

Invercargill City Council

# Dog Control Bylaw

2022

[THIS PAGE IS INTENTIONALLY LEFT BLANK]

## CONTENTS

SECTION	Page
1. SHORT TITLE AND COMMENCEMENT .....	3
2. PURPOSE OF BYLAW .....	3
3. REPEAL .....	3
4. EXCLUSIONS .....	3
5. INTERPRETATION .....	3
6. SHELTER FOR DOGS.....	4
7. FENCING OF DOGS.....	4
8. LIMITATION ON NUMBER OF DOGS .....	5
9. DOGS ON OR IN VEHICLES .....	5
10. DOGS IN PUBLIC PLACES .....	6
11. LEASH CONTROL AREA .....	6
12. NON DESIGNATED DOG AREAS .....	6
13. FOULING BY DOGS .....	6
14. IMPOUNDING OF DOGS.....	6
15. NUISANCE .....	7
16. DANGEROUS DOGS.....	7
17. MENACING DOGS .....	8

[THIS PAGE IS INTENTIONALLY LEFT BLANK]

# INVERCARGILL CITY COUNCIL DOG CONTROL BYLAW 2022

A Bylaw of the Invercargill City Council made in pursuance of the powers contained in the Dog Control Act 1996 and the Local Government Act 2002.

## 1. SHORT TITLE AND COMMENCEMENT

1.1 This Bylaw shall be known as “The Invercargill City Council Dog Control Bylaw 2022” and is made for the effective control and regulation of dogs in the Invercargill City Council boundaries.

1.2 This Bylaw shall come into force on 01 September 2022.

## 2. PURPOSE OF BYLAW

2.1 The Bylaw is made primarily under the authority of Section 20 of the Dog Control Act 1996 and the provisions of the Local Government Act 2002.

2.2 The primary purpose of the Bylaw is to strike an appropriate balance between the protection and safety of the public and the advantages to individuals and communities of dog ownership and the ability to satisfy their recreational needs. It also seeks to minimise distress and nuisance caused by dogs to the community as far as is practicable through legislative means.

## 3. REPEAL

The Invercargill City Council Bylaw 2018/2 - Dog Control is hereby repealed from the day this Bylaw comes into force.

## 4. EXCLUSIONS

This Bylaw only applies to dogs.

This Bylaw does not include Animal Welfare matters. The Animal Welfare Act 1999, Ministry of Primary Industries Code of Welfare: Dogs and Animal Welfare (Care and Procedures) Regulations 2018 refer.

## 5. INTERPRETATION

In this Bylaw, unless inconsistent with the context:

**COUNCIL** means the Invercargill City Council.

**DISABILITY ASSIST DOG** means a dog defined as a disability assist dog under Section 5 as being a dog that has been trained (or is being trained) to assist a person with a disability:

- Assistance Dogs New Zealand
- Hearing Dogs for Deaf People New Zealand
- K9 Medical Detection New Zealand
- K9 Search Medical Detection

- Mobility Assistance Dogs Trust
- New Zealand Epilepsy Assist Dogs Trust
- Perfect Partners Assistance Dogs Trust
- Royal New Zealand Foundation of the Blind Incorporated

**DISTRICT PLAN** means the operative Invercargill District Plan pursuant to the Resource Management Act 1991.

**OFFICER** means an Animal Control Officer or Dog Ranger appointed under the Dog Control Act 1996 and includes an Honorary Dog Ranger.

**OWNER** means someone who owns a dog or has it for more than 72 hours or is a parent or guardian of an owner of a dog where the owner is under the age of 16 and is living with the parent or guardian.

**PROPERTY** means a piece of land or real estate.

**PUBLIC PLACE** means public place as defined in Section 2 of the Dog Control Act 1996.

**RESERVE** means any park, garden, plantation, forest, open space or ground set aside for public recreation or enjoyment and which is controlled or administered by Council.

**WORKING DOG** means working dog as defined under Section 2 of the Dog Control Act 1996.

## DOG OWNER OBLIGATIONS

### 6. SHELTER FOR DOGS

#### 6.1 The owner of any dog shall provide for it:

6.1.1 a weatherproof kennel or place of confinement of adequate size constructed on well-drained ground;

6.1.2 access to clean water; and

6.1.3 in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel.

All kennels or places of confinement shall be kept in a reasonable, clean and sanitary condition. A place of confinement may include a dwelling.

