



Control of Dogs Policy & Bylaw

Statement of Proposal

We are reviewing our Control of Dogs Policy & Bylaw. These are rules made by Council under the Local Government Act 2002. The objective of the policy is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, while minimising danger, distress and nuisance to the community. The purpose of the bylaw is to support and give effect to our Control of Dogs Policy. Council last reviewed this policy and bylaw in 2013 and they are now due for review. We've made a few changes and need your feedback so we can make a policy and bylaw that reflect the views of the community.

Control of Dogs Policy & Bylaw

Section 10 of the [Dog Control Act \(1996\)](#) requires local authorities to adopt a Policy in respect of dogs in the district. The current Control of Dogs Policy and Bylaw was adopted in September 2013, following a review of the 2007 Control of Dogs Policy and Bylaw.

A local authority must review a Bylaw no later than five years after the date on which the bylaw was first made. After the first review, further reviews are required every 10 years. A review of the Control of Dogs Bylaw is therefore due by September 2023. As part of this process, the existing Policy must also be reviewed in line with section 10AA of the Dog Control Act which states that a local authority must review its policy if the bylaw implementing the policy requires review.

1. Our proposal

The Control of Dogs Policy & Bylaw policy remains largely unchanged however we have made a few updates based on initial feedback from our community and to make sure the policy and bylaw are easy to understand by the community and easy to implement for council staff.

2. Summary of key changes

- A purpose statement and policy principles have been added to increase the clarity of the policy.
- Minor editorial and formatting improvements have been made to make the policy easier to understand.
- An introductory statement recognising the value of dog ownership has been included in the Policy as a result of initial feedback from the community.
- Changes were made to align the bylaw with the policy and clarify that dogs are required to be on lead in all areas in the district.

In our current policy and bylaw, dogs are not allowed in five coastal camping areas within the district (Ngawi, Ngawi Surf Breaks, North Tora, South Tora and Te Awaiti). We have heard from the community that there is an interest in this prohibition being reviewed and we have put forward a few options for consideration.

3. Options for dogs in coastal camping areas

	Option 1	Option 2	Option 3
Description	Maintain the stance of the current policy and bylaw, which is a prohibition of dogs in coastal camping areas (status quo).	Amend the policy and bylaw to allow for dogs in coastal camping areas during specific times of the year at all sites. (Example: allowed between 1 May and 31 October annually)	Amend the policy and bylaw to allow for dogs in specific coastal camping sites at all times of the year. (Example: have two sites designated as being 'dog friendly'.)
Advantages	Under the current policy and bylaw, there are a low overall level of reported dog related incidents in these areas. Current signage is in place to continue with the prohibition. Mitigates risk of disease management on neighboring working farms (Example: sheep measles)	Allows for areas to become 'dog friendly' during off-peak times of year. Ensures safety of visitors during busier periods. Takes a balanced approach, enabling people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, while minimising danger, distress and nuisance to the community.	Allows for specific sites to become 'dog friendly' at all times of the year. Allows nearby alternatives for visitors arriving at coastal camping areas with dogs, who are unaware of the current policy and bylaw. Provides an opportunity for the community to choose a dog free site, should they prefer.
Disadvantages	Visitors arriving at coastal camping areas with dogs, who are unaware of the current policy and bylaw have limited nearby alternatives.	Costs associated with changing signage. Potential increase of dog related incidents, requiring increased enforcement and associated costs. Potential economic impact on neighbouring working farms due to disease management (Example: sheep measles)	Costs associated with changing signage. Potential increase of dog related incidents, requiring increased enforcement and associated costs. Potential economic impact on neighbouring working farms due to disease management (Example: sheep measles)

4. Draft policy and bylaw

A draft of the proposed policy is included in this statement of proposal.

5. How you can have your say

Tell us what you think before 3 September 2023 by:

- filling out the online feedback form on our website www.swdc.govt.nz

- emailing your feedback to submissions@swdc.govt.nz
- dropping your feedback form at the Council Office at 19 Kitchener Street Martinborough or any of the district libraries
- posting your submission to: Policy and Governance Team, South Wairarapa District Council, PO Box 6, Martinborough 5741

Please include your name and email address if you want to speak in support of your submission at a Hearings Committee meeting so we can contact you to arrange a time for you to present on 13 September 2023.

