

## **CHAPTER 4 - DOG CONTROL**

The Marlborough District Council hereby makes by resolution the following Chapter 4 of the Marlborough District Council Bylaw 2010 pursuant to the powers contained in Sections 145 and 146 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996, and any other Act or authority in any way enabling the Council in that behalf.

### **401 Object of This Chapter of the Bylaw**

401.1 The object of this Chapter of the Bylaw is to provide for the care and control of dogs in the area administered by the Marlborough District Council

### **402 Interpretation**

402.1 In this chapter of this Bylaw, unless specified or the context otherwise requires, the terms and definitions used have the same meaning as in the Dog Control Act 1996 and its amendments:

*Beach* means the foreshore, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation.

*Control* means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

*Dog Exercise Area* means an area where, by Council resolution publicly notified, dogs are permitted to be exercised either on or off leash, provided they are under control and the person responsible for the dog has with them a leash.

*Dog Prohibited Area* means an area in which no dogs are allowed, except working dogs in the course of their duty or dogs with express written permission from Council.

*Occupier* means, in relation to any land, the owner or any person having a right to occupy the land.

*On a Leash* means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a capable person and the dog cannot break loose.

*Owner* has the same meaning as in section 2 of the Dog Control Act 1996 and includes every person who:

- (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) 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) of this definition; 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 1996 or the Animal Welfare Act 1996 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

*Person responsible for a dog* means a person, who may or may not be the dog's owner, who is in charge of the dog at a given time.

*Property* means land that is owned as a single allotment, or adjoining allotments held in the same ownership.

*Protected wildlife* means – Prohibited wildlife means any animal that is absolutely or partially protected in accordance with the Wildlife Act 1953 and any marine mammal within the meaning of the Marine Mammals Protection Act 1978. This includes all indigenous and migratory birds, including: Australasian Bittern, Banded Dotterel, Banded Rail, Bar-Tailed Godwit, Black Shag, Black Stilt, Black-Billed Gull, Black-Fronted Tern, Blue Duck, Caspian Tern, Crakes, Fairy Prion, Fernbird, Flesh-Footed Shearwater, Fluttering Shearwater, Gannet, Grey Duck, King Shag, Kingfisher, Kiwi, Little Black Shag, Little Shag, New Zealand Falcon, New Zealand Pipit, Penguins, Petrels, Pied Oystercatcher, Pied Shag, Pied Stilt, Red-billed Gull, Red Knot, Reef Heron, Royal Spoonbill, Sooty Shearwater, Spotted Shag, Turnstone, Variable Oystercatcher, Weka, White Heron, White-Faced Heron, White-Fronted Tern, Wrybill”.

*Public Place* has the same meaning as in section 2 of the Dog Control Act 1996 and includes:

- (a) A place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- (b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for

reward, and

- (c) For the avoidance of doubt any Beach or Reserve.

*Working Dog* means any working dog as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) Any certified guide, hearing ear or companion dog:
- (b) Any dog—
- (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defense, 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 Bio-security Act 1993; or
    - (iva) 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
    - (ivb) 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
    - (ivc) 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
  - (v) 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

- (vi) Declared by resolution of the Council 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, and includes any dog registered with the Council as a search and rescue dog.

**403 Wearing or Display of Current Registration Tags**

- 403.1 The owner of or person responsible for any dog which is on land other than that occupied by the owner, must ensure the dog is wearing a current registration tag or must have a current registration tag immediately available for presentation on request of a Dog Control Officer.
- 403.2 No expired registration tag registration tag may be displayed or worn by a dog.

**404 Dogs Fouling in Public Places**

- 404.1 Where any dog defecates in a public place or property other than that occupied by the owner, the owner or person responsible for that dog must remove the faeces immediately and dispose of them in an appropriate manner.
- 404.2 Every person who takes a dog into a public place must have a practical means of removing that dog's faeces while that dog is in that public place.

