



Gisborne District Dog Control Bylaw 2010

Dog Control 2010

Explanatory Note

This Bylaw regulates dogs within the Gisborne District to minimise danger, distress and nuisance from dogs. It sets out the requirements for the control of dogs in public places, requirements to remove dog faeces from public places (and private land not occupied by the dog owner), and places limitations on the number of dogs that can be kept in different parts of the Gisborne District.

The Dog Control Act 1996 and Dog Control Amendment Act 2003 also place a number of other duties on dog owners. **Dog owners must:**

- register their dog every year and ensure it wears an identification/registration disc
- provide proper care and attention, supply proper and sufficient food, water and adequate shelter
- ensure that the dog receives adequate exercise
- take all reasonable steps to ensure that the dog does not cause a nuisance e.g. by persistent and loud barking or howling
- take all reasonable steps to ensure that the dog does not injure, endanger, intimidate or cause distress to any person, stock, poultry, domestic animal or protected wildlife or damage or endanger any property belonging to any other person
- ensure that the dog is kept under control at all times e.g. by confining the dog on their property when the dog is not under their direct control
- carry a leash at all times while he or she is with the dog in a public place.

Gisborne District Council can classify dogs as menacing or dangerous and require the owners of menacing or dangerous dogs to have that dog neutered and when in a public place have the dog muzzled. Dangerous dogs are also required to be on a leash when in a public place. The Traffic Regulations 1976 also require dog owners to secure their dog/s when they are carried on the open tray of a vehicle to ensure that the dog cannot fall from the vehicle.

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1. Application of Bylaw

- 1.1 This bylaw is the Dog Control Bylaw 2010 for Gisborne District Council and comes into force on ().

2. Interpretation and definitions

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

Act	Means the Local Government Act 2002.
Beach	Means the foreshore, being an area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation.
Control	Means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.
Disability Assist Dog	Means the same as that specified in the Dog Control Act 1996 and includes a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability: a. Hearing Dog for Deaf People of New Zealand b. Mobility Assistance Dogs Trust c. New Zealand Epilepsy Assist Dogs Trust d. Royal New Zealand Foundation of the Blind e. Top Dog Companion Trust f. An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.
Dog Owner	Means owner as defined in section 2 of the Dog Control Act 1996 and includes every person who: g. owns the dog; or h. 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 i. 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) of this definition; and ii. is a member of the parent or guardian's household living with and dependant 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.
On a Leash	Means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a person so that the dog cannot break loose.

Act	Means the Local Government Act 2002.
Public Place	<p>Means public place as defined in section 2 of the Dog Control Act 1996 and includes:</p> <ul style="list-style-type: none"> a. a place that, at any material time, is open to or is 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 effect 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.
Reserve	<p>Means:</p> <ul style="list-style-type: none"> a. any land vested in the council and declared as a reserve by resolution of the council, under section 14 of the Reserves Act 1977; or b. any park, domain or recreation area under the control or ownership of the council; or c. any reserve, park or recreation area under the control or management of the Gisborne District Council.
Urban Area	<p>Means the area contained within the Gisborne urban area boundary as marked on the maps of the Gisborne Combined Regional Land and District Plan plus any area zoned general residential in that Plan.</p>
Working Dog	<p>Means the same as that in section 2 of the Dog Control Act 1996 and includes:</p> <ul style="list-style-type: none"> a. any guide dog, hearing ear dog, or companion dog b. any dog: <ul style="list-style-type: none"> i. kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or ii. kept solely or principally for the purposes of herding or driving stock; or iii. kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or iv. kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or <ul style="list-style-type: none"> a. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties and powers of that Department; or b. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of the Service solely or principally for the purpose of carrying out the functions, duties and powers of that Service; or

Act	Means the Local Government Act 2002.
Working Dog (cont)	<ul style="list-style-type: none"> c. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties and powers conferred by the Civil Defence Emergency Management Act 2002; or v. owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or 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.

3. Control of dogs in public places

Prohibited Areas

- 3.1 Every dog owner must ensure that his or her dog does not enter or remain in any public place designated as a prohibited area in the First Schedule.

Exercise Areas

- 3.2 Every dog owner must ensure that his or her dog is kept on a leash or harness and under control in any public place designated as an Exercise Area in the Second Schedule.

Off Leash Areas

- 3.3 Providing the dog is kept under control at all times, a dog owner may exercise his or her dog without it being on a leash in any area designated as an off leash area in the Third Schedule.

Note: The Dog Control Act requires owners to carry a leash with them when their dog is in a public place.

Exemptions

- 3.4 Clauses **3.1** and **3.2** do not apply to the owner of:
- a. a working dog while it is working; or
 - b. any dog which is confined completely within a vehicle or cage; or
 - c. any dog taking part in an organised dog event, such as a dog show or dog training seminar;
- provided the dog is under control at all times.
- 3.5 Any person who has obtained council approval to hold a special event or temporary activity in a park, reserve or public place (or part thereof) may apply to the council for a permit to prohibit dogs from that park, reserve or public place or require them to be on a leash for the duration of that special event or promotion.

4. Removal of faeces

- 4.1 Where any dog defecates in a public place or on land or premises other than that occupied by the dog owner, the dog owner must remove the faeces immediately and dispose of it in a way that does not cause a nuisance.

5. Minimum standards of accommodation for dogs

- 5.1 The owner of a dog shall provide accommodation for dogs kept on premises in accordance with the Council's minimum standards of accommodation for dogs outlined in the Fourth Schedule.

6. Limitation on number of dogs and provision for dispensations

- 6.1 No owner or occupier of any land or premises within the urban area shall allow more than one dog, over the age of three months, to be kept on that land or premises for more than seven days.
- 6.2 Dog owners may apply to council for a permit to keep more than one dog on any land identified in **clause 6.1** above. If the council considers that more than one dog can be kept on the premises without any adverse effects, a fee may be charge by the council for the permit in accordance with s.150 of the Local Government Act 2002.
- 6.3 Any owner who immediately prior to commencement of this bylaw, lawfully kept more than one dog over the age of three months on that land with written council consent, may continue to do so, notwithstanding **clause 6.1** subject to the conditions of any such consent being fully complied with.
- 6.4 A permit granted pursuant to clause 6.2 may be issued subject to such conditions as the council considers appropriate to prevent adverse effects. Any breach of the conditions of any permit shall entitle the council to withdraw the permit.
- 6.5 Clause 6.1 does not apply to working dogs.

7. Nuisance - neutering and confinement

- 7.1 Where a dog is owner fails to keep his or her dog under control on three or more occasions within a one year period the council may, by written notice, require the owner to cause the dog to be neutered.
- 7.2 The owner must within one month of receipt of notice pursuant to 7.1 produce to council a certificate issued by a veterinary surgeon certifying:
- a. that the dog has been neutered
 - b. that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- 7.3 If a certificate under 7.2(b) is produced to the council, the owner of the dog must produce to the council no later than 1 month from the date specified in the certificate a further certificate under 7.2.
- 7.4 The owner of a bitch in season must keep it confined to the premises within a dog-proof enclosure for the duration of her oestrus cycle.

Any dog so confined shall be regularly exercised under the control of the owner.

8. Offences and penalties

- 8.1 Every person who fails to comply with the requirements of this bylaw commits an offence and may be liable to an infringement fee as set by the Dog Control Act 1996 or a penalty as set by section 242(4) of the Local Government Act 2002.
- 8.2 The council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this bylaw.

First Schedule – Areas prohibited to dogs – shown on Plan 1

Areas in which dogs are prohibited:

1. Gladstone Road between customhouse Street and Roebuck Road
2. Adventure Playground
3. Abbot Street Reserve
4. Alfred Cox Park
5. Ayton Park
6. Barry Park
7. Botanical Gardens
8. Childers Road Reserve
9. Titirangi Park
10. Churchill Park Motor Camp
11. Hei Pipi Reserve
12. Emily Street Reserve
13. Harry Barker Reserve
14. Ida Road Reserve
15. Kaiti Memorial Park
16. Kelvin Park
17. Mangapapa Park
18. Marina Park
19. Olympic Pool Complex
20. Innes Street Reserve
21. The Oval
22. Outdoor Theatre
23. Railway Reserve
24. Skateboard Park
25. Victoria Domain
26. Vivian Street Reserve
27. Waikanae Beach Motor Camp
28. Heath Johnston Park (Wainui Road end)
29. Midway Beach (Flagged area)
30. Mary Street Reserve
31. Blackpool Street Reserve
32. Rugby Park
33. Martin Street Reserve
34. Wainui Beach (Flagged area)
35. Kaiti Mall
36. Waiteata Park
37. Rutene Road Reserve
38. Anzac Park
39. Watson Park
40. All of the Gisborne Airport land

Second Schedule – Leashed areas – shown on Plan 2

Areas in which dogs may be exercised only when on a lead or harness, except for the hours between 6.00am – 9.00am when dogs may be allowed to be off leash:

1. *Alfred Cox Park* - Dogs belonging to the Dog Obedience Club only
2. *Stadium* - exercise areas
3. Any Road End Reserve
4. Atkinson Park
5. Centennial Crescent
6. Beach and foreshore to Waipaoa River
7. Nelson Park - other than the visual and oral command areas
8. Kaiti, Waikanae and Midway to Pacific Street Beaches during school and public holiday's
9. Wainui Beach during school and public holidays.
10. Kaiti Hill
11. Reynolds Creek Reserve
12. Blackpool Street on Childers Road side
13. London Street Reserve
14. Waikirikiri Reserve
15. Grant Road Reserve
16. Coldstream Road Reserve

Third Schedule – Off leash – shown on Plan 2

Areas in which dogs may be exercised without physical constraint but under the oral command of their owners or on a lead:

1. Coldstream Road Reserve
2. All beaches except for school and public holidays
3. Nelson Park adjacent to footbridge
4. Heath Johnson Park - strip on Paraone Road side of Park
5. Ayton Park

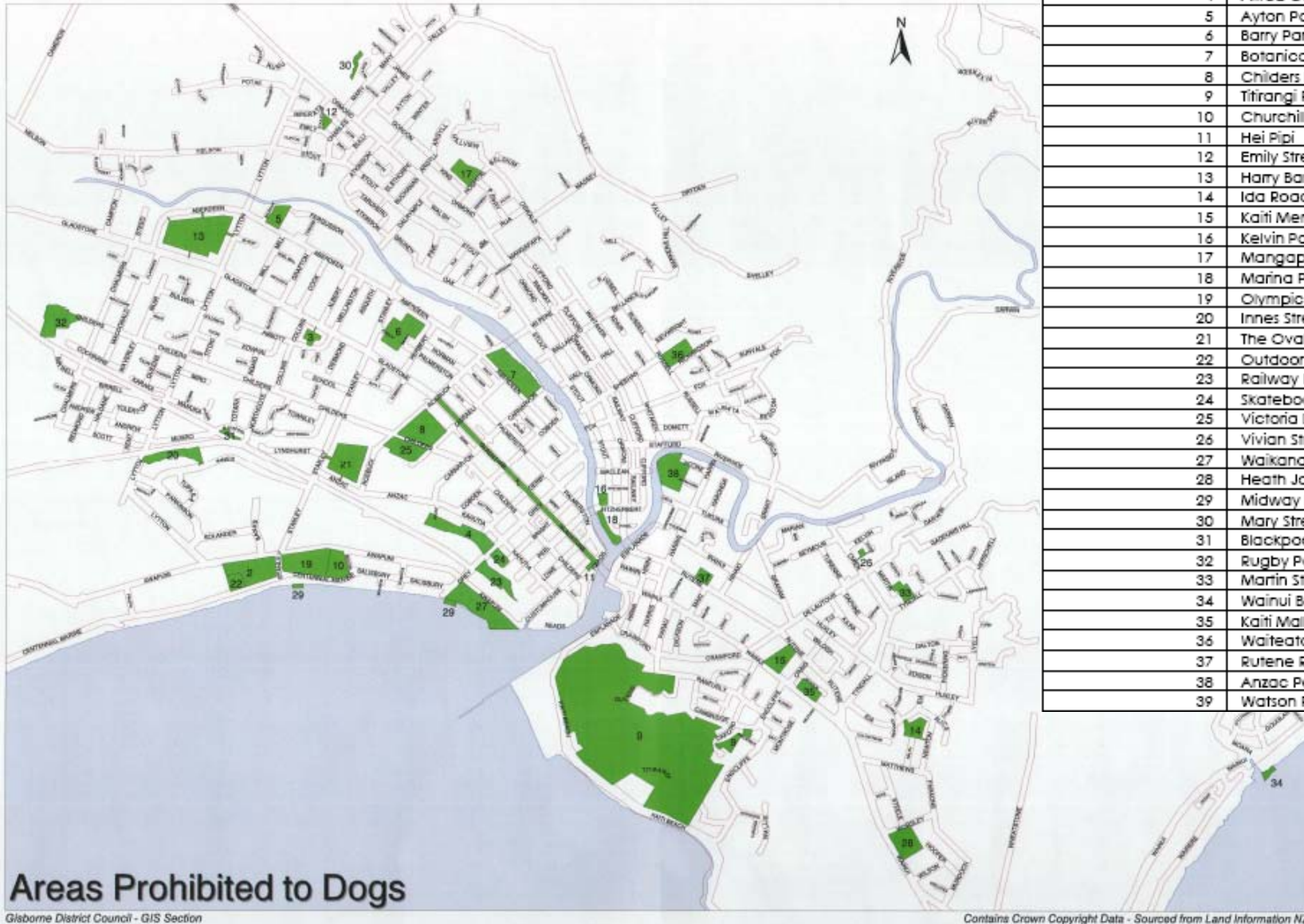
Fourth Schedule – Minimum standards for accommodation of dogs

The council has set the following as the Minimum Standards for Accommodation of Dogs:

1. The owner of any dog shall provide for its use:
 - (a) a weatherproof kennel made from durable materials. Such kennel shall be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline, and in the case of a dog weighing less than 20kg shall have a floor area of not less than one square metre, and in the case of a dog weighing 20kg or more, shall have a floor area of not less than two square metres; and
 - (b) shall provide within access of a dog in a kennel, an adequate supply of clean drinking water.
2. Where a kennel does not have further means of confinement of the dog therein, such as a cage or enclosed run, the owner of the dog shall provide a secure means of physical attachment of the dog to the vicinity of the kennel to allow the dog to freely move about and into the kennel. Such physical attachment shall be a minimum of a running wire within the property to which the dog shall be attached by a chain.
3. The owner shall at reasonable intervals, clean any kennel and any associated area or means of confinement in the vicinity of any kennel so as to be kept free of accumulations of dog faeces, food, hair, or other organic matter. The owner shall either remove from any property all dog faeces or bury it within the property, provided that such burial is practicable and is not offensive or likely to be offensive or become a nuisance to any person.
4. No kennel shall be situated closer than 2 metres to the boundary of any owner's property, provided that a ranger may at his discretion permit a lesser distance for kennels existing at the date of enactment of this Bylaw.
5. No owner of any dog shall not allow a dog to be kept beneath the floor of any building.
6. The Chief Animal Control Officer may approve alternative accommodation arrangements for a dog to the above standards where he or she is satisfied that the owner will be providing adequately for the needs of the dog and no other reasonable person is adversely affected PROVIDED THAT where any such alternative accommodation is permitted the owner shall provide a running wire within the owner's property to which the dog may be attached by a chain.
7. The Chief Animal Control Officer in his or her discretion may, upon application being made by any owner of a dog, grant an exemption from any requirement to provide a running wire in appropriate circumstance.

If any such application is declined the owner may apply in writing to the Manager for reconsideration of the application and on hearing that application the may confirm, reverse or modify the decision made by the Chief Animal Control Officer.

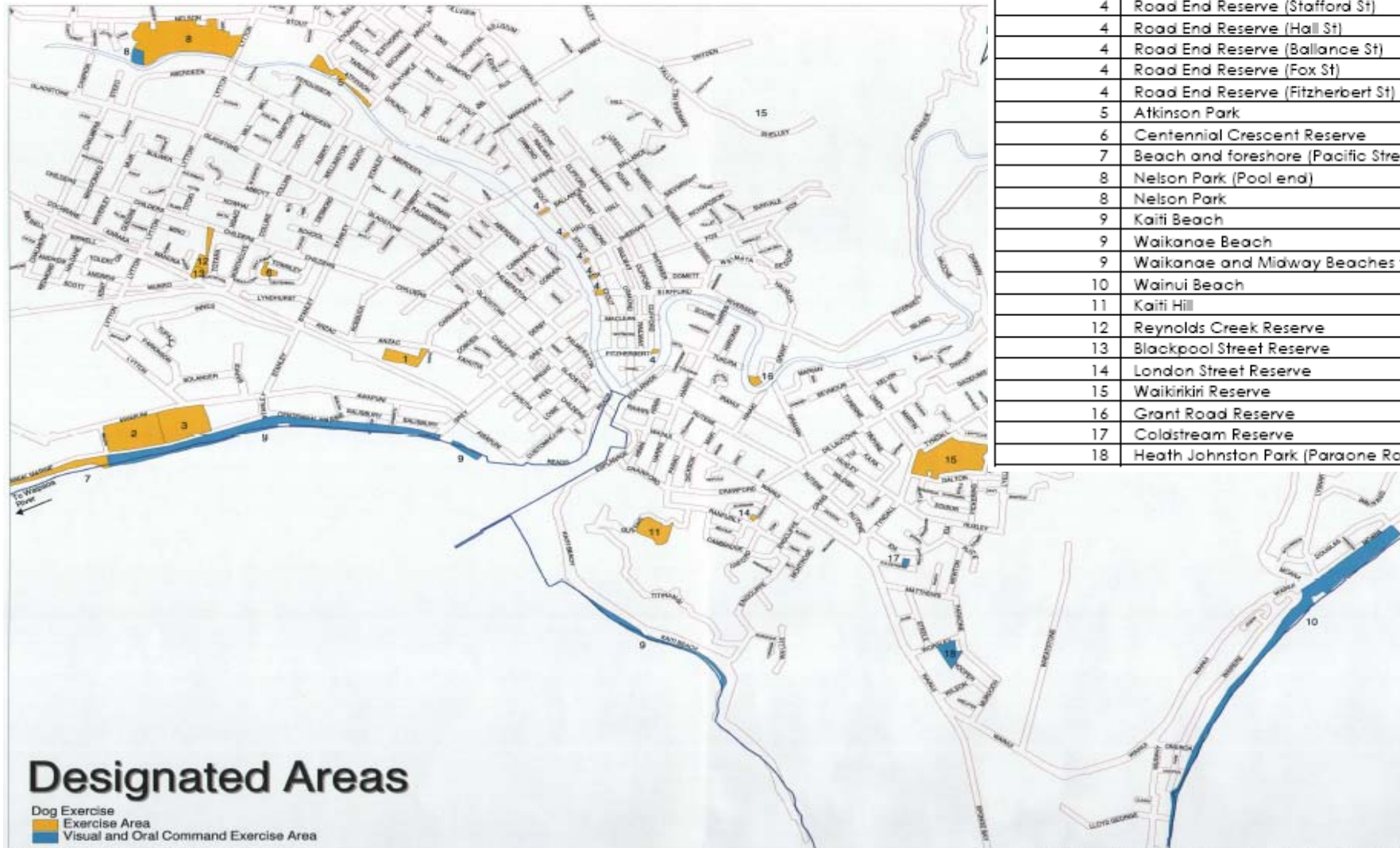
Plan 1 - Areas prohibited to dogs



Number	Name
1	Gladstone Road
2	Adventure Playground
3	Abbott Street Reserve
4	Alfred Cox Park
5	Ayton Park
6	Barry Park
7	Botanical Gardens
8	Childers Road Reserve
9	Tirirangi Park
10	Churchill Park Motor Camp
11	Hei Pipi
12	Emily Street Reserve
13	Harry Barker Reserve
14	Ida Road Reserve
15	Kaiti Memorial Park
16	Kelvin Park
17	Mangapapa Park
18	Marina Park
19	Olympic Pool Complex
20	Innes Street Reserve
21	The Oval
22	Outdoor Theatre
23	Railway Reserve
24	Skateboard Park
25	Victoria Domain
26	Vivian Street Reserve
27	Waikanae Beach Motor Camp
28	Heath Johnston Park (Wainui Road End)
29	Midway Beach (Flagged Area)
30	Mary Street Reserve
31	Blackpool Street Reserve
32	Rugby Park
33	Martin Street Reserve
34	Wainui Beach (Flagged Area)
35	Kaiti Mall
36	Waiteata Park
37	Rutene Road Reserve
38	Anzac Park
39	Watson Park

Plan 2 – Designated areas

Number	Name
1	Alfred Cox park
3	Awapuni Stadium
4	Road End Reserve (Sheehan St)
4	Road End Reserve (Stafford St)
4	Road End Reserve (Hall St)
4	Road End Reserve (Ballance St)
4	Road End Reserve (Fox St)
4	Road End Reserve (Fitzherbert St)
5	Atkinson Park
6	Centennial Crescent Reserve
7	Beach and foreshore (Pacific Street to Waipaoa River)
8	Nelson Park (Pool end)
8	Nelson Park
9	Kaiti Beach
9	Waikanāe Beach
9	Waikanāe and Midway Beaches to Pacific Street
10	Wainui Beach
11	Kaiti Hill
12	Reynolds Creek Reserve
13	Blackpool Street Reserve
14	London Street Reserve
15	Waikirikiiri Reserve
16	Grant Road Reserve
17	Coldstream Reserve
18	Heath Johnston Park (Paraone Road end)



Gisborne District Council - GIS Section

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THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON 31st OF MARCH 2011.

----- MAYOR

----- CHIEF EXECUTIVE