statement relating to death of a dog	750
42	Failure to register dog	300
46(4)	Fraudulent attempt to procure replacement label or disc	500
48(3)	Failure to advise change of ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal or swapping of labels or discs	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter, and to provide adequate exercise	300
54A	Failure to use or carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200
62(4)	Allowing dogs known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

The Council will, except in exceptional circumstances, proceed summarily rather than serve infringement notices in respect of Sections 18, 19(2), 19A(2), 24, 28(5), 41, and 41A.

If exceptional circumstances exist, Council, under the powers delegated to the Chief Executive of Council, will give consideration to written applications for the waiver of infringement notice fees. The following factors will be taken into account when considering the waiving of fees:

- Previous history of the owner
- Registration status of the dog
- The classification of the dog
- The nature of the offence

All other offences will be dealt with summarily, that is by laying of an information.

When seeking to bring disputes over dogs to resolution, Council will use all means available to achieve compliance with the law so that an issue is resolved as effectively and promptly as possible. Council will only take formal legal proceedings as a last option and after it has attempted to resolve matters between the parties to the satisfaction of all parties. For the avoidance of doubt, this approach will not fetter Council in its discretion to undertake enforcement action under the legislation.

## **5 Dog Classification: Dangerous Dogs**

Every Classification as a dangerous dog under section 31 of the Dog Control Act is in force throughout New Zealand. Where any dog is classified as dangerous Council shall give notice to the owner in the prescribed form. As provided for in section 31 of the Act, dogs shall be classified as dangerous by the Council and have restrictions placed on them for the following reasons:

- Where the owner is convicted of an offence pursuant to the Act under Section 57A(2).
- Where on the basis of sworn evidence attesting to aggressive behaviour by the dog on more than one occasion, there are reasonable grounds to believe it constitutes a threat to the safety of any person, stock, poultry, domestic animal or wildlife.
- Where the owner admits in writing that the dog constitutes a threat to the safety of any person, stock, domestic animal, poultry or wildlife.

### **5.1 Effects of Dangerous Dog Classification**

As specified under section 32 of the Act, if a dog is classified as a dangerous dog, the owner of the dog:

- 1 Must within one month of classification ensure the dog is kept within a securely fenced portion of the owner's property, that it is not necessary to enter to obtain access to at least one door of any dwelling on the property.
- 2 Must not allow the dog to be at large or in a public place other than when confined completely within a vehicle or cage, without being muzzled and controlled on a leash.
- 3 Must, within one month after receipt of notice of the classification, produce to Council a certificate issued by a registered veterinary surgeon certifying:
  - i) that the dog is or has been neutered; or
  - ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate
- 4 Must be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as dangerous.
- 5 Must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

A person who fails to comply with these requirements commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.

If a person fails to comply with these requirements, a dog control officer or dog ranger may;

- a) Seize and remove the dog from the person's possession; and
- b) Retain custody of the dog until the Council has reasonable grounds to believe that the person has demonstrated a willingness to comply with these requirements

The above conditions transfer to the new owner if such a transfer takes place.



## **5.2 Objection to Dangerous Dog Classification**

The owner of the dog may object in writing to the Council within 14 days of the receipt of the notice of that classification and is entitled to be heard in support of that objection.

## **6 Dog Classification: Menacing Dogs**

Every classification as a menacing dog under s 33A or 33C of the Principal Act is in force throughout New Zealand. Where any dog is classified as menacing Council shall give notice immediately in the prescribed form to the owner and outline the effect of the classification and their right to object to the classification. As provided for in section 33A and section 33C of the Act, dogs shall be classified as menacing by the Council and have restrictions placed on them for the following reasons:

- Where the dog has not been classified as a dangerous dog; but the Council considers that a dog poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:
  - i) any observed or reported behaviour of the dog; or
  - ii) any characteristics typically associated with the dog's breed or type
- Where a council has reasonable grounds to believe that a dog belongs wholly or predominantly to one of the following breeds and types of dog, it must classify the dog as menacing:
  - i) American Pitbull Terrier
  - ii) Dogo Argentino
  - iii) Brazilian Fila
  - iv) Japanese Tosa

### **6.1 Effects of Menacing Dog Classification**

As specified in section 33E of the Act, if a dog is classified as a menacing dog, the owner of the dog:

- 1 Must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- 2 Must, if directed by the Council, within one month after receipt of notice of the classification, produce to Council a certificate issued by a registered veterinary surgeon certifying:
  - i) that the dog is or has been neutered; or
  - ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate.

