

NELSON CITY COUNCIL
BYLAWS
(No. 209)

CONTROL OF DOGS

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CONTROL OF DOGS BYLAWS (NO. 209)

THE NELSON CITY COUNCIL in pursuance of the powers and authorities vested in it by the Local Government Act 2002, the Dog Control Act 1996, the Bylaws Act 1910, and all other Acts, powers and authorities enabling it in that behalf, hereby makes the following Bylaw:

1. The title of this Bylaw shall be the “Control of Dogs Bylaw 2005.”
2. The Bylaw shall come into effect on Monday 11 April 2005.
3. **INTERPRETATION**

In this Bylaw, unless the context otherwise requires:

“**Act**” means the Dog Control Act 1996 and its amendments.

“**City**” means the territory of the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

“**The Council**” means the Nelson City Council.

“**Dog control officer**” means a dog control officer appointed under Section 11 of the Act, and includes a warranted officer exercising powers under Section 17 of the Act.

“**Dog ranger**” means a dog ranger appointed under Section 12 of the Act and includes an honorary dog ranger.

“**Infringement offence**” has the meaning given to it in Section 65(1) of the Act.

“**Neutered dog**” means a dog that has been spayed or castrated, but does not include a dog that has been vasectomised, and neutering has a corresponding meaning.

“**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 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;-

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

“**Playing Area**” means that part of any Sports Ground which at the material time is marked out or otherwise set aside for the playing of any active sport.

“**Public place**” means:

- (a) 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; 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” means:

- (a) Any guide dog, hearing ear dog, or companion dog; and
- (b) Any dog:
 - (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture and Forestry, 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 Biosecurity Act 1993; or
 - (v) 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
 - (vi) Declared by resolution of the territorial authority 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.

Other terms and expressions defined in the Act shall, when used in this Bylaw, have the meanings so defined.

4. DOGS PROHIBITED

- 4.1 No person shall allow any dog, of which they are the owner to enter upon or remain on any part of any public place or area specified in the First Schedule and shown on the maps attached hereto.

5. DOGS ON A LEASH

- 5.1 No person shall allow any dog, of which they are the owner to enter or remain on any part of any public place or area specified in the Second Schedule and shown on the maps attached hereto, unless such dog is at all times controlled on a leash.

6. DOG EXERCISE AREAS

- 6.1 The areas set out in the Third Schedule and shown on the maps attached hereto are designated as dog exercise areas where dogs may be exercised off the leash.
- 6.2 Every person, while exercising any dog within a Dog Exercise area, shall ensure that at all times such dog is under an appropriate degree of control which in the circumstances will ensure that the dog does not cause a nuisance to any other person using the area, or rush at or startle any person in a manner that causes that person to be injured or endangered, or causes any property to be damaged or endangered.
- 6.3 Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place, nor the obligation to ensure that at all times the dog is kept under control, which includes the obligation to ensure that the dog does not stray on to any private property

7. EXEMPTIONS

- 7.1 Nothing in Clauses 2, 3 or 4 above shall apply to any working dog while it is engaged in or being used for its working purpose.

8. NUMBER OF DOGS

- 8.1 No occupier of any land or premises within the City, shall keep, or allow to be kept on the land or premises for any period exceeding seven days, more than one dog over the age of three months, unless such owner or occupier is a current participant in the Council's Good Dog Owner scheme.

9. SEIZURE OF ROAMING DOGS

- 9.1 Any dog found wandering free at large, whether or not it is wearing a collar having the proper registration label or disc attached as required by the Act, may be seized and impounded by any dog control officer, dog ranger or other person authorised by the Council.

10. MANGED OR DISEASED DOGS

- 10.1 No owner of any manged or diseased dog, shall take or allow that dog to be taken or enter into or on to any public place, or allow such dog to remain thereon.

11. BITCHES IN SEASON

- 11.1 Every owner of any bitch in season shall ensure that while in season and unless being exercised the bitch is confined within the property at which it is normally kept or at any other property approved by a Dog Control Officer.
- 11.2 Every owner of a bitch in season shall ensure that such bitch is adequately exercised while in season, and while exercising a bitch in season off the property at which it is being kept shall ensure that it is at all times controlled on a leash.

12. NUISANCES OR INJURY TO HEALTH

- 12.1 The owner of any dog or the owner or occupier of any premises where any dog or dogs are customarily kept, shall take all reasonable steps to ensure that the dog or dogs, or the keeping thereof, does not cause a nuisance to any person or be likely to be injurious to the health of any person.
- 12.2 If, in the opinion of a dog control officer, any dog or dogs or the keeping thereof has become or is likely to become a nuisance to any person or injurious to the health of any person, such dog control officer may, by notice in writing, require the owner or occupier of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:
- a) reduce the number of dogs on the premises;
 - b) construct, alter, reconstruct or otherwise improve the kennels or other buildings or fences used to house or contain such dog or dogs;
 - c) tie up or otherwise confine the dog or dogs during specified periods;
 - d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.
- 12.3 Any person to whom notice is given under Clause 10.2, who fails to comply with such notice within the time specified in the notice shall commit an offence against this Bylaw.
- 12.4 Any dog left in a public place, whether restrained or not, and causing a nuisance or distress to any person by act of aggression, obstruction, noise or otherwise, may be removed by any Dog Control Officer, Dog Ranger or Constable and subsequently impounded.

