

**Tasman District Council  
Consolidated Bylaw**

**Chapter 2**

**AMENDED DRAFT  
DOG CONTROL BYLAW 2009**

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## 1 Short Title, Commencement and Application

- 1.1 This Bylaw is the Dog Control Bylaw for Tasman District Council and comes into force on -  
- - - -.
- 1.2 This Bylaw applies to the Tasman District. Nothing in this Bylaw shall derogate from the Dog Control Act 1996 or its amendments.

## 2 Interpretation

**Act** means the Dog Control Act 1996.

**Bylaw** means Tasman District Council Dog Control Bylaw 2009.

**Continuous Leash Control** means that the dog is kept under control by means of a leash which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.

**Controlled Dog Exercise Area** means public place within the District, as identified in Schedule 2, where a dog may be exercised off the leash but must still be under effective control.

**Council** means the Tasman District Council.

**District** means the area administered by the Tasman District Council.

**Dog Control Officer** means an officer appointed under Section 11 of the Act.

**Dog Prohibited Area** means public place within the District, as identified in Schedule 3, where a dog is prohibited either generally or at specified times.

**Dog Ranger** means a ranger appointed under Section 12 of the Act and includes an Honorary Dog Ranger.

**Effective 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.

**Leash** means an adequate restraint capable of restraining a dog.

**Leash Control** means that the dog is kept under control by means of a leash (described above) which is secured or is held by a person capable of restraining the dog so that the dog cannot break loose.

**Leash Control Area** means public place within the District, as identified in Schedule 1, where a dog is required to be kept under continuous leash control.

**Owner** in relation to any dog, means every person who either:

- (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 or dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under the Bylaw, or the Dog Control Act 1996 or the Animal Welfare Act 1999 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.

**Private Way** means any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the public generally.

**Protected 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 indigenous and migratory birds including: Australasian Bittern, Banded Dotterel, Banded Rail, Bar-tailed Godwit, Black Shag, Black billed Gull, Black-fronted Tern, Blue Duck, Caspian Tern, Crakes, Fernbird, Fluttering Shearwater, Grey Duck Kingfisher, Kiwi, Little Black Shag, Little Shag, New Zealand Pipit, Penguins, 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**

- a) means 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.

**Urban Area** means an area which is either within or adjacent to the built-up area of a town, village or settlement.

### **3 Control of Dogs in Public Places**

- 3.1** In any public place not specified in Schedule 1, 2 or 3, the owner of any dog or person being in possession of any dog shall keep that dog under effective control at all times.
- 3.2** Without limiting the generality of Subsection 3.1 a dog shall, for the purposes of this Bylaw be deemed not under control if it is found at large in any public place or in any private way in contravention of this Bylaw.
- 3.3** Where a dog is not under control in terms of Subsection 3.2, a Dog Control Officer or Dog Ranger may seize the dog and cause it to be returned to its owner or impounded.
- 3.4** The provisions of Section 69 of the Dog Control Act 1996 shall apply to the impounding of any dog.

## **4 Leash Control Areas**

- 4.1 Every dog shall be kept under continuous leash control while that dog is in a Leash Control Area.
- 4.2 Clause 4.1 shall not apply to any dog being used solely or principally for the purposes of herding or driving stock, and is under the control of its owner or the owner's agent, or is being taken by such person to or from the place where it is to be or has been employed for such purpose.

## **5 Controlled Dog Exercise Areas**

- 5.1 Every dog shall be kept under effective control while that dog is in a Controlled Dog Exercise Area.

## **6 Dog Prohibited Areas**

Every owner of any dog shall not allow it to remain in a Dog Prohibited Area except for hunting dogs engaged in legitimate hunting activities during the recognised hunting season.

## **7 Kennel Licence to Keep Multiple Dogs**

- 7.1 A Kennel Licence is required to keep multiple dogs over the age of three months in non-residential zones if there are
- (a) three or more dogs on a property up to and including 1 hectare in area, and
  - (b) six or more dogs on a property that is greater than 1 hectare in area;
- 7.2 Council may place conditions on the licence and the holder must comply with them. If the holder fails to comply with the conditions, Council may cancel the licence. Any failure to comply shall be a breach of the Bylaw.
- 7.3 Every application for a licence must supply the information that Council requires to issue the licence and the applicant must pay any fee prescribed from time to time by resolution of the Council.
- 7.4 The fee for such a licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996
- 7.5 Dogs kept solely or principally for the purpose of herding or driving stock, or any approved property that is used for the business of dog boarding kennels shall be exempt from this provision