All dogs classified by other Local Authorities as menacing and registered with the Council, will be required to be neutered unless the Council, or Chief Executive acting under delegated authority considers that the dog is unlikely to pose a threat to any person, stock, poultry, domestic animal or protected wildlife. The following factors following factors will be taken into account;

- a) Any observed or reported behaviour of the dog: or
- b) Any Characteristics typically associated with the dog's breed or type

The Council will exercise discretion in issuing requirements under paragraph 2 on a case-by-case basis. The following factors will be taken into consideration:

- Previous history of dog's behaviour
- Complaints
- Nature of offence
- Expert opinion of breed

A person who fails to comply with these requirements commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.

If a person fails to comply with these requirements, a dog control officer or dog ranger may;

- a) seize and remove the dog from the person's possession; and
- b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with these requirements or the dog is disposed of under section 71A.

The above conditions transfer to the new owner if such a transfer takes place.

## **6.2 Objection to Menacing Dog Classification**

The owner of the dog may object in writing to the Council within 14 days of receiving the classification notice and is entitled to be heard in support of that objection.

## **7 Restricted Areas**

Council's Policy on Dogs identifies areas where dogs may cause distress or nuisance and place restrictions on the use of these areas. These have been identified as follows:

### **7.1 Prohibited**

- Taharoa Domain (Kai Iwi Lakes)
- Any Department of Conservation reserve, estate or covenant (Section 26zs of the Conservation Act 1987)
- Central Dargaville Business District. (Victoria Street from Edward Street junction to Gladstone Street junction).
  - 9 am to 6 pm Monday to Saturday
- From Mangawhai Heads Beach to Picnic Bay. This includes from the public toilets at the Mangawhai Heads reserve to the Pearl Street creek outlet. (Note: This area is leash control from 1 March to 30 November, see below).
  - 9 am to 6 pm 1 December to the end of February
- Within 10 metres of all public children's playground equipment throughout the District

## 7.2 Prohibited Area Exemptions

The following dogs are exempt from the prohibited area restrictions:

- Disability Assist Dog as described in section 11.1 Interpretation.

The following dogs are exempt from the prohibited area restrictions while executing duties of police or security work.

- Police Dogs Kept by the New Zealand Police solely for the purposes of carrying out the functions, powers and duties of the Police.
- Security Dogs Owned by a Security Guard as defined by Section 4 of the Private Investigating and Security Guards Act 1974 and kept solely or principally for the purpose of carrying on the business of a Security Guard.

## 7.3 Leash Control

Due to the high level of use in the following areas, all dogs are required to be on a leash at all times:

Mangawhai	Shopping Centre adjacent to Insley Street Wood Street Shopping Centre and Fagan Place
Kaiwaka	Shopping Centre East Side of State Highway 1 adjacent to Kaiwaka-Mangawhai Road Kaiwaka-Mangawhai Road adjacent to State Highway 1
Maungaturoto	Hurndall Street West to Whaka Road Hurndall Street East to Bickerstaffe Road
Paparoa	Paparoa Valley Road, Franklin Road to Skelton Bridge Franklin Road from School to Paparoa Valley Road
Pahi	Pahi Reserve
Ruawai	Wharf Road from Well Street to Jellicoe Street Freyberg Road (approximately 300m from Jellicoe Street intersection)
Te Kopuru	Norton Street from Graham Street to West Coast Road
Dargaville	Normanby Street from Parore Street to Edward Street Edward Street / Normanby Street to Victoria Street Hokianga Road / Station Road to Parenga Street Parenga Street Poto Street Totara Street Parore Street / Normanby Street to Victoria Street Kapia Street Victoria Street except during prohibited times (see Dog Prohibited Areas above)

On the following Beaches:

Kellys Bay	From the road reserve on the west side on the road to the foreshore to Mean High Water Springs
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Glinks Gully	Area on either side of Marine Drive and Marine Drive North which includes the area to Mean High Water Springs
Baylys	Area 300 metres from Mean High Water Springs towards the dwellings
Pahi	Fisher Street to Fenwicks Point. Beach area known as Dams Road.
Whakapirau	Wharf to the south end of the Strand.
Mangawhai	From Findlay Street to the Pearl Street Creek Outlet  From 9.00 am to 6.00 pm (Note: the leash control restriction does not apply outside these hours)  From the Mangawhai Heads Toilets to the Pearl Street Creek Outlet  From 9.00 am to 6.00 pm i.e. 1 March to 30 November (note this area is prohibited to dogs for 1 December to the end of February)  (see Dog Prohibited Areas in clause 6)

#### **7.4 Leash Control Exemption**

The following dogs are exempt from the leash control restrictions while executing duties of police or security work:

Police Dogs	Kept by the New Zealand Police solely for the purposes of carrying out the functions, powers and duties of the Police.
Security Dogs	Owned by a Security Guard as defined by Section 4 of the Private Investigating and Security Guards Act 1974 and kept solely or principally for the purpose of carrying on the business of a security guard.

### **8 Owner Responsibility**

Owners of dogs must ensure that whilst on private property, the dog is under the direct control of a person or confined within the property so that it cannot freely leave.

### **9 Microchips**

- a) Any dog that is impounded (other than for the purposes of destroying it) must be microchipped prior to its release.
- b) From 1 July 2006, all dogs will be required to be micro chipped if they have been:
  - i) classified as dangerous from 1 December 2003
  - ii) classified as menacing from 1 December 2003
  - iii) impounded more than once from 1 July 2006
  - iv) first registered from 1 July 2006

#### **9.1 Microchip Exemptions**

All working dogs are exempt from being microchipped. Council encourages voluntary microchipping of dogs to assist in identification in the event of loss or theft.

## **10 Number of Dogs**

Any owner or occupier of a residential property within urban areas of the Kaipara District requires a permit from Council to have in his/her possession more than two dogs over the age of three months.

## **11 Owner Classification**

The Council will promote owner responsibility and will use the following owner classifications.

### **11.1 Probationary**

The Council will, unless it has disqualified that person from being an owner of a dog under section 25(1) of the Act, classify as probationary any owner who:

- Is convicted of an offence (not being an infringement offence) against the Act or Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog, or any offence against section 26ZZP of the Conservation Act 1987 or section 56 I of the National Parks Act 1980; or
- Commits three infringement offences within 24 months.

### **11.2 Objection to Probationary Classification**

Persons classified as probationary may lodge a written objection to the classification with the Council and have the right to be heard in support of this objection.

### **11.3 Effects of Probationary Classification**

- Classification is for 24 months unless terminated by the Council.
- Probationary dog owners may not be the registered owner of any dog unless they were the registered owner on the date of the offence or, as the case may be, the date of the third infringement notice.
- Probationary owners may be required to undertake a dog owner education programme or a dog obedience course or both.
- Probationary owners shall within 14 days of classification dispose of all unregistered dogs in a manner that does not constitute an offence against the Act or any other Act.

### **11.4 Disqualified**

The Council will, unless satisfied that the circumstances of the events are such that disqualification is not warranted, disqualify from owning any dog any owner who:

- Commits three or more infringement offences within a continuous period of 24 months
- Is convicted of any offence (not being part of an infringement offence) against the Act
- Is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, or section 26ZZP of the Conservation Act 1987 or section 56 I of the National Parks Act 1980.

### **11.5 Objection to Disqualification**

Any person disqualified from owning a dog may object to the Council in writing and is entitled to be heard in support of this objection.

## **11.6 Appeal to District Court**

Any owner who has lodged an objection with the Council and is dissatisfied with the Council decision may within 14 days of notice of that decision appeal to a District Court against that decision.

