



PALMERSTON NORTH CITY

**PALMERSTON NORTH
DOG CONTROL BYLAW 2018**

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Palmerston North Dog Control Bylaw 2018

PART 1

INTRODUCTION

In exercise of the powers vested in it by the Local Government Act 2002, the Dog Control Act 1996, and the Impounding Act 1955, together with every power and authority conferred on it, the Palmerston North City Council makes this Bylaw:

1. TITLE

1.1. The title of this Bylaw is the Palmerston North Dog Control Bylaw 2018.

2. PURPOSE

2.1. The purpose of this Bylaw is to give effect to the Palmerston North Dog Control Policy 2018 by specifying the requirements for the keeping of dogs in Palmerston North. The requirements are deemed necessary to ensure compliance with the Dog Control Act 1996 and the Palmerston North Dog Control Policy 2018, and to give effect to the objectives of that Act and that Policy.

3. COMMENCEMENT AND APPLICATION

3.1. This Bylaw commences on 23 August 2018.

3.2. This Bylaw applies to all of Palmerston North City.

4. REPEAL

4.1. This Bylaw repeals the Palmerston North Dog Control Bylaw 2011 on 23 August 2018.

5. DEFINITIONS

5.1. In this Bylaw:

Act means the Dog Control Act 1996.

Animal Control Officer means a person appointed by the Council and given delegated authority pursuant to section 11 of the Dog Control Act 1996 to carry out all or any of the functions and powers of a Dog Control Officer under the Dog Control Act 1996.

Bylaw	means the Palmerston North Dog Control Bylaw 2018.
Central Business District	means from the mid-line of the road reserve for the roads that form the Inner Ring Road, namely the area bounded by and including from the intersection of Grey and Princess St along Princess Street, to the intersection with Ferguson Street, along Ferguson Street to the intersection with Pitt Street, along Pitt Street and Bourke Street to the intersection of Bourke and Walding Streets, along Walding Street and Grey Street to the intersection with Grey and Princess Streets.
Council	means the Palmerston North City Council and includes any person authorised to act on its behalf.
Disability assist dog	means a dog defined as a disability assist dog under the Dog Control Act 1996 and specifically 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: <ul style="list-style-type: none"> (a) Hearing Dogs for Deaf People New Zealand (b) Mobility Assistance Dogs Trust (c) New Zealand Epilepsy Assist Dogs Trust (d) Royal New Zealand Foundation of the Blind (e) An organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.
District	means the area within the territorial boundary of the Palmerston North City Council.
Dog Exercise Area	means a public place identified as a Dog Exercise Area in Schedule 3 of this Bylaw where dogs may be exercised at large without being controlled on a leash. Dogs must still be under control within Dog Exercise Areas.
Dog on Leash Area	means an area identified as a Dog on Leash Area in Schedule 2 of the Bylaw where dogs must be controlled on a leash.

Dog Ranger	means a person appointed as a dog ranger under section 12 of the Dog Control Act.
Leash	means a lead which is capable of restraining the dog.
Nuisance	means anything which interferes with or threatens the health or enjoyment of people, and in this context may involve things such as barking, causing distress via intimidating behaviour (such as aggressive barking or rushing), or attacking people, wildlife or other animals.
Owner	<p>means every person who:</p> <ul style="list-style-type: none"> (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) Is the parent or guardian of a person under the age of 16 years who – <ul style="list-style-type: none"> (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 dependent on the parent or guardian; <p>but does not include any person who has seized or taken custody of a dog under the Dog Control Act 1996 or any animal under the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987, or any order made under that Act, or the Animal Welfare Act 1999.</p>
Policy	means the Palmerston North Dog Control Policy 2018.
Premises	includes any recreation ground, yard, building or enclosed space whether separately occupied or not and whether public or private.

