

Porirua City Council Dog Control Bylaw

1.0 Title

- 1.1 This Bylaw is made under section 145 of the *Local Government Act 2002* and section 20 of the *Dog Control Act 1996* and shall be known as the Porirua City Council Dog Control Bylaw 2021.

2.0 Commencement

- 2.1 This Bylaw shall come into force on **XX April 2021**.
- 2.2 This Bylaw applies to the Porirua City Council District. Nothing in this Bylaw shall take priority over the *Dog Control Act 1996* or its amendments.

3.0 Revocation

- 3.1 The Porirua City Council General Bylaw 1991 Part 5, Dog Control Bylaw is hereby revoked.

4.0 Purpose

- 4.1 This Bylaw shall protect the health and safety of the community by regulating the keeping of dogs, while also promoting responsible dog ownership and recognising the rights and needs of dog owners.

5.0 Interpretation

- 5.1 In this bylaw:

Act means *the Dog Control Act 1996*.

Dog Control Officer means a dog control officer appointed under section 11 of the Act, and includes a warranted officer exercising powers under section 17 of the Act.

Central Business District means the area identified as the Central Business District in Schedule 1 of this Bylaw

Continuous Control means the owner has sufficient control over the dog to prevent the dog causing a nuisance to other animals and members of the public or damage to property. In most instances this will mean on a leash.

Council means the Porirua City Council.

Disability assist dog means a dog certified by one of the organisations listed in Schedule 5 of the Act as being a dog that has been trained (or is being trained) to assist a person with a disability

Diseased means with or affected by any communicable disease.

District Plan means the Porirua City Council current operative District Plan.

Dog Exercise Area means a public place where dogs are allowed to be exercised off leash and is identified as a Dog Exercise Area in Schedule 1 of this Bylaw.

Infringement Offence means an offence specified in the first schedule of the *Dog Control Act 1996*.

Leash means a lead which is capable of restraining the dog and is held by a responsible and capable person.

Mangy means to have any sort of mite or parasite infestation.

Neutered Dog means a dog that has been spayed or castrated.

Owner, in relation to any dog, means every person who—

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who—
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
 - (ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under this Act or the *Animal Welfare Act 1999* or the *National Parks Act 1980* or the *Conservation Act 1987* or any order made under this Act or the *Animal Welfare Act 1999*.

Premises includes any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.

Prohibited Area means a public place where dogs are prohibited. In all cases, areas such as children's playgrounds, the mown playing surfaces of sports grounds controlled by Council, Council owned swimming pools and the areas specified in Schedule 1 of this bylaw (as a prohibited public place) shall be deemed to be a "Prohibited Public Place".

Public Place means:

- a) A place that, at any material time, is open to or being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Short leash means a leash that is no longer than 1.5 metres, and if extendible, is locked at a length of no longer than 1.5 metres.

Streets means any part of the public transport network, and includes footpaths, and cycleways. For clarity, street includes (but is not limited to) a Street, Road, Avenue, Heights, Terrace, Quay, Place, Mile, Drive, Crescent, Court, or Lane.

Territorial Authority has the same meaning as in the *Local Government Act 2002*.

Three Plus Permit means a permit for a person to have more than two dogs as set out in section 15 of this Bylaw.

Working dog as defined under the *Dog Control Act 1996*.

Urban Area means the area identified as the Urban Area in Schedule 1 of this Bylaw.

