

## **TIMARU DISTRICT CONSOLIDATED BY-LAW 2007**

### **CHAPTER 6 - CONTROL OF DOGS**

#### **Scope**

The purpose of this chapter of the by-law is to set standards of control that must be observed by dog Owners. It covers matters such as dogs in Public Places, wandering dogs, Ownership of more than one dog, and nuisances caused by dogs.

The Council is aware of concern in the community over aggressive dogs, vicious dogs and large unruly dogs. This chapter of the by-law is not the only or major control document for dog Owners. The Dog Control Act 1996 addresses various issues such as registration, barking dogs, dogs attacking people or Stock, and other matters.

Both this chapter of the by-law and the Dog Control Act allow for legal action with consequent fines.

#### **601 Police dogs and various guide dogs**

601.1 Nothing in this chapter of the by-law shall apply in respect of any dog kept by the Police or any Constable while being used for the purpose of carrying out any lawful function duty or power of the Police or that Constable.

601.2 Nothing in this chapter of the by-law shall prohibit any dog certified as a disability assist dog while acting in that capacity from entering any Premises or area where dogs are otherwise prohibited from being under the provisions of this chapter of the by-law.

#### **602 Dogs to be under control at all times**

602.1 The Owner or any Person in charge or having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his/her direct control.

#### **603 Shelter**

603.1 Every Owner of a dog shall ensure that the dog is provided with adequate shelter and that no unnecessary suffering is caused to the dog by the manner of the shelter.

**604 Areas where dogs are prohibited and areas where dogs must be on a leash**

604.1 The Owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or Public Place declared by resolution of the Council to be subject to the provisions of this sub clause unless such dog is being carried in or on a Vehicle.

The streets and Public Places as resolved from time to time shall be detailed in the First Schedule to this chapter of the by-law.

604.2 The Owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or Public Place unless such dog is being carried in or on a Vehicle or is at all times on a hand held leash.

604.3 Dogs must be on a hand held leash while away from an Owner's property other than:

- a) Farm dogs, when working, may be permitted other than on a leash;
- b) Dogs in exercise areas specified in the Second Schedule to this chapter of the by-law.

604.4 An Officer may require the Owner of any dog that is being carried in or on a Vehicle in a prohibited area as detailed in clause 604.1 to remove the dog from the prohibited area if the Officer considers the dog to be a nuisance due to reasons of noise or aggressive behaviour.

**605 Exercise areas for dogs**

605.1 Council may from time to time declare certain places by resolution of Council to be exercise areas for dogs where those dogs will be permitted to be exercised off a leash provided that at all times those dogs are under the continuous and effective control of a responsible Person.

These declared exercise areas shall be detailed in the Second Schedule to this chapter of the by-law.

**606 Control of dogs wandering including on private property**

606.1 Any Person shall commit an offence against this chapter of the by-law if they fail to keep any dog for which they are responsible under continuous and effective control.

- 606.2 Any dog found not under continuous and effective control in any Reserve may be seized and detained by any authorised Officer, or by a Person employed or contracted by the Council to work in that Reserve.
- 606.3 No Person for the time being in charge of any dog shall permit the dog to enter or to be in or upon any Premises used for or in connection with the manufacture, preparation, packing or storage or sale of food.
- 606.4 No Person shall cause or allow any dog owned by him/her or under his/her control to enter or remain in any public library.
- 606.5 No Person shall take into or have in his/her charge any dog in or on bathing places owned or controlled by Council or any buildings appertaining to such public baths or bathing place.
- 606.6 No Person shall take into or have in his/her charge any dog in or on any land or Premises used as a public school, kindergarten or play centre unless that Person has been legitimately authorised to do so.
- 606.7 No Person shall:
- (a) Bring any dog onto the Airport or any part thereof. Provided that this clause shall not apply to any dog being carried in or on a Vehicle;
  - (b) Allow any dog to be or remain on the Airport or any part thereof;
  - (c) Fail to remove any dog from the Airport or any part thereof after being required by any Airport official or Authorised Officer to remove such dog from the Airport or such part thereof;
- 606.8 No Person shall take into or keep in any cemetery any dog unless on a hand held leash.
- 606.9 No Person shall take any dog on any sign posted walkway unless on a hand held leash.
- 606.10 No Person shall lead or drive any dog harnessed or attached to any Vehicle through, along, upon or over any street, private street or Public Place without the consent of Council.

