

HUTT CITY COUNCIL BYLAW 2005 DOG CONTROL

Adopted by Council 24 May 2005

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1 Interpretation

- 1.1 In this Bylaw, unless inconsistent with the context, or where otherwise expressly provided:

DOG EXERCISE AREA means an area within a public place that is specified by ordinary Council resolution to be a dog exercise area where dogs may be exercised off the lead.

DOG PROHIBITION AREA has the meaning set out in clause 8.2 of this Bylaw.

HOUSEHOLD UNIT means a building or group of buildings, or part of a building or group of buildings, used principally for residential purposes and occupied exclusively as the home or residence of one household.

LAND means a separately owned or occupied portion of land.

RESERVE means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management and control of the Council and includes all land administered by the Council under the Reserves Act 1977.

SPORTS SURFACE includes any Council land used for sporting activities, whether permanently or temporarily marked, including athletic fields, playing fields, playing courts and other constructions provided for sporting purposes.

- 1.2 The expressions "Dog Control Officer", "Dog Ranger", "Owner", "Public Place", "Working Dog", "Guide Dog", "companion dog" and "Hearing Ear Dog" have the same meaning as in section 2 of the Dog Control Act 1996.

2 Limitation on Number of Dogs Permitted on Land or Premises

- 2.1 No person shall keep more than two dogs over the age of three months on any premises unless they have a licence from the Council under clause 3.

3 Licensing of Additional Dogs

- 3.1 The owner of a dog, or the owner or occupier of the land or premises, desiring to obtain a licence for an additional dog or dogs shall make written application to the Council for a licence in the form set out in Schedule One to this part of the bylaw and shall provide with their application any information the Council requires.

- 3.2 The Council when considering an application under clause 3.1 shall have regard to:
- (a) the adequacy of the premises for the keeping of the additional dog or dogs specified in the application;
 - (b) the likely effect which the keeping of the additional dog or dogs would have upon the surrounding neighbourhood;
 - (c) the likelihood of the dog or dogs becoming a nuisance; and
 - (d) any other relevant matter including the fact that the additional dog or dogs have previously been kept in another local authority area.

- 3.3 Any licence issued under clause 3.1 may be subject to any reasonable terms, conditions and restrictions consistent with this part of the bylaw that the Council determines. Every licence shall be in form set out in Schedule Two to this part of the bylaw and, subject to clause 4.1, shall remain in force from the date of issue until the 30th of June in the following year.

- 3.4 For every licence the applicants shall pay to the Council, before the issue of the licence, the fee, or a proportionate part of the fee in the case of a licence issued for a period of less than a year, as the Council may by resolution determine. The fee for the licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

4 Revocation of Licence

- 4.1 If at any time while a licence is in force in accordance with clause 3 of this part of the bylaw:-
- (a) The Council is satisfied that the keeping of the additional dog or dogs has caused or materially contributed to a nuisance or the likelihood of injury to health; or
 - (b) The Council is satisfied that the keeping of the additional dog or dogs has caused an unduly detrimental effect upon the surrounding neighbourhood; or
 - (c) There has been a failure to comply with all or any of the terms conditions and restrictions of the licence;
- then the Council may revoke the licence.

5 Limitation on Numbers Not to Apply in Certain Areas

- 5.1 Nothing in clauses 2 to 4 of this Bylaw shall apply:
- (a) To premises within any rural areas under an operative or proposed District Plan prepared by the Council.
 - (b) To premises lawfully used exclusively or principally as a veterinary clinic including an office used by a veterinary surgeon in the course of their business.
 - (c) To premises lawfully used exclusively or principally for carrying on the business of boarding dogs.

6 General Controls in Public Places

- 6.1 Except as provided in clauses 7 and 9 of this Bylaw:
- (a) No dog shall be permitted in a public place; and
 - (b) No person being the owner of a dog shall take the dog into or permit the dog to enter or remain in a public place;
 - (i) unless the dog is kept under continuous control by;
an effectual leash or chain held by a person and securely attached to a collar on the dog;
or
being contained in a vehicle or cage.
- 6.2 If a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner or other person having control of that dog shall immediately remove the faeces.