Privacy statement

Your name and feedback will be in public documents. All other personal details will remain private.

The Privacy Act 2020 applies when we collect personal details. Any details that are collected will only be used for the purposes stated. You have the right to access and correct any personal information we hold.



SOUTH WAIRARAPA
DISTRICT COUNCIL

Kia Reretahi Tātau

Control of Dogs Policy

Date of Last Approval	DD MMM 2023
Policy ID	PI-AMS-002 (previously H200)
Next Review	DD MMM 2028 In accordance with section 10AA of the Dog Control Act (1996), this policy must be reviewed if bylaw implementing policy requires review.
Version History	First adopted 19 September 2013 (H200) Amended

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Control of Dogs Policy

1. Introduction

There are many medical, social and physiological benefits of owning a dog including reductions in levels of anxiety and stress, improved social life and increased activity. South Wairarapa District Council (SWDC) supports responsible dog ownership, protection of the public and the recreational needs of dogs and their owners.

2. Relevant Legislation

- » [Dog Control Act 1996](#)
- » [Local Government Act 2002](#)
- » [Animal Welfare Act 1999](#)
- » [Conservation Act 1987](#)

3. Purpose

3.1 The purpose of this policy is to set out how SWDC will:

- » ensure dog owners meet their obligations under the Dog Control Act (1996) and associated bylaws;
- » actively promote responsible dog ownership and the care and welfare of dogs;
- » prevent potential danger caused by dogs to the public, wildlife and natural habitats;
- » minimise potential distress and nuisance caused by dogs to the public (including children), wildlife and natural habitats; and
- » provide for the exercise and recreational needs of dogs and their owners.

4. Scope

4.1 The policy applies to all dogs that reside in or visit the South Wairarapa District.

5. Principles

5.1 The relevant principles of section 10 of the Dog Control Act are taken into account in preparing and applying this policy.

6. Nature and Application of Bylaws

6.1 In accordance with the Dog Control Act, SWDC has a bylaw that gives effect to this policy.

6.2 The Control of Dogs Bylaw specifies requirements for the keeping of dogs, including provision of shelter, limitations on the number of dogs allowed and control of dogs. The bylaw also specifies public spaces where there are restrictions on having dogs.

6.3 Breaching any part of the bylaw may result in penalties or infringement notices.

7. Access to Public Places

- 7.1 Dogs are to be kept on a leash at all times in public places within the South Wairarapa District, including public parks, reserves, pensioner flats, transfer stations, recycling stations and also public reserves in rural areas under the control or management of the Council.
- 7.2 Dogs are prohibited from all children's play areas, sports grounds, swimming pools, cemeteries, public buildings under the control or management of Council and any other areas where dogs may pose a threat to the public.
- 7.3 Access of dogs may be controlled under other legislation, including the Conservation Act 1987 and Reserves Act 1977. Refer to www.doc.govt.nz to identify such areas in the South Wairarapa district.

8. Dog Exercise Areas

- 8.1 Dogs are not required to be kept on a leash in a designated dog exercise area, outlined in Schedule B, where they are under continuous surveillance and effective control.
- 8.2 The Council may, by resolution publicly notified make additions or deletions from the schedule. Where SWDC intend to make a resolution, engagement may be undertaken as required under our Significance and Engagement Policy.

9. Menacing Dogs

- 9.1 SWDC will classify a dog as menacing by breed, type or deed, in accordance with the Act (s.33A).
- 9.2 All dogs classified as menacing dogs must be desexed in accordance with s33E(1) (b) of the Act within one month after receipt of notice of the classification. In the case of dogs classified as menacing by another council, that the dog be neutered within one month of registration with the Council.
- 9.3 The menacing dog owner must, at their expense, provide evidence that the dog has been desexed or is unfit to be desexed by the specified date. If the appropriate evidence is not provided within one month, the dog may be impounded and will only be released to the veterinarian appointment to be desexed, as arranged by the owner.
- 9.4 In accordance with the Act (s.33E) a dog classified as menacing must be muzzled when in public places (unless confined within a cage or vehicle).