## **11.7 Effect of Disqualification**

Persons who have been disqualified from owning a dog shall:

- Within 14 days of notice of disqualification, dispose of all dogs owned by that person.
- Not subsequently be in possession of a dog at any time.
- Dispose of all dogs in a manner which does not constitute an offence against this or any other Act.
- Shall not dispose of any dog to any person who resides at the same address.
- Disqualification shall, except in unusual circumstances, be effective for 36 months from the date of the offence or, as the case may be, the third infringement offence in respect of which the person is disqualified.

## **12 Dogs Fouling**

Dog droppings are offensive, smelly, attract flies, harbour disease and cause stress to the non-dog owning sector of the community. The Council will issue an infringement notice to the owner of any dog who does not clean up after the dog has fouled in a public place in urban areas and leash control areas. The penalty for this infringement is \$300.00<sup>3</sup>.

## **13 Fees**

Dog registration fees will be reviewed annually to ensure they reflect the actual costs associated with the management of dogs within the District. These include dog registration fees, surcharges as set by the Principal Act, impounding fees, prosecutions and classification as a probationary owner.

Council will provide a time payment alternative to people who wish to make regular automatic payments.

## **14 Registration**

Where an infringement notice is issued for an unregistered dog, if the dog is registered within 14 days of the infringement notice being issued, along with the owners previous compliance history, will be taken into account in any request to cancel the notice.

## **15 Unregistered dogs**

The Council's Dog Control Officers/Contractors will use discretion upon discovery of an unregistered dog as to whether the owner will be issued an infringement notice.

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<sup>3</sup> See page 7, Infringement Notices 20(5).

## **16 Issuing of infringement Notices**

Except as otherwise provided for by foregoing policies, infringement notices will be issued by Dog Control Officers/Contractors where they have reasonable cause to believe that any person has committed an infringement offence under the Act. Notice may be served either by personal delivery or by post.

## **17 Waiver Policy**

A waiver may be sought for a first time wandering dog offence, as covered by section 52 of the Act. Any application for a waiver should be made in writing to Council. The following factors will be taken into account when considering the waiving of fees:

- Previous history of the owner
- Registration status of the dog
- The classification of the dog

## **18 Impounding**

A dog may be impounded or seized for a number of reasons under the Act.

Impounding fees will be determined on a yearly basis by resolution of council and publically notified and are required to be paid upon collection of an impounded dog by its owner, who may also be issued with an infringement notice for any offence which resulted in the dog being impounded.

Any dog found roaming in any public place or on any other person's property, whether they are wearing collars or not or properly registered, may be impounded.

If you suspect that your dog may have been impounded, or you wish to notify Animal Control Officers that your dog is missing, or you have any queries regarding this Policy or any issue regarding control in the Kaipara District, please contact Council's Customer Services.

## **19 Bylaw**

The applicable Bylaw is the Kaipara District Dog Management Bylaw made pursuant to the powers contained within the Section 20 of the Act and the Local Government Act 2002.

## **20 Policy Monitoring and Review**

Council will monitor the effectiveness of the implementation of the Policy. Monitoring information will be reported quarterly. Council will, at the end of every financial year, report on the administration and practices of the Policy on Dogs. This public document will also detail the number, nature and types of offences and complaints relating to dogs in the District. Council will review its Policy on Dogs every five years.

## 21 Implementation

The table below shows which methods Council will be applying to each significant issue.

	Issues	Dog Welfare	Wandering Dogs	Barking	Aggressive Behaviour	Stock Attacks	Unregistered Dogs	Conflicts Of Use
Method								
Education Manual/Media/Field Days/ A & P Shows/Schools		✓	✓	✓	✓	✓	✓	✓
Urban Patrols			✓				✓	✓
Complaint Response		✓	✓	✓	✓	✓	✓	✓
Enforcement (Infringements/Impounding) Classifications of dogs and owners, Court Action		✓	✓	✓	✓	✓	✓	✓
Door to door checks		✓					✓	
Monitoring		✓	✓	✓	✓	✓	✓	✓



## Kaipara District Dog Management Bylaw

### Objective

The purpose of this Bylaw is to encourage responsible dog ownership and community awareness to promote an environment where dogs and people can happily co-exist.

### 1 Application

The new Kaipara District Dog Management Bylaw comes into force on 31 July 2009.