#### 6.2 No owner of any dog shall keep it on any property in any kennel other than a dwelling, any part of which is nearer than one metre to any boundary of that property. Exceptions will apply to properties that are too small to accommodate this, or a kennel is adjoining a solid fence or wall and does not cause a nuisance to neighbouring properties.

### 7. FENCING OF DOGS

#### 7.1 The owner of any dog shall keep and prevent that dog from wandering or being at large in any public place, excluding specified off leash areas. A dog shall be

considered wandering or at large if the dog is not kept under continuous and effective control by means of a leash securely attached to a collar on the dog, with the exception of active working dogs.

- 7.2 All dogs should be appropriately confined when not under the control of their owner or a responsible person. Adequate confinement is interpreted as the following:

7.2.1 not allowing dogs to intimidate the general public through charging or intimidation of any passers-by or neighbouring properties.

7.2.2 confining dogs to a fully fenced space that provides adequate area for exercise and movement.

7.2.2 Dangerous dogs and some menacing dogs are required to be kept in a securely fenced portion of the property which it is not necessary to enter to obtain access to at least one door of any dwelling on the property.

- 7.3 Officers have the right to enter any property where the Officer has good cause to suspect an offence against the Bylaw has been committed. Where an offence is established Council may either prosecute in the District Court or issue an infringement notice.

- 7.4 No person shall encourage a dog to fight or attack any person, animal or dog, and shall take all reasonable steps to prevent a dog or dogs from fighting or attacking any person, animal or dog.

- 7.5 Menacing or dangerous dogs or dogs known to rush at or attack any person, animal or dog, must not be at large unless it is kept under continuous and effective control by means of a leash securely attached to a collar on the dog.

## 8. LIMITATION ON NUMBER OF DOGS

- 8.1 No occupier of premises, other than those within areas zoned "Rural" by the District Plan, shall keep more than two dogs over the age of three months at any one time, unless that person obtains approval from the Council to do so.

- 8.2 Upon written application, the Council may grant such approval subject to such terms, conditions and restrictions as the Council considers necessary or desirable in any particular case.

- 8.3 Every application for approval shall be made to the Council in writing in such form as the Council may from time to time require.

- 8.4 Every application for approval shall be accompanied by such fee detailed in Council's Schedule of Fees and Charges. Every such licence shall remain unless revoked as a result of a breach of the owner's obligations under the *Dog Control Act 1996* or Invercargill City Council's bylaws and policies.

- 8.5 The fee for such approval shall be payable in addition to the dog registration fees. This does not apply to ownership of three dogs as at 1 July 2015.

## 9. DOGS ON OR IN VEHICLES

- 9.1 In accordance with Animal Welfare (Care and Procedures) Regulation 2018, no person shall allow a dog to ride on or within any vehicle, or be on any road or public place, unless the dog is at all times kept under effective control so as to prevent the

dog from leaving the vehicle or from attacking any passers-by. No person shall leave a dog in a stationary vehicle in a manner that causes the dog to display shade-seeking behaviour, excessive panting, excessive drooling or hyperventilation.

- 9.2 An exemption to Clause 9.1 is made for active working dogs to ride on or within any vehicle, or be on any road or public place.

## 10. DOGS IN PUBLIC PLACES

- 10.1 The Council may prohibit dogs from certain areas where it considers it necessary for the protection of the health and safety of the public or where it is considered desirable due to intense public use or the need to protect an area from dogs or for such other purpose as the Council may from time to time consider appropriate. Refer to Schedule 1 for a list of dog prohibited areas.

## 11. LEASH CONTROL AREA

- 11.1 Where a dog is in a public area, it must be on a leash and under control at all times.
- 11.2 Dog owners must ensure that their dog is kept under control at all times, and when in public places, excluding specified off leash areas, dogs must be on a leash held by a person who is capable of controlling the dog. This is to protect public safety and also to help to ensure the safety of dogs and other animals. Public areas are listed under Leash Control Area in Schedule 1.

## 12. NON DESIGNATED DOG AREAS

- 12.1 All dogs must be kept under proper and effective control at all times. A dog may be allowed to be unrestrained in any area that is not defined by a Council Bylaw as a leash control area or prohibited area provided that the dog is properly controlled.