10. Dog Owners

- 10.1 Any person convicted of an offence under the Dog Control Act (s.21) or who commits three infringement offences (not related to a single incident) within a 24 month period, may be classified as a probationary owner.
- 10.2 A probationary owner may be required to undertake, at their own expense, a dog owner education programme or dog obedience course (or both).

- 10.3 A decision to classify an owner as a probationary owner can be appealed by the owner to Council.
- 10.4 Council must disqualify a person from being the owner of a dog if that person is convicted of certain offences, unless Council is satisfied the circumstances of an offence do not warrant disqualification.
- 10.5 Where a person who is classified as a probationary owner and is convicted of certain offences the Council may disqualify that person from being the owner of any dog. The disqualification can be for any period up to a maximum of 5 years. A disqualified owner must dispose of any dog/s owned within 14 days.
- 10.6 Council's will classify an owner as disqualified for an appropriate period as provided for in the Act. A decision to classify an owner as a disqualified owner can be appealed by the owner to Council.
- 10.7 Owner education is seen as an important part of the policy. Officers will work with dog owners and other stakeholders in the community to:
- i) Inform and educate dog owners and the general public about responsible dog ownership by raising awareness through education programs, distributing information and the use of media.
 - ii) Ensure complaints received are followed up by Officers with appropriate action taken.

11. Dog Control Fees

- 11.1 The Council will annually review its dog control fees to suit operational requirements. The structure of dog control fees will be aligned with the Annual Plan each year. The Council aims to self-fund dog control operations from dog control fees. All dogs over 3 months must be registered.
- i) Desexing - The Council will continue to promote desexing of dogs by imposing a lower registration fee for spayed or castrated dogs.
 - ii) Late registration - A late registration penalty fee will be added for all dogs not registered by the end of the first week of August as set by the Council of the registration year. The penalty fee will be 50% of relevant registration fee, or as set by the Council.
 - iii) Rural dogs - It is recognised that rural dogs cause fewer dog control problems and therefore a differential between rural and urban fees will apply.
 - iv) Disability Assist dogs - Disability Assist dogs, as defined by Schedule 5 of the Dog Control Act, will not be charged a fee upon registration.
- 11.2 All dogs (except working dogs) registered after 1 July 2006 must be microchipped. If the dog is not microchipped by SWDC, a microchip certificate is to be provided to SWDC within 30 days of registration. All impounded dogs will be microchipped before being released.

- 11.3 Every person who commits an offence, who does anything prohibited, or who fails, refuses or neglects to do anything to be done according to the South Wairarapa District Council Control of Dogs Bylaw and is liable to:
- i) The penalty provisions of section 242 Local Government Act 2002; or
 - ii) Any other penalty pursuant to the Dog Control Act 1996; or
 - iii) Be served with an infringement notice pursuant to section 66 of the Dog Control Act 1996.
- 11.4 The Dog Control Act provides for infringement notices for certain offences under the Act. Infringement notices can be served at the time of the offence on the owner as defined in the Act and generally the person in charge of the dog. The infringement requires an infringement fee to be paid or for the owner to request a court hearing in respect of the alleged offence.

12. Definitions

Menacing Dog By Breed refers to those dogs belonging wholly or predominantly to one or more breeds or types listed below.

- a) Brazilian Fila
- b) Dogo Argentino
- c) Japanese Tosa
- d) Perro de Presa Canario
- e) American Pit Bull Terrier

Menacing Dog by Deed refers to those dogs considered by Council to pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to observed or reported behaviour of the dog or any characteristics typically associated with the dog's breed or type.

Working Dog refers to any dog outlined in [Section 2](#) of the Dog Control Act (1996).

Disability Assist Dog refers to those dogs certified by one of the organisations listed in [Schedule 5](#) of the Dog Control Act (1996) as being a dog that has been trained (or is being trained) to assist a person with a disability.