***Note that a Resource Consent is required if three or more dogs are kept on a property in a Residential Zone.***

## **8 Diseased Dogs**

Every dog owner must ensure that any dog known to be infected with Parvovirus, Distemper, Hepatitis or other contagious disease, is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

## **9 Removal of Faeces**

The owner or any person in possession of any dog that defecates in a public place or private way or on land or premises other than that occupied by the owner shall immediately remove or cause to be removed the faeces left by the dog. Where a public litter bin or similar receptacle is used to dispose of the faeces they must be suitably wrapped or contained to prevent such receptacle from being fouled.

## **10 Dogs Becoming a Nuisance or Injurious to Health**

**10.1** The owner or occupier of any premises whereon any dog or dogs are customarily kept shall take adequate precautions to prevent the keeping of such dogs from becoming a nuisance or injurious to health.

**10.2** If in the opinion of an Dog Control Officer the keeping of such dogs on such premises has become or is likely to become a nuisance or injurious to health, the Dog Control Officer may by notice require the owner or occupier of such premises to do all or any of the following:

- (a) to reduce the number of dogs kept on the premises;
- (b) to construct, alter, reconstruct, or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
- (c) to require such dog or dogs to be tied up or otherwise confined during specified periods;
- (d) to take such other action as the Dog Control Officer deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health.

**10.3** If the Dog Control Officer is of the opinion that the keeping of dogs on any premises is or is likely to become a nuisance or injurious to health he or she may by notice to the occupier of those premises prohibit the keeping of dogs on those premises.

**10.4** Any person who fails to comply within the time specified by such notice given under the preceding provision of this section, commits an offence against this Bylaw.

## **11 Housing**

**11.1** Every dog owner must provide his or her dog with suitable housing or kennelling which:  
(a) is weatherproof, dry, clean and gives the dog adequate space, warmth and shade;  
and  
(b) is situated in a position that does not cause a nuisance to any person.

## **12 Dogs On Vehicles**

**12.1** No person shall allow a dog to ride on the open tray of a vehicle on any road or public place unless the dog is at all times restrained by a leash or chain that is sufficiently short in length as to prevent the dog from reaching beyond the tray.

## **13 Dogs Left In or Upon Vehicles**

- 13.1** No person, being the owner or person in possession of any dog, shall without reasonable excuse neglect that dog so that it suffers unreasonable or unnecessary pain, suffering or distress.
- 13.2** Any Dog Control Officer or Dog Ranger shall have power to enter at any time, by force if necessary, into any vehicle for the purpose of inspecting any dog where he/she is satisfied on reasonable grounds that an offence against this Bylaw is being committed in respect of any dog.
- 13.3** Every Dog Control Officer or Dog Ranger exercising the power of entry conferred by Subsection 13.2 of this section shall, if so required produce his/her warrant of appointment to any person in charge of the vehicle.
- 13.4** Where a Dog Control Officer or Dog Ranger exercises a power under Subsection 13.2, written advice of the entry and the purpose of the entry shall be given to the person in charge of the vehicle, as soon as practicable after that entry where:
- (a) no prior notice or agreement of the entry was given or made; and
  - (b) that the occupier or person in charge was not present at the time of entry.
- 13.5** It shall be lawful for any Dog Control Officer or Dog Ranger to obtain and maintain possession by force if necessary, of any dog in respect of which he/she has reasonable cause to believe that an offence against this Bylaw is being committed and to convey the dog to some place of safety, and there hold the dog until such time as the dog is returned to its owner or person in charge of that dog.
- 13.6** As soon as is practicable after any dog is obtained and is in the possession of a Dog Control Officer or Dog Ranger, a written notice shall be given to the owner of the dog or person in charge of the vehicle stating that unless the dog is claimed and all fees paid within seven (7) days of the receipt of that notice, it may be sold, destroyed or otherwise disposed of in such a manner as the Council thinks fit and after the expiry of that period the Council may so dispose of the dog.

## **14 Seizure of Roaming Dogs**

- 14.1** Any dog found at large in any public place at any time in contravention of this Bylaw or any other Bylaw made by Council under any other Act, whether or not it is wearing a collar having the proper registration label or disc attached, may be seized and impounded by any Dog Control Officer.

