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Sponsor/Group:	<i>Group Manager: Policy & Operations Head of Finance and Strategy</i>

TAUPŌ DISTRICT COUNCIL CONTROL OF DOGS BYLAW 2013~~21~~21

~~THAT TAUPŌ DISTRICT COUNCIL HEREBY MAKES THE FOLLOWING BYLAW PURSUANT TO THE POWERS CONTAINED WITHIN SECTIONS 145 AND 146 OF THE LOCAL GOVERNMENT ACT 2002 AND ANY OTHER ACT OR AUTHORITY ENABLING THE COUNCIL IN THAT BEHALF:~~

Short Title

~~This Bylaw shall be known as the Taupo District Council Control of Dogs Bylaw 2013.~~
Purpose and Scope

- ~~1. The purpose of this Bylaw is to set standards of control that must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.~~
- ~~2. The Bylaw is made under the authority of sections 145 and 146 of the *Local Government Act 2002*; and section 20 of the *Dog Control Act 1996*. In addition, ***the control of dogs*** is also regulated and controlled by other Acts, regulations, standards, rules, bylaws, the Taupō District Plan, reserve management plans, and consent conditions which should be referred to in conjunction with this Bylaw.~~

Commencement

- ~~4. This Bylaw will come into force throughout the district on **[to be determined]**, shall come into force on 4 November 2013.~~

~~3.~~

Revocations

- ~~2.4. As Taupō District Council Control of Dogs Bylaw 2013 is revoked at the time of the Taupō District Council Control of Dogs Bylaw 2021 coming into force from the day on which this Bylaw shall come into force the Taupo District Council Control of Dogs Bylaw 2004 shall be revoked.~~

Scope

- ~~1. The purpose of this part of the Bylaw is to set standards of control that must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.~~
- ~~2. This part of the Bylaw is not the only or major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as registration, barking dogs, dogs attacking people or stock and other matters.~~
- ~~3. The Bylaw is made pursuant to the provisions of the Dog Control Act 1996 and the Local Government Act 2002.
Both the Bylaw and the Act allow for legal action with consequent fines.~~

Definitions and Interpretation

- ~~5. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the *Local Government Act 2002* and the *Dog Control Act 1996* will have the meanings as are~~

respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.

6. In this Bylaw, if not inconsistent with the context:

<u>Chief Executive</u>	<u>The chief executive of Council and any person delegated to perform any duties of the chief executive</u>
<u>Control</u>	<u>Control in relation to or having responsibility for any dog, means that the owner, or person in possession or charge of the dog, shall have it on a lead, or have the power of directing or commanding the dog whilst it is off the lead</u>
<u>Council</u>	<u>Taupō District Council</u>
<u>Dangerous Dog</u>	<u>A dog classed as high risk, usually after an attack or aggressive behaviour and is deemed to be a serious threat to any person, stock, poultry, domestic animal or wildlife.</u>
<u>Dog Control Officer</u>	<u>Means a Dog Control Officer appointed under Section 11 of the Dog Control Act 1996</u>
<u>Dog Ranger</u>	<u>Means a Dog Ranger appointed under Section 12 of the Dog Control Act 1996 and includes an honorary Dog Ranger</u>
<u>Dog</u>	<u>Includes any bitch, spayed bitch or puppy in addition to male dogs.</u>
<u>Menacing Dog</u>	<u>A dog that is seen or reported to be posing a threat to any person, stock, poultry, domestic animal or wildlife. There are also five types of dogs automatically classed as menacing under Schedule 4 of the Dog Control Act 1996</u>
<u>Owner</u>	<u>The same meaning as defined in Section 2 of the Dog Control Act 1996</u>
<u>Private Way</u>	<u>The same meaning as defined in Section 2 of the Dog Control Act 1996</u>
<u>Public Place</u>	<u>Any place under Council control and open to or used by the public as of right</u>
<u>Working Dog</u>	<u>The same meaning as defined in Section 2 of the Dog Control Act 1996</u>

