

Hamilton City Council BYLAWS



Approved By: Hamilton City Council	Date Adopted: 28 May 2015
Date In Force: 1 July 2015	Review Date: To be reviewed by 28 May 2020

HAMILTON DOG CONTROL BYLAW 2015

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1. SHORT TITLE

This bylaw may be cited as the Dog Control Bylaw 2015.

2. PURPOSE

The purpose of the bylaw is:

- a) To give effect to Council's Dog Control Policy.
- b) To protect and maintain public safety.
- c) To address how Council will fulfil its functions and duties pursuant to the Dog Control Act 1996.

This bylaw gives effect to the Dog Control Policy for the city, the objective of which is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally.

This bylaw shall apply to the whole of the district administered by Hamilton City Council, and other locations that are controlled by Hamilton City Council, now and in the future.

3. DEFINITIONS

In this bylaw except where inconsistent with the context:

Council	means Hamilton City Council.
Dog Control Officer	has the same meaning as defined in the Dog Control Act 1996.
Owner	has the same meaning as defined in the Dog Control Act 1996.
Neuter	has the same meaning as defined in the Dog Control Act 1996
Private Way	has the same meaning as defined in Section 315(1) of the Local Government Act 1974.
Public Place	has the same meaning as defined in the Dog Control Act 1996.
Registered Address	means the dog owner's property, the address listed in the dog's registration, or another address which the Council has agreed to in writing for the purpose of clause 7.
Working Dog	has the same meaning as defined in section 2 of the Dog Control Act 1996, but excluding (b)(ii) - 'kept solely or principally for the purposes of herding or driving stock', (b)(v) – 'owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act', and (b)(vi) – declared by resolution of the territorial authority to be a working dog for the purposes of this 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.'

4. CONTROL OF DOGS IN PUBLIC PLACES

- 4.1. Every owner of a dog must exercise control over it and must prevent it from wandering or remaining at large or free in any public place or private way.
- 4.2. Except as provided in clauses 4.3 and 4.4, every owner of a dog in any public place or private way must secure the dog by an effective lead or similar contrivance which keeps the dog under continuous control.
- 4.3. Dogs may be exercised free of restraint in those locations specified in the Dog Control Off Lead Exercise and Prohibited Areas Register, Part 1 as designated off lead dog exercise areas. The owner must maintain continuous control over the dog and remain within the dog exercise area while the dog is off its lead.
- 4.4. Dogs in the process of immediately accessing game hunting areas are exempt from the lead requirements outlined in clause 4.2 above, however the dog must be kept under the direct control of the owner at all times.

5. DOG EXERCISE AREAS

- 5.1. Dogs may be exercised free of restraint in those locations specified in the Dog Control Register as being designated off lead dog exercise areas. The owner must have continuous control of the dog and remain within the dog exercise area while the dog is off its lead.
- 5.2. The Dog Control Off Lead Exercise and Prohibited Areas Register, Part 1, lists each Off Lead Dog Exercise Area with the date from which each area is available to be used and any rules that apply to its use as such.
- 5.3. Council may, by resolution, amend the commencement date of an Off Lead Dog Exercise Area within the Dog Control Register.

6. PROHIBITED AREAS

- 6.1. Dogs are not allowed to enter the public places specified in Part 2 of the Dog Control Off Lead Exercise and Prohibited Areas Register as being prohibited areas, whether under control or not. However, the owner of a working dog may enter with that dog into any prohibited area.

7. PREVENTION OF PUBLIC NUISANCE

- 7.1. The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog must immediately remove the faeces and dispose of them in a legal manner.
- 7.2. Every owner of a dog that has a contagious disease must ensure that it is confined at all times within its registered address, or when not at this address fully contained within a cage that prevents contact with other animals, domestic or otherwise, or fully enclosed and secured within a vehicle.
- 7.3. Every owner of a dog must prevent it from attacking any person or any other animal.
- 7.4. A bitch in season may only be allowed outside the registered address when under the direct control of the dog owner or a person over the age of 16, and must be on a lead at all times.

Despite clause 4.3 a bitch in season must not be exercised off lead in any area of Hamilton including Off Lead Dog Exercise Areas in Part 1 of the Dog Control Off Lead Exercise and Prohibited Areas Register, and game hunting areas. This clause does not relieve the dog owner of responsibility to provide adequate exercise as required by section 54(1)(b) of the Dog Control Act 1996.

