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PART 4 - DOG CONTROL

401 Interpretation

401.1 In this part of the bylaw, unless inconsistent with the context, or where otherwise expressly provided:

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.

401.2 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.

402 Limitation on Number of Dogs Permitted on Land or Premises

402.1 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 403.

403 Licensing of Additional Dogs

403.1 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 the Third Schedule to this part of the bylaw and shall provide with their application any information the Council requires.

403.2 The Council when considering an application under clause 403.1 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.



403.3 Any licence issued under clause 403.1 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 the Fourth Schedule to this part of the bylaw and, subject to clause 404.1, shall remain in force from the date of issue until the 30th of June in the following year.

403.4 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.

404 Revocation of Licence

404.1 If at any time while a licence is in force in accordance with clause 403 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.

405 Limitation on Numbers Not to Apply in Certain Areas

405.1 Nothing in clauses 402 to 404 of this part of the 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.

406 General Controls in Public Places

406.1 Except as provided in clauses 407 and 409 of this part of the 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.

406.2 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.

407 Dog Exercise Areas

407.1 Notwithstanding anything contained in clause 406 of this part of the bylaw, the owner of a dog may exercise that dog off the lead in any designated Dog Exercise Area described in the Second Schedule to this part of the bylaw.

407.2 The owner shall keep the dog under continuous supervision and control while being exercised in a Dog Exercise Area.

408 Prohibited Areas

408.1 No dog shall be permitted in a prohibited area specified in clause 408.2 and the owner of any dog shall not cause, allow or permit it to enter or remain in a prohibited area.

408.2 For the purposes of clause 408.1 the following are prohibited areas:-

- (a) Any of the areas specified in the First Schedule to this part of the bylaw.
- (b) Any premises used as a public library.
- (c) Any children's playground within the District.
- (d) Any swimming pool owned or controlled by the Council.
- (e) Any land used as a kindergarten or playcentre.
- (f) Any marked sports surface.
- (g) Any special event that is organised on a park or reserve where Council has publicly notified the time, date and duration of the closure.

409 Exemption for Certain Working Dogs

409.1 Nothing in clauses 408 or 411 of this part of the 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.

409.2 Clause 406.1 shall not apply to the types of dogs referred to in 409.1 or to a working dog being lawfully used to move stock.



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

410.1 The owner of a dog found in any place in breach of clauses 406, 408, or 411 of this part of the bylaw shall, unless the contrary is proved, be deemed to have permitted the dog to enter or remain in that place.

411 Confinement of Dogs at Night

411.1 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.

412 Impounding of Dogs

412.1 Where a dog is found at large in breach of any provision of this part of the bylaw it may be impounded.

413 Standards for Keeping of Dogs

413.1 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.

414 Notice to Upgrade Standards

414.1 If the Council considers that clause 413 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 413 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 403.
- (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.

414.2 The Council shall only specify actions under clause 414.1 which are reasonable having regard to the inadequacy of housing, or the nature of the nuisance. In specifying any action under clause 414.1 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.

414.3 The Council may at any time cancel any notice given under clause 414.1 by notice to the occupier if it believes the notice has not been complied with and will not be complied with.

414.4 So long as a notice under this section has been issued and has not been cancelled in accordance with clause 414.3 the Council shall not prosecute the occupier for a breach of clause 414 before the date stated on the notice as the date by which the actions (except ongoing actions) are to be carried out.



SCHEDULE ONE

1. Prohibited Places

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) Any beach in Eastbourne where there are signs clearly indicating that it is a prohibited area between 9.00 am. - 8.00 pm from 1 November to 31 March each year. These areas include the 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 Eastern Bays Marine Drive, Days Bay, being Lots 5, 6 and 7 Deposited Plan 1694, situated in Block XVI Belmont Survey District being part section 31 of the Harbour District 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).

1.2 Petone

- (a) The entire road reserve, footpaths and berms on the road frontages of the commercial properties on Jackson Street, Petone, between its intersections with Cuba Street and Hutt Road.
- (b) Petone Beach between 9.00 am - 8.00 pm from 1 November to 31 March each year except for the area between the Petone Wharf and Korokoro Stream which is a dog exercise area.
- (c) Percy's Reserve

1.3 Wainuiomata

- (a) The entire road reserve of Queen Street, and the footpath and berms 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 frontages 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.

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 Catchpole Stream.
- (c) Landcare Research Station, formerly DSIR Field Station, Orongorongo Valley.

1.6 Turakirae Head Scenic Reserve

SCHEDULE TWO

Dog Exercise Areas

STOKES VALLEY

Area	Entrances
Delaney Park (excluding sports surfaces)	George Street Stokes Valley Road
Kamahi Park (excluding sports surfaces)	Stokes Valley Road

TAITA

Area	Entrances
Fraser Park (excluding sports surfaces)	Taita Drive Harcourt Werry Drive Percy Cameron Street

AVALON

Area	Entrances
Avalon Park (excluding children's play areas and boating pond)	Taita Drive Fairway Drive

KELSON

Area	Entrances
Kelson Sports Ground (excluding sports surface)	Kelso Grove

BELMONT

Area	Entrances
Belmont Recreation Reserve (commonly known as the Belmont Domain (excluding the Rhododendron Dell)	Carter Street Norfolk Street



NAENAE

Area

Naenae Park
(excluding sports surfaces)

Entrances

Seddon Street
Naenae Road
Gibson Street

BOULCOTT

Area

Ewen Park

Entrances

Melling Road
Mill Road

WAIWHETU

Area

Te Whiti Park
(excluding sports surfaces)

Trafalgar Park
(excluding sports surfaces)

Entrances

Whites Line East
Riverside Drive

Trafalgar Street
Brook Street

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

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

MOERA

Area

Bell Park
(excluding sports surfaces)

York Park
(excluding sports surfaces)

Entrances

Bell Road
Douglas Street
Riverside Drive South

York Street
Elizabeth Street

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

Entrances

Eastern Hutt Road
High Street
Taita Drive
Harcourt Werry Drive

River Bank Car 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

Benmore Crescent
Western Hutt Road
Owen Street

Western end of Fairway Drive

Block Road
Tama Street
Mudie Street



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

EASTBOURNE

Area

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

Entrance

Marine Drive/Muritai Road

SCHEDULE THREE



HUTT CITY COUNCIL

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 199

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 FOUR

Form of Licence



HUTT CITY COUNCIL

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 31st day of June 19, 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 19

.....
CHIEF EXECUTIVE

Fee paid \$

Receipt No.

(Licence not Transferable)