

## Franklin District Council Dog Control Bylaw 2010

### **EXPLANATORY NOTE**

*This Bylaw supplements the provisions of the Dog Control Act 1996 for the care and control of dogs, and gives effect to the Franklin District Council's Policy on Dogs.*

#### **1.0 Short Title, Commencement and Application**

- 1.1 This Bylaw may be cited as the Franklin District Council Dog Control Bylaw and shall come into force on 1 March 2010.
- 1.2 This Bylaw applies to the Franklin District.
- 1.3 This Bylaw repeals all existing Franklin District Council Dog Control Bylaws.

#### **2.0 Dog Control Bylaw Validation**

- 2.1 The Franklin District Council Dog Control Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the Special Consultative Procedure and will come into force on 1 March 2010.
- 2.2 The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:

.....*Sally Davis*.....  
Sally Davis  
Chief Executive Officer

.....*Mark Ball*.....  
Mark Ball  
Mayor



.....*23/02/10*.....  
Date

### 3.0 Interpretation

3.1 In this Bylaw, unless the context requires otherwise:

**Act** means the Dog Control Act 1996 and any amendments thereto.

**Beach** means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any such land along the banks of any river or stream.

**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 Franklin District Council.

**District** means the Franklin District.

**Dog Owner** means owner as defined in section 2 of the Act and any amendments thereto.

**Hunting Dog** means a dog used for hunting game provided that:

- (a) It shall be a defence that any Hunting Dog found in a Public Place without a leash is under the Control of a currently licensed or permitted game hunter, or currently licensed firearms owner, who is using the dog for the immediate purpose of locating and/or retrieving game; and
- (b) The onus shall fall on the hunter/shooter to demonstrate that he or she was legally entitled to be in that Public Place and to demonstrate that the unleashed dog was under his or her full Control.

**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 capable person so that the dog cannot break loose.

**Public Place** means public place as defined in section 2 of the Act and any amendments thereto.

**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 working dog as defined in section 2 of the Act and any amendments thereto and, for the purposes of this Bylaw, includes any Hunting Dog.

### 4.0 Control of Dogs in Public Places

#### 4.1 Prohibited Areas

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.

#### 4.2 Leash Control Areas

Every Dog Owner must ensure that his or her dog is kept On a Leash in any Public Place designated as a Leash Control Area in the Second Schedule.

### **4.3 Off Leash Areas**

Every Dog Owner may exercise his or her dog, except any dog classified as a dangerous dog, other than On a Leash, but must keep the dog under Control, in any Public Place designated as an Off Leash Area in the Third Schedule.

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

Every Dog Owner may exercise his or her dog other than On a Leash, but must keep the dog under Control, in any Public Place designated as a Designated Dog Exercise Area in the Fourth Schedule.

### **5.0 Exemptions**

5.1 Clauses 4.1 and 4.2 do not apply to the owner of:

- (a) Any Working Dog while it is working; or
- (b) Any dog which is confined completely within a vehicle or cage; or
- (c) Any dog which is secured on the open tray of a utility vehicle; or
- (d) Any dog taking part in a special event approved by Council or the Auckland Regional Council, such as a dog show or dog training seminar.

5.2 Clause 4.1 does not apply to the owner of any dog being conveyed to or from a veterinary clinic, pet store, grooming service or the Dog Owner's private land or premises if located within a Prohibited Area, provided the dog is kept On a Leash and conveyed by the most direct route possible.

5.3 Clause 4.1 does not apply to the owner of any dog being conveyed to or from a permissible Public Place, or to or from private land, premises or property, where the only means of public access is through a Prohibited Area, provided the dog is kept On a Leash and conveyed by the most direct route possible.

### **6.0 Limitation on Number of Dogs**

6.1 Dog Owner/s are permitted to keep more than one dog over the age of three months for more than 14 days on a property zoned rural or coastal in an operative District Plan.

6.2 Every applicant for a permit to keep more than one dog other than in the rural or coastal zone will be required to obtain a Dog Owner Licence prior to the issue of the permit, must supply the information that the Council requires to issue the permit and must accompany the application with any fee prescribed from time to time by resolution of the Council.