8. LIMITATION ON NUMBER OF DOGS

- 8.1. No person shall keep, or permit to be kept, on or within any premises within the city, more than two (2) dogs of greater age than three months unless such premises have been approved by a dog control officer and a permit issued. Such permit will be subject to a fee approved and set by Council through the Annual Plan process and will be subject to renewal annually.
- 8.2. Approval by a dog control officer of the above permit will only be given subject to compliance by the owner with any reasonable requirements imposed by the dog control officer for the purpose of ensuring proper care and control of the dogs and the prevention of any nuisance.
- 8.3. On the expiry of any permit or at any other time, any approval given during that year for any person to keep more than two (2) dogs on their premises may be reviewed by a dog control officer. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval over the period of the permit under review. Renewal of a permit will be subject to a fee set by Council through the Annual Plan process.

9. MENACING DOGS

- 9.1. Any dog that Council classifies as menacing pursuant to the Dog Control Act 1996 must be neutered within one month after the receipt of the notice of classification. If the dog is not in a fit condition to be neutered within the specified time, the owner must produce a certificate from a registered veterinarian certifying that the dog is not in a fit condition to be neutered, and if the condition continues, produce a new certificate as specified within section 33E of the Dog Control Act 1996.

10. PROBATIONARY OWNERS

- 10.1. If any owner of a dog is classified as a probationary owner pursuant to the Dog Control Act 1996, Council may require at its discretion the person to complete at his or her expense, a dog owner education programme and/or a dog obedience course.

11. DOGS WITHIN PARKS

- 11.1. Every person must prevent any dog within their care and/or control from interfering with the use or enjoyment of any park by other persons in that park.
- 11.2. An owner of a dog that is not a working dog as defined in this bylaw, must prevent his or her dog from entering any place specified in Part 2 of the Dog Control Register

12. IMPOUNDMENT OF DOGS

- 12.1. Any dog found at large in any public place, whether or not the dog is wearing a collar having the proper registration label or disc attached; or found at large in any public or private way in breach of this bylaw, may be impounded by a dog control officer.
- 12.2. The owner of any dog impounded shall pay to the Council reasonable fees for the sustenance of the dog and for the giving of notice to the owner, together with a poundage fee as set through the Annual Plan process.

13. REQUIREMENT TO NEUTER UNCONTROLLED DOG

13.1. The council may require the owner of a dog to cause that dog to be neutered if that owner has breached, on more than one occasion within a 12-month period, any of the sub-clauses 4.1-4.4 or 5.1 or 6.1 in respect of that dog. It is sufficient if the same sub-clause is breached twice or if two of the sub-clauses are breached.

14. OBJECTION TO REQUIREMENT TO NEUTER UNCONTROLLED DOG

14.1. If a dog is required to be neutered under clause 13, the owner of that dog –

- (a) may, within 14 days of receiving the notice, object in writing to the council in regard to the requirement; and
- (b) has the right to be heard in support of the objection.

14.2. The council when considering an objection under sub-clause (1) may uphold or rescind the requirement, and in making its determination must have regard to—

- (a) the evidence which formed the basis for the requirement; and
- (b) the matters relied upon in support of the objection; and
- (c) any other relevant matters.

14.3. The council must, as soon as practicable, give written notice to the owner of—

- (a) its determination of the objection; and
- (b) the reasons for its determination.

15. EFFECT OF REQUIREMENT TO NEUTER AN UNCONTROLLED DOG

15.1. If a dog is required to be neutered, the owner of that dog must, within 1 month after receipt of the notice of the requirement, produce to the council a certificate issued by a veterinarian certifying –

- (a) that the dog is or has been neutered; or
- (b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (c) must, if a certificate under subclause (1)(b) is produced to the council, produce to the council, within 1 month after the date specified in that certificate, a further certificate under subclause (1)(a).

16. PENALTIES

16.1. Any person who acts in breach of this Bylaw commits an offence and is liable upon conviction to a penalty, as provided for under the Local Government Act 2002.

Hamilton City Council

BYLAWS



The foregoing Bylaw was duly made by the Hamilton City Council by a resolution passed on the 28 of May 2015 following consideration of submissions received during the special consultative procedure. This Bylaw repeals and replaces the Hamilton City Dog Control Bylaw 2009. The Hamilton Dog Control Bylaw 2015 was ordered to come into force on the 1 JULY 2015.

The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor _____

Councillor _____

Chief Executive _____