

# Chapter 6: Control of Dogs

## Part 1: Introduction

### Scope

The purpose of this chapter of the bylaw is to give effect to the Timaru District Council Dog Control Policy 2018 by specifying the standards of control which must be observed by dog owners.

The requirements are deemed necessary to ensure compliance with the Dog Control Act 1996 and the Timaru District Dog Control Policy 2018 and to give effect to the objectives of that Act and that Policy.

### 600. Interpretation

600.1. The following definitions apply to this chapter and should be read in conjunction with the interpretations listed in Chapter 1 of this bylaw:

**Act** means the Dog Control Act 1996.

**Bylaw** means the Timaru District Consolidated Bylaw 2018.

**Council** means the Timaru District Council.

**Disability assist dog** has the same definition as provided by the Act.

**District** means the area designated as the Timaru District for which the District Plan applies.

**District Plan** means the District Plan of the Council which is in force as the operative Timaru District Plan for the purposes of the Resource Management Act 1991.

**Dog exercise area** means a public place and all its walkways and tracks therein identified in Schedule 3 of this chapter of the bylaw as an area where dogs may be exercised at large without being controlled on a leash.

**Dog on leash** means that the dog must be continuously controlled on a leash by the owner or person in charge of the dog.

**Dog on leash area** means the areas identified in Schedule 2 of this chapter of the bylaw where dogs must be controlled on a leash.

**Dog Control Officer and Dog Ranger** has the same definition as provided by the Act.

**Domestic animal** has the same definition as provided by the Act.

**Leash** means a lead which is capable of restraining a dog.

**Owner** has the same definition as provided by the Act.

**Policy** means the Timaru District Dog Control Policy 2018.

**Poultry** has the same definition as provided by the Act.

**Prohibited public place** means a public place identified in Schedule 1 of this chapter of the bylaw as a place where dogs are prohibited, except as provided for in this chapter or the Act.

**Protected wildlife** has the same definition as provided by the Act.

**Public place** has the same definition as provided by the Act.

**Registration year** has the same definition as provided by the Act.

**Rushing dog** has the same meaning as that provided by the Act.

**Stock** has the same definition as provided by the Act.

**Under effective control** means, when referring to a dog, the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, by use of voice commands, hand signals, whistles or other effective means.

**Working dog** has the same definition as provided by the Act.

## **Part 2: Control of Dogs**

### **601. General controls**

601.1. In any public place not specified in Schedule 1, 2, or 3 of this chapter of the bylaw, the owner of any dog or person being in possession of any dog shall keep that dog under effective control at all times.

601.2. Without limiting the generality of Subsection 601.1, a dog shall for the purposes of this chapter of the bylaw be deemed not under control if it is found wandering freely at large in any public place or private way in contravention of this chapter of the bylaw.

601.3. Where a dog is not under control in terms of Subsection 601.2 and wandering freely at large, a Dog Control Officer or Dog Ranger may seize the dog and cause it to be returned to its owner, or if this is not practicable, cause it to be impounded.

601.4. The impounding provisions of Section 69 and 69A of the Act shall apply to the impounding of any dog.

### **602. Access through prohibited public places**

602.1. Where the only pedestrian access to either the owner's residence, or a veterinary surgery, or a registered food business able to have dogs in its customer area, is through a prohibited public place, specified in Schedule 1 of this chapter, then the owner may lead the dog through the prohibited public place provided that:

- (a) the owner and dog take the most direct route across the prohibited public place; and
- (b) the dog is controlled on a leash;
- (c) the owner does not stop in the prohibited place.

602.2. Where a footpath / walkway passes through a prohibited public place, e.g. external eating area of a food premise and there is no alternative route, owners are allowed to continue through the prohibited place, provided their dog is controlled by a leash and the owner does not stop in the area.

### **603. Leash control areas and leash control occasions**

603.1. Every dog shall be kept under continuous leash control while that dog is in a dog on leash area, specified in Schedule 2 of this chapter of the bylaw.

**NB: For clarification, the owner of a dog may temporarily leave their dog alone in a dog on leash area, provided they ensure the dog is left securely tethered / tied up and welfare issues such as the provision of water are also addressed.**

603.2. Every dog shall be kept under continuous leash control on occasions when it is likely to injure, endanger, or cause distress to any stock (includes horses), poultry, domestic animal or protected wildlife.

603.3. Dogs that have been classified as dangerous dogs or menacing dogs under the Act must be leashed and also muzzled when in public and the owners of any such dangerous and menacing dogs must advise anyone to whom they lend the dog of those requirements when in public.