13. DOGS DEFECATING

- 13.1 The owner of any dog that defecates in a public place or on land or premises other than that on which the dog is normally kept, shall immediately remove the faeces.
- 13.2 Every person, with or in control of any dog on any public place, or on any land or premises other than that on which the dog is usually kept, shall at all times carry on their person a bag or other receptacle suitable for the collection of any faeces which the dog might deposit.

14. CONFINEMENT OF DOGS

- 14.1 The owner of a dog shall, during the period commencing half an hour after sunset on each day and ending half an hour before sunrise on the next day, keep such dog tied up or otherwise confined. Provided that a person may exercise a dog during this period provided the dog is at all times controlled on a leash.

15. PENALTIES

- 15.1 Every person who commits a breach of any of the provisions of this Bylaw, shall commit an Infringement Offence and be liable to the penalties prescribed in Schedule 1 to the Dog Control Act 1996.
- 15.2 Notwithstanding the above where the Council is satisfied that the dog concerned has on a number of previous occasions not been kept under control, it may in addition to or instead of issuing an Infringement Notice in respect of a similar offence require the owner to cause that dog to be neutered.

16. REPEAL

- 16.1 The Nelson City Council Bylaw 197 is hereby repealed.

This Dog Control Bylaw 2005 was duly made pursuant to the Special Consultative Procedure initiated at the ordinary meeting of the Council on Thursday 16 December 2004 and confirmed at the ordinary meeting of the Council on Thursday 7 April 2005.

The Common Seal of the
NELSON CITY COUNCIL
was hereunto affixed in the
presence of:

Mayor

Chief Executive

First Schedule Areas

Dogs Prohibited

1. Nelson Airport (unless transporting dogs for air lift out of Nelson; or dogs securely restrained in the owner's vehicle).
2. Eastern two thirds of Tahunanui Main Beach.
3. The playing area of any Council Sports Grounds.
4. Children's playgrounds - the section of the Reserve set aside for playground equipment.
5. Nelson City Council Water Works Reserves:
 - a) Maitai Valley)
 - b) Brook Valley) Without Council Permits
 - c) Roding)
6. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
7. Haulashore Island.
8. Oyster Island.
9. The following Maitai River Swimming holes.
 - (a) Dennes Hole
 - (b) Sunday Hole
 - (c) Maitai Camp Hole
10. Dogs are prohibited from being on any land, not being foreshore or sea bed, administered by the Department of Conservation unless the owner has specific authorisation, for example a dog control permit, or the area is otherwise specifically provided for in the Dog Control Policy.
11. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500m along each of those boundaries.
12. The Boulder Bank Scenic Reserve, during the period October to February, from a point 4 km from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve, to the Cut.

Second Schedule Areas

Dogs on a Leash

1. All public footpaths and other public areas within the Central Business District and the Suburban Commercial Areas of Victory Square, Tahunanui, and Stoke.
2. Maitai Valley Walkway between Salt Water Creek and Collingwood Street.
3. Neighbourhood reserves - excluding those listed in the free roam areas.
4. The following horticultural parks - Anzac Park, Isel Park, Church Hill, Queens Gardens, Melrose Gardens, Broadgreen Rose Gardens and Miyazu Japanese Gardens.
5. The sealed surfaces of all Walkways and Cycleways (excluding those listed under Dog Exercise Areas).
6. Nelson Cemeteries.
7. Any part of any Council Sports Grounds, other than the playing area on which dogs are prohibited.
8. Those areas through which the cycleway/walkways from the airport and Kidson Place to Point Road, and south of the Honest Lawyer pass
9. Wakapuaka Conservation Reserve.
10. The sand and mudflats of Delaware Inlet.
11. The Boulder Bank Scenic reserve from the intersection of Boulder Bank Drive and the Boulder Bank Scenic Reserve south for a distance of 4 km at all times, and from that point to the Cut for the period March to September.

Third Schedule Areas

Dog Exercise Areas

1. Tahunanui Back Beach and the western third of the Tahunanui Main Beach.
2. Branford Park.
3. Fairfield Park.
4. Boulder Bank Drive (Sewerside Drive).
5. The Boulder Bank north from its intersection with Boulder Bank Drive, to the Glen.
6. Botanical Hill (Centre of NZ).
7. Maitai Walkway above the Collingwood Street Bridge.
8. Grampians, except on a leash where stock are grazing.
9. Sir Stanley Whitehead Park, except on a leash where stock are grazing.
10. Areas under the direction of the Canine Obedience Club.
11. The Railway Reserve - St Vincent Street to Saxton Road.
12. Abraham Heights Reserve, Bayview Road Reserve (North), Bishopdale Reserves (North and South), Bledisloe Avenue Reserve (North), Corder Park, Emano Street Reserves (East and West), Hanby Park, Hira Store Reserve, Kowhai Avenue/Stafford Avenue Reserve, Murphy Street Reserves (Lower and Upper), Ngapua Reserve, Orchard Stream Gardens, Pipers Park, Poplar Reserve, Ronaki Reserve, Songer Street/The Ridgeway Corner Wilderness Reserve, Station Reserve, Tosswill Reserve and Waterhouse Street Reserve.
13. Marsden Valley - (From War Memorial up).
14. Atawhai Mounds (Newman Grove/Founders area).

Swimming for dogs

1. Blind channel at Tahunanui Back Beach - (foot access is now provided along Waikare Street Extension, Bisley Walk and the BMX track walkway). Dogs must be kept on a leash until the dog exercise area is reached.
2. All holes and reaches of the Maitai River, excluding those swimming holes listed in the First Schedule.