~~For the purposes of this Bylaw the following definitions shall apply:~~

- ~~1. **Control** in relation to or having responsibility for any dog, means that the owner, or person in possession or charge of the dog, shall have it on a lead, or have the power of directing or commanding the dog whilst it is off the lead and without limiting the generality of the foregoing a dog shall be deemed to be not under control:
 - ~~a. If it causes annoyance or distress to any person or animal or damage to property; or~~
 - ~~b. If it is found at large on any land or premises other than a public place or a private way without the consent (express or implied) of the owner, occupier or person in charge of that land or those premises; or~~
 - ~~c. If it is found at large in any public place or in any private way in contravention of any regulation, bylaw or adopted Reserve Management Plan of the Council; or~~
 - ~~d. If it becomes a nuisance or injurious to health; or~~
 - ~~e. If it becomes a nuisance or annoyance to residents in the neighbourhood by barking or howling or by obstructing the lawful passage of persons in public places or by rushing at and frightening such persons.~~~~
- ~~2. **Council** means the Taupō District Council constituted under the Local Government Act 2002.~~
- ~~3. **District** means the District of Taupō as defined in the Local Government Act 2002.~~
- ~~4. **Dog Control Officer** means a Dog Control Officer appointed under Section 11 of the Dog Control Act 1996.~~
- ~~5. **Dog Ranger** means a Dog Ranger appointed under Section 12 of the Dog Control Act 1996 and includes an honorary Dog Ranger.~~

- ~~6. **Dog** includes any bitch, spayed bitch or puppy in addition to male dogs.~~
- ~~7. **Owner, Private Way, Public Place and Working Dog** all have the same meanings as defined in Section 2 of the Dog Control Act 1996, except that the definition of Public Place does not extend to land owned and administered by the Department of Conservation. This land is subject to dog control provisions within the Conservation Act 1987 and/or National Parks Act 1980.~~

Control of Dogs

- ~~7. Every owner of a dog shall keep that dog under control on a leash in public places at all times (except in the Rural Environment or within the Mapara Valley Structure Plan Area under the Taupō District Plan, and in Dog Exercise Areas as specified in the Second Schedule).~~
- ~~8. No dogs (with the exception of Disability Assist Dogs as set out by section 75(3) of the Dog Control Act 1996) will be permitted to enter onto the **public places** identified in the First Schedule~~
- ~~9. Any menacing **and/or dangerous** dog must be on a lead and muzzled at all times when in a **public place**.~~
- ~~10. No person shall behave or act in such a way as to cause or contribute to any dog in any place doing any act prohibited by this bylaw or by the Dog Control Act 1996.~~
- ~~11. Where a dog is not under control in terms of this clause, any **Dog Control Officer or Dog Ranger** may seize the dog and cause it to be returned to its owner or impounded.~~
- ~~12. **Council** may by resolution make changes to Schedules 1 and 2 of this Bylaw in relation to:~~
- ~~a. Leisure and cultural events (including dog friendly events);~~
 - ~~b. Dog training;~~
 - ~~c. Protected wildlife that are vulnerable to dogs;~~
 - ~~d. Flora that are vulnerable to dogs;~~
 - ~~e. Pest control in any park and/or beach; and~~
 - ~~f. Provision of recreation areas for new and emerging neighbourhoods~~
- ~~8. Every owner of a dog shall keep that dog under control on a leash in public places at all times (except in the Rural Environment or within the Mapara Valley Structure Plan Area under the Taupō District Plan, and in Dog Exercise Areas as specified in the Second Schedule).~~
- ~~9. Where a dog is not under control in terms of this clause, any Dog Control Officer or Dog Ranger may seize the dog and cause it to be returned to its owner or impounded.~~
- ~~10. No dogs (with the exception of Disability Assist Dogs as set out by section 75(3) of the Dog Control Act 1996) will be permitted to enter onto the public places of the District identified in the First Schedule.~~

