

DOG CONTROL BYLAW 2024



Approved by:	The Council		
Date approved:	26 November 2024		
Date of effect:	5 May 2025	Reviewed:	2024
Next review date:	2034		

This bylaw is made by the Dunedin City Council under the Local Government Act 2002 and authorised by section 20 of the Dog Control Act 1996.

1. SHORT TITLE

- 1.1 This bylaw is the Dunedin City Council Dog Control Bylaw 2024.

2. APPLICATION

- 2.1 This bylaw applies to Dunedin City.

3. PURPOSE

- 3.1 The purpose of this bylaw is to give effect to the Council's Dog Control Policy (date) by:
- 3.1.1 regulating and controlling dogs in public places
 - 3.1.2 providing appropriate controls to minimise the potential for harm, distress or nuisance that may be caused by dogs
 - 3.1.3 providing enforcement options to regulate dog-related matters.

4. EXPLANATORY NOTE

- 4.1 Text in this bylaw that is in italics (*italics*) is not part of the bylaw, but is explanatory in nature.

5. DEFINITIONS

- 5.1 All definitions have the same meanings as in the Dog Control Act 1996 unless otherwise specified.
- 5.2 In this Bylaw, unless the context otherwise requires:

Act	Means the Dog Control Act 1996
Control	Means the owner or person in charge of a dog is aware of where the dog is and what it is doing, and that the dog is responsive to commands and is not creating a nuisance.

	<i>Explanatory note: Having a dog under control means you can see it or are aware of what it is doing and are close enough to prevent issues or quickly bring it to heel.</i>
Council	Means the Dunedin City Council and includes any person authorised by the Council to act on its behalf.
Dog exercise area	Means an area that is designated by Dunedin City Council for use as a place for exercising dogs and includes a designated dog exercise area and small breed dog park.
Leash	Means an adequate restraint and may include a lead attached to a collar or harness, that allows for the control of a dog when in a public place.
Leashed area	Means any public place specified in this bylaw, or in the Dunedin City Council Dog Control Policy, where dogs must be on a leash.
Marked playing surfaces	Is that area of land in use for sports activities (excluding golf courses).
Nuisance	Means anything which interferes with or threatens the health or enjoyment of people, wildlife or other animals, and in this context may involve things such as barking, causing distress via intimidating behaviour (such as aggressive barking or rushing), or attacking people, wildlife or other animals.
Owner	Has the same meaning as in s2 of the Act, and 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 returning 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. It 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.
Playground	Means any Council children's playground: a) Within any fenced playground area b) On any specially surfaced playground area c) Within one metre of any fenced or surfaced playground area or d) Within one metre of any playground equipment where there is no fence or special surface. Includes Council skateparks and Council outdoor basketball areas.
Prohibited area	Means any public place specified in this bylaw or in the Dunedin City Council Dog Control Policy where dogs are prohibited.
Protected wildlife	Means: a) Any animal that is absolutely protected or partially protected according to s3 and s5 of the Wildlife Act 1953, other than any animal that may be hunted or killed under s5(2) of that Act; and b) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.
Public place	Has the same meaning as in s2 of the Act, <i>and generally means a place that is open to the public whether or not it is private property.</i>
Residential zoned land	As identified in the operative Dunedin City District Plan (2GP).

Road	Has the same definition as the Land Transport Act 1998 and includes any Council owned or administered: • Access way • Associated pedestrian area (such as footpaths) • Service lane as defined in s315 of the Local Government Act 1974. <i>This includes, for example, margins alongside roads such as berms and verges) unformed legal roads.</i>
Rural-residential zoned land	As identified in the operative Dunedin City District Plan (2GP).
Small breed dog exercise area	Means a designated dog exercise area in which only dogs weighing less than eight kilograms are permitted.
Working dog	Has the same meaning as in s2 of the Act, <i>and generally means any disability assist dog or any dog carrying out functions and duties:</i> a) <i>Relating to farming such as herding or driving stock</i> b) <i>Under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management, emergency management or conservation</i> c) <i>Under the direction of a private security guard in the execution of their duties.</i>

6. DOGS UNDER CONTROL AND ON LEASH IN PUBLIC PLACES

- 6.1 The owner or person in charge of a dog must keep their dog under control in any public place.
- 6.2 The owner or person in charge of a dog must also keep their dog on a leash in any public places, except in designated dog exercise areas and off leash areas specified in the Dunedin Dog Control Policy, Schedule C.
- 6.3 Dogs must not be left tied up and unattended in the central business district zone, and King Edward Street between Hillside and Macandrew Roads, as specified in the Dunedin Dog Control Policy, Schedule B.