Control of Dogs in Public Places

6.0 Dogs must be kept under control

- 6.1 At all times, in any public place, the owner of a dog will be responsible for ensuring that the dog is under **continuous control**.
- 6.2 Dog owners must comply with any additional area controls set out in Schedule 1 of the Porirua City Dog Control Policy.
- 6.3 Within the **Central Business District**, dogs must be kept on a leash no more than 1.5 metres long.
 - 6.3.1 Dogs classified as menacing or dangerous are not permitted within **the Central Business District**.
- 6.4 Within **Urban Areas**, dogs must be kept on a leash, unless the area is a designated **dog exercise area**.
 - 6.4.1 Dogs classified as menacing or dangerous must be kept on a leash no more than 1.5m long and must be muzzled within **Urban Areas**.
- 6.5 Within **Dog Exercise Areas** the owner of a dog shall ensure that the dog is under continuous control but shall not be obliged to keep the dog on a leash. The owner must carry a leash at all times.
 - 6.5.1 Dogs classified as menacing or dangerous are not permitted at all times within **Dog Exercise Areas**.
- 6.6 No owner of any dog shall allow their dog within any **Prohibited Area** at any time.
- 6.7 No owner of any dog shall allow their dog within any **Restricted Area** at any time that said area is prohibited to dogs, as specified in Schedule 1.
- 6.8 **Working dogs** are exempt from clauses 6.1 – 6.6 while it is engaged in or being used for its working purpose.

7.0 Certain areas controlled by other authorities

- 7.1 Reserves managed by Greater Wellington Regional Council and the Department of Conservation have controls on dogs set under the *Reserves Management Act 1977* and/or the *Conservation Act 1987*, that are not covered under this bylaw. Owners of dogs must contact the appropriate authority for up to date information on dog controls for these reserves.

8.0 Seizure of dogs in public places in contravention of this Bylaw

- 8.1 An Authorised Officer may seize and impound any dog at large in a public place, whether or not the dog is wearing a collar with the proper label or disc attached, that is found in contravention of this Bylaw.
- 8.2 The provisions of section 69 of the *Dog Control Act 1996* apply to the impounding of any dog.

9.0 Temporary restrictions or suspensions

- 9.1 The Chief Executive of the Council may from time to time, temporarily declare any public place to be a:
 - a) Prohibited Public Place for a specified time; or
 - b) Suspend the designation of a Prohibited Public Place; for a specified period for a specific occasion or event.

- 9.2 Public notice may be required of the temporary restriction or suspension, and appropriate signage will be provided in the areas affected (if required).

10.0 Establishment of New Dog exercise Areas

- 10.1 The Council may from time to time by resolution publicly notified declare any public place, to be a Dog exercise area.
- 10.2 Dog exercise areas cannot include areas such as children's playgrounds and the mown playing surfaces of sportsgrounds controlled by the Council.

Responsibilities of Dog Owner

11.0 Minimum Standards for Accommodation of Dogs

- 11.1 The owner of any dog shall provide adequate accommodation for the dog (kennel or other shelter) that shall be:
- a) Weather proof;
 - b) Constructed on dry ground;
 - c) Contain a floor and constructed so that the surfaces are easily cleaned;
 - d) Of sufficient size to allow the dog to move freely and recline;
 - e) Of sufficient height so that the dog can stand freely;
 - f) Of sufficient space so that the dog can move about freely when confined;
 - g) Kept in a clean and dry condition; and
 - h) Provided with access to clean, fresh water.
- 11.2 Accommodation as listed in clause 13.1 must be situated in a position that does not cause a nuisance to any person in neighbouring properties.
- 11.3 The owner of a dog must, at all times, ensure that either—
- a) the dog is under the direct control of a person; or
 - b) when on property occupied by the owner, the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises.
- 11.4 If in the opinion of an Authorised Officer, the keeping of any such dog in accommodation on such premises has become or is likely to become a nuisance or injurious to health, the Authorised Officer may by notice require the owner or occupier of such premises to take such action as the Authorised Officer deems necessary, to minimise or remove the nuisance.

12.0 Number of dogs to be kept

- 12.1 No occupier of any premises, shall keep or allow to be kept on any premises more than two dogs over the age of three months, unless the person has applied for and been granted a Three Plus Permit (TPP).
- 12.2 Working dogs are exempt from clause 14.1

13.0 Three Plus Permit (TPP)

- 13.1 Every person who wishes to keep more than two dogs over the age of three months of age at any dwelling, shall apply for a TPP.