7 Dog Exercise Areas

- 7.1 Notwithstanding anything contained in clause 6 of this Bylaw, a person may exercise that dog off the lead in any designated Dog Exercise Area as outlined in Schedule Three to this part of the bylaw.
- 7.2 The owner shall ensure that the dog is kept under constant supervision and control while being exercised in a Dog Exercise Area.

7A Resolution to specify dog exercise areas

- 7A.1 The Council may, by resolution, specify Dog Exercise Areas where dogs may be exercised off the lead.
- 7A.2 The Council may amend or revoke a resolution made under clause 7A.1 at any time.
- 7A.3 Before making a resolution under clause 7A.1, the Council must take into account:
- (a) The need to minimise danger, distress and nuisance to the community generally.
 - (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults.
 - (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
 - (d) The exercise and recreational needs of dogs and their owners.
 - (e) Impact on wildlife areas.
 - (f) Whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area.
 - (g) Any other information considered by the Council to be relevant.

8 Prohibited Areas

- 8.1 No dog shall be permitted in a dog prohibition area and no owner may cause or permit any dog that he or she owns to enter or remain in a dog prohibition area.
- 8.2 For the purposes of clause 8.1, the following are dog prohibition areas as outlined in Schedule Three to this part of the bylaw:-
- (a) Any premises used as a public library;
 - (b) Any children's playground within the District;
 - (c) Any swimming pool owned or controlled by the Council;
 - (d) Any land used as a kindergarten or playcentre;
 - (e) Any marked sports surface;
 - (f) Any area that forms part of a park or reserve where a special event that is organised and in respect of which the Council has publicly notified the time, date and duration of the closure.
 - (g) Any other are within a public place that is specified by ordinary Council resolution to be an area that dogs are prohibited to enter upon or remain in.

8A Resolution to Specify Dog Prohibition Areas

- 8A.1** The Council may, by resolution, specify dog prohibition areas where dogs are prohibited to enter upon or remain in.
- 8A.2** A resolution made under clause 8A.1 may specify that dogs are prohibited from the area either generally or only in relation to specified times and days or events.
- 8A.3** The Council may amend or revoke a resolution made under clause 8A.1 at any time.
- 8A.4** Before making a resolution under clause 8A.1, the Council must take into account:
- (a) The need to minimise danger, distress and nuisance to the community generally.
 - (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults.
 - (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
 - (d) The exercise and recreational needs of dogs and their owners.
 - (e) Impact on wildlife areas.
 - (f) Whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area.
 - (g) Any other information considered by the Council to be relevant.

9 Exemption for Certain Working Dogs

- 9.1** Nothing in clauses 8 or 11 of this Bylaw shall apply to a working dog which is a guide dog, a hearing ear dog, a companion dog or to a working dog which is being used by the Police or a security guard in the course of their functions and duties.
- 9.2** Clause 6.1 shall not apply to the types of dogs referred to in 9.1 or to a working dog being lawfully used to move stock.

10 Owner Deemed to Have Permitted Dog to be in a Public Place

- 10.1** The owner of a dog found in any place in breach of clauses 6, 8, or 11 of this Bylaw shall, unless the contrary is proved, be deemed to have permitted the dog to enter or remain in that place.

11 Confinement of Dogs at Night

- 11.1** The owner of any dog shall, during the night keep the dog:
- (a) tied up by a leash or chain which is securely attached to a collar on the dog; or
 - (b) confined in an enclosed yard so that the dog cannot escape; or
 - (c) confined in a kennel, shed or other building so that the dog cannot escape.

12 Impounding of Dogs

- 12.1** Where a dog is found at large in breach of any provision of this Bylaw it may be impounded.

