

HUTT CITY COUNCIL DOG CONTROL BYLAW 2015

ADOPTED BY COUNCIL 15 DECEMBER 2015

EFFECTIVE 8 FEBRUARY 2016

CONTENTS

- 1. Interpretation 3
- 2. Limitation on Number of Dogs Permitted on Land or Premises 3
- 3. Licensing of Additional Dogs..... 3
- 4. Revocation of Licence 4
- 5. Limitation on Numbers Not to Apply in Certain Areas 4
- 6. General Controls in Public Places 4
- 7. Dog Exercise Areas..... 5
- 8. Prohibited Areas..... 5
- 9. Exemption for Certain Working Dogs 6
- 10. Owner Deemed to Have Permitted Dog to be in a Public Place 6
- 11. Confinement of Dogs at Night..... 7
- 12. Impounding of Dogs 7
- 13. Standards for Keeping of Dogs 7
- 14. Notice to Upgrade Standards..... 7
- Schedule One..... 9
- Schedule Two 10
- Schedule Three..... 11
- Commentary..... 17

1. INTERPRETATION

1.1 In this Bylaw, unless inconsistent with the context, or where otherwise expressly provided:

Dog Exercise Area means an area within a public place that is specified by ordinary Council resolution to be a dog exercise area where dogs may be exercised off the lead.

Dog Prohibition Area has the meaning set out in clause 8.2 of this Bylaw.

Household Unit means a building or group of buildings, or part of a building or group of buildings, used principally for residential purposes and occupied exclusively as the home or residence of one household.

Land means a separately owned or occupied portion of land.

Reserve means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management and control of the Council and includes all land administered by the Council under the Reserves Act 1977.

Sports Surface includes any Council land used for sporting activities, whether permanently or temporarily marked, including athletic fields, playing fields, playing courts and other constructions provided for sporting purposes.

1.2 The expressions “Dog Control Officer”, “Dog Ranger”, “Owner”, “Public Place”, “Working Dog”, “Guide Dog”, “Companion Dog” and “Hearing Ear Dog” have the same meaning as in section 2 of the Dog Control Act 1996.

2. LIMITATION ON NUMBER OF DOGS PERMITTED ON LAND OR PREMISES

2.1 No person shall keep more than two dogs over the age of three months on any premises unless they have a licence from the Council under clause 3.

3. LICENSING OF ADDITIONAL DOGS

3.1 The owner of a dog, or the owner or occupier of the land or premises, desiring to obtain a licence for an additional dog or dogs shall make written application to the Council for a licence in the form set out in Schedule One to this part of the bylaw and shall provide with their application any information the Council requires.

3.2 The Council when considering an application under clause 3.1 shall have regard to:

- a. the adequacy of the premises for the keeping of the additional dog or dogs specified in the application;
- b. the likely effect which the keeping of the additional dog or dogs would have upon the surrounding neighbourhood;
- c. the likelihood of the dog or dogs becoming a nuisance; and
- d. any other relevant matter including the fact that the additional dog or dogs have previously been kept in another local authority area.

- 3.3** Any licence issued under clause 3.1 may be subject to any reasonable terms, conditions and restrictions consistent with this part of the bylaw that the Council determines. Every licence shall be in form set out in Schedule Two to this part of the bylaw and, subject to clause 4.1, shall remain in force from the date of issue until the 30th of June in the following year.
- 3.4** For every licence the applicants shall pay to the Council, before the issue of the licence, the fee, or a proportionate part of the fee in the case of a licence issued for a period of less than a year, as the Council may by resolution determine. The fee for the licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

4. REVOCATION OF LICENCE

- 4.1** If at any time while a licence is in force in accordance with clause 3 of this part of the bylaw:
- a. The Council is satisfied that the keeping of the additional dog or dogs has caused or materially contributed to a nuisance or the likelihood of injury to health; or
 - b. The Council is satisfied that the keeping of the additional dog or dogs has caused an unduly detrimental effect upon the surrounding neighbourhood; or
 - c. There has been a failure to comply with all or any of the terms conditions and restrictions of the licence;
- then the Council may revoke the licence.

5. LIMITATION ON NUMBERS NOT TO APPLY IN CERTAIN AREAS

- 5.1** Nothing in clauses 2 to 4 of this Bylaw shall apply:
- a. To premises within any rural areas under an operative or proposed District Plan prepared by the Council.
 - b. To premises lawfully used exclusively or principally as a veterinary clinic including an office used by a veterinary surgeon in the course of their business.
 - c. To premises lawfully used exclusively or principally for carrying on the business of boarding dogs.

6. GENERAL CONTROLS IN PUBLIC PLACES

- 6.1** Except as provided in clauses 7 and 9 of this Bylaw:
- a. No dog shall be permitted in a public place; and
 - b. No person being the owner of a dog shall take the dog into or permit the dog to enter or remain in a public place;
 - i. unless the dog is kept under continuous control by;
an effectual leash or chain held by a person and securely attached to a collar on the dog;
or
being contained in a vehicle or cage.

- 6.2** If a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner or other person having control of that dog shall immediately remove the faeces.

7. DOG EXERCISE AREAS

- 7.1** Notwithstanding anything contained in clause 6 of this Bylaw, a person may exercise that dog off the lead in any designated Dog Exercise Area as outlined in Schedule Three to this part of the bylaw.
- 7.2** The owner shall ensure that the dog is kept under constant supervision and control while being exercised in a Dog Exercise Area.

7A RESOLUTION TO SPECIFY DOG EXERCISE AREAS

- 7A.1** The Council may, by resolution, specify Dog Exercise Areas where dogs may be exercised off the lead.
- 7A.2** The Council may amend or revoke a resolution made under clause 7A.1 at any time.
- 7A.3** Before making a resolution under clause 7A.1, the Council must take into account:
- a. The need to minimise danger, distress and nuisance to the community generally.
 - b. The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults.
 - c. The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
 - d. The exercise and recreational needs of dogs and their owners.
 - e. Impact on wildlife areas.
 - f. Whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area.
 - g. Any other information considered by the Council to be relevant.

8. PROHIBITED AREAS

- 8.1** 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.
- 8.2** For the purposes of clause 8.1, the following are dog prohibition areas as outlined in Schedule Three to this part of the bylaw:-
- a. Any premises used as a public library;
 - b. Any children's playground within the District;
 - c. Any swimming pool owned or controlled by the Council;
 - d. Any land used as a kindergarten or playcentre;

- e. Any marked sports surface;
- f. Any area that forms part of a park or reserve where a special event that is organised and in respect of which the Council has publicly notified the time, date and duration of the closure.
- g. Any other are within a public place that is specified by ordinary Council resolution to be an area that dogs are prohibited to enter upon or remain in.

8A RESOLUTION TO SPECIFY DOG PROHIBITION AREAS

- 8A.1** The Council may, by resolution, specify dog prohibition areas where dogs are prohibited to enter upon or remain in.
- 8A.2** A resolution made under clause 8A.1 may specify that dogs are prohibited from the area either generally or only in relation to specified times and days or events.
- 8A.3** The Council may amend or revoke a resolution made under clause 8A.1 at any time.
- 8A.4** Before making a resolution under clause 8A.1, the Council must take into account:
- a. The need to minimise danger, distress and nuisance to the community generally.
 - b. The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults.
 - c. The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
 - d. The exercise and recreational needs of dogs and their owners.
 - e. Impact on wildlife areas.
 - f. Whether it is necessary to consult with the public to gauge community views on a proposed dog prohibition area.
 - g. Any other information considered by the Council to be relevant.

9. EXEMPTION FOR CERTAIN WORKING DOGS

- 9.1** Nothing in clauses 8 or 11 of this Bylaw shall apply to a working dog which is a guide dog, a hearing ear dog, a companion dog or to a working dog which is being used by the Police or a security guard in the course of their functions and duties.
- 9.2** Clause 6.1 shall not apply to the types of dogs referred to in 9.1 or to a working dog being lawfully used to move stock.

10. OWNER DEEMED TO HAVE PERMITTED DOG TO BE IN A PUBLIC PLACE

- 10.1** The owner of a dog found in any place in breach of clauses 6, 8, or 11 of this Bylaw shall, unless the contrary is proved, be deemed to have permitted the dog to enter or remain in that place.

11. CONFINEMENT OF DOGS AT NIGHT

- 11.1** The owner of any dog shall, during the night keep the dog:
- a. tied up by a leash or chain which is securely attached to a collar on the dog; or
 - b. confined in an enclosed yard so that the dog cannot escape; or
 - c. confined in a kennel, shed or other building so that the dog cannot escape.

12. IMPOUNDING OF DOGS

- 12.1** Where a dog is found at large in breach of any provision of this Bylaw it may be impounded.

13. STANDARDS FOR KEEPING OF DOGS

- 13.1** The occupier of any premises on which a dog is kept shall take all steps reasonably necessary to:
- a. Ensure the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - b. Prevent the keeping of the dog becoming a nuisance to any person or injuring, endangering or causing distress to any person.

14. NOTICE TO UPGRADE STANDARDS

- 14.1** If the Council considers that clause 13 is breached, the Council may (but shall not be obliged to) serve a notice on the occupier to take action to ensure the conditions under which the dog is kept are improved so that clause 13 is not breached. The notice may specify all or any of the following actions to be taken and (except in the case of ongoing actions) taken within a reasonable time specified in the notice:
- a. Reduce the number of dogs kept notwithstanding the existence of a licence under clause 3.
 - b. Construct, alter or reconstruct kennels or other places where dogs are kept.
 - c. Keep dogs confined or restrained in specified ways, specified areas and for specified times.
 - d. Clean kennels and other places where dogs are kept.
 - e. Take any other action necessary to properly house any dogs or to reduce or eliminate the nuisance caused by the dogs.
- 14.2** The Council shall only specify actions under clause 14.1 which are reasonable having regard to the inadequacy of housing, or the nature of the nuisance. In specifying any action under clause 14.1 the Council shall have regard to:
- a. The need for adequate shelter and space.
 - b. The need for a reasonably clean and healthy living area.
 - c. The proximity of other dwellings.
 - d. The separation of kennels or other places dogs are kept from boundaries.

- e. The use of materials which are easily cleaned in kennels and other places dogs are kept.
- f. The construction of the flooring or ground treatment of a kennel or other place where dogs are kept, whether it is graded and whether it is drained to a sewer drain.
- g. The need for cleaning of kennels or other places where dogs are kept.

14.3 The Council may at any time cancel any notice given under clause 14.1 by notice to the occupier if it believes the notice has not been complied with and will not be complied with.

14.4 So long as a notice under this section has been issued and has not been cancelled in accordance with clause 14.3 the Council shall not prosecute the occupier for a breach of clause 14 before the date stated on the notice as the date by which the actions (except ongoing actions) are to be carried out.

SCHEDULE ONE

APPLICATION FOR A LICENCE TO KEEP ADDITIONAL DOGS ON LAND OR PREMISES



HUTT CITY COUNCIL

Adobe Acrobat V11 is required to fill this form online
Download for free <http://get.adobe.com/reader/>

Name		Person ID
Address		
Work Phone	Home Phone	Mobile Phone
Email		

I hereby apply, pursuant to Clause 3 of the Hutt City Bylaw 2005 – Dog Control, for a licence in respect of the land or premises described below permitting an additional dog/s to be kept on the land or premises.

DETAILS OF ALL DOG/S TO BE KEPT ON THE PROPERTY

Address of premises on which it is intended to keep the additional dogs (if different from above)

Dogs name	Dogs ID number	Current tag number	Owner (if different from above)
Owner signature		Date	

OFFICE USE ONLY		
Fee paid	Receipt no	RFS enquiry no
\$		

Animal Services | 21 Meachen Street, Seaview, Lower Hutt 5010 | animals@huttcity.govt.nz
Hutt City Council | 531 High Street, Private Bag 31912, Lower Hutt 5040 | 04 570 6666 | huttcity.govt.nz
RBA-FORM-114F HCC | DOC/14/185976 | December 2013

SCHEDULE TWO

LICENCE TO KEEP ADDITIONAL DOG OR DOGS ON LAND OR PREMISES



Licence number

Pursuant to Clause 3 of the Hutt City Bylaw 2005 – Hutt City Council hereby licences the land or premises, described below for the purpose of keeping the dog(s), described below on the land or premises subject to the provisions of Part 4 of the Bylaw and the conditions contained in this licence.

Name of applicant for licence		
Address of land or premises on which the additional dog or dogs are permitted to be kept		
Dog name	Dog ID	Owner (if different from above)
Conditions of Licence		

Any change to the listed address or any addition to the dogs listed will require a new application.
Any breach of Conditions of Licence will result in this Licence being cancelled.

Licence granted by <i>Regional Manager Animal Services</i>	Date
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Animal Services | 21 Meachen Street, Seaview, Lower Hutt 5010 | animals@huttcity.govt.nz
Hutt City Council | 531 High Street, Private Bag 31912, Lower Hutt 5040 | 04 570 6666 | huttcity.govt.nz
RSA-FORM-115L HCC | DOC/14/185978 | December 2013

SCHEDULE THREE

DOG PROHIBITION AREAS AND DOG EXERCISE AREAS

Introduction

The following areas were adopted by Council at its meeting on 15 December 2015 as either Dog Prohibition Areas, or Dog Exercise Areas.

1. DOG PROHIBITION AREAS	
1.1 Eastbourne	
a. Beaches in Eastbourne where there are signs prohibiting dogs between 9.00am and 8.00pm during daylight saving time each year. These include picnic and leisure areas of Point Howard, Sorrento Bay, Lowry Bay, York Bay, Mahina Bay, Days Bay, Rona Bay and Robinson Bay.	46
b. That piece of land vested in Council at Marine Drive, Days Bay, being Lots 5, 6 and 7 Deposited Plan 1694, and being all of the land contained in Certificate of Title 498/171 (Wellington Registry), more commonly known as the Days Bay Pumping Station Site and the Proposed Local Purpose Reserve (Wildlife Management).	45
c. That piece of Pencarrow Road south of Pencarrow Head where there are signs prohibiting dogs.	No map
d. that area from Burdans Gate on Pencarrow Road south to Pencarrow Head effective during lambing time on an annual basis from 1 August to 31 October.	No map
1.2 Petone	
a. Petone Beach between Hikoikoi Reserve and the Petone Wharf between the hours of 9.00am and 8.00pm during the period in which daylight saving time applies.	42
b. Percy Scenic Reserve.	43
c. Eastern section of McEwan Park	20A
d. Memorial Park	10A
1.3 Wainuiomata	
a. The entire road reserve of Queen Street, and the footpath and berm on the road frontages of the commercial properties on Wainuiomata Road and Fitzherbert Road adjacent to Queen Street.	47
b. The footpaths and berms on the road frontages of the commercial properties on Norfolk Street and Ruthven Road.	49 , 50
c. That piece of Pencarrow Road south of Pencarrow Head where there are signs prohibiting dogs.	No map

1.4 Lower Hutt		
a.	Mitchell Park.	52
b.	Avalon Park Three-quarters of Avalon Park from the tree line to the north of the children's bicycle track through to the Park's southern boundary be specified as a dog prohibition area and dogs on leashes will still be adequately provided for at the northern end of the Park.	53
1.5 Rimutaka Forest Park and Catchpool Valley		
a.	Picnic areas adjacent to the Catchpool Valley Road upstream of the vehicle ford.	No map
b.	The camping areas adjacent to Catchpool Stream.	No map
c.	Landcare Research Station, formerly DSIR Field Station, Orongorongo Valley.	No map
1.6 Turakirae Head Scenic Reserve		No map
1.7 Stokes Valley		
a.	Speldhurst Park	1A
b.	Fraser Park	3
1.8 Belmont		
a.	Belmont Recreation Reserve southern end	6A

2. DOG EXERCISE AREAS		
2.1 Stokes Valley		
Area	Entrances	
Delaney Park (excluding sports surfaces)	George Street, Stokes Valley Road	1
Kamahi Park (excluding sports surfaces)	Stokes Valley Road	2
2.2 Kelson		
Area	Entrances	
Kelson Reserve (excluding sports surface)	Kelso Grove	7
2.3 Belmont		

Area	Entrances	
Belmont Recreation Reserve	Owen Street to Belmont Domain	<u>6</u>
Redvers Drive Reserve	Redvers Drive	<u>55</u>
2.4 Naenae		
Area	Entrances	
Naenae Park (excluding sports surfaces)	Seddon Street Naenae Road Gibson Street Rimu Street	<u>8</u>
2.5 Waiwhetu		
Area	Entrances	
Te Whiti Park (excluding sports surfaces)	Whites Line East, Riverside Drive	<u>9</u>
Trafalgar Park (excluding sports surfaces)	Trafalgar Street, Brook Street	<u>10</u>
2.6 Petone		
Area	Entrances	
Portion of Te Mome Stream east side from Bracken Street along rear of Wilford School to Petone Central Croquet Club right of way.	Bracken Street Petone Central Croquet Club right of way.	<u>10B</u>
Sladden Park (excluding sports surfaces)	Bracken Street	<u>11</u>
Ava Park	Wakefield Street	<u>18</u>
Petone Recreation Ground (excluding children's playground and sports surface)	Buick Street	<u>19</u>
North Park (excluding sports surfaces)	Roxburgh Street	<u>21</u>
Frank Cameron Park (excluding sports surfaces)	London Road	<u>22</u>
Petone Beach Area (west of Petone Wharf)	The Esplanade	<u>17</u>
Petone Beach East	Marine Parade	<u>20</u>
2.7 Hutt Central		
Area	Entrances	