**607 Seizure of dogs not under continuous control**

607.1 In addition to any other penalty provided in this chapter of the by-law for any breach of its requirements, any dog entering or remaining on any Public Place within the district controlled by Council, not being led by a chain, strap, or other efficient or effective contrivance or without being kept under effective continual control may be seized and impounded by any Person duly authorised by the Council.

**608 Impounding (seizure of roaming dogs)**

608.1 Any dog found at large in any Public Place at any time in contravention of clause 602.1 or clause 604 or clause 605 hereof, whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto as required by the Dog Control Act 1996, may be seized and impounded by any Person duly authorised by the Council.

**609 Notice to Owners of impounded dogs**

609.1 Upon any dog being impounded pursuant to this chapter of the by-law the Council shall as soon as possible advise the Owner of such dog as to the impounding.

**610 Disposal of impounded dogs**

610.1 If any dog impounded pursuant to this chapter of the by-law is not claimed and all fees are not paid by the Owner:

- (a) Within 7 days after the Owner has received notification of the impounding; or
- (b) In any case where the Owner is unknown to the Council or cannot be found within such period of time as laid down in the Dog Control Act 1996, the dog may be destroyed or disposed of to any Person by or on behalf of the Council, and that Person shall thereupon become the Owner of the dog:

Provided that the Person who was the Owner of the dog before it was destroyed or disposed of shall not thereby be relieved of liability for any penalty or for payment of any fees payable under this chapter of the by-law.

**611 Release from pound**

611.1 No dog shall be released from any pound until proof of Ownership and identity of the dog is established and payment made of:

- (a) A poundage fee as set by the Timaru District Council from time to time by resolution publicly notified; and

- (b) Any sustenance fee; and
- (c) In the case of any dog of registerable age, the current annual fee payable under this chapter of the by-law; and
- (d) Any charge in connection with advertising the impounding of the dog.

Provided that Council may allow impounding fees to be paid by time payment where the appropriate Officer considers circumstances warrant such time payment.

- 611.2 Any Person who fails to make the required time payments for an impounded dog that has been released to that Person shall have committed an offence under this chapter of the by-law.

**612 Sustenance fees**

- 612.1 Fees for the sustenance of any dog so impounded under this chapter of the by-law shall be at such a daily rate as may be fixed by the Council by resolution from time to time.

**613 Infected dogs**

- 613.1 No Person being the Owner of any dog, or being in charge of any dog;
- (a) Being infected with an infectious disease; or
  - (b) Being a bitch on heat.

Shall take the dog or permit or suffer the dog to enter or remain in any Public Place.

**614 Dogs becoming a nuisance or injurious to health**

- 614.1 The Owner of any dog or the Owner 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 thereof, from becoming a nuisance or becoming in any way injurious to the health of any Person.

- 614.2 If, in the opinion of the Council, the dog or dogs or the keeping thereof on such premises has become or is likely to become a nuisance or injurious to the 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 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 tied up or otherwise confined during specified periods;
- (d) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health;
- (e) To clean and keep clean the dog kennel and associated area.

614.3 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 commit an offence against this chapter of the by-law.

614.4 No Person shall neglect to bury or to cause to be buried the body or part of the body of any dog belonging to him/her or in his/her charge or keeping that may have died. At least 750 millimetres of cover shall be provided on the body or part thereof.

### **615 Causing dogs to become unmanageable**

615.1 Any Person shall commit an offence against this chapter of the by-law who behaves so as to cause any dog in any street, private street, or Public Place to become restive or unmanageable.

### **616 Limitation as to number of dogs allowed**

616.1 (a) No Owner or Occupier of any residentially zoned property within Timaru District shall allow or cause to remain or keep on such Premises for any period exceeding fourteen days, three or more dogs other than working dogs, over the age of three months (whether or not such dogs are registered) unless such Owner or Occupier shall be the holder of a licence for such purpose from the Council.

(b) Such licence may be issued upon or subject to such terms, conditions, restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be an offence against this chapter of the by-law.

(c) Any Person desiring to allow or cause to remain or to keep three or more dogs on any premise as provided in this chapter of the by-law shall make written application to the Council in such form as may be required by the Council for a licence and shall give to the Council such information in respect of the application as the Council may require.

- (d) For every such licence there shall be paid to the Council such fee as the Council may decide from time to time by resolution passed in that respect and such licence shall remain in force until the 30th day of June, following the date of issue of such licence.
- (e) The fee for such licence shall be payable in addition to and separate from the dog control fees payable under the Dog Control Act 1996.