- 13.2 Any person who has applied and been granted a TPP may keep up to and including the maximum number of dogs on that property as specified in the permit.
- 13.3 The Council may place conditions on the permit and the holder of the permit must comply with those conditions. If the holder of the permit fails to comply with those conditions, the Council may cancel the permit. Any failure to comply shall be a breach of this Bylaw.
- 13.4 Every application for a TPP must contain information that the Council requires to issue the permit and the applicant must pay any fee prescribed from time to time by resolution of the Council.
- 13.5 The fee for such a licence shall be payable in addition to the registration fees payable under the *Dog Control Act 1996*.
- 13.6 Any approved property that is used for the business of dog boarding kennels or as a veterinary hospital shall be exempt from this provision.

14.0 Responsibility to Remove Faeces

- 14.1 The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner, shall immediately remove the faeces left by the dog and dispose of it in a sanitary manner.

15.0 Disability Assist Dogs

- 15.1 Despite anything contained within this Bylaw prohibiting or regulating the entry or presence of dogs; any disability assist dog accompanying a person with a disability or any person certified and engaged in training the disability assist dog, may enter and remain:
- a) In any premises registered under section 120 of the *Health Act 1956*; or
 - b) In any public place subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.

16.0 Requirement for neutering of dogs

- 16.1 If a dog is classified by Porirua City Council as menacing the Council requires that the dog be neutered.
- 16.2 If a dog is classified as menacing by another Territorial Authority and resides in Porirua District, the Council requires that the dog be neutered.
- 16.3 The Council reserves the right to require a dog to be neutered for other reasons (such as rehoming, roaming or due to behavioural issues).

17.0 Bitch in Season to be confined

- 17.1 The owner of any bitch shall keep the dog confined to their own property, but adequately exercised while such dog is in season.

18.0 Mangy or Diseased Dogs

- 18.1 A person who owns or has control or charge of any mangy or diseased dog, shall not take that dog into any public place or allow the dog to enter or remain in any public place or wander free.

19.0 Dogs Becoming a Nuisance or Injurious to Health

- 19.1 The owner of every dog shall ensure that the dog does not create a nuisance including, but not limited to:

- a) Obstructing the lawful passage of any person in a public place or on private property.
 - b) Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.
 - c) Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
 - d) Interfering with any persons property, whether on private property
 - e) (other than the owners) or in a public place.
 - f) Barking, howling and/or whining in a persistent and loud manner; and
 - g) Rushing at any vehicle.
- 19.2 If in the opinion of the Council, the keeping of any dog(s) has become, or is likely to become a nuisance or injurious or hazardous to health, property or safety; an Authorised Officer may by notice in writing require the owner or occupier of the premises, within a time specified in such notice, to do any or all of the following:
- a) reduce the number of dogs kept on the premises,
 - b) construct, alter, reconstruct or otherwise improve the kennels, fences or other methods buildings used to house or contain the dogs,
 - c) require such dog or dogs to be tied up or otherwise confined during specified periods,
 - d) take other such action as the Council deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health, property or safety.

Council functions and responsibilities

20.0 Pound

- 20.1 The Council may, by resolution, change the location of any pound or create additional or temporary pounds.
- 20.2 Where any dog is seized for impounding under the provisions of this Bylaw, and it is not practicable by reason of time or distances to place that dog in any pound appointed by the Council for that purpose, an Authorised Officer may with the consent of the occupier, use any land as a temporary pound for such dog for any reasonable period until its disposal in terms of this Bylaw or the *Dog Control Act 1996*.
- 20.3 Any dog not registered in accordance with the *Dog Control Act 1996*, shall not be released from the pound until it is registered, microchipped and all fees due have been paid.
- 20.4 The Council shall not be obliged to release any dog from the pound except during the advertised hours of opening.
- 20.5 Any person who attempts to remove or removes any dog from any pound including a temporary pound without paying the prescribed fees commits an offence under this Bylaw.

21.0 Disposal of Impounded Dogs

- 21.1 The Council may dispose of impounded dogs in accordance with the provisions of the *Dog Control Act 1996* which provides amongst other things the following:
- a) As soon as practicable after any dog has been impounded, the Council shall, in the case of a dog wearing a current registration tag or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded and that unless the dog is claimed and any fee paid within seven days of the receipt of that notice, it may be sold, destroyed, or otherwise disposed of in such manner

as the Council thinks fit, and after the expiry of that period the Council may dispose of the dog.

- b) Where the owner of the dog is not known and cannot be identified from the dog registration tag, the Council may, after expiration of seven days after the date of seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as it thinks fit.

21.2 Nothing under this bylaw shall limit the power of Council to destroy a dog if it is ill or injured, as per section 139 of the *Animal Welfare Act 1999*.

22.0 Fees and charges

22.1 For fees and charges required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may, by resolution from time to time, prescribe in the current Fees and Charges Schedule as set out on the Council website.

23.0 Offences and Penalties

23.1 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained within this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

23.2 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

24.0 Schedules

Schedule 1 – Dog Control Areas

This Bylaw was made by the Porirua City Council on April 2021.

THE COMMON SEAL of the PORIRUA CITY COUNCIL was hereto affixed by resolution of the said Council in the presence of:

_____ Mayor

_____ Chief Executive

SCHEDULE ONE – DOG CONTROL AREAS

The Dog Control Areas described below can be seen on Porirua City Council website at porirua.govt.nz/services/animals/walking-your-dog/

Prohibited Areas

Dog prohibited areas in Porirua are:

- all public buildings
- any playground, skate park or splash pad owned or controlled by the Council
- any hard-court recreation area or marked playing field when it is being used for an organised public event.
- the following parks and parts of parks:
 - Te Rahui o Rangituhi (except dogs are permitted on leash on the summit road up to the stock gate)
 - Porirua Scenic Reserve
 - Aotea Lagoon - Rose Garden, playground and splash pad (dogs must be on leash for all other parts of Aotea Lagoon)

Restricted Areas

Dogs are prohibited at certain times in the following areas:

- the following parks and tracks between 1 August and 1 November (due to lambing season):
 - Taua Tapu Track, Plimmerton, between The Track and Airlie Road.
- the following beaches between 1 December and 31 March from 10am to 7pm:
 - Karehana Beach (the sandy beach south of Plimmerton Boating Club to south of Cluny Road before the rocks). Dogs are permitted off leash at other times.
 - Pukerua Bay Beach. Dogs are permitted off leash at other times.
 - Titahi Bay Beach. Dogs are permitted off leash at other times.
 - Plimmerton Beach (south of the Fire Station from the sandy beach beginning at Sunset Parade and south to Taupō Stream). Dogs must be controlled on leash at other times.

Central Business District

The area of land bounded by Titahi Bay Rd, and Porirua Stream and the edge of the harbour.

Urban Area

The residential areas, streets, parks, and open spaces of the following suburbs:

- Titahi Bay
- Takapūwāhia
- Elsdon
- Kenepuru
- Ranui
- Cannons Creek
- Waitangirua
- Aotea

- Ascot Park
- Whitby
- Papakowhai
- Paremata
- Mana
- Camborne
- Plimmerton
- Pukerua Bay

Dog Exercise Areas

Porirua has the following dog exercise areas where dogs can be exercised off leash and under control of the owner/handler:

- Ascot Park (fenced dog exercise area)
- Bothamley Park
- Brandon Reserve
- Cambourne Walkway (north of the boatsheds)
- Cardiff Park
- Greenmeadows Reserve
- Ivey Bay Reserve
- Kenepuru Park
- Muri Reserve (western grassed area)
- Ngāti Toa Domain (foreshore area)
- Papakōwhai Reserve
- Plimmerton Park (fenced dog exercise area)
- Rangituhi Park
- Spinnaker Reserve
- Stuart Park
- Takapūwāhia Park (between Tangare Drive and Main Rd)
- All beaches, **except** that:
 - dogs are prohibited between the signs during the period 10am to 7pm, 1 December to 31 March on:
 - Karehana Beach (the sandy beach south of Plimmerton Boating
 - Club to south of Cluny Road before the rocks)
 - Pukerua Bay Beach
 - Titahi Bay Beach.