Prohibited Public Place	means a public place identified as a Prohibited Public Place in Schedule 1 of this Bylaw where dogs are prohibited, except as provided for in this Bylaw or the Policy or the Act.
Public Place	has the same meaning as in section 2 of the Dog Control Act 1996, and generally means a place that is open to the public whether or not it is private property.
Under control	means, when referring to a dog, either controlled on a leash, or controlled by voice command where the dog obeys the commands of its controller without hesitation. Keeping a dog under control includes the obligation to ensure that the dog does not stray onto private property.
Working Dog	means a dog defined as a working dog under the Dog Control Act 1996, and specifically includes: <ul style="list-style-type: none"> (a) any disability assist 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

- (v) 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
- (vi) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
- (vii) 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
- (viii) 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
- (ix) Declared by a 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.

PART 2

DOGS IN PUBLIC PLACES

6. GENERAL CONTROLS

- 6.1. Subject to the exceptions described in clauses 6.2, 6.3 and 6.4, no owner of any dog shall allow the dog on any prohibited public place, including those areas listed in Schedule 1 of this Bylaw.
- 6.2. Where the only pedestrian access to either the owner's residence or a veterinary surgery is through a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
- (a) The owner and dog take the most direct route across the prohibited public place, and
 - (b) The dog is controlled on a leash.
- 6.3. Where a dog is being exercised in a dog exercise area (listed in schedule 3) that borders a prohibited public place, the owner may lead the dog through the prohibited public place provided that:
- (a) There is no reasonable alternative access; and
 - (b) The owner and dog take the most direct route across the prohibited public place; and
 - (c) The dog is controlled on a leash.
- 6.4. A dog may only be allowed within the Turitea Controlled Water Catchment Area if it is registered and under the control of a person holding a valid Hunting Permit for the Turitea Water Catchment Reserve issued by the Council, and subject to conditions the Council may apply to that Hunting Permit.
- 6.5. No owner of any dog shall allow the dog on any public place (not being a prohibited public place or dog exercise area), including those areas listed in Schedule 2 of this Bylaw, unless the dog is kept under control on a leash.
- 6.6. Within a dog exercise area, including those areas listed in Schedule 3 of this Bylaw, the owner of a dog shall ensure that the dog is under control but shall not be obliged to keep the dog on a leash.

7. EXEMPTION FOR WORKING DOGS

- 7.1. Clauses 6.1 and 6.5 do not apply to any working dog.

8. DISABILITY ASSIST DOGS

8.1. Notwithstanding anything in the Bylaw any disability assist dog accompanying and assisting a person with a disability or any person genuinely engaged in the dog's training may enter and remain:

(a) In any premises registered under regulations made pursuant to 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.

PART 3
KEEPING OF DOGS

9. NUMBER OF DOGS ON PREMISES

- 9.1. Notwithstanding clause 9.2 and clause 11, no more than two dogs may be kept on any premises less than 2,000m², including not more than one unspayed bitch.
- 9.2. Clause 9.1 does not apply to any dogs under the age of three months.

10. DOGS TO BE KEPT MINIMUM DISTANCE FROM BOUNDARY

- 10.1. Notwithstanding clause 11, no owner of any dog shall permit or allow the dog to be housed, confined or restrained within 1.8 metres of a boundary fence.

11. EXEMPTIONS TO CLAUSES 9 AND 10

- 11.1. An owner may apply to the Council for an exemption from the requirements of clauses 9 (multiple dog permit) and 10 (housing permit).
- 11.2. The Council may grant an exemption for specified duration under clause 11.1 provided that:
- (a) There is insufficient space on the property to house, confine or restrain the dog in accordance with clause 10.1; and
 - (b) The neighbor whose boundary adjoins the proposed area for housing, restraining or confining the dog does not object on reasonable grounds to the granting of an exemption.
- 11.3. The Council may impose such conditions on any exemption granted under this clause as may be necessary to ensure compliance with this Bylaw, the Dog Control Policy 2018, and the Dog Control Act 1996, and for the avoidance of nuisance.

