

APPENDIX 3

Council Dog Bylaws

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.

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.

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.

FOURTH SCHEDULE

Designated Dog Exercise Areas

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