**405 Bitches in Season and Diseased Dogs**

- 405.1 The owner of any bitch in season or dog infected with a contagious disease must not allow that dog on any public place or on any property other than that occupied by the owner, except:
  - (a) where the dog is taken to another property with the consent of the occupier; or
  - (b) where the dog is taken to a registered veterinary clinic for treatment, provided that the dog is transported in a way that avoids as far as possible, contact with other dogs and the spread of disease.
- 405.2 The owner of a bitch in season or dog with an infectious disease must ensure that the dog is adequately exercised while confined.
- 405.3 Except during planned mating, the owner of a bitch in season or dog with an infectious disease must ensure that the dog is confined in an

appropriate enclosure or controlled to prevent contact with other dogs.

**406**      **Limits on Number of Dogs**

406.1      No person may keep or allow to be kept more than two dogs over the age of three months for a period exceeding 14 days on any property, unless:

- (a)      The property is zoned Rural 3 or 4 in the Wairau/Awatere Resource Management Plan; or
- (b)      The property is zoned Rural 1 or 2 in the Marlborough Sounds Resource Management Plan; or
- (c)      The land area of that property is over 1 hectare in size; or
- (d)      The additional dogs are expressly allowed by a Multiple Dog Property Licence issued by the Council.

No person may keep or allow to be kept on any property more than 10 non-working dogs over the age of three months for a period exceeding 14 days, unless keeping the additional dogs is expressly allowed by a Multiple Dog Property Licence.

406.2      An application for a Multiple Dog Property Licence must:

- (a)      Be in writing in and in general accordance with the form in the First Schedule of this Bylaw; and
- (b)      Include any additional information reasonably required by Council to process the application; and
- (c)      Include payment of the application fee at the time of lodging the application.

406.3      An application for a Multiple Dog Property Licence will be considered on its individual merits, taking into account:

- (a)      The location and size of the property on which dogs will be kept;
- (b)      Containment and housing of the dogs, and the distance of that housing from the property boundary and neighbouring houses;
- (c)      The method of removing and disposing of dog faeces, liquid waste and washdown water;
- (d)      The availability of adequate supervision and exercise for the dogs;
- (e)      Any previous history of non-compliance with the Dog Control Act 1996 and/or Bylaws;

- (f) Any other factors considered relevant by the Council.
- 406.4 The Council may impose any reasonable conditions on a Multiple Dog Property Licence that are consistent with the objects of the Dog Control Act 1996 or the Bylaw.
- 406.5 Unless otherwise stated in the Multiple Dog Property Licence, the Licence Holder must comply with any conditions imposed within one month of the grant of the licence.
- 406.6 Failure to comply with the conditions of a Multiple Dog Property Licence within the specified time will invalidate that licence.
- 406.7 The Council may impose additional conditions on, or revoke, any Multiple Dog Property Licence by giving one month's notice in writing, if the Council determines that the keeping of the additional dog or dogs is inconsistent with the provisions of the Dog Control Act 1996 or this Bylaw.
- 406.8 On revocation of the Licence, the Licence Holder must, within 14 days of the date of Council's notice of revocation reduce the number of dogs kept on the property to the number specified by Council.
- 406.9 Nothing in bylaw 406 applies:
  - (a) To any premises used as a registered veterinary clinic;
  - (b) To any premises used lawfully for the purpose of a commercial boarding kennel;
  - (c) To any premises used for the purpose of impounding dogs under the Dog Control Act 1996.
  - (d) To any premises where animals are kept under the care of the Society of Prevention of Cruelty to Animals.

**407 Standards for Keeping Dogs**

- 407.1 Dog owners must ensure that their dog(s) is provided with:
  - (a) Clean and hygienic accommodation that provides shade, shelter, dry, adequate ventilation and draft-free conditions, such that the dog is kept an appropriate temperature and
  - (b) Adequate food, water, care and attention; and
  - (c) Adequate exercise; and
  - (d) Appropriate veterinarian care.
- 407.2 Dog owners must ensure that the dog accommodation is:

- (a) located and designed to minimize nuisance and/or risk to humans and other animals; and
- (b) at least two metres from a boundary fence.