Obligations of the Dog Owner Obligations

- ~~13. Any owner of a dog must ensure that it is registered by the age of three months.~~
- ~~14. All dogs must be microchipped within two months of being registered for the first time or prior to being released from the pound. Dogs classified as working dogs are exempt from this requirement.~~
- ~~15. Any owner must not keep dogs unless in well-constructed and adequately maintained facilities to ensure the health and safety of any persons and the dogs.~~
- ~~16. No owner of any dog that is mangy or diseased shall allow that dog in any public place other than to be taken to a veterinary clinic for the purpose of obtaining appropriate treatment.~~
- ~~17. The owner of any dog that fouls in a public place or on property other than that occupied by the owner shall immediately remove and dispose of the faeces in such a manner as not to cause a nuisance.~~
- ~~18. The owner of any dog or occupier of any premises where upon any dog is kept shall keep every bitch confined but adequately exercised while in season.~~
- ~~19. Council, or any person duly authorised in that behalf by Council, may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:~~
- ~~a. Reduce the number of dogs kept on any premises~~

- b. Construct, alter, reconstruct or otherwise improve any kennel or other place of confinement used to house or contain any dog
- c. Require any dog to be tied up or otherwise confined during specific periods
- d. Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health

- ~~11. The owner of any dog shall provide and maintain as a minimum standard of accommodation for each dog:~~
- ~~a. a weatherproof kennel; or~~
 - ~~b. a weatherproof place of confinement with a floor area of at least one square metre constructed on dry ground; or~~
 - ~~c. in the case of a kennel without other means of confinement, every dog shall be provided with a fixed chain which allows the dog free movement about the kennel;~~
 - ~~d. every kennel or place of confinement shall have access to clean water and be kept in a clean and sanitary condition;~~
 - ~~e. No dog owner shall keep, confine or restrain any dog in any kennel or place of confinement that is less than three metres from the boundary of any premises unless the owner of any dog has obtained the express consent, in writing, of the occupiers of adjoining properties to allow any kennel or place of confinement to be situated less than three metres, but no closer than one metre, from any boundary.~~

Dogs Fouling

- ~~12. The owner of any dog that fouls in a public place or on land or premises other than that occupied by the owner shall immediately remove and dispose of the faeces and ensure that such faeces are suitably wrapped and contained in a manner that prevents fouling of any public litter bin or other public receptacle.~~

Mangy or Diseased Dogs

- ~~13. No owner of any dog that is mangy or diseased shall allow that dog in any public place other than to be taken to a veterinary clinic for the purpose of obtaining appropriate treatment.~~

Dog to be Neutered

- ~~14. Every person commits a breach of this bylaw who is the owner of any dog (being a dog that on a number of occasions has not been kept under control) and who has received written notice to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against Section 53 of the Dog Control Act 1996) fails to comply with that notice.~~

Aggravation of Dogs

- ~~15. No person shall behave or act in such a way as to cause or contribute to any dog in any place doing any act prohibited by this bylaw or by the Dog Control Act 1996.~~

Nuisances

- ~~16. The owner of any dog or occupier of any premises where upon any dog is kept shall keep every bitch confined but adequately exercised while in season.~~
- ~~17. Council or any person duly authorised in that behalf by the Council may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:~~
- ~~a. Reduce the number of dogs kept on any premises~~
 - ~~b. Construct, alter, reconstruct or otherwise improve any kennel or other place of confinement used to house or contain any dog~~
 - ~~c. Require any dog to be tied up or otherwise confined during specific periods~~
 - ~~d. Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health~~

~~18. Any person to whom a notice is given under Sub-Clause [b] of this clause who fails to comply with such notice within the time therein specified commits a breach of this Bylaw.~~

Limitations on the of Nnumber of Dogs on any Land or Premises Property

~~20. No person shall, without the written consent of **Council**, keep or allow to be kept more than two dogs on any property~~

~~21. Clause 20 above shall not apply to:~~

~~a. Areas within the Rural Environment or within the Mapara Valley Structure Plan Area under the Taupō District Plan.~~

~~b. Dogs under the age of three months.~~

~~22. Every application for consent under Clause 20 shall be in writing addressed to **Council** and shall be accompanied by payment of an application fee.~~

