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CONTROL OF DOGS

DUNEDIN CITY COUNCIL DOG CONTROL BYLAW 2004

Former Bylaws Repealed

Section 5 of the Dunedin City Council Dog Control Bylaw 1997 on Control of Dogs is hereby repealed and all bylaws of the Dunedin City Council already in force shall be read subject to this bylaw. In the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw shall prevail.

5.1 Definitions

Act – means the Dog Control Act 1996

Animal Control Officer – has the same meaning as ‘Dog Control Officer’ as appointed under section 11 of the Act.

Owner – means every person who:

- (a) Owns a dog; or
- (b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for the sole purpose of restoring a lost dog to its owner; or
- (c) Is the parent or guardian of and shares a household with a person under the age of 16 years who is the owner of the dog pursuant to paragraph (a) or (b) of this definition:

But does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Protection Act 1960 or any regulation made under either of those Acts.

Paws Track – the track defined by white painted paw prints and signage through the no dog area from the corner of Bedford Street and Victoria Road along the northern side of the Forbury Road extension, in front of the Surf Club to the access point for the Middle Track and onto the beach to the piles.

Public Place – means 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 includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Working Dog – means:

- any guide dog, hearing ear dog, or companion dog
- any dog:

- 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,

- a collie dog (heading, huntaway or handy) that is kept solely or principally for the purposes of herding or driving stock

- 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

- declared by resolution of the territorial authority to be a working dog for the purposes of the 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.

5.2 Shelter for Dogs - (1) The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size with access to clean water, constructed on well-drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel. All kennels or places of confinement shall be kept in a reasonable, clean and sanitary condition. A place of confinement may include a dwelling.

(2) Animal Control Officers will have discretion to determine what is reasonable.

(3) No owner of any dog shall keep it on any premises in any kennel or place of confinement, other than a dwelling, any part of which is nearer than two metres to any boundary of those premises.

5.3 Control of Dogs on a Leash - (1) The owner and any person for the time being having charge of any dog shall ensure that the dog does not enter or remain in any public place unless it is kept on a leash, chain or lead which is in turn secured or held so that the dog cannot break loose.

Except

(a) That a dog may be exercised without being restrained during the hours commencing half an hour before sunrise and half an hour after sunset in any public place where dogs are allowed other than a road, street or prohibited area. The dog must be under continuous control whilst being exercised. For the purpose of this clause it shall be deemed to be sufficient control if the dog is under the continuous surveillance or control of some responsible person, that is, able to be recalled instantly whenever another person, dog, or any other animal, is encountered. The dog must not give rise to any reasonable complaint as to its behaviour while being exercised.

(b) In dog exercise areas dogs can be exercised at any time but must still be under the control or surveillance of some responsible person.

(2) The provisions of 5.3(1) shall not apply to a working dog carrying out the work in respect of which the dog has been registered.

(3) Notwithstanding any other provision of this Bylaw, the entry of dogs on to any public place specified in Section 5.5 is prohibited.

5.4 Dog Exercise Areas - (1) Dogs within Exercise Areas may be exercised at large at all times while under continuous surveillance and effective control, or on a leash according to the appropriate signage for that area within the exercise area, except dogs are not permitted to enter children's playgrounds and marked sports grounds where these are adjacent to Exercise Areas.

(2) The designated Dog Exercise Areas are contained in Section (A) of the attached Schedule.

(3) See also Section (B) and (C) of the Schedule for details on tracks and reserves where dogs under control are allowed.

(4) Owners must pick up and wrap all dog faeces deposited by their dogs on Exercise Areas and place into the litter bins provided.

5.5 Public Places in which Dogs are Prohibited - (1) Dogs are prohibited in those places listed in Section (D) of the attached Schedule at all times unless otherwise specified.

(2) The Council may from time to time make areas temporarily prohibited to dogs because of any potential conflict with people, domestic animals, or at the advice of the Department of Conservation, wildlife. Temporary prohibitions will be notified by signage placed at the points of entry to the areas and where practicable, public notice in the newspaper.

5.6 Fouling in Public Places - No person being the owner or a person having charge of any dog shall permit the dog to defecate in a public place or on land or premises other than that occupied by the owner.

(1) Provided that, no offence shall be deemed to have been committed against this bylaw where the owner or the person having charge of the dog removes the faeces immediately after the dog has deposited them.

(2) Any person having charge of any dog shall at all times while exercising the dog whether within a designated exercise area or any public place carry a suitable receptacle to remove and dispose of dog faeces immediately after the dog has deposited them.

(3) Plastic bags, paper bags or acceptable pooper scoopers are examples of suitable receptacles.

(4) Where a public litter bin or similar receptacle is used to dispose of the droppings, they must be suitably wrapped or contained to prevent fouling the receptacle.

