

# WAITAKERE CITY COUNCIL

## Bylaw No. 29

### Dog Control

#### 1.0 Short Title, Commencement and Application

- 1.1 This bylaw is the Dog Control Bylaw for Waitakere City Council and comes into force on 29 September 2004.
- 1.2 This bylaw applies to the Waitakere City district.

#### 2.0 Interpretation

- 2.1 In this bylaw unless the context requires otherwise:

**BEACH** means any land covered and uncovered by the ebb and flow of the tide between mean low water springs and mean high water springs.

**CONTROL** means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

**COUNCIL** means the Waitakere City Council.

**DISTRICT** means the area under control of the Waitakere City Council.

**DOG OWNER** means owner as defined in section 2 of the Dog Control Act 1996 and includes 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 Animals Welfare Act 1999.

**LEASH** means any lead, chain, strap or other sufficient contrivance of a length not exceeding two metres, which is in good order and will not break if the dog strains or pulls on it. The leash must also have a secure handle or loop to enable the owner to maintain a hold on the leash. Where a leash is retractable/extendable then as long as the leash is retracted to be a maximum of a two metre length when the dog and owner are within 10 metres of any other person or animal then such a contrivance is deemed to fall within the definition of "leash".

**ON A LEASH** means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a person so that the dog cannot break loose.

**PRIVATE WAY** means any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.

**PUBLIC PLACE** means public place as defined in section 2 of the Dog Control Act 1996:

- (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.

**RESERVE** means:

- (a) Any land vested in the Council and declared as a reserve by resolution of the Council, under section 14 of the Reserves Act 1977; or
- (b) Any park, domain or recreational area under the control or ownership of the Council; or
- (c) Any land under the control or management of the Auckland Regional Council.

**WORKING DOG** means any working dog as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) Any guide dog, hearing ear dog, or companion 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 [Biosecurity Act 1993](#); or
  - (iva) 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
  - (ivb) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
  - (ivc) 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

- (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.

### **3.0 Control of Dogs in Public Places**

#### **Prohibited Areas**

- 3.1 Every dog owner must ensure that his or her dog does not enter or remain in any public place designated as a prohibited area in the First Schedule.

#### **Leashed Areas**

- 3.2 Every dog owner must ensure that his or her dog is kept on a leash in any public place or private way designated as a leashed area in the Second Schedule.

### **3.3 Off Leash Areas**

- 3.3 Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control, in any area designated as an off leash area in the Third Schedule.

#### **Designated Dog Exercise Areas**

- 3.4 Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control, in any area designated as a dog exercise area in the Fourth Schedule.

#### **Exemptions**

- 3.5 Clauses 3.1 and 3.2 do not apply to the owner of:
- (a) A working dog while it is working; or
  - (b) Any dog which is confined completely within a vehicle or cage; or
  - (c) Any dog taking part in a special event approved by the Council or Regional Council, such as a dog show or dog training seminar.

### **4.0 Removal of Faeces**

- 4.1 Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the dog owner must remove the faeces immediately and dispose of them in a way that does not cause a nuisance.

### **5.0 Offences and Penalties**

- 5.1 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable to a fine not exceeding \$20,000.
- 5.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this bylaw.

### **6.0 Changes to Schedules**

- 6.1 The Council may from time to time by resolution make amendments to any of the Schedules referred to in Clause 3.0.
- 6.2 Before passing a resolution the Council must be satisfied that the amendments further achieve and are not inconsistent with the Policy on Dogs for Waitakere City.

***This part of the bylaw supplements the provisions of the Dog Control Act 1996 for the care and control of dogs within Waitakere City, and gives effect to the Policy on Dogs for Waitakere City.***

## **7.0 Minimum Accommodation Standards**

7.1 Every owner shall provide adequate shelter, housing or kennelling for every dog in his/her care and such accommodation shall provide shade, warmth, dry and draft free conditions, shall be sited in such a position continuously and designed in such a way that the dog is unable to create nuisance or annoyance to any person, and the owner shall ensure that all times the dog receives proper care and attention and is supplied with proper and sufficient food, water, veterinary care and exercise.

## **8.0 Requirement to Provide For Well Being of Dogs**

8.1 Every owner must take reasonable steps to provide for the well being of every dog in his/her care by taking into account the dog's social, physical, behavioural and emotional needs. This includes provision of sufficient companionship and affection as well as food, water, shelter, exercise, and veterinary care.