## **15 Release From Pound**

- 15.1** A dog shall be released from impoundment by the Council only when;
- a) proof of ownership and identity of the dog is established; and
  - b) registered dogs are microchipped, as required by Section 69A of the Act; and
  - c) unregistered dogs are registered and microchipped, as required by Section 69A of the Act; and
  - d) all fees due to Council are paid.

## **16 Offences**

**16.1** Every person who commits a breach of any of the provisions of the Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000 or be issued with an infringement notice.

## **17 Repeal**

**17.1** On the day on which this Bylaw shall come into operation the Dog Control Bylaw 2004 of the Tasman District Council shall be deemed to be repealed.

## **18 Savings**

**18.1** All acts of authority which originated under the Tasman District Council Dog Control Bylaw 2004 are hereby repealed and applications and other acts of the parties and generally all documents, matters, acts and things which so originated and are of continuing effect at the coming into operation of this Bylaw shall endure for the purposes of this Bylaw as if they had originated under this Bylaw and shall where necessary be deemed to have so originated.

The foregoing Bylaw was made by the Tasman District Council at a meeting of the Council held on  
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In witness whereof the Common Seal of the Tasman District Council was hereunto affixed in the presence of:

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Chief Executive**

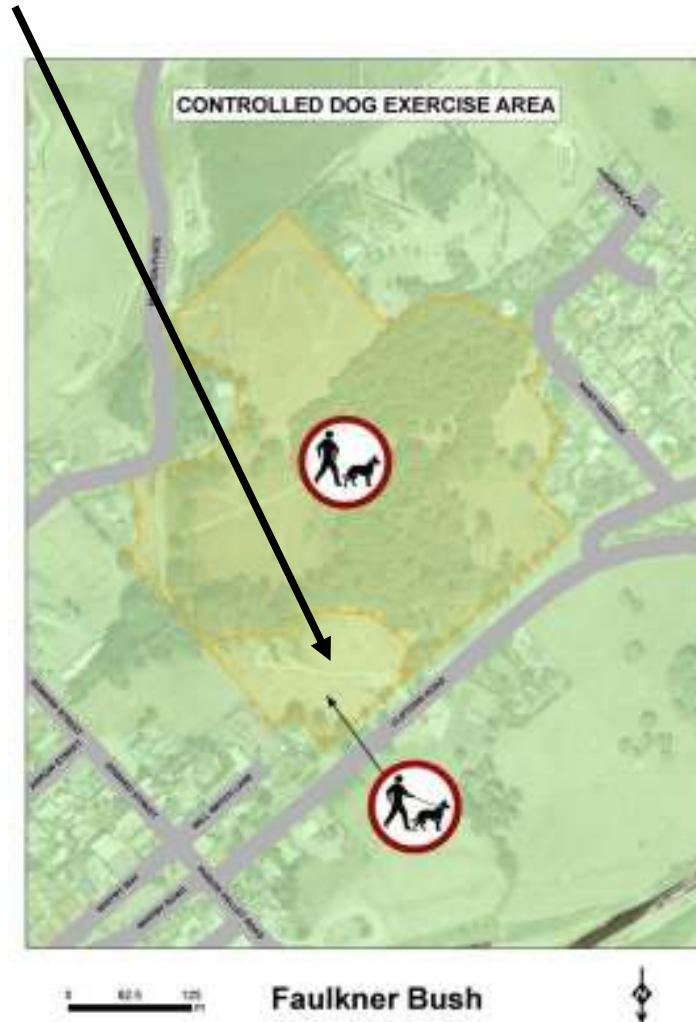


## SCHEDULE 1

### LEASH CONTROL AREAS

Every dog shall be kept under continuous control by means of a leash which is secured or held by a person capable of restraining the dog so that the dog cannot break loose.:

1. In an urban area or cemetery
2. On any occasions a dog is likely to injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife.
3. In the presence of stock, unless that dog is being used solely or principally for the herding or driving of the stock.
4. Faulkner Bush Reserve picnic area as defined on attached map.



## **SCHEDULE 2**

### **CONTROLLED DOG EXERCISE AREAS**

Every dog shall be kept under the effective control of a responsible person, responding to voice commands, whistles, hand signals or other effective means. Dog owners must carry a leash at all times.

