



# UPPER HUTT CITY COUNCIL

## DOG CONTROL BYLAW 2004

### EXPLANATORY NOTE

This Bylaw is called the Dog Control Bylaw 2004 (the Bylaw) and was made under sections 145 and 146 of the Local Government Act 2002 and section 20 of the Dog Control Act 1996.

The purpose of the Bylaw is to give effect to the Dog Policy adopted by the Upper Hutt City Council pursuant to Section 10 of the Dog Control Act 1996.

By resolution dated 4 August 2004 the Upper Hutt City Council adopted this Bylaw operative from 1 September 2004.

This Bylaw incorporates the amendments resulting from the review of the Upper Hutt City Council Dog Control Bylaw 2004 and was adopted by resolution on the 1 August 2011 to commence on 1 September 2011.

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## 1.0 Application of Bylaw

- 1.1 This Bylaw applies within the district of the Upper Hutt City Council.

## 2.0 Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

**“Authorised Officer”** means any person authorised by the Council to exercise the Council's functions, duties and powers under the Dog Control Act 1996 and this Bylaw.

**“Council”** means the Upper Hutt City Council and any authorised officer.

**“Dog Control Officer, Dog Ranger and Owner”** have the same meanings as contained in section 2 of the Dog Control Act 1996.

**“Dog Policy”** means the most recent policy adopted by the Council pursuant to Section 10 of the Dog Control Act 1996.

**“Property”** means the place or places where the dog is kept.

**“Working Dog”** has the meaning given in Section 2 of the Dog Control Act 1996.

**“Zone”** means a zone established under the Council's District Plan.

## 3.0 Restriction on the number of dogs

- 3.1 No person shall keep more than two [2] dogs over the age of three [3] months, without an exemption from the Council, on any property in:
- a. a rural zone with an area of 1,000m<sup>2</sup> or less, or
  - b. in any zone other than a rural zone
- 3.2 An exemption under clause 3.1 to a dog owner permitting more than two [2] dogs to be kept on a property may be granted when:
- a. the Owner has made application for an exemption on form 1 of the schedule; and
  - b. the Director of Environmental Services is satisfied at his or her discretion that:
    - i. the Owner is a Responsible Owner under this Bylaw, and
    - ii. the Owner and Occupiers of the properties adjoining the property, where the dog for which the exemption is applied for is kept, have given their written consent to another dog to being kept on the property
    - iii. the property is adequate to home an additional dog; or
  - c. the applicant applies to the City Services Committee for an exemption after the Director of Environmental Services has refused an application
- 3.3 Any person who allows more than two [2] dogs to be kept on a property in breach of clause 3.0 commits an offence against this Bylaw

- 3.4** In the event that there are more dogs being kept on a property than this Bylaw permits, an Authorised Officer may remove the number of dogs in excess of the permitted number as follows:
- a.** if all the dogs are registered by removing first the dog that was first registered on the latest date; or
  - b.** if any of the dogs are not registered, the unregistered dog or dogs shall be removed first; or
  - c.** if all of the dogs are unregistered, all of the dogs will be removed

## **4.0 Dogs in public to be on leash**

- 4.1** All dogs, except Working Dogs that are working, in a public place must be, except those public places specifically excluded in clause 6.1, on a leash or harness and such leash or harness must be held by a person.
- 4.2** All dogs must be kept under continuous control.
- 4.3** The Owner of a dog that is in a public place in breach of clause 4.1 or is not under control in accordance with clause 4.2 commits an offence under this Bylaw.

## **5.0 Prohibited places**

- 5.1** 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.
- 5.2** There are no prohibited areas under this Bylaw
- 5.3** The Council may by resolution, specify dog prohibited areas where dogs are prohibited to enter or remain and such areas will be listed in the Second Schedule to this Bylaw.
- 5.4** The Council may at any time by resolution amend or revoke a resolution made under clause 5.3.
- 5.5** Before making a resolution under clause 5.3 or 5.4 the Council must have regard to the matters listed in section 10(4) of the Dog Control Act 1996.

## **6.0 Exercise areas**

- 6.1** Dogs may not be exercised off leash or harness in the following public places at the specified times:
- all streets zoned as residential, commercial and industrial in the Upper Hutt City Council District Plan at all times
  - all playgrounds at all times
  - all sportsfields whilst a sporting event is in progress
  - all parks while Council approved activities are in progress and Birchville Park and Te Haukaretu Park at all times

- 6.2** Clarification – dogs may be exercised off leash in all public areas not listed above in clause 6.1 provided they are under control and do not cause a nuisance to any other users of the public place.