Explanatory note: Under control leashed areas specified in the Dunedin Dog Control Policy, Schedule B, include:

- *All roads, footpaths and tracks*
- *All cemeteries*
- *All sports grounds that surround marked playing areas when games are being played (allowed off leash when games are not being played and always prohibited on all marked playing fields)*
- *On Te Aka Ōtākou – Dunedin’s shared harbour/peninsula pathway*
- *Within 20 metres of protected wildlife*
- *On all beaches unless otherwise specified*

- *On all coastal dune areas including access pathways (unless in a prohibited area)*
- *In commercial areas such as the central business district, and on Kind Edward Street between Hillside and Macandrew Roads (dogs must not be left tied up unattended).*

7. PROHIBITED AREAS

- 7.1 No owner or person in charge of a dog shall allow their dog to enter or remain in any public place that is specified as a Prohibited Area in the Dunedin Dog Control Policy.

Explanatory note: Prohibited areas include:

- *All children's playgrounds*
- *All marked playing surfaces at Council owned sports grounds (excluding Council owned golf courses)*
- *Designated safe swimming beach areas marked by lifeguards with the placement of flags (unless otherwise specified)*
- *Other specific areas listed in Schedule A to the Dog Control Policy.*

8. TEMPORARY PROHIBITED AREAS

- 8.1 The Council may make temporary prohibited areas where reasonable and where, in the opinion of the Council, there is or is likely to be harm caused to people or animals.
- 8.2 The Council will take reasonable steps to notify the public of any temporary prohibited area. A temporary prohibition will take effect from the time signage is placed at the points of entry to the affected area and will end when the signage is removed by the Council.

Explanatory note: Reasonable steps may include advertising on the DCC website, social media or newspaper.

9. EXEMPTIONS TO PROHIBITED AND LEASHED AREAS

- 9.1 Nothing in this bylaw restricting or prohibiting access to any public place applies to:
- 9.1.1 a working dog that is under the control of its owner while that dog is being worked or while it is being taken to and from its work; or
- 9.1.2 any dog where an exemption has been granted by the Council.

Explanatory note: Clause 9.1.2 allows for exemptions for dogs that are similar to but do not qualify as a working dog, for example a dog that may be in training to be a working dog or a dog owned by a volunteer and used for pest control purposes.

10. DESIGNATED DOG EXERCISE AREAS

- 10.1 Designated dog exercise areas and small breed dog exercise areas are specified in the Dunedin City Council Dog Control Policy 2025.

- 10.2 Dogs weighing more than eight kilograms are not allowed inside the boundaries of any small breed dog exercise area.
- 10.3 No owner or person in charge of a dog may leave any dog unattended in a designated dog exercise area.

11. FOULING IN PUBLIC PLACES

- 11.1 The owner or person in charge of a dog that is in a public place must carry a bag or other receptacle suitable for the removal of faeces.
- 11.2 The owner or person in charge of a dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove the faeces.
- 11.3 Where a public litter bin or similar receptacle is used for the disposal of dog faeces, the owner or person in charge of a dog must ensure that the faeces are wrapped or otherwise contained to prevent fouling of the receptacle.

12. INFECTIOUS OR DISEASED DOGS

- 12.1 Other than when a dog is being taken directly to a veterinary clinic, no owner or person in charge of an infectious or diseased dog may take that dog into any public place.

13. FEMALE DOGS IN SEASON

- 13.1 The owner or person in charge of a female dog in season must keep the dog:
 - 13.1.1 confined to private property; and
 - 13.1.2 confined in such a way as to minimise the potential for contact with other dogs.
- 13.2 Any female dog in season must be adequately exercised only on private land occupied by the owner of the dog or other private land with the consent of the occupier.
- 13.3 Clauses 12.1 and 12.2 do not apply to any dog that is being taken to a veterinary clinic or for the purposes of breeding.

Explanatory note: The hormones released by a female dog in season can be detected by other dogs over long distances. This is why female dogs in season have to be securely confined on private property (ideally away from boundary fences). The potential impacts on other dogs need to be minimised by limiting the likely hormone trail that would be left if the dog were to be exercised as normal in public places or if it were transported unnecessarily. Transport should be limited to veterinary or breeding-related travel.