**617 Dogs fouling public areas**

- 617.1 No Person being the Owner of or having the control of any dog shall permit that dog to foul any Public Place with droppings. Provided that no offence shall be deemed to have been committed against this chapter of the by-law where the Person having control of the dog removes the droppings immediately.
- 617.2 The Owner of a dog or any Person having control of a dog in any Public Place shall at all times carry on his or her Person a suitable bag or other device for removing dog droppings from the Public Place.

**618 Fencing to be provided where dog is considered to be dangerous**

- 618.1 Where any Council Officer considers on reasonable grounds a dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife, that Officer may require the Owner of the dog to construct a fence of adequate construction to ensure that the dog is effectively contained within the property or part of it.

Where fences already exist in respect of the Owner's property the Officer may require such upgrading or alteration as is necessary in his/her opinion to achieve the effective containment of a dog within a property.

- 618.2 Any Person who fails to comply with a decision given by an Officer under the provisions of clause 618.1 hereof, requiring that Person to construct or repair a fence shall have committed an offence against this chapter of the by-law.

**619 Menacing dogs**

- 619.1 Where a dog has been classified as a "menacing dog" under the provisions of the Dog Control Act 1996 Council shall impose a condition requiring the dog so classified to be neutered.

**620 Conviction and fines**

620.1 Every Person who commits a breach of any of the provisions of this chapter of the by-law shall be liable on summary conviction to a fine not exceeding \$20,000.00.

620.2 The continued existence of any work, thing or state of affairs in a state contrary to the provisions of this chapter of the by-law shall be deemed a continuing offence within the meaning of this chapter of the by-law.

**TIMARU DISTRICT CONSOLIDATED BY-LAW 2007**  
**CHAPTER 6 - CONTROL OF DOGS**

**FIRST SCHEDULE BY-LAW POLICY -**

Areas where dogs are prohibited

**SUBJECT:**

Clause 604

**DISTRICT WIDE**

All children's playgrounds

**TIMARU**

Aorangi Park

Bay Hill

Beswick Street

Cains Terrace

Canon Street

Caroline Bay - **Note:** Dogs are permitted on the tidal area of Caroline Bay  
1 April to 30 September each year.

Children's Playgrounds

Church Street - From Stafford Street to Sophia Street

George Street

King George Place

Piazza

Sophia Street

Stafford Street - from Sefton Street to North Street

Station Street

Strathallan Street

The Royal Arcade

**TEMUKA**

Children's Playgrounds

Commerce Street

King Street between Dyson and Fraser Streets

Maude Street Playground

St Leonards Road Playground

Temuka Domain - the portion of Temuka Domain between the western  
boundary of the Temuka Golf Course and the eastern boundary of Fergusson  
Drive.

Temuka Motor Camp

**GERALDINE**

Village Green Camping Grounds  
Geraldine Domain - excluding walking track  
Geraldine Motor Camp  
Raukapuka Reserve playing fields  
All Children's Playground  
Kennedy Park Sports field

**PLEASANT POINT**

Camping Grounds- Labour Weekend until Easter (inclusive)  
All Children's Playgrounds

## **TIMARU DISTRICT CONSOLIDATED BY-LAW 2007**

### **CHAPTER 6 - CONTROL OF DOGS**

#### **SECOND SCHEDULE BY-LAW POLICY -**

Areas where dogs can be exercised

#### **SUBJECT:**

Clause 605.1

#### **TIMARU**

Ashbury Park

Marchwiell Park

Redruth Park

Scenic Reserve (Centennial Park - excluding the fenced picnic area)

South Beach

Waimataitai Beach

West End Park

Caroline Bay - 1 April to 30 September (tidal area)

#### **TEMUKA**

River areas (the river bed, ie shingle, streams and berm areas)

Domain Avenue on the tree walkway between Rayner Street and Murray Street

#### **GERALDINE**

Reserve opposite Fire Station

River area (the river bed, ie shingle, stream and berm areas)

Todd Park

#### **PLEASANT POINT**

River areas (the river bed, ie shingle, stream and berm areas)

**AN EXERCISE AREA** for the purpose of this chapter of the by-law is an area where an Owner may have a dog off a leash but under continuous and effective control, ie obedient and responsive to its Owner's commands, or alternatively the dog must be on a leash.

It should be noted that the portions of the above designated exercise areas that are used as or adjacent to sports fields, children's playgrounds or signposted walkways are not included as part of the exercise area.

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