8.2 No dog owner shall, through carelessness, ignorance, neglect or intent cause a dog to suffer any injury.

## **9.0 Dogs In or On Vehicles**

9.1 No person shall take a dog onto any public place in a motor vehicle or leave a dog in an unattended motor vehicle thereon unless he takes such measures as are necessary to render it impossible for the dog to get out of the vehicle or to cause nuisance or distress to passers by. The dog must also have adequate ventilation, water and shelter so there is no risk of it overheating or causing a nuisance to citizens.

9.2 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that the dog is at all times kept under control by a harness or similar restraint that is sufficiently short in length as to secure the dog in such a way that it cannot jump or fall from the vehicle.

## **10.0 Limiting Number of Dogs**

10.1 No person shall without the consent in writing of Council keep or allow to be kept more than two dogs on any premises of less than 2000m<sup>2</sup> or more than one dog on any premises less than 600m<sup>2</sup>, where such premises are situated in an area zoned or classified for urban or living environment use under the provisions of the Council's District Scheme or the relevant Section thereof under the Resource Management Act 1991 and its Amendments, and whether such scheme or section thereof is for the time being undisclosed, proposed or operative as defined by the said Act.

10.2 The preceding Sub-clause shall not apply to any dogs under the age of three months.

10.3 The consent of the Council referred to in Sub-clause 10.1 hereof may be issued upon or subject of any terms, conditions or restrictions (including restrictions as to the number of dogs that may be kept on the premises, the shelter to be provided for them, or any other precaution to be taken to prevent their becoming a nuisance), as the Council or its duly authorised Officers may impose in any particular cases.

10.4 Every application for such consent referred to in Sub-clause 10.1 hereof shall be in writing on the prescribed form and addressed to the Council and signed by the applicant and the applicant shall give to the Council such further information as it may require.

## **11.0 Specified Confinement Period**

- 11.1 The owner of any dog, in the district controlled by the Council 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 securely confined or under this direct control so that the dog's ability to wander during the hours of darkness is totally prevented.

NOTE: This does not imply that dogs are allowed to wander during the hours of daylight.

## **12.0 Bitches in Season and Diseased Dogs**

- 12.1 No person shall permit any bitch in season to enter or remain upon any public place or upon any land or premises other than land or premises of the owner of the dog, or in any certified boarding kennels.
- 12.2 No person shall permit any infectiously diseased dog to enter or remain upon any public place or upon any land or premises other than the land or premises of the owner of the dog or at any registered veterinary clinic.
- 12.3 All dogs under Clause 6 of this bylaw shall be adequately confined so that stray dogs are unable to gain access to them and must be given proper care and attention and supplied with proper and sufficient food, water, veterinary care and exercise during that period of confinement.

## **13.0 Require Dog to Be De-Sexed**

- 13.1 The Council may require that an owner causes his/her dog or bitch to be de-sexed where: The dog has not been kept under control on a number of occasions and the Dog Control Officer believes that de-sexing of the dog would assist in addressing a dog control problem. Failure to comply with a notice from Council, which requires the dog or bitch to be de-sexed, shall be an offence against this bylaw.

## **14.0 Dogs Injurious To Health or a Nuisance**

- 14.1 The owner of the dog 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 therefore, from causing a nuisance or becoming injurious to the health of any person.
- 14.2 If, in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become to is likely to become a nuisance or injurious to health, of any person, the Council or any person duly authorised in 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, resite 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 securely confined during specified periods.
  - (d) Take such other action as to the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.

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 be guilty of an offence against this Part of this bylaw.

## **15 Dog Breeder's Permit**

- 15.1 No person shall breed any litters of pups within Waitakere City unless that person has first obtained a DOG BREEDER'S PERMIT from Council. Each application shall be on the prescribed form accompanied by the permit fee and subsequent property inspection and interview by a Dog Control Officer.
- 15.2 Each permit shall be issued for a period of 12 months. The permit and any renewal thereof shall not be issued until a Council Dog Control Officer is satisfied that the facilities thereon are suitable for the purpose, and that they are not in and will not fall into such a condition as to be offensive or likely to be injurious to health or contribute to any nature of dog control problem.
- 15.3 Every breeder of any dogs must supply to the Waitakere City Council a written statement showing the age, breed, sex, colour and distinguishing marks of all pups or dogs leaving his or her care and must also supply the full name and address of the persons assuming ownership. Such information must be supplied within fourteen days of the date of change of ownership.
- 15.4 Every owner of a pet shop or retail outlet selling animals must supply to the Waitakere City Council a written statement showing the age, breed, sex, colour and distinguishing marks of all pups or dogs leaving his or her care and must also supply the full name and address of the persons assuming ownership. Such information must be supplied within fourteen days of the date of change of ownership.