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

**SOUTH WAIRARAPA DISTRICT COUNCIL
CONTROL OF DOGS BYLAW 2013**

(as at DD MMM 2023)

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- » Dog Control Act 1996
- » Local Government Act 2002

Bylaw History

Date of Decision	Description	Decision Reference
14 December 2005	Made Control of Dogs Bylaw 2005 which replaced Part 12 of the Council's Part 12 of the Council's Model General Bylaws NZS9201:1999.	DC2005/215
26 April 2006	Amendments to Control of Dogs Bylaw 2005 pursuant to Section 156 of the Local Government Act 2002.	DC2006/47
25 July 2007	Made Control of Dog Bylaw 2005 as part of a review of Control of Dogs Bylaw 2007.	DC2007/120
25 July 2007	Commencement of Control of Dog Bylaw 2007.	
19 September 2013	Made Control of Dogs Bylaw 2013 as part of a scheduled review of Control of Dogs Bylaw 2007. A key change related to the ability for Council to make changes by way of resolution to the schedules of the bylaw.	DC2013/164
1 October 2013	Commencement of Control of Dogs Bylaw 2013	
XX XXX 2023	Review of Control of Dogs Bylaw 2013 completed	DC2023/XX
XX XXX 2023	Made amendments to Control of Dogs Bylaw 2013.	

This bylaw must be reviewed by XX MONTH 2033. If not reviewed by this date, the Bylaw will expire on XX MONTH 2035.

Foreword

This Bylaw is made under section 20 of the Dog Control Act 1996 and section 145 of the Local Government Act 2002 (LGA). This bylaw draws from the New Zealand 9201 Standard Part 12 Dog Control Bylaw. NZ9201 series are model bylaws covering various matters under local authority jurisdiction.

1. Title and Commencement

- 1.1. The title of this bylaw is the South Wairarapa District Council Control of Dogs Bylaw 2013.
- 1.2. This Bylaw comes into force throughout the South Wairarapa district on 1 October 2013.
- 1.3. Amendments to this Bylaw by resolution DC2023/XX come into force on DD MMM 2023.

2. Scope

- 2.1. The purpose of this Bylaw is to set standards of control that must be observed by dog owners. It covers matters such as dogs in public places, wandering dogs, ownership of more than one dog, and nuisances caused by dogs.
- 2.2. This bylaw is not the only major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as registration, barking dogs, dogs attacking people or stock and other matters.

3. Interpretation

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

Disability Assist Dog means the same as that specified in the Dog Control Act 1996 and 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:

- » 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
- » Any organisation specified in an Order in Council made under section 78D of the Dog Control Act 1996.

Dog Control Officer means a dog control officer appointed under section 11 of the Dog Control Act 1996.

Council means the Governing Body of the South Wairarapa District Council or any person delegated or authorised to act on its behalf.

Public Place means public place as defined in section 2 of the Dog Control Act 1996:

- » 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 effect any person from that place; and
- » Includes any aircraft, hovership, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

4. Dogs to be under control at all times

- 4.1. The owner, or any person in charge of having control of any dog, shall keep such dog securely tied up or otherwise effectively confined or under his/her direct control.

5. Shelter

- 5.1. Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.
- 5.2. No dog owner shall keep a dog in any shelter that is not on a hard surface and that does not provide shelter from the elements.
- 5.3. No dog owner shall keep a dog in any shelter that is not kept in a clean condition and free from dampness.
- 5.4. No dog owner shall keep a dog beneath the floor of any building, or in the case of a building with more than one floor, in the under-floor areas i.e. beneath the bottom or ground floor of that building.

6. Areas where dogs are prohibited and where dogs must be kept on a leash

- 6.1. The owner of a dog shall not cause or permit to allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in a vehicle. The streets and public places as resolved from time to time shall be detailed in Schedule A of this bylaw.
- 6.2. The owner of a dog shall not cause or permit or allow such dog to enter or remain in or on any part of any street or public place declared by resolution of the Council to be subject to the provisions of this clause unless such dog is being carried in a vehicle or is at all time on a hand held leash. The streets and public places as resolved from time to time shall be detailed in Schedule B of this bylaw.

7. Dog exercise areas

- 7.1. The Council may declare by resolution areas designated as dog exercise areas. The owner of a dog may exercise his or her dog without it being on a hand held leash in any area designated as a dog exercise area provided the dog is kept under continuous and effective control at all times. The dog exercise areas as resolved from time to time shall be detailed in Schedule C of this bylaw.

8. Diseased dogs

- 8.1. No person owning or having control or charge of any dog infected with an infectious disease shall take the dog or permit or suffer the dog to enter or remain in any public place or wander free and at large.