### 2 Penalties

A person who commits a breach of this Bylaw commits an offence and is liable on summary conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002, or, if served with an infringement notice to the fee prescribed in Schedule 1 of the Dog Control Act 1996.

### 3 Interpretation

The following words and phrases shall have the following meanings:

**'The Act'** means the Dog Control Act 1996

**'The Bylaw'** means the Kaipara District Dog Management Bylaw

**'Council'** means the Kaipara District Council

**'Disability Assist Dog'** means 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:

- 1 Hearing Dogs for Deaf People New Zealand; or
- 2 Mobility Assistance Trust; or
- 3 New Zealand Epilepsy Assist Dogs Trust; or
- 4 Royal New Zealand Foundation of the Blind; or
- 5 Top Dog Companion Trust; or
- 6 An organisation specified in an order in Council made under section 78D of the Act.

**'District'** means the district of the Kaipara District Council

**'Leash'** means an adequate restraint not exceeding two metres in length and held by a person physically capable of restraining the dog.

**'Owner'** in relation to any dog, means 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 b) of this definition; and

- ii) Is a member of the parents or guardian's household living with the dependant on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Act, or the Animal Welfare Act 1999, or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Act or the Animal Welfare Act 1999.

***'Public Place'***

- a) Means a place that, at any time is open to or is being used by the public, whether free of charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train or vehicle carrying or available to carry passengers for reward.

***'Working Dog'*** shall mean:

- a) Any Disability Assist Dog
- b) Any dog:
  - i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the police or the Department of State or that constable, officer, or employee; or
  - ii) Kept solely or principally for the purposes of herding or driving stock; or
  - iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
  - iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Bio Security Act 1993; or
  - v) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties and powers of that Department; or
  - vi) Kept by the Aviation Security Service under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally of carrying out the functions, duties, and powers of that service; or
  - vii) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

- viii) Owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
- ix) Declared by resolutions of Council to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

**‘Urban’** means land zoned residential, commercial or industrial in the Kaipara District Plan.

#### **4 Control of Dog on Owner's Property**

When a dog is on land or premises occupied by its owner, the owner must at all times ensure that the dog is under direct control of a person or confined within the land or premises in such a manner that it cannot freely leave.

#### **5 Leash Control**

- 5.1 No person shall cause, permit, or suffer any dog, belonging to that person, or in their charge, to enter in or remain on the following public places unless such dog is controlled on a leash:

Mangawhai	Shopping Centre adjacent to Insley Street Wood Street Shopping Centre and Fagan Place as indicated on Map KDC-DC-03
Kaiwaka	Shopping Centre East Side of State Highway 1 adjacent to Kaiwaka-Mangawhai Road as indicated on Map KDC-DC-05 Kaiwaka-Mangawhai Road adjacent to State Highway 1
Maungaturoto	Hurndall Street West to Whaka Road Hurndall Street East to Bickerstaffe Road as indicated on Map KDC-DC-04
Paparoa	Paparoa Valley Road, Franklin Road to Skelton Bridge Franklin Road from School to Paparoa Valley Road as indicated on Map KDC-DC-06
Pahi	Pahi Reserve as indicated on Map KDC-DC-07
Ruawai	Wharf Road from Well Street to Jellicoe Street Freyberg Road (approximately 300m from Jellicoe Street intersection) as indicated on Map KDC-DC-08
Te Kopuru	Norton Street from Graham Street to West Coast Road as indicated on Map KDC-DC-09
Dargaville	Normanby Street from Parore Street to Edward Street Edward Street / Normanby Street to Victoria Street Hokianga Road / Station Road to Parenga Street Parenga Street

Poto Street  
 Totara Street  
 Parore Street - Normanby Street to Victoria Street  
 Kapia Street  
 Victoria Street except during prohibited times (see Dog Prohibited Areas above) as indicated on Map KDC-DC-10

On the following Beaches:

Kellys Bay	From the road reserve on the west side on the road to the foreshore to Mean High Water Springs as indicated on Map KDC-DC-11
Glinks Gully	Area on either side of Marine Drive and Marine Drive North which includes the area to Mean High Water Springs as indicated on Map KDC-DC-12
Baylys	Area 300m from Mean High Water Springs towards the dwellings as indicated on Map KDC-DC-13
Pahi	Fisher Street to Fenwicks Point.  Beach area known as Dems Road as indicated on Map KDC-DC-07
Whakapirau	Wharf to the south end of the Strand as indicated on Map KDC-DC-14
Mangawhai	From Findlay Street to the Pearl Street Creek Outlet as indicated on Maps KDC-DC-01/02  From 9.00 am to 6.00 pm (Note: The leash control restriction does not apply outside these hours)  From the Mangawhai Heads Toilets to the Pearl Street Creek Outlet as indicated on Map KDC-DC-01  From 9.00 am to 6.00 pm i.e. 1 March to 30 November (note this area is prohibited to dogs for 1 December to the end of February)  (see Dog Prohibited Areas in clause 6)

5.2 The following dogs are exempt from the leash control restrictions while executing their duties of police or security work:

- Police dogs Kept by the New Zealand Police solely for the purposes of carrying out the functions, powers and duties of the Police.
- Security dogs Owned by a Security Guard as defined by section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purpose of carrying on the business of a security guard.

## **6 Dog Prohibited Areas**

6.1 No person shall cause, permit, or suffer any dog belonging to that person, or in their charge, to enter in or remain on any of the following public places:

- Taharoa Domain (Kai Iwi Lakes) See Map KDC-DC-15
- Any Department of Conservation reserve, estate or covenant (Section 26zs of the Conservation Act 1987)
- Central Dargaville Business District. (Victoria Street from Edward Street junction to Gladstone Street junction). • 9 am to 6 pm Monday to Saturday. See Map KDC-DC-10
- From Mangawhai Heads Beach to Picnic Bay. This includes from the public toilets at the Mangawhai Heads reserve to the Pearl Street creek outlet, as indicated on Map KDC-DC-01. (Note: This area is leash control from 1 March to 30 November, see above). • 9 am to 6 pm 1 December to the end of February. See Map KDC-DC-01
- Within 10 metres of all public children's playground equipment throughout the District

6.2 The following dogs are exempt from the prohibited area restrictions while executing their duties of police or security work or as ability assist dogs:

- Ability Assist Dogs      As defined in the Interpretations, section 3 of this Bylaw
- Police dogs              Kept by the New Zealand Police solely for the purposes of carrying out the functions, powers and duties of the Police.
- Security dogs            Owned by a Security Guard as defined by section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purpose of carrying on the business of a security guard.

## **7 Exemptions**

Nothing in clauses 4 or 5 of this Bylaw shall be deemed to hinder or restrict a shepherd, drover or farmer from legitimately using any dog for the purposes of herding or driving stock there land under their control. All other areas are to comply with the General Bylaws provisions.

## **8 Seizure of Roaming Dogs**

Any dog found at large in any public place at any time in contravention of Clause 4 or Clause 5 thereof, whether or not it is wearing a registration label may be seized and impounded by any person duly authorised by the Council.

## **9 Number of Dogs**

9.1 It shall be an offence for any owner or occupier of any residential property within urban areas of the Kaipara District to have in their possession more than two dogs over the age of three months, unless a permit to do so has been applied for and granted by the Council.

- 9.2 The Council may by resolution fix a fee for a permit issued under Clause 9.1. Such fee shall be additional to any Registration Fees.

## **10 Dogs Fouling**

The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove those droppings. Every person commits an offence who being the owner of a dog or person in charge of a dog that fouls in a public place;

- a) Fails to remove the droppings immediately.
- b) Fails to wrap and dispose of the droppings in a hygienic manner.