12. REQUIREMENT TO PROVIDE EXERCISE

- 12.1. The owner of any dog must provide the dog with adequate exercise.

13. STANDARDS FOR THE ACCOMMODATION OF DOGS

- 13.1. The owner of any dog must provide adequate accommodation for the dog.
- 13.2. If a dog kennel is provided, it must be sited on a hard surface.

13.3. If a kennel is not provided, dogs must have access to the interior of a building with an adequate sleeping area provided at night time.

14. BITCH IN SEASON TO BE CONFINED

14.1. The owner of any bitch shall keep the dog confined but adequately exercised while such dog is in season.

15. RESPONSIBILITY TO REMOVE FAECES

15.1. 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 and properly dispose of dog faeces in Council provided rubbish bins or at the owner's premises.

16. DISEASED DOGS

16.1. The owner of any dog suffering from an infectious disease or condition shall not take that dog into any public place or be allowed to wander free.

17. DOGS BECOMING A NUISANCE OR INJURIOUS TO HEALTH

17.1. If in the opinion of any animal control officer, the keeping of any dog or dogs on a premises is, or is likely to become, a nuisance or injurious or hazardous to health, property or safety, the animal control officer may by notice in writing require the owner or occupier of the premises, within the time specified in such notice not being less than 14 days to do all or any of the following:

- (a) To reduce the number of dogs kept on the premises;
- (b) To alter, reconstruct or otherwise improve the accommodation for dogs;
- (c) To require such dogs to be tied up or otherwise confined;
- (d) To take other such precautions as may be considered necessary.

18. DOG NOT KEPT UNDER PROPER CONTROL

18.1. The owner of any dog not kept under proper control may be served notice by the Council requiring the owner to:

- (a) Have the dog neutered; or
- (b) Complete a dog obedience course approved by the Council.

18.2. It shall not be a requirement of this clause that the owner of the dog has been convicted of the offence of failing to keep a dog under control against section 53 of the Act.

19. DOGS CLASSIFIED AS MENACING MUST BE NEUTERED

19.1. Every dog classified by the Council as menacing under sections 33A or 33C of the Dog Control Act 1996, or any dog classified as menacing which is transferring to Palmerston North City Council, is required to be neutered.

20. NOTICE OF NEUTERING SHALL BE GIVEN

20.1. Where a dog is required to be neutered under clause 18 or 19 of this Bylaw, the owner shall be notified in writing of the requirement. The notice shall specify the date by which the dog shall be neutered being not less than 14 days from the issue of the notice. The notice shall be served in accordance with the Act.

21. DOG AND OWNER EDUCATION

21.1. The Council may, from time to time by resolution, approve education programmes for dogs and dog owners.

21.2. If a person is classified as a probationary owner in accordance with the Act, the Council will require the person to undertake a dog owner education programme or a dog obedience course approved by Council, at his or her own expense in accordance with the Policy.

21.3. Any person required to undertake dog owner education will be notified in writing of the obligation.

21.4. A probationary owner may apply to the Council for termination of his or her classification as a probationary owner six months after completion of the dog owner education programmes or dog obedience course provided that:

(a) The owner supplies satisfactory evidence of completion of the dog owner education programme or dog obedience course;

(b) the owner has not committed any further offences or infringements to which section 21 of the Act applies.

21.5. The Council will consider an application under clause 21.4 of this Bylaw and may grant the application after taking into account all reasonable circumstances, including sections 4 and 5 of the Act.

PART 4
ENFORCEMENT

22. SEIZURE OF DOGS IN PUBLIC PLACES THAT ARE IN CONTRAVENTION OF THE BYLAW

22.1. An animal control officer or a dog ranger may seize and impound any dog at large in a public place in contravention of this Bylaw, whether or not the dog is wearing a collar having the proper label or disc attached indicating that the dog is currently registered.