9. Bitches on heat

- 9.1. The owner or person in charge of a bitch in season must keep it confined so that it is unable to enter or remain in any public place or wander free and at large.
- 9.2. Notwithstanding clause 9.1, any such dog shall be regularly exercised.

10. Dogs causing or becoming a nuisance or injurious to health

- 10.1. The owner of the dog, or owner or occupier of any premises where any dog or dogs are customarily kept shall take adequate precaution to prevent the dog or dogs, or the keeping thereof, from becoming a nuisance or injurious to health.
- 10.2. If, in the opinion of the Council, the dog or dogs, or keeping thereof on such premises, has become or is likely to become a nuisance or injurious to health, the Council, or any person duly authorised on that behalf by 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:
 - 10.2.1. Reduce the number of dogs kept on premises;
 - 10.2.2. Construct, alter, reconstruct or otherwise improve the kennels or buildings or fencing used to house or contain such dog or dogs;
 - 10.2.3. Require such dog or dogs to be tied up or otherwise confined during specified periods;
 - 10.2.4. To clean and keep clean the dog kennel and associated area;
 - 10.2.5. Take other such action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health.
- 10.3. Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified shall commit an offence against this bylaw.

11. Limitation as to Number of Dogs Allowed

- 11.1. No occupier of any property in an area which has predominantly urban character under the District Plan prepared by Council shall allow or cause to remain or keep on such premises for any period exceeding fourteen days, or more than two dogs other than working dogs, over the age of three months (whether or not such dogs are registered) unless such occupier shall be the holder of a permit for such purpose from the Council.
- 11.2. Such permit may be issued upon or subject to such terms, conditions, restrictions as the Council may consider necessary and any breach of such terms, conditions or restrictions shall be a breach of this bylaw.

- 11.3. Any person wishing to keep more than two dogs on any premises as provided in the bylaw shall make written application to the Council in such form as may be required by the Council for a permit and shall give to the Council such information in respect of the application as the Council may require.
- 11.4. The Council may decide by resolution that a fee must be paid before a permit is issued in accordance with section 150 of the Local Government Act 2002.
- 11.5. The fee for such permit shall be payable in addition to and separate from the dog control fees payable under the Dog Control Act 1996.

12. Dogs fouling in public areas

- 12.1. Where any dog defecates in any public place or a private way or on land or premises other than that occupied by the owner of the dog, that owner must remove the faeces forthwith and dispose of them in a hygienic manner.

13. Conviction and fines

- 13.1. Every person commits an offence who does anything prohibited under this bylaw or who fails, refuses or neglects to do anything to be done, according to this bylaw, and is liable to:
 - 13.1.1. the penalty provisions of section 242 of the Local Government Act 2002; or
 - 13.1.2. any other penalty pursuant to the Dog Control Act 1996; or
 - 13.1.3. be served with an infringement notice, pursuant to section 66 of the Dog Control Act 1996

14. Power to amend by resolution

- 14.1. The Council may from time to time by resolution publicly notified:
 - 14.1.1. Add schedules
 - 14.1.2. Make additions or deletions from the schedules
 - 14.1.3. Substitute new schedules.
- 14.2. Where Council intends to make a resolution under clause 14.1, Council will comply with the consultation requirements of section 156 of the Local Government Act 2002.

Schedule A: Areas where dogs are prohibited (except in a vehicle)

- i) Any public building or public place, including any library building, swimming pool, recreation centre, under the control or management of the Council.
- ii) Any area developed or marked out as a sports field (not including any spectator area) during sporting events, or any outdoor court, skateboard park or cycle park.
- iii) On any area that is developed or marked out as a playground or contains children's play equipment.
- iv) Any cemetery.
- v) The following coastal camping areas:
 - » North Tora
 - » South Tora
 - » Ngawi
 - » Ngawi Surf Breaks
 - » Te Awaiti

Schedule B: Areas where dogs can be exercised off-leash

- » **Featherston Dog Park:** Corner Johnston Street and Harrison Street West
- » **Greytown Dog Park:** Corner southern end of Cotter Street and Pierce Street
- » **Martinborough Dog Park:** Roberts Street Road Reserve (between Weld Street and Ferry Road)