13 Standards for Keeping of Dogs

- 13.1 The occupier of any premises on which a dog is kept shall take all steps reasonably necessary to:
- (a) Ensure the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - (b) Prevent the keeping of the dog becoming a nuisance to any person or injuring, endangering or causing distress to any person.

14 Notice to Upgrade Standards

- 14.1 If the Council considers that clause 13 is breached, the Council may (but shall not be obliged to) serve a notice on the occupier to take action to ensure the conditions under which the dog is kept are improved so that clause 13 is not breached. The notice may specify all or any of the following actions to be taken and (except in the case of ongoing actions) taken within a reasonable time specified in the notice:
- (a) Reduce the number of dogs kept notwithstanding the existence of a licence under clause 3.
 - (b) Construct, alter or reconstruct kennels or other places where dogs are kept.
 - (c) Keep dogs confined or restrained in specified ways, specified areas and for specified times.
 - (d) Clean kennels and other places where dogs are kept.
 - (e) Take any other action necessary to properly house any dogs or to reduce or eliminate the nuisance caused by the dogs.
- 14.2 The Council shall only specify actions under clause 14.1 which are reasonable having regard to the inadequacy of housing, or the nature of the nuisance. In specifying any action under clause 14.1 the Council shall have regard to:
- (a) The need for adequate shelter and space.
 - (b) The need for a reasonably clean and healthy living area.
 - (c) The proximity of other dwellings.
 - (d) The separation of kennels or other places dogs are kept from boundaries.
 - (e) The use of materials which are easily cleaned in kennels and other places dogs are kept.
 - (f) The construction of the flooring or ground treatment of a kennel or other place where dogs are kept, whether it is graded and whether it is drained to a sewer drain.
 - (g) The need for cleaning of kennels or other places where dogs are kept.
- 14.3 The Council may at any time cancel any notice given under clause 14.1 by notice to the occupier if it believes the notice has not been complied with and will not be complied with.
- 14.4 So long as a notice under this section has been issued and has not been cancelled in accordance with clause 14.3 the Council shall not prosecute the occupier for a breach of clause 14 before the date stated on the notice as the date by which the actions (except ongoing actions) are to be carried out.

SCHEDULE ONE APPLICATION FORM

APPLICATION FOR A LICENCE TO KEEP ADDITIONAL DOGS ON LAND OR PREMISES

I,
of
.....

hereby apply pursuant to clause 403 of The Hutt City Council Bylaw 1997 - Part 4 - Dog Control for a licence in respect of the land or premises described below permitting an additional dog/dogs to be kept on the land or premises.

1. Address of land or premises on which it is intended to keep the additional dog or dogs:
.....
.....
2. The number of additional dogs proposed to be kept:
3. The following is a description of the dogs proposed to be kept:(*Include species sex and name (if any) of the dog*)
.....
.....
4. Name(s) of owner(s) of the additional dog(s):
.....
.....

I enclose the prescribed fee of \$

DATED this day of 20

PRIVACY STATEMENT

I acknowledge that:-

- 1 Personal information concerning me provided to The Hutt City Council ("the Council"), whether contained in this application or otherwise obtained is provided and may be held, used and disclosed by the Council:
 - (a) to enable the Council to communicate with me for any purpose;
 - (b) to enable the Council to provide me, or have provided to me, advice and information concerning products and services that the Council believes may be of interest to me;
 - (c) to enable the Council to administer and maintain its records and carry out its required functions.
- 2 The personal information provided in this application is collected by and will be held by the Council, whose address is Private Bag 31912, 30 Laings Road, Lower Hutt.
- 3 The supply of this information is mandatory and if I fail to provide any of the information, the Council may be unable to process my application.
- 4 I have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning me.

Signed:

Council has a Privacy Officer. If you have any concerns regarding privacy issues please telephone 5706736.



**SCHEDULE TWO
FORM OF LICENCE**

**LICENCE TO KEEP AN ADDITIONAL DOG OR DOGS
ON LAND OR PREMISES**

No:.....