## **7.0 Fouling in public places**

- 7.1** A Dog Owner or a person in control of a dog in a public place or on land or premises other than those occupied by the Dog Owner shall immediately remove and dispose of the faeces if a dog defecates in that place.
- 7.2** Any Owner or person in control of a dog who does not remove faeces in accordance with clause 7.1 commits an offence under this Bylaw.

## **8.0 Diseased dogs and bitches in season**

- 8.1** Owners of mangy, diseased dogs or bitches in season must keep them confined to their property. In the case of a mangy or diseased dog until they are disease free and in the case of bitches in season, until they are no longer in season.
- 8.2** The Owner of a bitch in season must ensure the specific dog gets sufficient exercise during its confinement.
- 8.3** Any Owner who fails to comply with clause 8.1 commits an offence under this Bylaw.

## **9.0 Offence to provoke dog**

- 9.1** Any person who does or omits to do anything in any public place that causes, in the opinion of an Authorised Officer or Dog Control Officer, any dog to become restive or distraught commits an offence against this Bylaw.

## **10.0 Standards for keeping of dogs**

- 10.1** Both the Owner of a dog and the Occupier of any premises in which a dog is kept, shall take all steps reasonably necessary to ensure the dog receives proper care and attention by supplying the dog with:

- sufficient food
- sufficient water
- sufficient dry shelter, including adequate shade and warmth
- sufficient space to exercise and
- a hygienic kennel

The determination of whether the condition in clause 10.1 is at the discretion of the Director of Environmental Services.

- 10.2** An Owner or Occupier of premises in which a dog is kept does not comply with clause 10.1 above commits an offence under this Bylaw.

## 11.0 Probationary Owner

- 11.1 An Owner that the Council classifies as a Probationary Owner in accordance with the Dog Control Act 1996 must undertake training approved by the Council.
- 11.2 A Probationary Owner that fails to complete the training required by the Council commits an offence under this Bylaw.

## 12.0 Responsible Owner

- 12.1 An owner will be recorded as a Responsible Owner by the Council under this Bylaw if he or she applies for Responsible Owner status and meets the following criteria:
- a. controls his or her dog; and
  - b. his or her dog is securely contained within the property while allowing people access to a door of the residence on the property without encountering the dog or has signs erected on or near the front entrance of the property alerting people to the presence of the dog; and
  - c. registers his or her dog by the appropriate due date (1 August of each registration year or before the dog is three [3] months of age); and
  - d. has not had a dog impounded more than once within the last twelve [12] months; and
  - e. has not been issued with an infringement notice within the last twelve [12] months; and
  - f. has never received a conviction for an offence under the Act; and
  - g. has not had a dog classified 'menacing' or 'dangerous' because of observed behaviour, where the classification has not been rescinded; and
  - h. who ensures that any outside kennels are weatherproof and maintained in a hygienic manner.

## 13.0 Barking dogs

- 13.1 The Council will be under no obligation to investigate barking dog complaints unless a complaint is made indicating that one or more of the following types of barking have occurred:
- continuous barking or howling for ten [10] minutes or more in any one [1] hour period; or
  - response barking which includes at least six [6] barks and occurs on average once every half hour during daylight over a daytime period and once per hour during darkness over a night time period

and the barking is bad enough to be heard beyond the dog owner's property.

## **15.0 Penalties**

- 15.1** Every person who commits an offence under this Bylaw may be infringed or prosecuted at the discretion of the Director of Environmental Services under the Dog Control Act 1996 or the Local Government Act 2002 and will be liable for the penalties prescribed in those Acts.

## **16.0 Commencement**

- 16.1** This Bylaw became operative on 1 September 2004.

# Schedule One | Permit to keep more than two dogs



## PERMIT APPLICATION TO KEEP MORE THAN TWO DOGS ON AN URBAN PROPERTY

Civic Administration Building  
838-842 Fergusson Drive,  
Upper Hutt  
Private Bag 907, Upper Hutt  
Tel: (04) 527 2169  
Fax: (04) 528 2652  
Email: askus@uhcc.govt.nz  
Website: www.upperhuttcity.com

I,

of

hereby apply pursuant to clause 3.1 of The Upper Hutt City Council Bylaw 2004 for an exemption in respect of the land or premises described below permitting an additional dog to be kept on the land or premises.

Address of land or premises on which it is intended to keep the additional dog:

Name of owner if any of the dogs do not belong to you:

The following is a description of the dogs proposed to be kept (*include breed, sex and name:*)

### Privacy Statement

I acknowledge that:

1. Personal information concerning me provided to The Upper 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 to 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 907, 835 Fergusson Drive, Upper 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.

*Council has a Privacy officer. If you have nay concerns regarding privacy issues please telephone 527 2169*

I declare that the information provided is true and accurate.

Signed:

Dated: