
DOG CONTROL BYLAW 2023

FINAL

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This bylaw is made by Waipa District Council under the powers given to it by the Local Government Act 2002 and the Dog Control Act 1996.

PART 1

Preliminary Provisions

1. TITLE, APPLICATION AND COMMENCEMENT

- 1.1 This Bylaw is the Dog Control Bylaw 2023.
- 1.2 This Bylaw applies to the district of Waipa District Council.
- 1.3 This Bylaw comes into force on 1 December 2023.
- 1.4 The Waipa District Council Dog Control Bylaw 2015 is revoked and replaced by this Bylaw.

2 PURPOSE

- 2.1 The purpose of this Bylaw is to:
 - a) prohibit dogs, whether under control or not, from specified public places;
 - b) require dogs to be controlled on a leash in specified public places;
 - c) regulate and control dogs in any other public place;
 - d) designate specified areas as dog exercise areas;
 - e) prescribing minimum standards for the accommodation of dogs;
 - f) limit the number of dogs that may be kept on any land or premises;
 - g) require the owner of any dog that fouls in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
 - h) require any bitch in season to be confined but adequately exercised;
 - i) provide for the impounding of dogs that are found at large in breach of the bylaw; and
 - j) require the owner of any dog which has not been kept under control on more than one occasion to cause that dog to be neutered.

3 INTERPRETATION

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

Term	Definition
Act	means the Dog Control Act 1996.
Approved or approval	means a written approval, permit or consent provided by Council, including any authorised officer of Council.
Civil Defence shelter	means an area used by a Civil Defence Emergency Management Group (as defined in the Civil Defence Emergency Management Act 2002) as temporary communal shelter for the public while a state of emergency is in force in that area, in accordance with the Civil Defence Emergency Management Act 2002.

Term	Definition
Control or Controlled	in relation to a dog, means that the owner is able to obtain an immediate and desired response from the dog.
Council	means Waipa District Council
District	means the district of the Council.
Dog Exercise Area	means a public place specified in Schedule 2 to this Bylaw, and further depicted in the maps in Schedule 3 to this Bylaw, where a dog may be exercised off a leash but under control.
Dog Prohibited Area	means a public place specified in Schedule 1 to this Bylaw, and further depicted in the maps in Schedule 3 to this Bylaw, where dogs are prohibited.
Dwelling	means a separately occupied household unit used in whole or in part for human habitation, and includes: <ul style="list-style-type: none"> a) any building, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not; and b) any land associated with the dwelling.
Hunting dog	means any dog used for hunting game.
In season	means the oestrus or heat cycle of any bitch.
Licensed game hunter	means a person who has lawful authority to hunt for game or pests in a public place.
Motor vehicle	has the same meaning as specified in the Land Transport Act 1998.
Muzzle	means a basket type or similar muzzle that allows panting and drinking when fitted on a dog.
Nuisance	means anything which is offensive or likely to be injurious to health.
Premises	premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.
Summer hours	means from 2 am on the last Sunday in September each year until 2 am on the first Sunday in April of the following year.
Urban area	means land located outside the rural zone as specified in the operative Waipā District Plan.
Winter hours	means from 2 am on the first Sunday in April in each year until 2 am on the last Sunday in September of that year.

- 3.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other enactments.
- 3.3 Unless the context requires another meaning, a term of expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.
- 3.4 Any guidance notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without formality.
- 3.5 To avoid doubt, the Legislation Act 2019 applies to this Bylaw.
- 3.6 To avoid doubt, reference to “include” and “including” in this Bylaw means without limitation.

Guidance note:

The Dog Control Act 1996 includes the following definition of Owner which also applies to this Bylaw:

in relation to any dog, means every person who:

- a) owns the dog;*
- 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 owners; 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 the Dog Control Act, or the Animal Welfare Act 1999, or the National Parks Act 19080 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under the Act or the Animal Welfare Act 1999.

PART 2

DOG RESTRICTIONS

4 DOG PROHIBITED AREAS

- 4.1. The owner of a dog must ensure that the dog does not enter or remain in any Dog Prohibited Area, except with Council approval.
- 4.2 Clause 4.1 does not apply to:
- a) any working dog entering or remaining in the Dog Prohibited Area for the purpose of working;
 - b) a Dog Prohibited Area while it is being used as a Civil Defence shelter; or
 - c) in relation to the Dog Prohibited Areas at the peat lake reserves at Rotopiko, Ruatuna and Rotomanuka, a hunting dog entering or remaining in those Dog Prohibited Areas for the purpose of locating or retrieving game and under the control of a licensed game hunter.

- 4.3 In any proceedings for any offence for breach of clause 4.1, the onus will fall on the owner of the dog to demonstrate that clause 4.2c) applies in any case, by demonstrating that the licensed game hunter was legally entitled to be in that public place for the purpose of hunting, and that the dog was under the control of the licensed game hunter at the applicable time.

5 DOGS ON A LEASH

- 5.1 The owner of a dog must ensure that the dog is controlled on a leash when in any public place.
- 5.2 Clause 5.1 does not apply to:
- a) a dog within a Dog Exercise Area;
 - b) a working dog entering or remaining in the public place for the purpose of working; or
 - c) a hunting dog who has been unleashed for the immediate purpose of locating or retrieving game and is under the control of a licensed game hunter.
- 5.3 In any proceedings for any offence for breach of clause 5.1, the onus will fall on the owner of the dog to demonstrate that clause 5.2c) applies in any case, by demonstrating that the licensed game hunter was legally entitled to be in that public place for the purpose of hunting, and that the dog was under the control of the licensed game hunter at the applicable time.
- 5.4 The owner of a dog must ensure that the dog is on a leash when on private property, except where the property owner or occupier agrees that the dog may be unleashed.
- 5.5 A person in a motor vehicle may not control a dog on a leash, where the dog is not also in that motor vehicle.

6 DOG EXERCISE AREAS

- 6.1 The owner of a dog in a Dog Exercise Area must keep the dog under control at all times.
- 6.2 No person may, without Council approval, have more than 4 dogs unleashed in a Dog Exercise Area at the same time.

- 6.3 The owner of a dog must not control their dog in a Dog Exercise Area from a motor vehicle.

Guidance Note:

Dogs can be kept under control in a Dog Exercise Area by use of a leash, voice command, hand signal, whistle or other effective means that results in the immediate direct control of the dog.

Access for dogs in public places can be controlled by other legislation.

Dog owners will need to check to see if the area where they intend to take their dog is also controlled by such other legislation. For example, the following areas which are governed by legislation:

- Conservation Act 1987 – “controlled dog areas” and “open dog areas”, through the Department of Conservation
- National Parks Act 1980 – “national park”. "

7 LIMIT ON NUMBER OF DOGS TO BE KEPT

- 7.1 No person may, without Council approval, keep 3 or more dogs over the age of 3 months on premises within the urban area at any one time for more than 14 consecutive days.
- 7.2 No person may, without Council approval, keep 6 or more dogs over the age of 3 months on premises outside the urban area at any one time for more than 14 consecutive days.
- 7.3 Clauses 7.1 and 7.2 apply whether or not the dogs on the premises have the same owner.
- 7.4 Clauses 7.1 and 7.2 do not apply to any person who has a resource consent permitting the activity.

8 FOULING

- 8.1 The owner of a dog must immediately remove any dog faeces produced by that dog in a public place or on land not owned or occupied by the owner.
- 8.2 No person may damage or otherwise interfere with, or remove the contents of, any dog faeces bin in a public place, without Council approval.

9 NUISANCES

- 9.1 The owner of a bitch in season must:
- a) keep the dog continuously confined in an area which prevents the dog’s escape and the entry by other dogs into the area, including by:
 - i) when on a private property, keeping the dog confined within that property; and
 - ii) when in a public place, keeping the dog confined within a vehicle or

cage; and

- b) ensure that the dog receives adequate exercise when on private property.
- 9.2 The owner of a dog must take all practicable steps to prevent the dog from being or becoming a nuisance to any person, including by persistent barking, howling or whining.
- 9.3 The owner of a dog with an infectious disease must confine that dog to the owner's premises at all times.
- 9.4 No person may intentionally tease, annoy, or provoke any dog, including through a fence or gate from a public place or private property, in a manner that may cause the dog to become distressed, aggressive, unmanageable or a nuisance.
- 9.5 The owner of a dog that is on an open deck or open trailer of a motor vehicle in a public place must ensure the dog is secured by a tethered cage, or by a leash that is of sufficient length to prevent the dog from reaching beyond the deck or trailer but still enable the dog to stand and lie down in a natural position. This requirement does not apply to a working dog while working.
- 9.6 The owner of a dog must take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person by aggressive behaviour in a public place or on private property, including by aggressive barking or aggressive rushing at the property fence or boundary.

10 CONFINEMENT AND CONTROL OF DOGS

- 10.1 The owner of a dog must ensure that the dog is not at large in any public place or right of way and is securely confined to the owner's premises at all times, except where it is under the control of a responsible person in compliance with this Bylaw.

11 REQUIREMENT TO NEUTER UNCONTROLLED DOG

- 11.1 The Council may, by written notice to the owner, require a dog to be neutered where in the reasonable opinion of Council, the owner of that dog has breached clause 10.1 of this Bylaw on two or more occasions in any 12-month period, whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.
- 11.2 The owner of a dog required to be neutered under clause 11.1 may, within 14 days of receipt of the notice, object to the requirement by way of written notice to Council. The owner has the right to be heard in support of their objection.
- 11.3 The Council when considering an objection under clause 11.2, may uphold or rescind the requirement to neuter the dog, and must give written notice to the owner of its decision and reasons for it.
- 11.4 The owner of a dog required to be neutered under clause 11.1, must:
- a) if required by Council, within one month after receipt of the notice issued under clause 11.1, or, where the owner has objected, the notice issued under clause 11.3, produce to Council a certificate issued by a veterinarian certifying:
 - i) that the dog is or has been neutered; or

- ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before the date specified in the certificate; and
- b) if a certificate under clause 11.4(a)(ii) is produced to the Council, produce to the Council, within one month after the date specified in that certificate, a further certificate under clause 11.4(a)(i).

12 ACCOMMODATION STANDARDS

12.1 The owner of a dog must:

- a) ensure that the dog has access at all times to an area (a lying area) that:
 - i) is large enough to allow the dog to stand up, turn around, and lie down in a natural position;
 - ii) is fully shaded;
 - iii) is dry;
 - iv) is ventilated; and
 - v) provides the dog with protection from extremes of heat and cold; and
- b) ensure that the dog has access at all times to clean water;
- c) ensure that the dog has access at all times to an area in which to urinate and defecate away from its lying area; and
- d) ensure that faeces or urine do not accumulate in any area in which the dog is kept.

13 IMPOUNDING

- 13.1 Any dog control officer, dog ranger or police officer may impound any dog found at large in breach of this Bylaw whether or not that dog is wearing a collar, and has the proper registration label or disk attached, or is microchipped.
- 13.2 Where a dog has been impounded under clause 13.1, the provisions of sections 69 and 69A of the Act shall apply with any necessary alterations or modifications as if those provisions were incorporated in this Bylaw.

PART 3

Approvals, Enforcement and Transitional Provisions

14 APPROVALS

- 14.1 Any person wishing to obtain Council approval for the purposes of this Bylaw must make a written application to Council in the form specified by Council, accompanied by the relevant fee.
- 14.2 On receipt of an application made under clause 14.1, Council may grant the approval, refuse the approval, or request further information.

- 14.3 Any approval granted under clause 14.2 may be subject to any conditions imposed by Council.
- 14.4 A person granted an approval with conditions imposed under clause 14.3 must comply with those conditions.
- 14.5 Council may revoke, modify or cancel any Council approval granted under this Bylaw if:
- a) any conditions of the approval are not complied with;
 - b) there is a material change in circumstances which requires the approval to be revoked or modified; or
 - c) the information provided to Council in support of the approval application is found to be incorrect or misleading.

15 BREACHES

- 15.1 A person who fails to comply with this Bylaw commits a breach of this Bylaw and commits an offence under the Act.

Guidance Note:

Every person who fails to comply with this Bylaw commits an infringement offence under Schedule 1 of the Act and may be served with an infringement notice and be liable to pay an infringement fee.

Every person who fails to comply with this Bylaw commits an offence under section 20(5) of the Act and is liable on conviction to the penalty described by section 242(4) of the Local Government Act 2002.

16 TRANSITIONAL PROVISIONS

- 16.1 Any approval which originated under or was continued by Waipa District Council Dog Control Bylaw 2015 revoked in clause 1.4 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.

- 16.2 The resolutions of the Council made or continued under the Waipa District Council Dog Control Bylaw 2015 revoked under clause 1.4 continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw. These resolutions are subject to the application of any relevant clauses in this Bylaw.
- 16.3 The revocation of the Waipa District Council Dog Control Bylaw 2015 under clause 1.4 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.
- 16.4 Any application for an approval made under the Waipa District Council Dog Control Bylaw 2015 revoked under clause 1.4 for which an approval has not been granted at the time of this Bylaw coming into force, is deemed to be an application made under clause 14.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 26 September 2023. This Bylaw becomes operative on 1 December 2023.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on 26 September 2023 in the presence of:

.....Mayor

.....Chief Executive

SCHEDULE ONE: DOG PROHIBITED AREAS

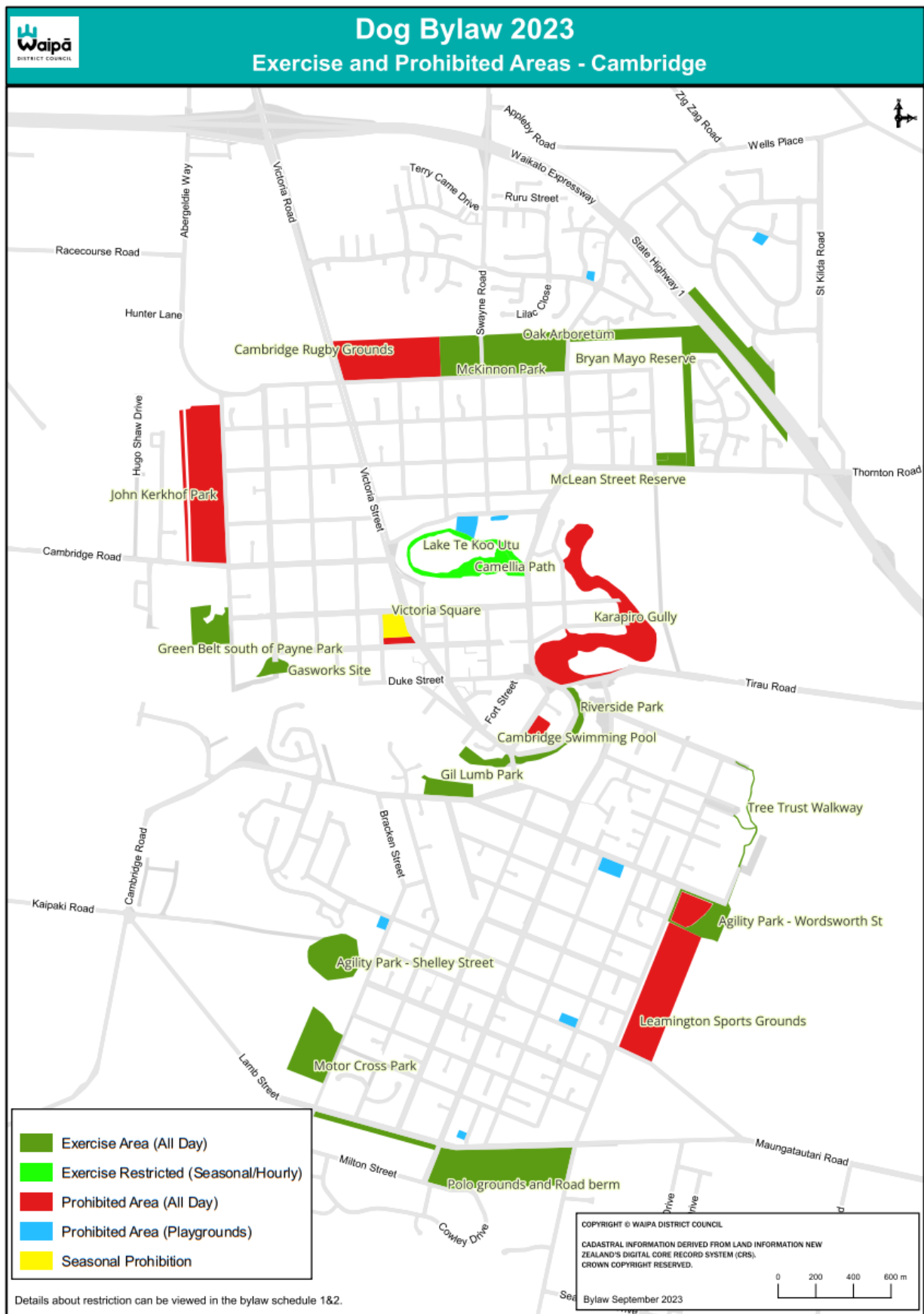
WARD	
Cambridge	<ul style="list-style-type: none"> - Victoria Square, Victoria Street: Summer Hours: at all times; and Winter Hours: in any part of Victoria Square while that part is being used for a market (such market being authorised by Council) - Cambridge Swimming Pool, Williamson Street - John Kerkhof Park Cambridge Soccer Grounds, Vogel Street (excludes town belt pedestrian circuit track corridor which is dog on lead) - Cambridge Athletic and Harrier Club grounds, Vogel Street (excludes town belt pedestrian circuit track corridor which is dog on lead) - Cambridge Rugby Sub-Union grounds, Taylor Street - Leamington Sports ground, Carlyle Street (playing fields only but includes perimeter) - Karapiro Gully, Gillies Street
Te Awamutu-Kihikihi	<ul style="list-style-type: none"> - Te Awamutu Rose Gardens, Gorst Avenue - Te Awamutu Events Centre, Selwyn Lane - Albert Park, Albert Park Drive - Jean Gatton Reserve Church Street, Kihikihi - Kihikihi Domain – Rugby and Cricket fields only.
Pirongia-Kakepuku	<ul style="list-style-type: none"> - Pirongia Rugby Football Club Kane Street - Matakītaki reserve Franklin Street Pirongia - Ōhaupo Memorial Park, all sports fields, Forkert Road - Peat lake reserves at Rotopiko, Ruatuna, Rotomanuka, - Kakepuku Scenic Reserve, Kakepuku Road
Maungatautari	<ul style="list-style-type: none"> - Mighty River Domain (Karapiro Domain) – excludes that part of Te Awa River Ride within the Maungatautari Road corridor (Te Awa River Ride is “dog on leash”) and excludes the Gate 3 dog exercise area when not in use for events. - Maungatautari Scenic Reserve, Pukeatua
District Wide	<ul style="list-style-type: none"> - Within any fenced public playground or play area, or within 5m of any unfenced public playground or play area - Reserves where animals are being grazed - All Department of Conservation Reserves unless a permit has been obtained from the Department

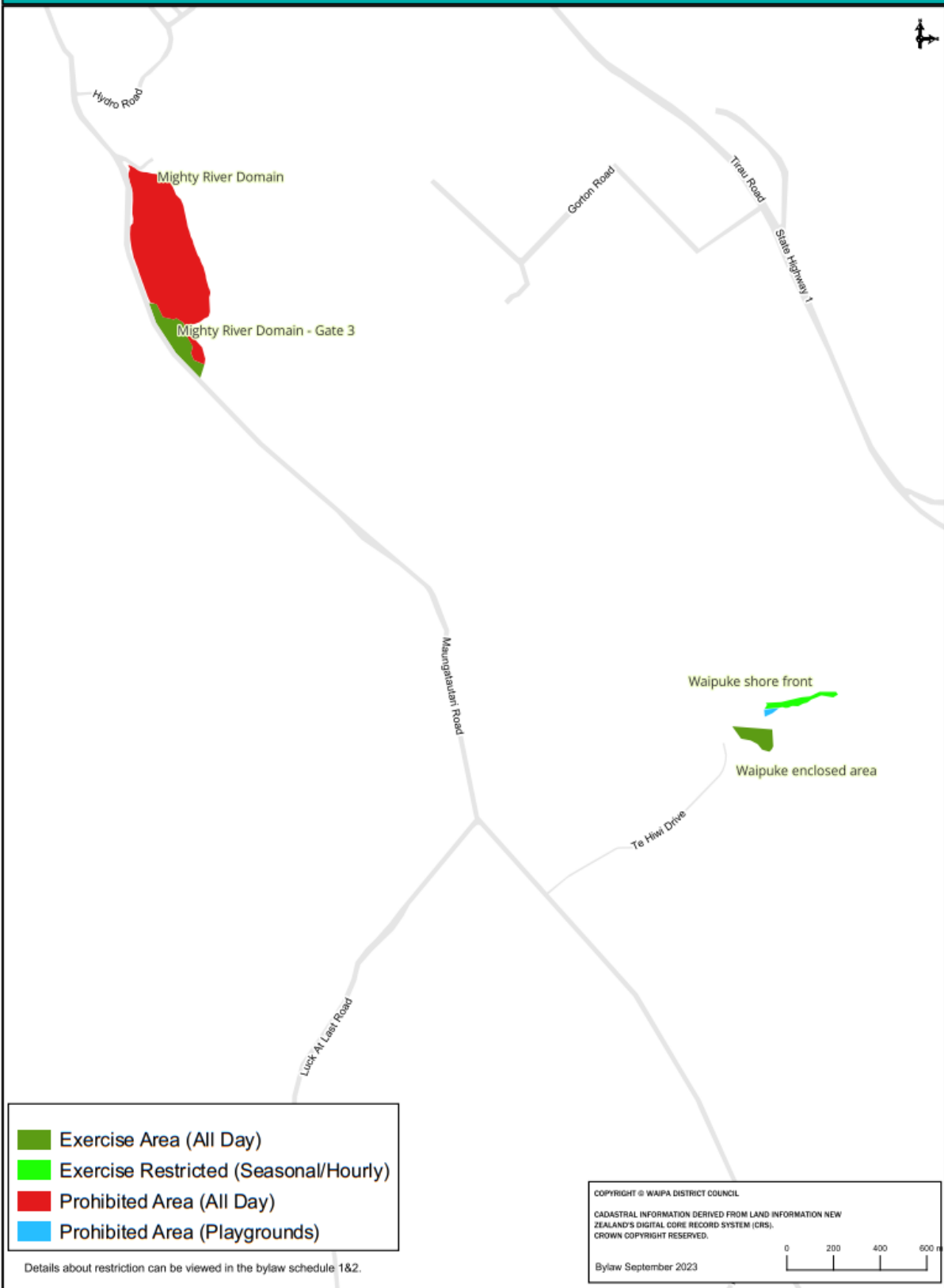
SCHEDULE TWO: DOG EXERCISE AREAS

WARD	LOCATION
Cambridge	<ul style="list-style-type: none"> - McKinnon Park, Taylor Street - Gasworks Site, Alpha Street, (east of cycleway only) - Brian (Blackie) Mayo Reserve from Thornton Road via the Cambridge Green Belt, and along the Waikato Expressway road corridor - Settlers track to Riverside Park, Dominion Avenue - Te Koo Utu Park, Albert Street (lake area): Summer hours: between 6 pm and 10 am; and Winter hours: between 3 pm and 10 am - Camellia Path, Lake Te Koo Utu: Summer hours: between 6pm and 10am; and Winter hours: between 3pm and 10am - Gil Lumb Park, Pope Terrace - Polo grounds at Lamb Street (except when in use for Polo) - Shelley Street dog park. Shelley Street, Cambridge - Tree Trust Walkway, Addison Street to Leamington Cemetery (excluding grazing area) - The dog exercise area Wordsworth Street east (excluding sports fields but including perimeter) - The Oak Arboretum – Swayne Road - Green belt Vogel Place (south of Payne Park) - MacLean Street Reserve (corner MacLean and Thornton Road) - Former Cambridge MotoCross Track Lamb Street - The reserve land running parallel between the Waikato Expressway and Pukeko Grove and Alan Livingstone Drive
Te Awamutu-Kihikihi	<ul style="list-style-type: none"> - Colgan Park, Colgan Street - Centennial Park, Rewi Street - Eileen Montefiore Park, Factory Road (excluding the walkway to Factory Road) - Turere Park, Turere Lane - Rear area of Sculpture Park, accessed off Albert Park and Domain Drive - Memorial Park north of the Mangaohoi Stream (south of Christie Avenue) and walkway through to Racecourse Road: Summer hours: between 6 pm and 10 am; and Winter hours: between 3 pm and 10 am - Leslie Street Reserve, Leslie Street (Kihikihi) - Ash Grove, Chatsfield Drive - Te Rahu Road Reserve, 246 Te Rahu Road

WARD	LOCATION
	<ul style="list-style-type: none"> - Rosehill Reserve, Laird Place - Te Awamutu Stadium Grass embankments (not sports field) Fairview Road to Armstrong Avenue, Grass embankments (when not in use for sports events) - Kihikihi Domain, Oliver Street – Excluding Rugby and Cricket fields (except when exclusive use is required for events or site bookings) - Mahana Lane Reserve, Mahana Lane - Pekerau Reserve (off Cambridge/Pekerau/Bygrave/Glen Eagles)
Pirongia-Kakepuku	<ul style="list-style-type: none"> - Lake Ngaroto Bank Road (note: walkway around the lake is dog on leash) - Former Pirongia Landfill Kane Street, Pirongia - Pirongia Esplanade reserve, Franklin Street/Crozier Street, Pirongia (excluding the walkway) - Acacia Reserve, Airport Road - Ohaupo Memorial Park, lower reserve, Forkert Road (excluding sports fields)
Maungatautari	<ul style="list-style-type: none"> - Mighty River Domain – Gate 3 grassed carpark (when not in use for events. Owners should check with Domain Management) - Waipuke Park, Enclosed off-leash area, Mangatautari Road - Waipuke Park, foreshore area: <ul style="list-style-type: none"> Summer hours: between 6pm and 10am; and Winter hours: between 3pm and 10am

SCHEDULE THREE: MAPS

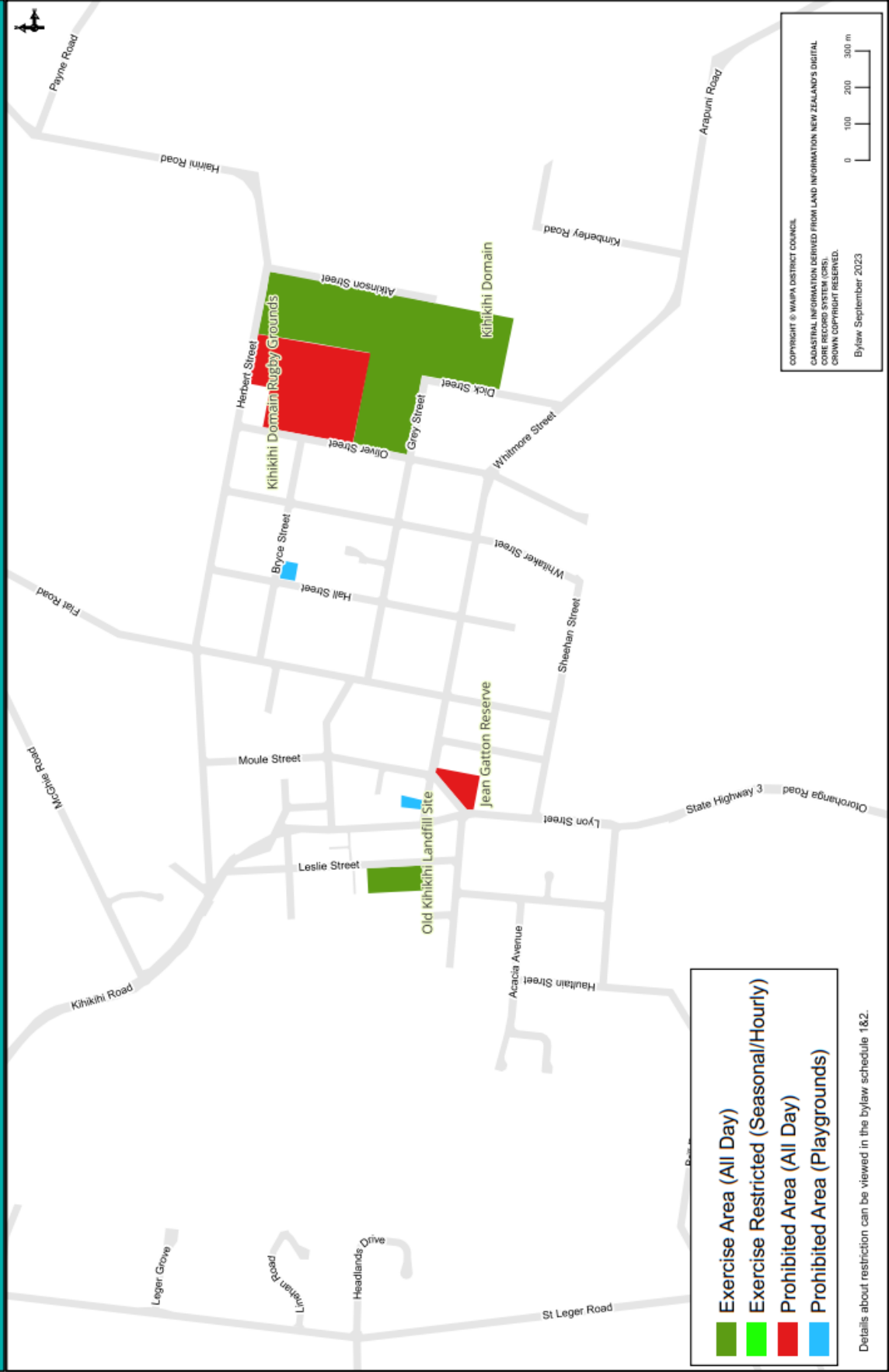






Dog Bylaw 2023

Exercise and Prohibited Areas - Kihikihī



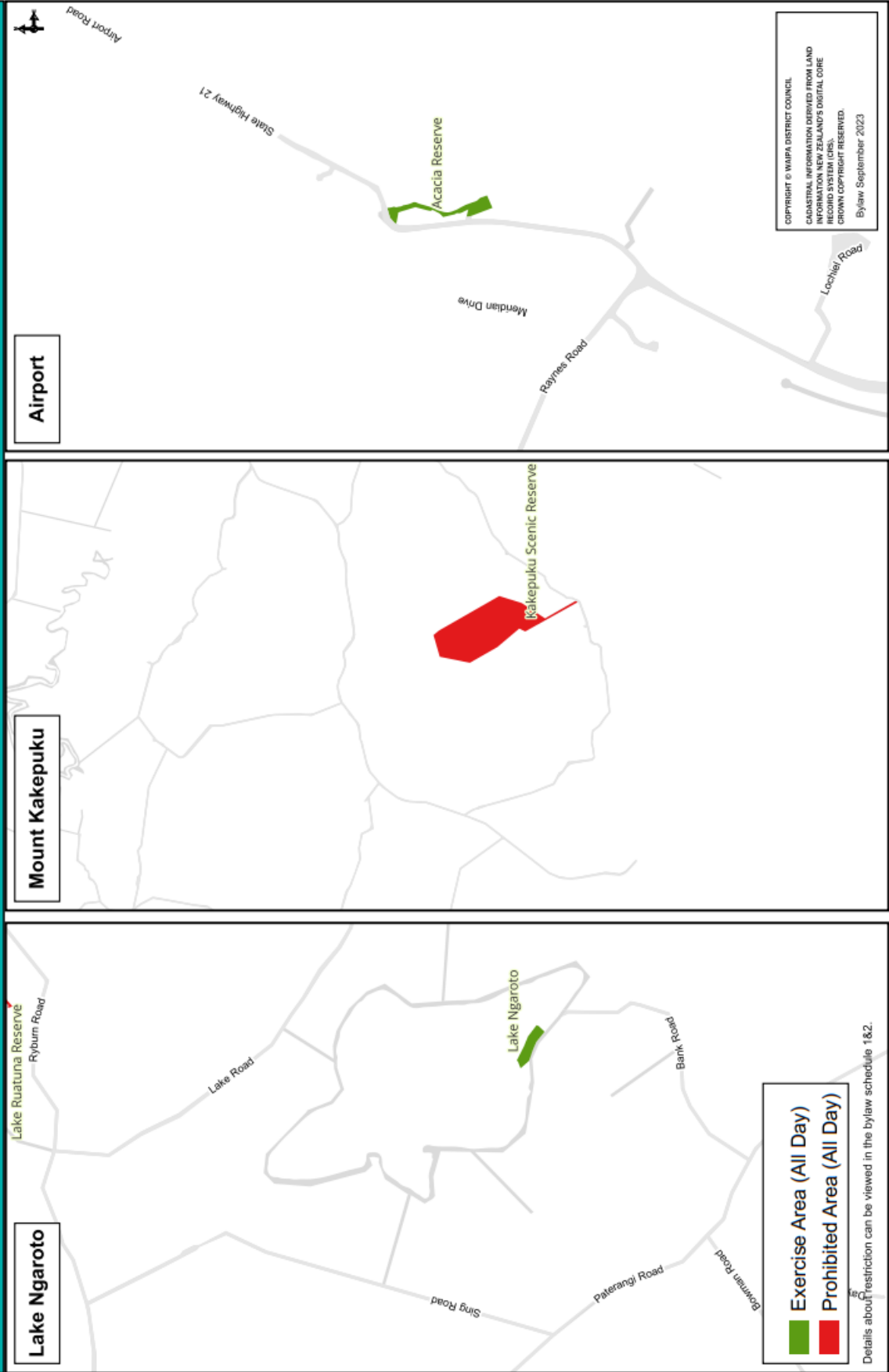
- Exercise Area (All Day)
- Exercise Restricted (Seasonal/Hourly)
- Prohibited Area (All Day)
- Prohibited Area (Playgrounds)

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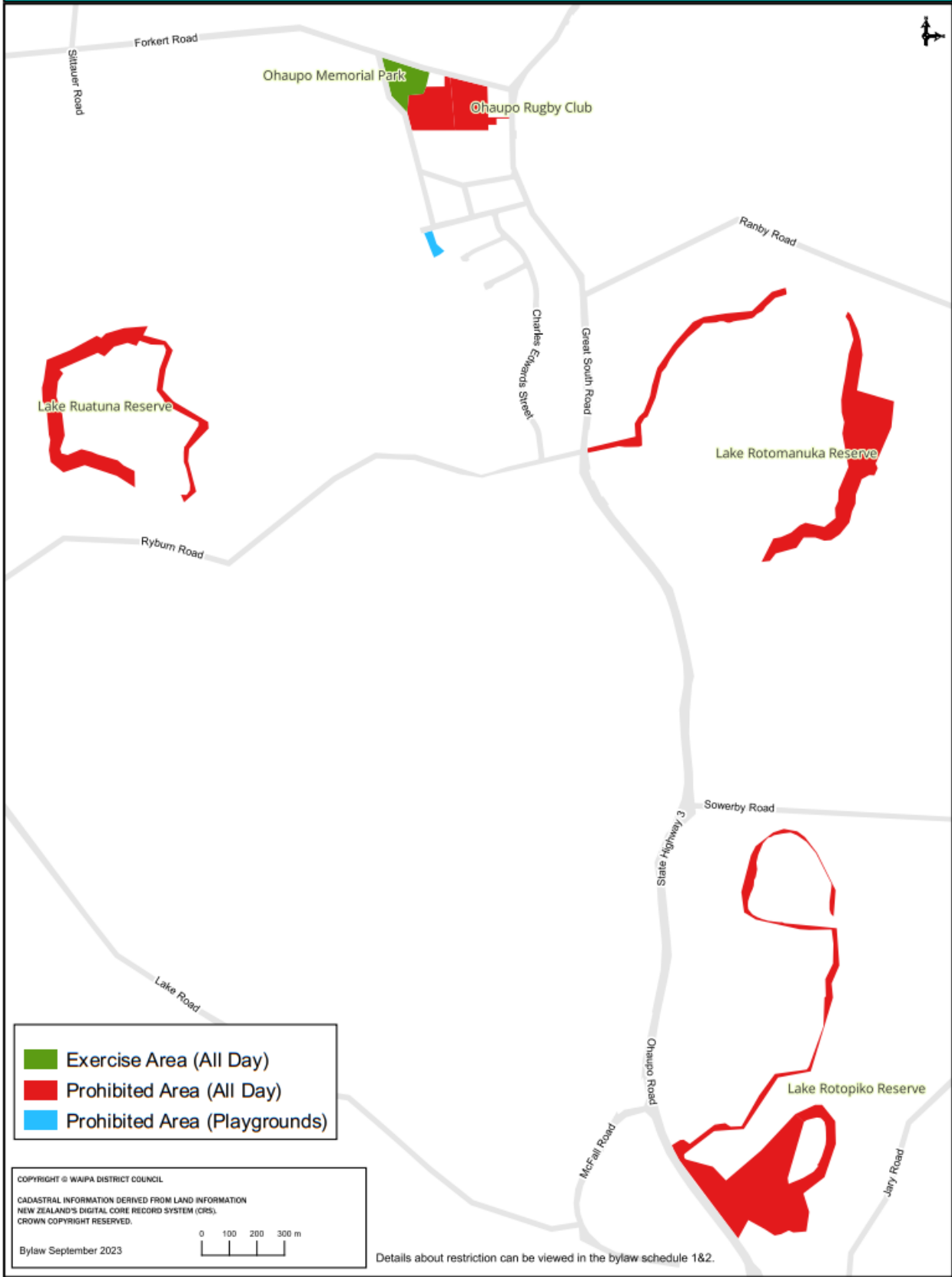
Dog Bylaw 2023