Pursuant to Clause 403 of The Hutt City Council Bylaw 1997, Part 4 - Dog Control, the Hutt City Council hereby licences the land or premises described below for the purpose of keeping the dog(s), described below on the land or premises until the 30th day of June 20, subject to the provisions of Part 4 of the Bylaw and the conditions contained in this licence

1. Name of Applicant for Licence:

.....

2. Address of land or premises on which the additional dog or dogs are permitted to be kept:

.....
.....

3. Description and name(s) (if any) of additional dog or dogs permitted to be kept:

.....
.....
.....

4. Name(s) of owner(s) of the additional dog(s):

.....
.....

5. Conditions of Licence:

.....
.....
.....
.....

Signature of Applicant:

DATED this day of 20

.....

CHIEF EXECUTIVE

Fee paid \$

Receipt No. (Licence not Transferable)



SCHEDULE THREE

DOG PROHIBITION AREAS AND DOG EXERCISE AREAS

Introduction

The following areas were presented to Council at its meeting on 24 May 2005 and were recommended to Council to be adopted as Dog Prohibition Areas and Dog Exercise Areas in Hutt City. They have previously been defined as Dog Prohibition and Dog Exercise Areas in Part 4 - Hutt City Council Bylaw 1997.

1. DOG PROHIBITION AREAS

1.1 Eastbourne

- (a) The entire road reserve, footpath and berms on the road frontage of the commercial properties on Rimu Street and Oroua Street.
- (b) Beaches in Eastbourne where there are signs prohibiting dogs between 9.00am and 8.00pm during daylight saving time each year. These include picnic and leisure areas of Point Howard, Sorrento Bay, Lowry Bay, York Bay, Mahina Bay, Days Bay, Rona Bay and Robinson Bay.
- (c) That piece of land vested in Council at Marine Drive, Days Bay, being Lots 5, 6 and 7 Deposited Plan 1694, and being all of the land contained in Certificate of Title 498/171 (Wellington Registry), more commonly known as the Days Bay Pumping Station Site and the Proposed Local Purpose Reserve (Wildlife Management).
- (d) That piece of Pencarrow Road south of Pencarrow Head where there are signs prohibiting dogs.

Council at its meeting on 18 September 2007 resolved to include the following prohibition:

- (e) that area from Burdans Gate on Pencarrow Road south to Pencarrow Head effective during lambing time on an annual basis from 1 August to 31 October.

1.2 Petone

- (a) The entire road reserve, footpaths and berms on the road frontage of the commercial properties on Jackson Street, Petone, between its intersections with Cuba Street and Hutt Road.
- (b) Petone Beach between Hikoikoi Reserve and the Petone Wharf between the hours of 9.00am and 8.00pm during the period in which daylight saving time applies.
- (c) Percy Scenic Reserve.

1.3 Wainuiomata

- (a) The entire road reserve of Queen Street, and the footpath and berm on the road frontages of the commercial properties on Wainuiomata Road and Fitzherbert Road adjacent to Queen Street.
- (b) The footpaths and berms on the road frontage of the commercial properties on The Strand.
- (c) The footpaths and berms on the road frontages of the commercial properties on Norfolk Street, Ruthven Road and 157 Wainuiomata Road.
- (d) That piece of Pencarrow Road south of Pencarrow Head where there are signs prohibiting dogs.

1.4 Lower Hutt

- (a) Mitchell Park.

1.5 Rimutaka Forest Park and Catchpool Valley

- (a) Picnic areas adjacent to the Catchpool Valley Road upstream of the vehicle ford.
- (b) The camping areas adjacent to Catchpool Stream.
- (c) Landcare Research Station, formerly DSIR Field Station, Orongoronga Valley.