5.7 Infectious or Infested Dogs - No person being the owner or having control or charge of any infectious or infested dog shall take the same into any public place or permit or suffer such dog to enter or remain in a public place except when being taken to a veterinary clinic.

5.8 Bitches in Season - No person being the owner or having control or charge of any bitch in season shall take the same into any public place or permit or suffer such dog to enter or remain in a public place except when being taken to a veterinary clinic. Such bitches shall be kept confined but adequately exercised.

5.9 Nuisances - (1) The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall:

(a) Take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or annoyance.

(2) If, in the opinion of the Council, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance, 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) Order the permanent removal of a single dog on a property.

c) Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs (Animal Control Officers will have the discretion to determine what is acceptable or reasonable).

d) Require such dog or dogs to be tied up or otherwise confined during specific periods.

e) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

(3) The owner of every dog shall ensure it does not create a nuisance or annoyance:

a) By obstructing the lawful passage of persons in public places;

b) By rushing and frightening persons in a public place or lawfully on private property;

c) Shall not permit it to be kept in circumstances that may be offensive or likely to be injurious to health;

d) Shall not permit or allow it at any time to destroy, tear or otherwise interfere with any refuse container whether the container is on private property or in a public place.

5.10 Permit to Keep More Than One Dog - (1) No more than one dog of registrable age (whether or not such a dog is registered) may be kept on any premises unless:

a) The owner or occupier is the holder of a permit to keep two or more dogs; or,

b) The premises are zoned rural in the relevant, operating Dunedin City District Plan.

c) Notwithstanding the exception in (b), if a justifiable complaint is received about any dog on the premises the Council may, in its discretion, require the owner to apply for and obtain a permit for all dogs on the premises.

(2) No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the housing of two or more dogs.

(3) If the property in which the dog owner resides is leased/rented, the written consent of the property owner is required to keep two or more dogs on that property before any consideration for a Kennel Permit will be given. A copy of such consent must be forwarded to Council.

(4) A permit issued under this Clause is subject to the conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be a breach of this Bylaw. Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier thereof or the animals kept or remaining on such premises.

(5) Applications for permits to keep more than one dog shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.

(6) There shall be paid to the Council for every such permit an inspection fee which the Council may from time to time by resolution publicly notified prescribe, and on each 1st day of July following the date of issue, an annual fee may be charged for the following twelve months.

(7) The fee for such permits shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

5.11 Impounding of Dogs - When any contravention of Section 52 (1)(2) of the Act occurs, the dog may be impounded in a dog pound in accordance with Section 52(3) of the Act. Animal Control Officers may elect in some circumstances to require the owner of a continually offending dog to have the dog neutered or spayed.

5.12 Dog Control Fees - The Council will regularly review its dog control fees. Fees will be set by resolution, publicly notified and advertised.

5.13 Amendment of Schedules - That any items contained in the attached schedules to this Bylaw be altered at any time by resolution of Council and publicly notified.

SCHEDULE

NOTE: All are Dunedin City Council reserves or tracks unless otherwise stated.

(A) DESIGNATED DOG EXERCISE AREAS

Rotary Park – Highcliff Road

Forrester Park – Norwood Street

Cemetery Road – East Taieri

Shand Park – Brighton Road, Green Island

Wakari Reserve

Kew Park – Corner of Easter Cres and Forbury Road

(NOTE: Dogs are not permitted in children's playgrounds or on marked sports grounds adjacent to any of these Exercise Areas).

(B) TRACKS AND RESERVES WHERE DOGS ARE ALLOWED

Controlled dogs are permitted without a leash unless otherwise specified.

Dunedin City

Market Reserve – Princes Street

Bethunes Gully (on a leash in lower picnic area)

Ferntree (on a leash)

Frasers Gully Recreation Reserve (on a leash)

Leith Valley Scenic Reserves (DOC)

Ocean Beach Domain

Ocean Grove Recreation Reserve

Ross Creek (on a leash)

Track from northern end of Esplanade to the scout den at the southern end of Kettle Park (on a leash)

Track from Forbury Road to the Middle Track and known as the “Paws Walking Track” (on a leash)

Woodhaugh Gardens (on a leash on defined walking Tracks only)

Flagstaff

Flagstaff/Swampy

Jim Freeman Track

Nicols Falls

Pineapple Track (on a leash)

Whare Flat

North of Dunedin

Aramoana Beach south of Keyhole Rock (DOC)

Bucklands Crossing

Cleghorn Street

Doctors Point

Evansdale Glen

Huriawa Pa (on a leash – Ngai Tahu and DOC)

Karitane Esplanade Reserve

Long Beach Recreation Reserve

Mapoutahi Pa (on a leash – Ngai Tahu and DOC)

Purakanui Recreation Reserve

Signal Hill Recreation Reserve

Scott Memorial

Truby King Reserve (on a leash)

Waikouaiti Recreation Reserve

Waikouaiti River Foreshore and Duncansby Street River Reserve (on a leash)

Warrington Recreation Reserve

Peninsula

Allans Beach south west of where the access track enters the beach (DOC)

Bacon Street to Highcliff Road

Camp Road

Greenacres Street

Karetai Road

Silverstream

Racemans Track

South of Dunedin

Brighton Recreation Reserve

Island Park Recreation Reserve

Ocean View Recreation Reserve

Westwood Recreation Reserve

Woodside Glen Track (DCC and DOC)

(C) AREAS WHERE A HUNTING PERMIT IS REQUIRED

Permits are necessary to take your dog into the following areas for hunting purposes.