## **16 Requirement to Present Dog**

- 16.1 The owner of any dog shall upon the reasonable request of a Dog Control Officer, present the dog for inspection at the owner's residence or where the dog is usually kept or at any duly specified date place and time so that the Dog Control Officer may inspect the dog and the conditions under which it is kept.
- 16.2 Failure to comply with any reasonable notice under this Sub-clause shall be deemed to be an offence against this bylaw.

## FIRST SCHEDULE

### Prohibited Areas

Every dog owner must ensure that his or her dog does not enter or remain in the following public places:

- (a) Any public building, including any library, swimming pool, recreation centre, and visitor centre, under the control or management of the Council or the Auckland Regional Council unless permitted by the occupier or person having control of the premises and subject to compliance with any reasonable conditions imposed.
- (b) Any area developed or marked out as a sports field (but excluding any spectator area), outdoor court, skateboard park and cycle park.
- (c) On or within 10 metres of any area that is developed or marked out as a playground or contains children's play equipment or fitness apparatus.
- (d) On Piha Beach as defined in Map 1 of this schedule.
  - (i) Within any rock or reef wildlife area shown by appropriate marker poles.
  - (ii) On the area of Piha beach from approximately Piha Streams and hence generally in a southern direction 600 metres to the southern most end of the South Piha Beach, as is marked by appropriate marker poles during the period commencing at the start of daylight saving of any one year and concluding at the finish of daylight saving in the next succeeding year inclusive.
- (e) Within the Waitakere Ranges Regional Park as follows:
  - Whatipu Scientific Reserve and adjoining Crown foreshore and Pararaha Valley.
  - Grassed area at Cornwallis.
  - Water supply dam buffer zones.
  - Regional Park camping grounds and picnic areas

#### **Note 1:**

Where a dog is confined within a vehicle the dog owner is not in breach of the First Schedule provided that the dog has sufficient water, shelter and ventilation and provided that there is no risk of the dog overheating or causing a nuisance to citizens.

#### **Note 2:**

Where a dog is being walked on a leash along a pathway that is within 10 metres of fitness or playground apparatus then no breach of the bylaw occurs.

Map 1



## **SECOND SCHEDULE**

### **Leashed Areas**

Every dog owner must ensure that his or her dog is kept on a leash in every private way or the following public places:

- (a) Any public place not included in the First Schedule, Third Schedule or Fourth Schedule.
- (b) Any road, including footpath and berm.
- (c) Any area that is developed or marked out as a picnic area, boat ramp or boat marshalling area and car park.
- (d) On the following beaches:
  - (i) Piha – on any part of the beach not marked as a prohibited area pursuant to the First Schedule or designated as an Off Leash Area pursuant to the Third Schedule.
  - (ii) All other beaches.
- (e) Waikumete Cemetery.
- (f) Harbourview-Orangihina walkway and coastal area.

## **THIRD SCHEDULE**

### **Off Leash Areas**

Every dog owner may exercise his or her dog other than on a leash, but must keep the dog under control in the following public places:

- (a) Bethells Beach within the area allowed by marked poles between sunrise and sunset on each day as defined in Map 2 of this schedule.
- (b) Piha Beach within the area allowed by marker poles generally located north of Lion Rock and the northern end of the beach between sunrise and sunset on each day as defined in Map 1 of this schedule.
- (b) Cornwallis Beach sand area from sunrise until 9 am daily.
- (c) All Council Reserves as specified from time to time in the Waitakere City Council Policy on Dogs, excluding beaches, provided that the dog owner complies with all restrictions imposed under the First and Second Schedules of this bylaw.

Map 2



## **FOURTH SCHEDULE**

### **Designated Dog Exercise Areas**

There are currently no designated dog exercise areas within Waitakere City.

The Common Seal of the )  
WAITAKERE CITY COUNCIL )  
was hereunto affixed pursuant to )  
resolution 1838 / 2004 dated )  
29 September 2004 in the presence of: )

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MAYOR / DEPUTY MAYOR

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CHIEF EXECUTIVE