407.3 If the Council has reasonable grounds to consider that a dog is being kept in contravention of this Bylaw, the Council may, by written notice, require the dog owner to take action(s) to ensure compliance with the Bylaw in a specified timeframe. Should the dog owner not comply with that notice, the Council may issue infringement notices.

#### **408 Dogs in or on Vehicles**

408.1 Any person who allows or leaves a dog in a public place inside or on a vehicle must take all reasonable steps to ensure that the dog:

- (a) is unable to escape that vehicle;
- (b) does not present a risk to or cause distress or nuisance to passers by;
- (c) has adequate ventilation, water and shelter to ensure the dog is comfortable and is not at risk of overheating or dehydration.

408.2 When on a vehicle in a public place, dogs must be secured in a manner that prevents the dog from jumping or falling from that vehicle.

#### **409 De-sexing of Dogs**

409.1 Where any dog owner fails to keep his or her dog under adequate control on repeated occasions the Council may, by written notice, require the owner to de-sex the dog. The dog owner must, within one month after receipt of the notice, produce to the Council a certificate issued by a registered veterinary surgeon certifying:

- (a) that the dog is or has been de-sexed; or
- (b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be de-sexed before a date specified in the certificate.

409.2 If a certificate under clause (b) is produced, the dog owner must within one month after the date specified in the certificate, produce a further certificate to the Council under clause (a).

#### **410 Impounding of Dogs**

410.1 Where any dog is impounded for any reason under the Dog Control Act 1996 or the Marlborough District Council Bylaw 2008 the dog will not be

released unless registered and all registration fees, pound fees and other associated costs have been paid, and any other provision required by the Dog Control Act 1996 and this Bylaw are complied with.

#### **411 Containment**

411.1 When a dog is on land occupied by its owner, the owner must ensure that the dog is physically restrained, or confined, or under direct control, so that it cannot freely leave the land.

#### **412 Dogs in Public Places**

412.1 With the exception of Dog Prohibited Areas and Dog Exercise Areas, dogs are permitted in all public places provided the dog is on a leash.

412.2 No person shall allow a dog to be in a Dog Prohibited Area unless express written permission has been provided by Council for the dog to be in a Dog Prohibited Area or it is a working dog carrying out its duty.

412.3 Dogs are permitted on or off leash in Dog Exercise Areas provided the dog is under control, fouling is removed and the person responsible for the dog has a practical means of collecting fouling, and a leash with them and if off leash the person responsible for the dog has a leash with them.

412.4 A working dog carrying out its duty or a dog that has express written permission provided by Council to be in a specified public place, is permitted to be off leash in that public place provided the dog is otherwise under control.

412.5 For the avoidance of doubt nothing in this Bylaw permits dogs to enter public areas which are under the control of another organisation without authorisation from the relevant organisation (for example areas under the control of the Department of Conservation).

412.6 A list and map of Dog Prohibited Areas and Dog Exercise Areas are set out in Second Schedule of this Bylaw.

#### **413 Contravention of Bylaws**

413.1 Every person who fails to comply with this chapter of this bylaw may be liable to pay an infringement fee in accordance with the Schedule 1 of the Dog Control Act 1996.

413.2 Any person who breaches this Bylaw commits an offence and is liable to a fine not exceeding \$500, and where the breach is a continuing one, to a further fine not exceeding \$50 for every day on which the breach has continued.

# First Schedule

## Application for a Multiple Dog Property Licence

Application is made to Animal Control for a licence to keep an additional dog(s) at the property described below pursuant to bylaw 407 of the Marlborough District Council Bylaw 2008.