## 13. FOULING BY DOGS

- 13.1 Every person who, being the owner of a dog which defecates in any public place, or on any land or premises other than land or premises occupied by that person, shall immediately remove the faeces. Where a public litter bin or similar receptacle is used to dispose of the faeces, the faeces must be suitably wrapped or contained to prevent fouling of the receptacle.

# CUSTODY OF DOGS

## 14. IMPOUNDING OF DOGS

- 14.1 In cases where an Officer sees a dog wandering in a public place, that Officer will seize the dog. The dog will be treated in accordance with Council's process for the treatment of wandering dogs.
- 14.2 Where a wandering dog is impounded the Animal Care Facility will provide adequate and properly maintained facilities and resources for the care and safety of the dogs. Such dogs shall be humanely handled. Appropriate action will be taken to prevent the suffering of any diseased or injured dogs.



- 14.3 Animal Services will contact the owner, if the dog is registered. If after 7 days no owner has come forward to collect the dog and/or the Council has been unsuccessful in contacting the owner impounded dogs will be managed in accordance with the Council's process for rehoming or euthanasia as appropriate.

## INFRINGEMENT OFFENCES

### 15. NUISANCE

- 15.1 Nuisance covers a wide range of issues and includes (but is not limited to) persistent and loud barking or howling, dog faeces, roaming, and general dog activities. The owner of any dog, and the owner or occupier of any premises on which any dog or dogs are kept shall ensure it does not create a nuisance or annoyance by:
- 15.1.1 Ensuring the dog does not obstruct the lawful passage of persons in public places.
  - 15.1.2 Ensuring the dog does not rush and/or frighten persons in a public place or lawfully on private property.
  - 15.1.3 Taking adequate precautions to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or annoyance.
- 15.2 If, in the opinion of the Council, any dog or dogs or the keeping thereof on any premises has become, or is likely to become, a nuisance, 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:
- 15.2.1 Reduce the number of dogs kept on the premises.
  - 15.2.2 Order the permanent removal of a dog/dogs on a property.
  - 15.2.5 Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

## DOG CLASSIFICATIONS

### 16. DANGEROUS DOGS

**Dangerous Dog:** has the same definition as in section 31(1) of the Dog Control Act 1996.

- 16.1 The owner of any dog classified as dangerous must follow these additional obligations:
- 16.1.1 The owner must ensure the provision of a secure area for the dog where it is possible to gain unrestricted access to at least one door of the dwelling.
  - 16.1.2 The dog must be muzzled in any public place when not confined in a vehicle or cage.

16.1.3 The owner may not rehome the dog to any other person without the written consent of the Council.

16.1.4 The dog must be desexed within one month of the dog being classified as dangerous.

## 17. MENACING DOGS

17.1 **Menacing Dog:** Council considers a dog to be menacing either by a dog's behaviour or a specific breed or type in accordance with sections 33A or 33C of the Dog Control Act 1996.

17.2 **Menacing by Behaviour:** If Council considers a dog to be menacing by behaviour, the owner may be required, by order of Council to meet any or all of the obligations listed below;

17.2.1 Ensure that the dog is muzzled in any public place when not confined in a vehicle or cage.

17.2.2 Ensure the provision of a secure area where it is possible to gain unrestricted access to at least one door of the dwelling.

17.2.3 Not rehome the dog to any other person without the written consent of the Council.

17.2.4 Be desexed – Council will exercise its discretion by taking into account if desexing the animal will likely be effective in reducing the dog's aggressive behaviour.

17.3 If a dog has been classified as menacing by behaviour, the owner may request the classification be reviewed after a 12-month period if:

17.3.1 the owner has not obtained any infringements in relation to the dog within the preceding 12-month period;

17.3.2 the owner has complied with all obligations imposed at the time the dog was classified menacing by behaviour; and

17.3.3 the owner would otherwise meet the criteria to be classified as a Responsible Dog Owner.

Removing the menacing classification of the dog is at the council's discretion.