6.3 All applications for a permit to keep more than one dog, where one of the dogs concerned has been classified as dangerous or menacing by breed or by deed, shall be declined.

6.4 Only one dog over the age of three months will be permitted per unit in multi-unit residential developments.

6.5 Every application for a permit will be considered on its individual merits, taking into account:

- (a) location of property in relation to open space or adjacent rural land;
- (b) intensity of residential development surrounding the property;
- (c) written approval of all adjacent occupiers (provided that Council shall not be constrained in granting/refusing consent by the absence of such approval);
- (d) size of property;
- (e) fencing and housing of the dogs;
- (f) removal of faeces;
- (g) management factors e.g. availability of supervision for the dogs;
- (h) personal factors e.g. single/elderly people;
- (i) past owner history e.g. complaints;
- (j) type of dog; and
- (k) any other factors considered relevant by Council.

6.6 Every permit may be issued on such terms and conditions as Council considers appropriate and these conditions shall be complied with within one month of issue of permit or the permit may be revoked.

- 6.7 Every permit and its conditions shall be personal to the applicant, limited to the premises in respect of which it has been issued, and remain in force unless revoked by Council.
- 6.8 If a Dog Owner has committed a breach of any conditions attached to the permit and has received written notification to remedy the breach, the Dog Owner shall comply with such conditions within 14 days from the date of the notice or Council may revoke the permit.
- 6.9 On revocation of the permit, the Dog Owner shall reduce the number of dogs to that allowed within 28 days of the permit being revoked.

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

- 7.1 Every Dog Owner must ensure that any bitch in season is kept On a Leash in every Public Place.
- 7.2 Every Dog Owner must ensure that any dog infected with a contagious disease is continuously contained on his or her land or premises in a secure manner so that it cannot freely leave the land or premises. This does not apply where the dog is being transported to a registered veterinary clinic for treatment provided that the dog is transported in a way that avoids, as far as possible, the spread of the disease.

#### **8.0 Dogs on Vehicles**

- 8.1 Every Dog Owner allowing a dog to ride on the open tray of a utility vehicle in a Public Place shall ensure that it is secured by a lead or chain short enough so that the dog cannot fall from the tray and be kept under Control at all times. This does not apply to the owner of a Working Dog while it is working.

#### **9.0 Removal of Faeces**

- 9.1 Where any dog defecates in a Public Place the Dog Owner must immediately pick up and subsequently dispose of the faeces in a way that does not cause a nuisance.

#### **10.0 Offences and Penalties**

- 10.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to the infringement fee as specified in the Act, or a fine as specified in the Local Government Act 2002.
- 10.2 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.

## 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, visitor centre or crematorium under the control or management of the Council or the Auckland Regional Council, unless permitted by the occupier or person having control of those premises and subject to compliance with any reasonable conditions imposed.
- (b) Any area developed or marked out as a sports field (not including any spectator area) during sporting events, or any 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.
- (d) Any cemetery, unless permitted by the person/organisation having control of that cemetery and subject to compliance with any reasonable conditions imposed.
- (e) In the following protected wildlife areas:
  - (i) George Kern Nature Reserve, Kern Road, Pukekohe East; and
  - (ii) Harris Nature Reserve, Rutherford Road, Pukekohe East.
- (f) In the following intensive-use business areas from 9am to 5pm on normal trading weekdays and from 9am to 12pm on normal trading Saturdays:
  - (i) All that area contained within and enclosed by, but not including, the roads known as the Ring Road, Pukekohe, comprising Stadium Drive, Tobin Street, Wesley Street and Massey Avenue;
  - (ii) George Street, Tuakau, between Madill Street and the corner of West and Liverpool Streets;
  - (iii) All Kitchener Road, Waiuku, from View Road to Queen Street, Queen Street from Court Street to King Street, and all of Bowen Street.
- (g) The following Beaches from 10am to 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March in the following year:
  - (i) Sunset Beach, Port Waikato, within 250 metres north or south of any lifesaving patrolled area;
  - (ii) Karioitahi Beach, Waiuku, within an area bounded by two lines extending east/west from the southern wall of the Karioitahi Surf Lifesaving Clubrooms and the northern wall of the Public Toilet Block facility.
- (h) Beaches and adjoining reserves south of Whakatiwai except those areas at Kaiaua specified as Leash Control Areas in the Second Schedule.
- (i) Picnic areas at Hunua Falls in the Hunua Regional Park and designated picnic areas in the Waharau Regional Park.
- (j) The Awhitu Regional Park, including Beaches adjoining the Park between Brook Road and Hatton Road, and the Waharau and Whakatiwai Regional Parks from the beginning of July through to the end of November each year.
- (k) All campgrounds in regional parks.