23. OFFENCES AND PENALTIES

23.1. Notwithstanding and in addition to the provisions of the Impounding Act 1955 and any fees or charges incurred under that Act, every person who commits a breach of any of the provisions of this Bylaw, or acts contrary to the terms, conditions or restrictions of any notice or exemption duly issued under this Bylaw, commits an offence and may be liable:

- (a) On summary conviction to a fine of up to \$20,000 as prescribed by section 242 of the Local Government Act 2002; or
- (b) Alternatively, every person who commits a breach of any of the provisions of clauses 6 to 21 of this Bylaw may be served with an infringement notice in accordance with section 65 and section 66 of the Dog Control Act 1996 and all its amendments and shall be liable to the infringement fee prescribed in the First Schedule to that Act.

SCHEDULE 1

PROHIBITED PUBLIC PLACES

- Any swimming pool or aquatic facility owned or controlled by the Council, including all areas within the fenced boundary of the swimming pool;
- Within 30 metres of any child's play equipment or play area or paddling pool in any park or reserve, or of any aviary in any park or reserve;
- Palmerston North Holiday Park (the camping grounds);
- Any marked grass playing surface or artificial sports surfaces of sports grounds or sports fields owned or controlled by the Council;
- All public places within the Central Business District (**NB: between 23 August 2018 and 22 August 2019 this area is subject to a 12-month trial as a Dog On Leash Area subject to review by Council**);
- The Council Crematorium and all Council Cemetery grounds;
- Memorial Park;
- The Ashhurst Domain Playground and adjacent picnic area;
- The Ashhurst Domain Wetlands Conservation Area;
- The Central Victoria Esplanade area (which includes the children's playground and paddling pool, the scenic railway station, Peter Black Conservatory, Central Energy Trust Wildbase Recovery Centre, aviary and the café, also known as Victoria House);
- The walkway around the Awapuni racecourse between 5am and 10am daily;
- Turitea Controlled Water Catchment Area, subject to clause 6.4 of this Bylaw;
- The Junior Road Safety Park in the Victoria Esplanade;
- Central Energy Trust Arena.

SCHEDULE 2

DOG ON LEASH AREAS

- All streets, roads and footpaths within the District except those within prohibited areas or dog exercise areas;
- All parks, reserves and walkways within the District except those within prohibited areas or dog exercise areas;
- The walkway around the Awapuni racecourse except for the prohibited time between 5am and 10am daily;
- Ashhurst Domain Camping Grounds;
- Manawatu Riverside Walkway and Bridle Track between the Fitzherbert Bridge and the Palmerston North Holiday Park;
- He Ara Kotahi bridge.

SCHEDULE 3

DOG EXERCISE AREAS

- Drainage Reserve area off Rugby Street;
- Ashhurst Terrace Walkway;
- Frederick Krull Reserve and Walkway;
- Schnell Wetland Walkway;
- Poutoa Walkway;
- Titoki Walkway;
- Manawatu Riverside Walkway and Bridle Track excluding the section between the Fitzherbert Bridge and the Palmerston North Holiday Park;
- Mangaone Stream Walkway (except where it passes around the Awapuni Racecourse);
- Pari Reserve and Walkway (previously known as Mangaotane);
- Upper Celaeno Park (between Frederick Krull Reserve and Shakespeare Way);
- The Ruamahanga Wilderness area;
- Edwards Pit Park;
- Ahimate Reserve (previously Waitoetoe Park);
- Durham Street Park;
- Linklater Reserve (only the part open to the public);
- Awatea Terrace Reserve;
- “Railway” land, bounded by Pitt Street, Church Street, Pioneer Highway, and Cook Street (excluding the Skate park that is defined as a play area in Schedule 1);
- Turitea Stream Esplanade Reserves (Green Corridors);
- The Upper Circuit of the Ashhurst Domain, except for those parts of the walkway which pass through Prohibited Public Places or Dog on Leash areas as listed in schedules 1 and 2 of this Bylaw;
- Summerhill Reserve.