### Applicant's Details

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work: \_\_\_\_\_ Mobile: \_\_\_\_\_

### Property Details

Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_ Property Number: \_\_\_\_\_

Size of property: \_\_\_\_\_ Area of property not built upon: \_\_\_\_\_

### Further Information

Please attach the following information to your application:

- Describe any measures (e.g. fencing) in place to prevent dogs roaming off the property and include relevant photos;
- A plan showing the property and location of dog housing/area, including distances from boundaries and neighbouring houses.
- Description of and appropriate photos of dog housing.
- Description of how dog waste (e.g. faeces or kennel washwater) will be disposed of.
- Description of dog's usual exercise regime.
- Description of dog's usual veterinarian or health care regime (e.g. frequency of worming, vaccinations etc).
- Any other information that you consider relevant to your application.

### Statement Regarding History

Have you or any other person who lives at this property or any dogs listed in this application been involved in any breaches of the Dog Control Act 1996, Dog Control Bylaw in any region or the Animal Welfare Act 1999? Yes / No \_\_\_\_\_

If yes, please provide details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Note: These details are likely to be checked. It is an offence to supply false information)



## **Second Schedule**

### **Dog Exercise Areas**

**Dog are permitted off leash in the following areas, provided they are under control, fouling is removed and the person responsible for the dog has a practical means of collecting fouling and a leash with them:**

Both sides of Taylor River Reserve Berms between Taylor Dam and Alfred Street Bridge, Blenheim.

Taylor Dam, only the forest area which is south of the locked gate, Blenheim

Henderson Street Reserve, Blenheim

Sutherland Stream Reserve, Blenheim

Marshall Place Reserve, Blenheim

Burleigh Reserve, Blenheim

Proposed Dog Park (park to be developed), Old Dump Site, Taylor Pass Road, Blenheim

Simonsen Reserve, Malthouse Road, Riverlands

All rivers and any public river berm land, with the exception of the Riverside Park from the Alfred Street Bridge to the confluence of the Opawa and Taylor Rivers.

Seddon Domain, only the tree area in the Northern section, Seddon

The Starborough Creek Berms from State Highway 1 to Tachalls Road.

Lions Reserve, Hawkesbury Road, Renwick

Wairau Bar Road Berm, Spring Creek

Peninsula Road Reserve, Spring Creek

Memorial Park, Picton

Auckland Street Reserve, Picton

Victoria Doman, Picton

Beach Road Reserve, Waikawa

The Brown River Reserve, Rai Valley

Alfred Stream Reserve and Alfred Stream, Rai Valley

Any beach, with the exception of the foreshore of Maud Island and Stephens Island (Takapourewa) Picton Foreshore and Shelley Beach south of the yacht club carpark and any lands administered by the Department of Conservations (unless Department of Conservation authorisation is provided in relation to land administered by it.

## **Dog Prohibited Areas**

**With the exception of working dogs carrying out their duty, dogs with express written permission from Council, or dogs that are contained in a cage or vehicle no dogs are allowed in the following areas:**

Within 1 metre of any play structure, group of structures or play ground area.

Within 15 metres of any war memorial

Wither Hills Farm Park, with the exception of the Gentle Annie and Rotary lookout track area and the associated access from the Taylor Pass Road Carpark, Blenheim.

Seymour Square, Blenheim

Churchward Park, with the exception of the access between Taylor River and Maxwell Road

All cemeteries

Koromiko Forest Reserve, excluding the Colins Memorial Picnic Area

All sports grounds or sports parks, including Blenheim Golf Course

Kahikatea Reserve, Spring Creek

Picton Foreshore, Picton

Waikawa Foreshore (grassed area and waterfront), excluding carpark

Shelley Beach (grassed area and waterfront south of the yacht club carpark), Picton

Note: Dogs are prohibited on any public conservation land unless the owner has a dog control permit from the Department of Conservation, or there is Department of Conservation signage that identifies where a dog may be taken without a permit.