~~23. The consent of the **Council** referred to in Clause 20 may be issued as a permit upon or subject to any terms, conditions or restrictions as **Council** may impose.~~

~~No person shall, without the consent in writing of the Council, keep or allow to be kept the following number of dogs:~~

Fees and charges

~~24. **Council** may by resolution set fees and charges.~~

Exemptions

~~25. Any person may apply in writing to the **Chief Executive** for written permission for any activity that would be in breach of any prohibition under this Bylaw.~~

~~26. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.~~

~~more than two dogs on any land or premises~~

~~Sub-clause (25)(a) of this clause shall not apply to areas within the Rural Environment or within the Mapara Valley Structure Plan Area under the Taupō District Plan.~~

~~Sub-clause (25)(a) of this clause shall not apply to any dogs under the age of three months.~~

~~The consent of the Council referred to in sub-clause (25)(a) hereof may be issued as a permit upon or subject to any terms, conditions or restrictions as the Council may impose in any particular case.~~

~~Every application for such consent referred to in sub-clause (a) hereof shall be in writing addressed to the Council and signed by the applicant and the applicant shall give to the Council such information as it may require. Every such application shall be accompanied by an application fee which shall be fixed by the Council from time to time.~~

Conviction and Fines

Offences/Penalties/Powers

~~27. Any person to whom a notice is given under any of the clauses in this **Bylaw** and who fails to comply with such notice within the time therein specified commits a breach of this Bylaw~~

~~28. A person is in breach of this Bylaw who fails to comply with its provisions and commits an offence under section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section 242(4) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$20,000. These fines are current at the time of adoption of this bylaw.~~

~~29. A person commits an offence under this Bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by this Bylaw, and is liable to be served with an infringement notice pursuant to Section 66 of the Dog Control Act 1996~~

30. Any person that commits an infringement offence under this Bylaw is liable to a fine as set out in Schedule 1 of the Dog Control Act 1996 or any other penalty pursuant to the Dog Control Act 1996
31. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.

Public Availability

32. This Bylaw, and any supporting documentation, is available for public inspection.
- ~~Every person commits an offence under this part of the Bylaw who fails, refuses or neglects to do anything required to be done, or does anything prohibited by this Bylaw, and is liable to:
the penalty provisions of Section 242 of the Local Government Act 2002; or
any other penalty pursuant to the Dog Control Act 1996; or
be served with an infringement notice pursuant to Section 66 of the Dog Control Act 1996.~~

FIRST SCHEDULE

Areas where dogs are prohibited (except when in a vehicle) - Clause 8

No dogs will be permitted to enter onto the following public places of the district

~~Areas where dogs are prohibited (except when in a vehicle)~~

~~Clause 16~~

~~No dogs will be permitted to enter onto the following public places of the district:~~

- a. The Lakefront Reserve below the embankment from the Lake Terrace pump station (excluding the access road and the Great ~~Lake-Lake Pathway~~~~Walkway/Lions walk~~) through to and including the Sea Scout building from 1 December to 31 March inclusive from the hours of 9am to 7pm inclusive.
- b. The ~~Two-Mile~~~~Two-Mile~~ Bay Reserve and beach area (excluding the walkway) from 1 December to 31 March inclusive from the hours of 9am to 7pm inclusive.

- c. The part of the beach area (excluding the walkway) from Mapou Road to Kowhai Road, Taupo from 1 December to 31 March inclusive from the hours of 9am to 7pm inclusive.
- d. The Wharewaka Reserve and beach area (excluding the walkway) from below Kohatu Parade to Wharewaka Point from 1 December to 31 March inclusive from the hours of 9am to 7pm inclusive.
- e. The beach area at Acacia Bay North.
- f. The esplanade reserves at Hatepe and Kinloch from 1 December to 31 March inclusive from the hours of 9am to 7pm inclusive.
- g. The shopping mall, Turangi Town Centre.
- h. The lakeshore recreation reserve adjacent to Lake Taupo from Kuratau River mouth to the end of Motutaiko Street from 1 December to 31 March inclusive from the hours of 9am to 7pm inclusive.
- i. Pukawa Esplanade Reserve.
- j. The Council public baths being AC Baths, Taupo and Turtle Pool, Turangi and Mangakino Community Pool.
- k. All Council sports playing fields, courts and children's play equipment areas.