**Schedule 1: Maps showing Dog Prohibited and Leash Control Areas**



## Map KDC-DC-01: Mangawhai Heads Area





## Map KDC-DC-02: Mangawhai Area





### Map KDC-DC-03: Mangawhai Village Area



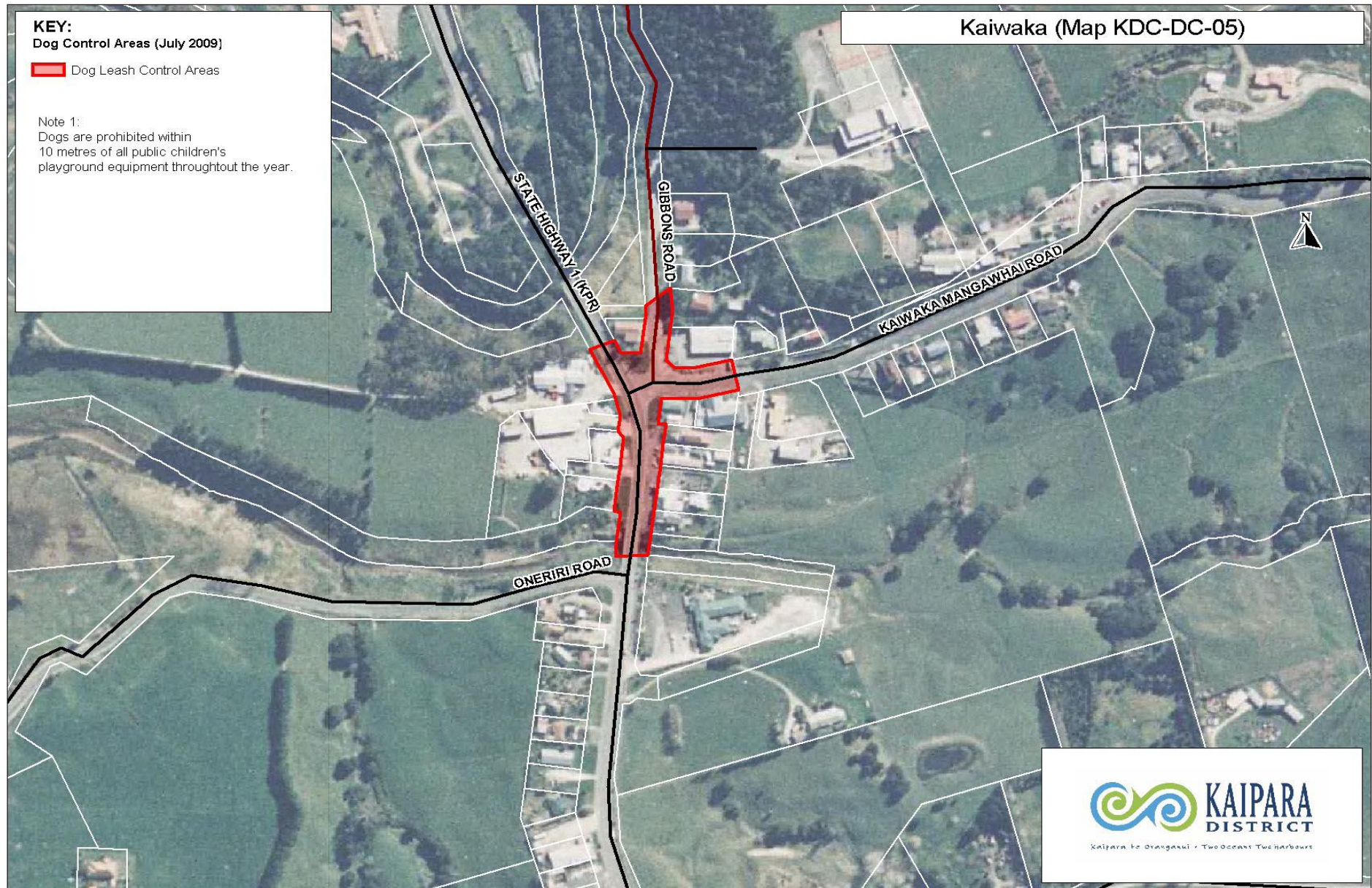


## Map KDC-DC-04: Maungaturoto Area



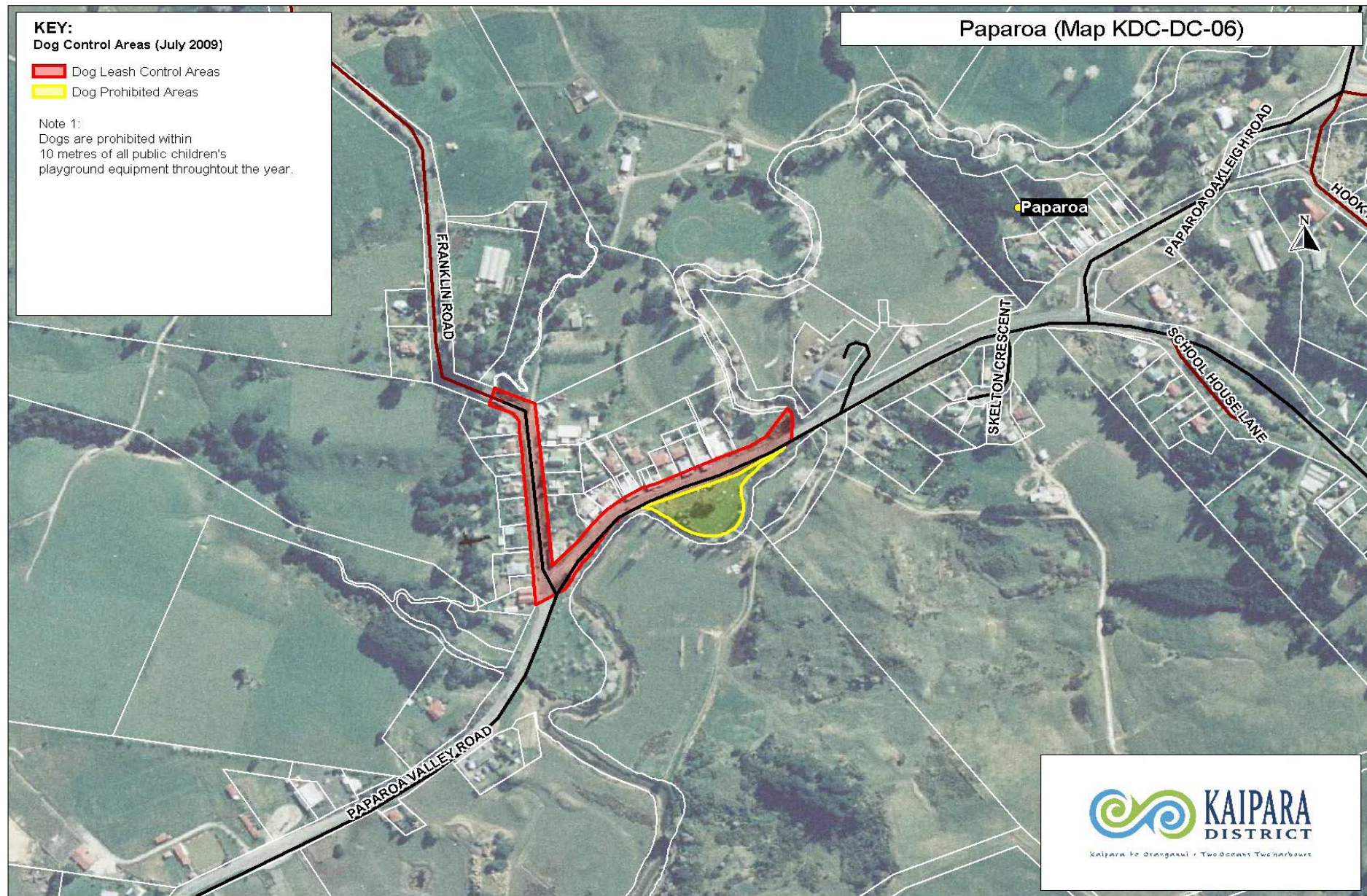


## Map KDC-DC-05: Kaiwaka Area





# Map KDC-DC-06: Paparoa Area





# Map KDC-DC-07: Pahi Area





## Map KDC-DC-08: Ruawai Area





## Map KDC-DC-09: Te Kopuru Area





## Map KDC-DC-10: Dargaville Area





## Map KDC-DC-11: Kellys Bay Area





## Map KDC-DC-12: Glinks Gully Area





### Map KDC-DC-13: Baylys Area





## Map KDC-DC-14: Whakapirau Area





### Map KDC-DC-15: Kai Iwi Lakes (Taharoa) Area