## SECOND SCHEDULE

### Leash Control Areas

Every Dog Owner must ensure that his or her dog is kept On a Leash in 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 (except those prohibited in the First Schedule), fitness apparatus, boat ramp, boat marshalling area or car park.
- (d) East Coast Road Reserves and the Boating Club reserve and car park area at Kaiaua, at all times.
- (e) The following Beaches and adjoining Reserves from 10am to 6pm on weekends, public holidays and school holidays from the beginning of Labour Weekend to the end of March in the following year:
  - (i) Maraetai Bay, Port Waikato
  - (ii) Clarks Beach – from (and including) the beach frontage at Camp Morley and all adjoining Beach and access way Reserves west of Camp Morley
  - (iii) Glenbrook Beach and Glenbrook Landing Reserve
  - (iv) Te Toro
  - (v) Pollok Wharf
  - (vi) Matakawau Point, Matakawau Beach and Sergeants Beach
  - (vii) Hudsons Beach, between the boat ramp at the end of Hudsons Beach Road and the boat ramp at Grahams Beach
  - (viii) Orua Bay, west of the Orua Bay creek mouth
  - (ix) Big Bay
  - (x) Wattle Bay
  - (xi) Hamiltons Gap, within 250m either side of the creek mouth at the end of West Coast Road
  - (xii) Waiau Beach
  - (xiii) All those Beaches and adjoining Reserves from Whakatiwai northwards, except that area specified as a Designated Dog Exercise Area in the Fourth Schedule
  - (xiv) Esplanade Reserve at the end of Brook Road, Awhitu.
- (f) The Waharau and Whakatiwai Regional Parks from the beginning of December through to the end of June in the following year.

### **THIRD SCHEDULE**

#### **Off Leash Areas**

Every dog owner may exercise his or her dog, except any dog classified as a dangerous dog, other than On a Leash but must keep the dog under Control, in the following Public Places:

- (a) All Beaches, except those when prohibited in the First Schedule, those when specified as Leash Control Areas in the Second Schedule, or those otherwise specified as Designated Dog Exercise Areas in the Fourth Schedule.
- (b) The Hunua Regional Park, except those areas prohibited in the First Schedule.

## FOURTH SCHEDULE

### Designated Dog Exercise 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) Roosevelt Reserve, Totara Avenue and Ngahere Road, Pukekohe, excluding the fenced grazed area.
- (b) Hickeys Reserve, Pukekohe, from Paerata Road to Childs Avenue.
- (c) Cape Hill Reserve, Brownlee Place, Pukekohe, excluding the fenced grazed area.
- (d) The catchment Reserve between Jackson Place and Ward Street, Pukekohe.
- (e) Reserve area along estuary access from Edgewater Parade and Riverside Drive, Waiuku.
- (f) Esplanade Reserve from Huia Street to Totara Street, with access from Rata Street, Waiuku.
- (g) Karioitahi Beach, Waiuku, south of a line extending east/west from the southern wall of the Karioitahi Surf Lifesaving Clubrooms and north of a line extending east/west from the northern wall of the Public Toilet Block facility.
- (h) Orua Bay, from the Orua Bay creek to Mako Point.
- (i) Sunset Beach, Port Waikato, beyond 250 metres north or south of any lifesaving patrolled area.
- (j) Les Batkin Reserve, Tuakau, in the marked areas from the Tuakau Bridge to the toilet block and from the vehicular entrance to the northern boundary.
- (k) Centennial Reserve/Park, Tuakau, in the marked area.
- (l) Alexandra Redoubt Reserve, Tuakau.
- (m) Patumahoe Recreation Reserve, Clive Howe Road, Patumahoe, in the signposted area at the north/western corner.
- (n) East Coast Road Reserves, foreshore only, Waharau North.