14. NUISANCE

- 14.1 If, in the opinion of the Council, any dog 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:

- 14.1.1 reduce the number of dogs kept on any premises
- 14.1.2 order the permanent removal of a particular dog on a property
- 14.1.3 construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain the dog or dogs
- 14.1.4 require the dog or dogs to be tied up or otherwise confined during specific periods
- 14.1.5 take other action as the Council deems necessary to minimise or remove the likelihood of nuisance.
- 14.2 The owner or person in charge of any dog shall ensure that it does not create a nuisance by:
 - 14.2.1 obstructing the lawful passage of persons in a public place
 - 14.2.2 rushing and frightening persons or protected wildlife in a public place or persons lawfully on private property
 - 14.2.3 destroying, tearing or otherwise interfering with any refuse container whether the container is on private property or in a public place.

15. PERMIT TO KEEP MORE THAN ONE DOG

- 15.1 Owners of more than one dog must obtain a permit to keep more than one dog over the age of three months on any premises, unless the premises are zoned rural or rural/residential in the operative Dunedin City District Plan.
- 15.2 The fee for such permits shall be payable in addition to the registration fees payable under the Act.
- 15.3 **Application process, criteria and conditions**
 - 15.3.1 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 and be accompanied by the application fee set by the Council.
 - 15.3.2 A permit is not transferrable to another property or a new owner at the same property.
 - 15.3.3 No permit will be granted to the owner or occupier of any premises under clause 15.1 if, in the Council's opinion, the premises would be inappropriate for the housing of more than one dog (including by reason of inadequate fencing, size, location, or detrimental effect on any other premises).
 - 15.3.4 A permit issued under clause 15 is subject to any conditions set by the Council. Any breach of conditions or other terms or restrictions shall be a breach of this Bylaw.

- 15.3.5 A permit under clause 15 does not expire but may be revoked by the Council for breach of conditions or, in the event that circumstances change relating to the premises, the owner or occupier, or the animals kept on the premises.

16. LIMITS ON DOGS IN PUBLIC PLACES

- 16.1 No owner or person in charge of a dog may have in their charge more than six (6) dogs at any time in a public place without written permission from the Council.
- 16.2 A permit issued under clause 16 is subject to any terms and conditions that the Council thinks fit, and may be subject to a fee that the Council thinks fit. Any breach of terms or conditions shall be a breach of this bylaw.
- 16.3 The Council may, in its discretion, on giving notice of not less than 24 hours to the permit holder, review, withdraw or alter any permission given under section 16 of this bylaw, if permit conditions are being breached.

Explanatory note: An owner or person in charge of dogs may have no more than six dogs in a public place at any time without written permission from the Council. Permission may be granted subject to conditions, for example upon satisfactory assessment for professional dog walkers. This control is introduced to address issues with multiple dogs in public places.

17. NEUTERING OF DOGS

- 17.1 The Council may require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog castrated or spayed whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.

Explanatory note: The neutering of a dog under section 17 would be at the dog owner's expense.

18. OFFENCE AND PENALTY

- 18.1 Every person who fails to comply with this bylaw commits an offence.
- 18.2 Every person who commits an offence under this bylaw is liable to a penalty under section 242(4) of the Local Government Act 2002 or section 20(5) of the Dog Control Act 1996.

Explanatory note: Many matters not covered by this bylaw are already covered by the Act, and breaches of those matters can result in the issuing of infringement notices (otherwise known as instant fines). The amounts for these infringements range from \$100 to \$750 and are set out in the Act.

19. RIGHT OF REVIEW

- 19.1 Any owner affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of this decision within 14 days after receiving notification of the decision.

Relevant Legislation:	Dog Control Act 1996
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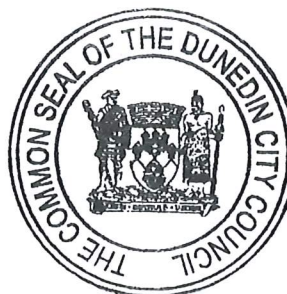
	Local Government Act 2002
Associated Documents:	Dunedin City Council Dog Control Policy
History of bylaw:	Previous review – date of effect 1 July 2016

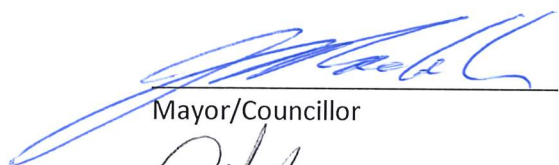
THIS DEED was executed on the 9th day of December 2024-----

SIGNED:

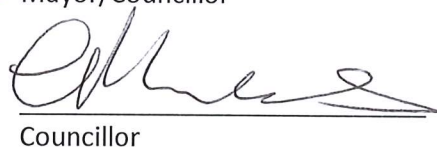
THE COMMON SEAL of **THE DUNEDIN CITY COUNCIL** was hereto affixed
in the presence of

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Mayor/Councillor



Councillor