**NOTE: ON ANY OCCASION A DOG IS LIKELY TO INJURE, ENDANGER, OR CAUSE DISTRESS TO ANY PROTECTED WILDLIFE IT SHALL BE KEPT UNDER CONTINUOUS LEASH CONTROL, EVEN IN A CONTROLLED DOG EXERCISE AREA.**

#### **Golden Bay**

Beach from Milnthorpe Quay to Collingwood (east of township)

Motupipi Estuary – the area between the cemetery and the internal boundary of the golf course as indicated by signs

Patons Rock Beach, west of settlement to Pariwhakaoho River mouth

Pohara Beach from the end of Pohara Valley Road to eastern boundary of Pohara Camp

Rangihaeata Beach

Rototai Recreation Reserve

#### **Motueka/Kina**

Batchelor Ford Road

Riwaka River Mouth to Tapu Bay mudflats

York Park

Kina Beach- exposed seaward side of the beach

#### **Richmond/Mapua**

Dellside Reserve including track up into Richmond Hills

Foreshore from Seaward boundary Mapua Leisure Park to Chayter Reserve

Headingly Lane – mudflat area below high tide mark

Railway Reserve behind Jubilee Park

Rough Island – Hunter Brown and Greenslade Park

#### **Wakefield**

Faulkner Bush Reserve except for picnic area, as defined on attached map




**Batchelor Ford Road, Motueka**





**Dellside Reserve**




0 62.5 125 m

**Faulkner Bush**



**Headingly Lane  
(Mudflat Area below high tide mark)**





**Motupipi Estuary  
(Between cemetery & golf course)**



**Old Mill Walkway  
(Foreshore from Mapua Leisure Park to Chayter Reserve)**











Rough Island  
(Hunter Brown & Greenslade Park)



York Park

## **SCHEDULE 3**

### **DOG PROHIBITED AREAS-**

**Dogs are prohibited on all Council sports fields and complexes, and within 10 metres of playground equipment and picnic tables .and in the following areas:**

#### **Golden Bay**

Collingwood Camping Ground – summer months

Ligar Bay Beach – summer months, except between the hours of 5.00am and 9.00am

Motupipi Estuary – excluding designated dog exercise area

Onekaka Estuary

Pakawau Beach (camp frontage) – summer months

Parapara Inlet

Patons Rock Beach in front of the settlement – summer months

Pohara Beach Top 10 Holiday Park

Pohara Beach from eastern camp boundary to Selwyn Street Reserve – summer months

Pohara Beach from the sign at the western end of the golf course to the mouth of the Motupipi Estuary

Ruataniwha Inlet

Tata Beach – summer months except from 7am to 9 am

Tukurua Beach (camp frontage) – summer months

Waikato Inlet – including beach area to Ruataniwha Inlet

Waitapu Estuary

Western boundary of the Rototai dog exercise area to the mouth of the Waitapu estuary

#### **Motueka/Kina**

Breaker Bay Beach

Fearons Bush Camping Ground

Kaiteriteri Beach

Little Kaiteriteri Beach – summer months, except between the hours of 5.00am and 9.00am

Lower Moutere Recreation Reserve – except for Dog Obedience and Tracking classes

Memorial Reserve Corner Riwaka

Otuwhero Estuary and Sandspit

Saltwater Baths – Motueka

Stephens Bay Beach – summer months, except between the hours of 5.00am and 9.00am

**Richmond/Mapua**

Hope Recreation Reserve & Hall – except for Dog Events approved by Hall Committee

McKee Memorial Domain

Rabbit Island (including the beach)

**Murchison**

Riverview Motor Camp – Murchison

**Definitions:**

Summer months = 1 December to 1 March

**Exception to Dog Prohibited Area:**

**This prohibition of dogs from specified areas does not apply to game hunting dogs engaged in legitimate hunting activities during the recognised hunting season.**



**Dog Prohibited Area (Breaker Bay Beach)**



**Dog Prohibited Area  
(Collingwood Camping Ground)**  
During summer months 1st December to 1st March



**Dog Prohibited Area  
(Fearon Bush Camping Ground)**



**Dog Prohibited Area  
(Hope Recreation Reserve and Hall)**



**Dog Prohibited Area  
(Kaiteriteri Beach)**



**Dog Prohibited Area  
(Ligar Bay Beach)**

During summer months 1st December to 1st March - except between 05:00am and 09:00am