17.4 **Menacing by Breed:** The following breeds and type of dog are automatically considered menacing under the Act:

### 17.4.1 Breeds

17.4.1.1 Dogo Argentino

17.4.1.2 Brazilian Fila

17.4.1.3 Japanese Tosa

17.4.1.4 Perro de Presa Canario

## 17.4.2 **Type**

### 17.4.2.1 American Pit Bull Terrier

- 17.5 Any dog classified as menacing by breed or type must be desexed within one month of ownership, notice by Council or when a puppy has reached 12 months of age. Council may consider an appeal to desexing a dog if the owner can produce a letter from a veterinarian specifying the medical reasons why the dog cannot be desexed within one month of notification.
- 17.6 A dog owner may have registered their dog, classified as menacing by breed or type at another territorial authority, which did not require them to desex their dog. If that dog now resides in Council's area, Council requires that dog be desexed as per section 33EB of the Dog Control Act 1996.
- 17.7 Any owner of a dog classified as menacing by breed or type must follow these additional obligations:
- 17.7.1 Ensure the provision of a secure area where it is possible to gain unrestricted access to at least one door of the dwelling.
  - 17.7.2 Ensure that the dog is muzzled in any public place when not confined in a vehicle or cage.
  - 17.7.3 The owner may be required to obtain written consent to rehome the dog to any other person.

## SCHEDULE 1

### DOG AREAS

Dog owners are responsible for keeping their dogs under control at all times in all areas. Council compliance officers will monitor the requirements of the Bylaw and Policy with a focus on educating dog owners. However for those owners who repeatedly fail to comply enforcement action may be considered.

### DOG PROHIBITED AREA

The Council may prohibit dogs, with notification by signage and advertising, from certain areas where it considers it necessary for the protection of the health and safety of the public or where it is considered desirable due to:

- intense public use, or
- the need to protect an area including wildlife and stock from dogs, or
- for such other purpose as the Council may from time to time consider appropriate.

The following areas within the District are designated as prohibited areas for dogs:

**Events** that are organised by Council unless otherwise publicised.

**Children's Playgrounds** – Within ten metres of children's play equipment, skateboard ramps and paddling pools.

**Sports Fields** – The designated playing areas of all marked sports fields.

**Ponds and Lagoons on Reserves** – Including the areas around:

- Sandy Point specifically designated as wildlife habitats (see ICC Sandy Point Management Plan for further details); and
- Donovan Park where there is a risk of disturbing wildlife (see ICC Donovan Park Management Plan).

**Tiwai Peninsula.** This area is within the Invercargill City Council Boundaries but controlled by the Department of Conservation and is subject to their rules in relation to dogs.

### Controlled Dog Area

The following Controlled Dog Areas apply in the District:

**Awarua Wetlands** – Department of Conservation Permit is required to bring a dog into this area.

### LEASH CONTROL AREA

Where a dog is in a public area, it must be on a leash and under control at all times.

Dog owners must ensure that their dog is kept under control at all times, and when in public places excluding dog off leash areas, dogs must be on a leash held by a person who is capable of controlling the dog.

This is to protect public safety and also to help ensure the safety of dogs and other animals.

A public area includes:

- All streets and roads.
- Footpaths and walkways.
- Parks and reserves. (Excluding dog off leash areas)
- Cemeteries and crematorium.
- Formed walking tracks on reserves (excluding the dog off leash areas).