1.6 Turakirae Head Scenic Reserve

2. DOG EXERCISE AREAS

2.1 STOKES VALLEY

Area

Delaney Park (excluding sports surfaces)

Kamahi Park (excluding sports surfaces)

Entrances

George Street

Stokes Valley Road

Stokes Valley Road

2.2 TAITA

Area

Fraser Park (excluding sports surfaces)

Entrances

Taita Drive

Harcourt Werry Drive

Percy Cameron Street

2.3 AVALON

Area

Avalon Park

(excluding children's play areas and boating pond)

Entrances

Taita Drive

Fairway Drive

2.4 KELSON

Area

Kelson Sports Ground (excluding sports surface)

Entrances

Kelso Grove

2.5 BELMONT

Area

Belmont Recreation Reserve

(commonly known as the Belmont Domain)

(excluding the Rhododendron Dell)

Entrances

Carter Street

Norfolk Street

2.6 NAENAE

Area

Naenae Park (excluding sports surfaces)

Entrances

Seddon Street

Naenae Road

Gibson Street

2.7 BOULCOTT

Area

Ewen Park

Entrances

Melling Road

Mill Road

2.8 WAIWHETU

Area

Te Whiti Park (excluding sports surfaces)

Trafalgar Park (excluding sports surfaces)

Entrances

Whites Line East

Riverside Drive

Trafalgar Street

Brook Street

2.9 PETONE**Area**

Memorial Park (excluding sports surfaces)
 Sladden Park (excluding sports surfaces)
 Ava Park
 Petone Recreation Ground
 (excluding children's playground
 and sports surface)
 McEwan Park (excluding children's playground
 and sports surfaces)
 North Park (excluding sports surfaces)
 Frank Cameron Park (excluding sports surfaces)
 Petone Beach Area (west of Petone Wharf)

Entrances

Bracken Street
 Bracken Street
 Wakefield Street
 Buick Street

 Roxburgh Street
 London Road
 The Esplanade

2.10 HUTT CENTRAL**Area**

Hutt Recreation Ground
 (excluding sports surfaces)

 Strand Park
 (excluding sports surfaces)

Entrances

Myrtle Street
 Woburn Road
 Bellevue Road
 Market Grove
 St Albans Grove
 Whites Line West

2.11 MOERA**Area**

Bell Park
 (excluding sports surfaces)

 York Park
 (excluding sports surfaces)

Entrances

Bell Road
 Douglas Street
 Riverside Drive South
 York Street
 Elizabeth Street

2.12 HUTT RIVER BANKS**Area**

Eastern Bank
 From entrance of Stokes Valley
 south to Hutt Valley Energy
 Board Substation on
 Harcourt Werry Drive
 Ewen Park south to Strand Park
 Western Bank

 From Manor Park south of
 Benmore Crescent to the
 north end of Owen Street
 Kennedy Good Bridge south
 to Firth's Industrial Plant

 Firth's Industrial Park south
 to Ava Park

Entrances

Eastern Hutt Road
 High Street
 Taita Drive
 Harcourt Werry Drive
 River Bank Car Park

 Benmore Crescent
 Western Hutt Road
 Owen Street
 Western end of Fairway Drive

 Block Road
 Tama Street
 Mudie Street

2.13 WAINUIOMATA

Area

Leonard Wood Park (excluding sports surfaces)

Wainuiomata River Bank

Hine Road Reserve

Black Creek (West) Banks

Pencarrow Hall Reserve

Drainage Reserve between Parkway
and Wise Street

Drainage Reserve between
Mohaka Street and Momona Street

Karaka Park
(excluding children's play area)

Drainage Reserve Between
Wainuiomata Road and Fraser Street

Entrances

Wood Street

Wood Street/Peel Place

Main Road/Poole Crescent

Hine Road

Main Road/Nelson Crescent

Norfolk Street

Tipperary Grove

Frederick Street

Manutuke Street

Parkway

Manutuke Street

Karaka Street

Fraser Street

Wainuiomata Road

2.14 EASTBOURNE

Area

That part of Muritai Beach, 200 metres
south of the Rona Bay Wharf to Burdans Gate

Entrance

Marine Drive/Muritai Road