SECOND SCHEDULE

Dog Exercise Areas - Clause 7

Dogs may be exercised on the following public places of the district provided such dogs are kept under the continued control of person responsible for the dog(s):

- a. Control Gates Reserve
- b. Spa Thermal Park (excluding children's play equipment area)
- c. Kimberley Reserve
- d. Tamatea Water Reserve
- e. Titoki Water Reserve
- f. Hawai Street Reserve
- g. Seccombe Park
- h. Harakeke Drive Stormwater Gully
- i. Jarden Mile Reserve and stormwater gully (excluding playground area)
- j. Stormwater gully between Acacia Bay Road and Reeves Road
- k. Spa Park, fenced area on County Ave
- l. Te Rangiita/Waitetoko Lakeside Reserve
- m. Waipapa Reserve (Turangi)
- n. Taupahi Road Reserve
- o. The grassed area between Turangi Park and the houses between Aonini Road and Wharekaihua Grove that back on to the reserve.
- p. The lakeshore recreation reserve adjacent to Lake Taupo from Pihanga Road to the end of Motutaiko Street
- q. Kuratau Lakeshore Recreation Reserve (from cliff top area to Ihaia Road) (excluding the beach area)
- r. Pukawa South Recreation Reserve known as Pukawa Common (excluding area between roadway and lake)
- s. Whareroa Esplanade Reserve adjacent to Lake Taupo (Known as Kowhai Flats)
- t. Part of Mangakino Recreational Reserve – south of Lake Road between Lake Maraetai and golf course
- u. Kinloch Marina Terrace Reserve into Kenrigg Stormwater Reserve terminating at entrance to Boojun Dell and link into "Kitty Hawk Reserve"

THIS BYLAW WAS MADE BY RESOLUTION XXXX OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON XX XXX XXXX

The Common Seal of Taupo District Council was hereto affixed in the presence of:

Mayor

Chief Executive

~~Dog Exercise Areas~~

~~Clause 14~~

~~Dogs may be exercised on the following public places of the district provided such dogs are kept under the continued control of person responsible for the dog(s):~~

- ~~a. Control Gates Reserve~~
- ~~b. Spa Thermal Park (excluding children's play equipment area)~~
- ~~c. Kimberley Reserve~~
- ~~d. Tamatea Water Reserve~~
- ~~e. Titoki Water Reserve~~
- ~~f. Hawai Street Reserve~~
- ~~g. Seccombe Park~~
- ~~h. Besley Park~~
- ~~i. Te Rangiita/Waitetoko Lakeside Reserve~~
- ~~j. Waipapa Reserve (Turangi)~~
- ~~k. Taupahi Road Reserve~~
- ~~l. The lakeshore recreation reserve adjacent to Lake Taupo from Pihanga Road to the end of Motutaiko Street~~
- ~~m. Kuratau Esplanade Reserve (from cliff top area to Ihaia Road) (excluding the beach area)~~
- ~~n. Pukawa South Recreation Reserve known as Pukawa Common (excluding area between roadway and lake)~~
- ~~o. The Whareroa local purpose reserve adjacent to Lake Taupo known as Kowhai Flats~~
- ~~p. Part of Mangakino Recreational Reserve — south of Lake Road between lake and golf course~~
- ~~q. The grassed area between Turangi Park and the houses between Aonini Road and Wharekaihua Grove that back on to the reserve.~~

~~THIS BYLAW WAS MADE BY RESOLUTION 5543 OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON 24 SEPTEMBER 2013.~~

~~IN WITNESS thereof the Common Seal
of the Taupō District Council has hereby
order in Council hereunto been affixed in
the presence of:~~

Rick Cooper

MAYOR

Rob Williams

CHIEF EXECUTIVE