### **604. Dog exercise areas**

604.1. Dogs are permitted to be exercised off leash in those dog exercise areas specified in Schedule 3 of this chapter of the bylaw, including on all walkways and tracks within the exercise area, provided that the dog is under effective control at all times.

604.2. A dog which is not able to be kept under effective control at all times shall be kept under control by way of a leash.

604.3. Dogs classified as dangerous or menacing are permitted to be exercised off leash in exercise areas provided they are muzzled and under effective control at all times.

604.4. A full definition of 'under effective control' can be found in clause 600 of this chapter of the bylaw.

### **605. Working dog exemptions**

605.1. Nothing in clauses 601, 602, 603 and 604 of this chapter of the bylaw applies in respect of any working dog which is under the continuous and effective control of its owner while that dog is being worked, or while it is being taken by its owner to or from its work.

**606. Disability assist dogs**

- 606.1. Notwithstanding anything in this chapter of the bylaw, any disability assist dog accompanying and assisting a person with a disability or any person genuinely engaged in the dog's training may enter and remain:
- (a) In any premises registered under regulations made pursuant to section 120 of the Health Act 1956; or
  - (b) In any public place.

subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

### **Part 3: Keeping of Dogs**

**607. Limitation on number of dogs on premises**

- 607.1. 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.
- 607.2. Such licence may be issued upon or subject to such items, conditions or restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be an offence against this clause of this chapter of the bylaw.
- 607.3. Any person desiring to allow or to keep three or more dogs on any premise as provided in this clause of this chapter of the bylaw 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.
- 607.4. For every such licence there shall be paid to the Council a fee as the Council may decide from time to time by resolution passed in that respect and such licence shall remain in force until 30 June, following the date of issue of such licence.
- 607.5. The fee for such licence shall be payable in addition to and separate from the dog control fees payable under the Act.

**608. Bitch in season to be confined**

- 608.1. The owner of any bitch shall keep the dog confined but adequately exercised while such dog is in season.

**609. Responsibility to remove faeces**

- 609.1. The owner of any dog that defecates in a public place, or on land or premises other than that occupied by the owner, shall immediately remove the faeces and attend to its prompt and appropriate disposal in a way that does not cause a nuisance.

**610. Diseased dogs**

610.1. The owner of any dog suffering from an infectious disease or condition shall not take that dog into any public place or allow that dog to wander free.

**611. Dogs becoming a nuisance or injurious to health**

611.1. If the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the Dog Control Officer or Dog Ranger may, by notice in writing, require the owner or occupier of the premises, within the time specified in such notice, not being less than 14 days, to do all or any of the following:

- (a) To reduce the number of dogs kept on the premises;
- (b) To alter, reconstruct or otherwise improve the accommodation for dogs;
- (c) To require such dogs to be tied up or otherwise confined;
- (d) To take other such precautions as may be considered necessary.

**612. Dog and owner education**

612.1. The Council may, from time to time by resolution, approve education programmes for dogs and dog owners.

612.2. If a person is classified as a probationary owner in accordance with the Act, the Council will require such a person to undertake a dog owner education programme or a dog obedience course approved by Council, at the owners expense in accordance with the Act.

612.3. Any person required to undertake dog owner education will be notified in writing of the obligation.

612.4. A probationary owner may apply to the Council for termination of his or her classification as a probationary owner six months after completion of the dog owner education programmes or dog obedience course provided that:

- (a) The owner supplies satisfactory evidence of completion of the dog owner education programme or dog obedience course;
- (b) The owner has not committed any further offences or infringements to which section 21 of the Act applies.

612.5. The Council will consider an application under clause 612.4 of this chapter of the bylaw and may grant the application after taking into account all reasonable circumstances, including sections 4 and 5 of the Act.

## Part 4: Offences and Penalties

### 613. Enforcement protocol

The Council recognises that the majority of dog owners in the district are responsible and has therefore adopted the following enforcement protocol:

- 613.1. A person shall only be issued with a written warning in the first instance for a breach of any provision of this chapter of the bylaw, providing that the incident does not involve:
- injury or distress to a person or animal
  - a health issue, i.e. non removal of dog faeces.
- 613.2. Where records disclose a written warning for the same offence has previously been issued to a dog owner, the offence may be dealt with by way of an infringement notice.
- 613.3. Where legal proceedings are instigated, the person will be liable, on summary conviction, to a fine not exceeding \$20,000 as provided for by the Local Government Act 2002.