Allans Beach Wildlife Management Reserve (DOC)

Chalkies (DOC)

Silverpeaks (DOC)

Maungatua Scenic Reserve (DOC)

Woodside Glen Track (DOC)

Taieri Gorge Scenic Reserve – Outram Glen (DOC)

(D) AREAS WHERE DOGS ARE PROHIBITED

Areas developed and equipped as children's playgrounds.

The designated playing area of all marked sports grounds.

All cemeteries.

Areas that from time to time the Council will notify by way of signage and advertising that there is a temporary dog prohibition in place because of wildlife, stock or other issue.

Commercial areas:

The Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street and George Street which lie between the Exchange and Knox Church.

King Edward Street, South Dunedin between Hillside and Macandrew Roads.

Except

This prohibition does not apply to guide-dogs for the blind, hearing ear dogs, companion dogs, police dogs and dogs being used by security guards, working dogs, dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle. No offence shall be committed when a dog securely controlled by means of a lead, leash or chain is being taken through the defined area to the nearest area where the dog may be exercised by a resident of the defined area.

Beach Areas:

Designated areas of bathing beaches where lifeguards mark the safe areas for swimming by the placement of flags during the periods when daylight saving is in force.

St Clair Beach and Esplanade:

a) All of the beach from the Salt Water Pool to the nearest piles on the beach to the north, **however**, dogs on a leash may have access to the beach between 8.00 pm and 8.00 am the

following day with access via end of Beach Street and the steps between shark warning bell and the end of the sea wall at the northern end of the Esplanade.

b) The park on Victoria Road adjoining the playground area, the playground area itself and the sealed area adjacent to this that starts at the Esplanade and extends past the Surf Club to the beach track.

c) The Esplanade area which fronts and runs parallel to the sea wall to where it meets Beach Street to the south.

d) The asphalt carpark that is accessed from the Esplanade.

e) The reserves park situated between the asphalt carpark that is accessed from the Esplanade and Bedford Street.

Brighton Beach:

All of the area within the bay from the Big Rock to the small cliff at the North end of the domain including the estuary and all of the beach within the confines of Brighton Road.

Recreation

Macandrew Bay Beach Reserve

Broad Bay Beach Reserve

Botanic Garden

Woodhaugh Gardens (other than on defined walking tracks).

Conservation/Wildlife Areas

Okia Reserve (DCC and Yellow Eyed Penguin Trust)

Boulder Beach (DOC)

Sandymount and associated track network (DOC)

Sandfly Bay (DOC)

Seal Point Road to Sandfly Bay (DOC)

Lighthouse Reserve (Taiaroa Head and DCC)

Taiaroa Head (DCC and DOC)

Allans Beach north east of where access track enters the beach (DOC)

Pilots Beach Recreational Reserve (DCC)

Warrington Spit and Island (DCC)

Aramoana Beach from Keyhole Rock north to Heyward Point (DOC)

Aramoana Ecological Area – salt marsh and wetland (DOC)

Deep Stream Scenic Reserve (DCC and DOC)

Grangers Road Track (DOC)

Hyde-Middlemarch Rail Trail (DOC)
Mill Creek Track (DOC)
Outram Glen to Lee Stream (DOC)
Sutton Salt Lake Scenic Reserve (DOC)
Aramoana-Hayward Point (DOC)
Careys Creek (DOC)
Grahams Bush Walk (DOC)
Hawksbury Lagoon (DOC)
Leith Saddle (DOC)
Matanaka (DOC)
Organ Pipes (DCC)
Mount Cargill (DCC)
Orokonui (DOC)
Tunnel Beach (DOC)
Burns Park (DOC)
Goat Island (DOC)
Quarantine Island (DOC)
Otekiho Reserve (DCC and Yellow Eyed Penguin Trust)

Tracks

Highcliff Road to Hoopers Inlet
Lime Kilns (Private)
Mount Charles (Private and DOC)
Paradise Road and Track
Pipikaretu Beach (Private)
Quion Cliff (Private)
41 Peg Track
District Road Track
Ridge Road Track
Nyhon Track
Bacon Street Track
Buskin Road (Otago Peninsula)
Aramoana – Hayward Point Track (DOC)