**Dog Prohibited Area  
(Little Kaiteriteri Beach)**

During summer months 1st December to 1st March - except between 05:00am and 09:00am



**Dog Prohibited Area  
(Lower Moutere Recreation Reserve)**





**Dog Prohibited Area  
(Mckee Memorial Domain)**



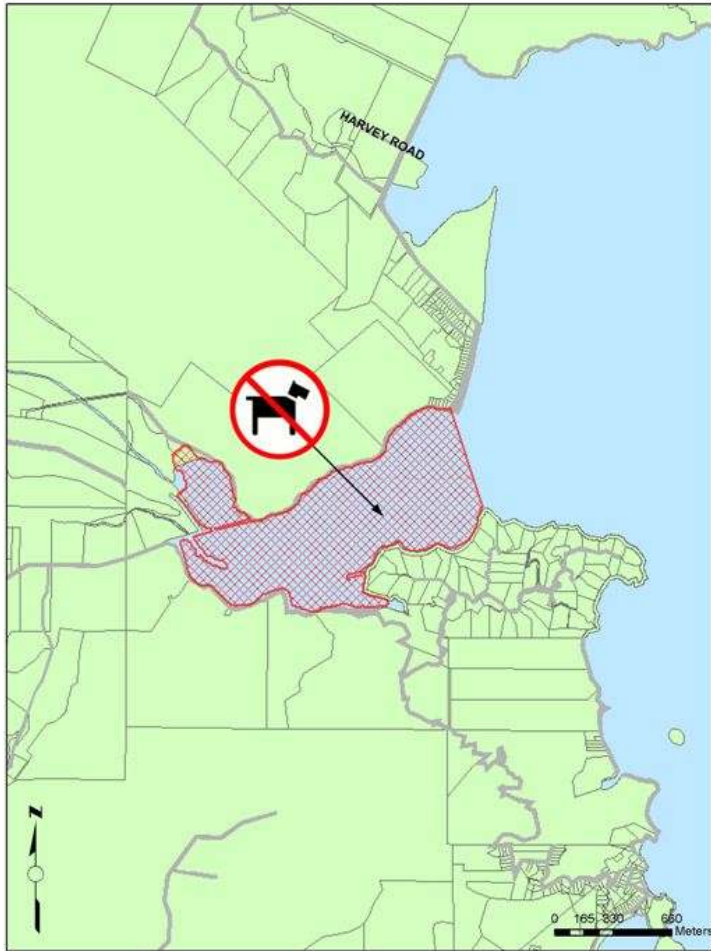
**Dog Prohibited Area  
(Memorial Reserve Corner, Riwaka)**



**Dog Prohibited Area  
(Motupipi Estuary)**  
Excluding designated dog exercise area



**Dog Prohibited Area  
(Onekaka Estuary)**



**Dog Prohibited Area  
(Otuwhero Estuary and Sandspit)**



**Dog Prohibited Area  
(Pakawau Beach - Camp Frontage)**  
During summer months 1st December to 1st March



**Dog Prohibited Area  
(Parapara Inlet)**



**Dog Prohibited Area  
(Patons Rock Beach - In front of the settlement)**

During summer months 1st December to 1st March



**Dog Prohibited Area  
(Pohara Beach To Motupipi Estuary mouth)**



**Dog Prohibited Area**  
 (Pohara Beach from eastern camp boundary to Selwyn St Reserve)

During summer months 1st December to 1st March



**Dog Prohibited Area**  
 (Pohara Beach Top 10 Holiday Park)



**Dog Prohibited Area  
(Rabbit Island and beach)**



**Dog Prohibited Area  
(Riverview Motor Camp - Murchison)**



**Dog Prohibited Area  
(Rototai to Waitapu Estuary)**



**Dog Prohibited Area  
(Ruitaniwha Inlet)**





**Dog Prohibited Area  
(Saltwater Baths - Motueka)**



**Dog Prohibited Area  
(Stephens Bay Beach)**

During summer months 1st December to 1st March - except between 05:00am and 09:00am



**Dog Prohibited Area  
(Tata Beach)**

During summer months 1st December to 1st March - except from 07:00am to 09:00am



**Dog Prohibited Area  
(Tukurua Beach - Camp Frontage)**

During summer months 1st December to 1st March



**Dog Prohibited Area  
(Waikato Inlet - Beach to Ruataniwha Inlet)**



**Dog Prohibited Area  
(Waitapu Estuary)**