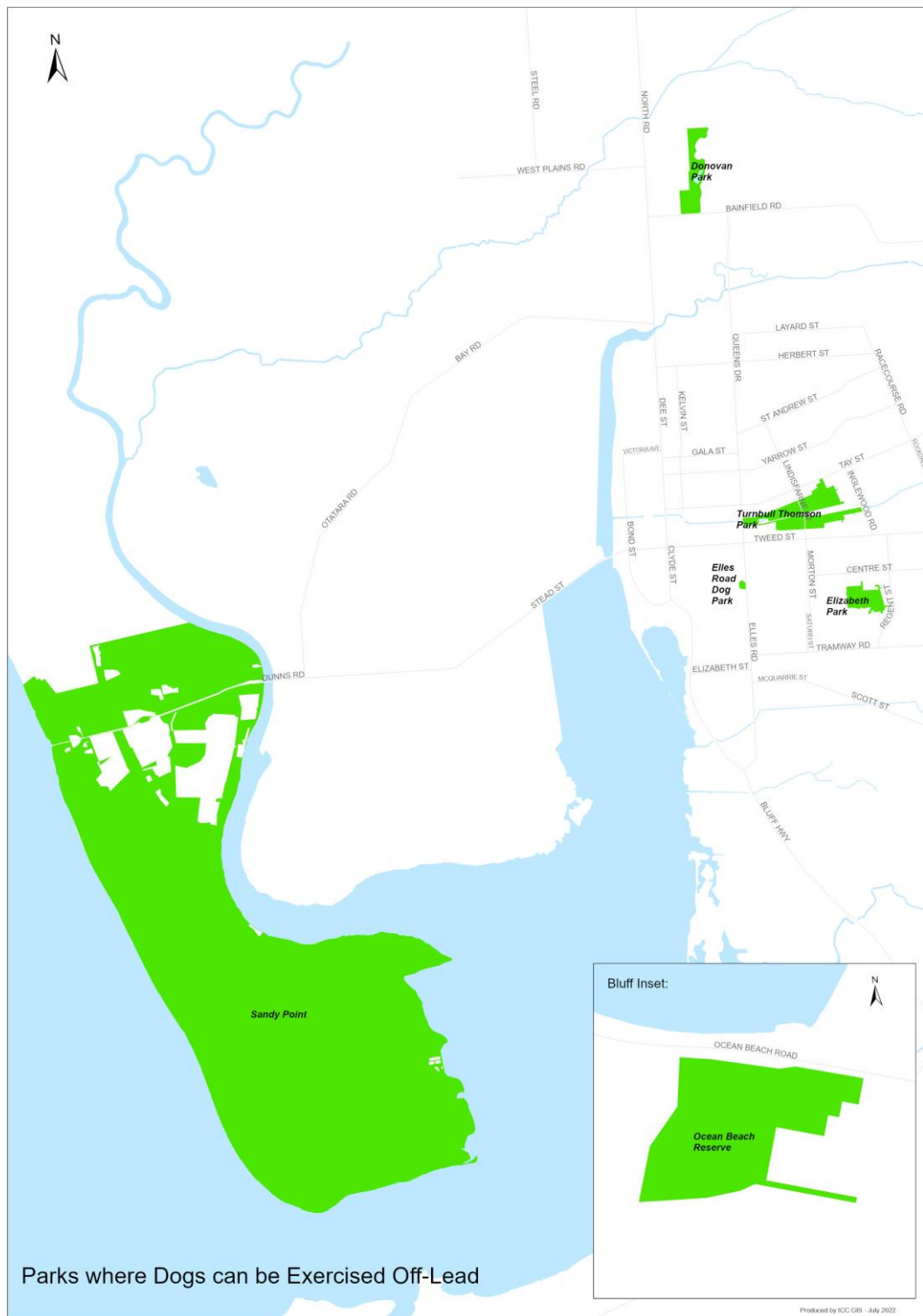
<b>Revision History:</b>	2018
<b>Effective Date:</b>	01 September 2022
<b>Review Period:</b>	This Bylaw will be reviewed in ten (10) years, unless earlier review is required due to legislative change, or is warranted by another reason.
<b>New Review Date:</b>	01 September 2032
<b>Associated Documents / References:</b>	Delegations Register Dog Control Policy 2022 Dog Control Act 1996
<b>Supersedes:</b>	Invercargill City Council Bylaw 2018/2 - Dog Control
<b>Reference Number:</b>	A2616721
<b>Policy Owner:</b>	Group Manager – Customer and Environment

## APPENDIX 1

### DOG OFF LEASH MAP

Parks where dogs can be exercised off leash. The green areas of the map indicate the park locations where dogs can be exercised off leash. Details of the specific areas which are included in the following maps.

Dog owners are responsible for keeping their dogs under control at all times in all areas. Many tracks and trails are occupied by other recreational users such as walkers, mountain bike riders and horse riders. Dogs must be kept under control so that all recreational users of these parks can enjoy these areas safely.





## Donovan Park

The sports fields, so marked, from season to season are dog prohibited areas.

The pond area is a dog prohibited area.





## Elles Road Dog Park

Within the fenced area the dog park is an off leash area. All areas outside the dog park are dog on leash areas.





## Sandy Point

Sandy Point is a dog off leash area subject to the following restrictions.

The leased areas identified below are excluded from the Council Dog Policy.





Silver Lagoon – at the end of Round Tree Track is a dog prohibited area.





## Elizabeth Park

Dogs are prohibited from being within 10 metres of the play equipment.





## Turnbull Thomson Park

The sports fields, so marked, from season to season and playgrounds are dog prohibited areas.





## Area of Dog Exercise/Off Leash in Bluff

Ocean Beach Reserve is a dog off leash area excluding the designated sports fields and playing areas.