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## FIRST SCHEDULE BYLAW POLICY

Prohibited public places

Timaru District Council has identified the following areas where dogs are prohibited:

### District Wide

- All children's playgrounds.
- The playing or training surface of any sports ground or sports field owned or controlled by the Council.
- Within 10 metres of any child's play equipment or play area or paddling pool in any park or reserve, or of any aviary in any park or reserve.
- Any swimming pool or other bathing place owned or controlled by the Council, including all areas within the fenced boundary of the swimming pool.
- Public Libraries.
- Premises used for, or in connection with, the manufacture, preparation, packing or storage or sale of food (this includes external eating areas and is a requirement of existing food safety legislation, unless they are included in an approved Food Control Plan).

NB: Therefore compliance shall be in accordance with food safety legislation current at the time.

### Temuka

- 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

- Geraldine Domain - excluding walking track
- Geraldine Motor Camp
- Raukapuka Reserve playing fields.

### Pleasant Point

- Camping Grounds - Labour Weekend until Easter (inclusive).

### Timaru

- Aorangi Park
- Caroline Bay
- Caroline Bay Beach Tidal Area - 1 October to 31 March inclusive each year and all year round from the Penguin Friendly Areas identified by signs at the northern and southern ends of the beach
- Stafford Street - from Sefton Street to North Street
- The Royal Arcade
- Otipua Wetlands

- Claremont Bush Reserve.

NB: Access to the Beach Tidal Area in winter is via Virtue Avenue to northern carpark, or directly through Caroline Bay from the access to the Bay at the bottom of Wai-iti Road to the fountain and then east toward the beach via the look-out; or and from the loop road to Marine Parade to the Marine Parade carpark.



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## SECOND SCHEDULE BYLAW POLICY

### Dog on leash areas

The following are public places in which dogs are to be kept on a leash:

- (a) All streets, roads, footpaths and berms within the district except those within prohibited areas or dog exercise areas.
- (b) All parks, reserves and walkways within the district except those within prohibited areas or dog exercise areas.
- (c) The non-playing or non-training surface and associated spectator areas of any sports ground or sports field owned or controlled by the Council.
- (d) All cemeteries.
- (e) All airports and associated buildings.
- (f) **Temuka CBD** area in King Street from Wood Street to Fraser Street and including the Town Square.
- (g) **Geraldine CBD** area.
- (h) **Pleasant Point CBD** area.
- (i) **Picnic areas:** Owners of dogs are permitted to have their dogs with them in picnic areas provided their dog is kept under effective control on a leash and the normal requirements for the immediate removal of dog faeces are observed. A picnic area in terms of this paragraph is defined as an area where Council has provided tables for the purpose of outdoor dining.

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## THIRD SCHEDULE BYLAW POLICY

### Dog exercise areas

**Dog exercise area** means a public place identified in this bylaw as an area, including all walkways and tracks within the exercise area, where dogs may be exercised without being controlled on a leash, providing the dog is still under effective control, i.e. obedient and responsive to its owner's commands, alternatively the dog must be on a leash.

The following areas have been identified as dog exercise areas:

#### Timaru

- Ashbury Park
- Marchwiell Park
- Redruth Park
- Timaru Dog Park (within the fenced area away from the children's play area)
- Scenic Reserve (Centennial Park)
- West End Park
- South Beach
- Waimataitai Beach
- Otipua Beach
- Caroline Bay Beach Tidal Area only - 1 April to 30 September inclusive each year
- Salt Water Creek Walkway.

#### Temuka

- River areas (the river bed, i.e. shingle, streams and berm areas)
- Domain Avenue on the tree walkway between Rayner Street and Murray Street
- Temuka Domain (the area between the southern boundary of the Temuka Holiday Park and continuing along the stormwater channel which follows the southern boundary of the Temuka Golf Course and east of the Torepe Fields carpark, sports field and training area).

#### Geraldine

- Reserve opposite Fire Station
- River area (the river bed, i.e. shingle, stream and berm areas)
- Todd Park.

#### Pleasant Point

- River areas (the river bed, i.e. shingle, stream and berm areas)
- Pleasant Point Domain (Fire Brigade practice Area when not in use by Fire Brigade).

**NB:**

- Where the walkway in an exercise area borders or passes through a prohibited area, e.g. play area or Stafford Street and there is no alternative route, owners are allowed to continue along the walkway, providing their dog is controlled by a leash and the owner does not stop in the area.
- Picnic areas within exercise areas are designated dog on leash areas.