Exercise and Prohibited Areas



Dog Bylaw 2023

Exercise and Prohibited Areas - Ohaupo/Peat Lakes



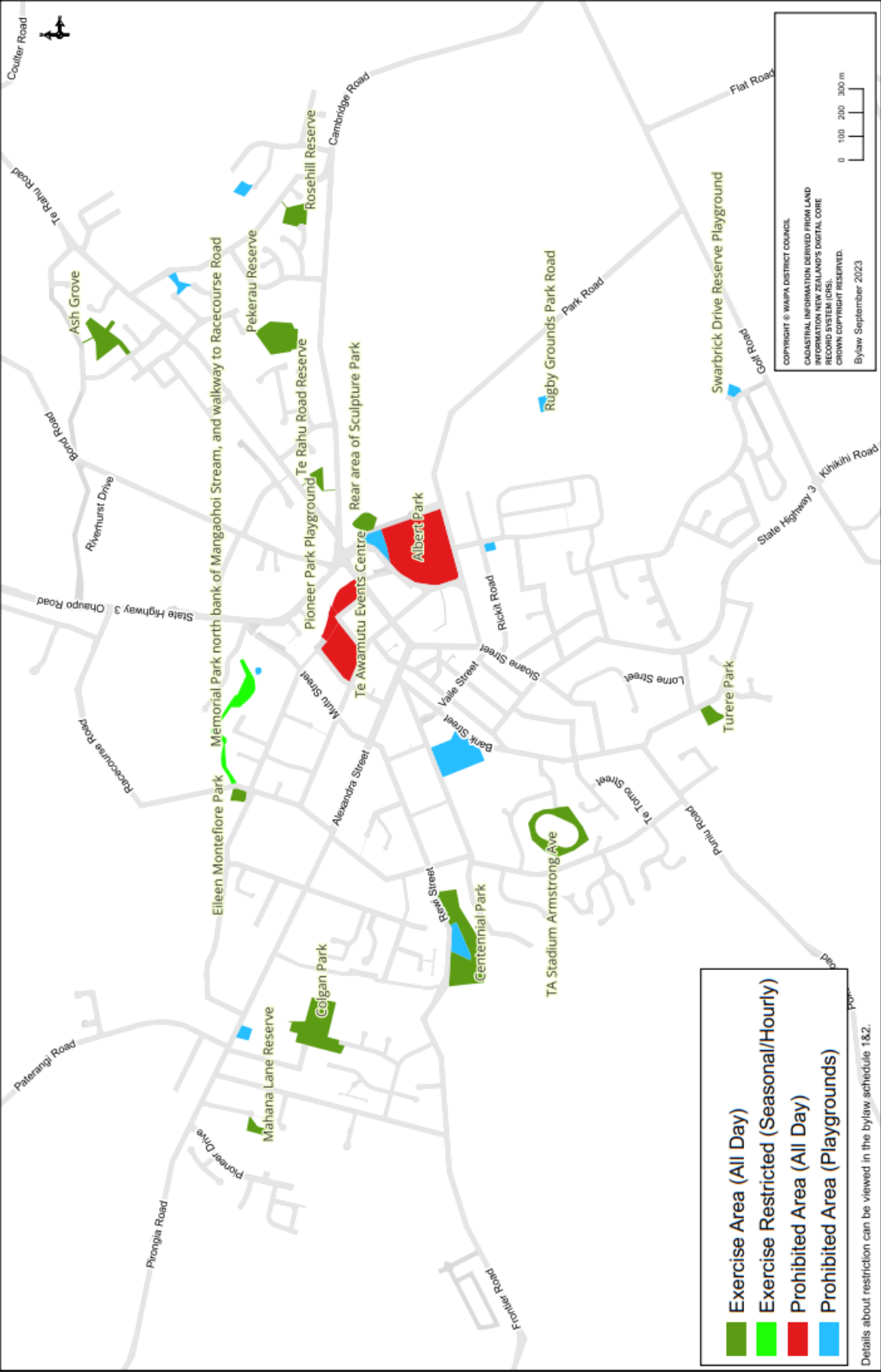
Dog Bylaw 2023

Exercise and Prohibited Areas - Pirongia



Dog Bylaw 2023

Exercise and Prohibited Areas - Te Awamutu



- Exercise Area (All Day)
- Exercise Restricted (Seasonal/Hourly)
- Prohibited Area (All Day)
- Prohibited Area (Playgrounds)

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