Hutt Recreation Ground (excluding sports surfaces)	Myrtle Street, Woburn Road, Bellevue Road	<u>12</u>
2.8 Moera		
Area	Entrances	
Bell Park (excluding sports surfaces)	Bell Road, Douglas Street, Riverside Drive South	<u>14</u>
York Park (excluding sports surfaces)	York Street, Elizabeth Street	<u>13</u>

2.11 Hutt River banks		
Area	Entrances	
Eastern Bank from entrance of Stokes Valley south to White Line West	Eastern Hutt Road, High Street, Taita Drive, Harcourt Werry Drive, River Bank car park, Market Grove, St Albans Grove, Whites Line West	<u>5</u> <u>5A</u>
Hutt Riverbank	From Reynolds Bach Drive to Port Road but when using the sealed pathway on top of the riverbank all dogs must be on a leash.	<u>5</u> <u>5A</u>
Western bank from Manor Park Road to Benmore Crescent extension.	Benmore Crescent, Western Hutt Road, Manor Park Road.	<u>40</u>
Kennedy Good Bridge south to Firth's Industrial Plant	Kennedy Good Bridge, Melling Bridge	<u>15</u>
Firth's Industrial Park south to Ava Park	Melling Bridge, Ava Park	<u>16</u>
2.12 Wainuiomata		
Area	Entrances	
Leonard Wood Park (excluding sports surfaces)	Wood Street/Willow Grove/Parenga Street	<u>23</u>
Wainuiomata River Bank	Main Road/Poole Crescent	<u>24</u>
Hine Road Reserve	Hine Road	<u>25</u>
Black Creek (West) Banks	Nelson Crescent Moohan Street	<u>26</u>
Pencarrow Hall Reserve	Tipperary Grove	<u>27</u>

Drainage Reserve between Norfolk Street and Nelson Street.	Norfolk Street Nelson Street	<u>28</u>
Drainage Reserve between Mohaka Street and Momona Street	Parkway Manutuke Street	<u>29</u>
Karaka Park (excluding children's play area)	Karaka Street	<u>30</u>
Drainage Reserve between Wainuiomata Road and Fraser Street	Fraser Street Wainuiomata Road	<u>31</u>
Burden Avenue Riverbank Reserve	Faulke Avenue Main Road	<u>32</u>
Richard Prouse Park	Hine Road	<u>33</u>
Wood Street Reserve	Wood Street	<u>36</u>
Rotary Park	Main Road, Gibbs Crescent	<u>37</u>
2.13 Eastbourne		
Area	Entrances	
That part of Muritai Beach, 200 metres south of the Rona Bay Wharf to Miro Street.	Marine Drive to Miro Street.	<u>34</u>

3. EASTBOURNE DOG EXERCISE AND DOG PROHIBITION AREAS

3.1 Eastbourne

The area in Days Bay on the beach north of the wharf is –

- i) A Dog Exercise Area between 7.00pm and 10.00am from 1 December to 31 March every year;
- ii) A Dog Exercise Area at all times from 1 April to 30 November; and
- iii) A Dog Prohibition Area between 10.00am and 7.00pm from 1 December to 31 March every year.

Area to the north of the Days Bay Wharf

[54](#)

COMMENTARY

The following comments do not form part of the Dog Control Bylaw. They are provided to alert readers to relevant law and information that relate to the Bylaw.

Fenced Dog Exercise Area Guidelines

The Council at its meeting on 15 December 2015 approved this guideline to assist with the consideration of any proposed Fenced Dog Exercise Areas.

Before making a resolution concerning a proposed Fenced Dog Exercise Area, the Council must take into account the following criteria:

- i. Whether it is necessary to consult with the public to gauge community views on a proposed Fenced Dog Exercise Area.
- ii. Adequate provision of the following core infrastructure:
 1. Perimeter fencing
 2. Entry gates/doggy airlock (two gates per entry)
 3. Service (maintenance) gates
 4. Pathways (internal and external)
 5. Ground surfaces (e.g. grass, mulch, gravel, sand, concrete)
 6. Landscaping (e.g. vegetation, screen planting, mounding)
- iii. Essential amenities:
 1. Drinking water fountains (including plumbing and drainage)
 2. Bins and bag dispensers
 3. Signs (e.g. directional and park rules)
- iv. Optional amenities
 1. Shelter
 2. Seating
 3. Site lighting
 4. Facilities (e.g. toilets)
 5. Notice Board
 6. Dog equipment