



## **DOG CONTROL BYLAW 2002**

In pursuance and exercise of the powers and authorities in it by Part XLIII of the Local Government Act 1974, Section 20 of the Dog Control Act 1996, Section 64 of the Health Act 1956 and of each and every power and authority it thereto enabling, the Chatham Islands Council makes and ordains this Bylaw.

### **1.0 Title**

This Bylaw shall be cited and referred to as the "Chatham Islands Dog Control Bylaw 2002".

### **2.0 Interpretation**

"Companion Dog" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Controlled Dog Area" means any public place not designated as either a "Dog Exercise Area" or "Prohibited Dog Area".

"Council" means the Chatham Islands Council.

"District" means the Chatham Islands as administered by the Chatham Islands Council.

"Dog Control Officer" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Dog Exercise Area" means a public place designated in the First Schedule hereto where a dog may be exercised off a leash but under effective control.

"Dog Ranger" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Guide Dog" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Hearing Ear Dog" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Infringement Offence" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Owner" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Prohibited Dog Area" means a public place designated in the Second schedule hereto where dogs are prohibited.

"Public Place" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

"Under Proper Control" in relation to any dog means that it is effectively secured to a leash, chain, or lead which in turn is secured to that the dog cannot break loose, or that the dog is otherwise physically restrained.

"Urban Area" means an area of the Chatham Islands designated in the Third Schedule hereto

"Working Day" shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996.

### **3.0 Controlled Dog Areas**

No owner or person for the time being in charge of any dog other than a working dog shall allow that dog to enter or remain in any controlled dog area unless the dog is under proper control. For the purpose of this bylaw controlled dog areas shall be the urban area listed in the third schedule hereto.

### **4.0 Dog Exercise Areas**

- A) No owner or person for the time being in charge of any dog shall allow that dog to run off a lead or leash in any area other than a dog exercise area specified in the First Schedule; or private property with the consent of the owner or occupier.
- B) Any person for the time being in charge of any dog in a dog exercise area shall keep the dog under the persons effective control at all times.

### **5.0 Prohibited Dog Area**

No owner or person for the time being in charge of any dog shall allow that dog to enter any prohibited dog area.

### **6.0 Shelter**

- A) The owner of every dog shall provide for the use of that dog a weather proof kennel or place of confinement which shall;

- i) Be constructed on dry ground
  - ii) Be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline.
  - iii) Be provided with a fixed chain which allows the dog free movement about the kennel, or some other means of confinement to the kennel.
  - iv) Be kept in a clean and sanitary condition at all times.
- B) The owner of every dog shall provide for the dog to have access to clean water on the owner's property at all times.

## **7.0 Confinement of Dogs**

The owner of every dog in the district shall ensure that dog is securely confined to the owners property or premises at all times unless in the possession of a responsible person and under proper control.

## **8.0 Fouling**

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 those faeces.

## **9.0 Impounding**

Any Dog Control Officer, Dog Ranger or Constable may impound any dog found at large in breach of this or any other Bylaw made by the Council under this or any other Act whether or not that dog is wearing a collar, having the proper registration label or disk attached, and the provisions of Section 69 of the principal act shall apply with any necessary alterations or modifications as if those provisions were incorporated in this Bylaw.

## **10.0 Limit on Number of Dogs to be Kept**

- A) No occupier of any premises within the urban areas specified in the Third Schedule shall allow to remain or keep on the premises for a period exceeding 14 days, more than 2 dogs exceeding 3 months of age at any one time, unless the occupier is the holder of a permit issued by the Council.
- B) Any person desiring to allow or keep more than 2 dogs on his/her premises shall make written application to the Council for a permit and shall furnish the Council with such information as it may reasonably require in relation to the application.
- C) A permit may be issued upon and subject to such terms, conditions and restrictions as the Council may specify.

- D) The Council may from time to time by resolution fix an application fee for a permit to keep more than 2 dogs. Such a fee shall be payable upon application and will be additional to any registration fees.

## **11.0 Nuisances**

- A) a) The owner of every bitch in season shall keep it continuously confined whilst it is in season in a manner which prevents its escape and which prevents entry to the area of confinement by other dogs.
- b) The owner of every bitch in season so confined shall ensure that it receives adequate exercise.
- B) The owner of every dog shall take all practicable steps to prevent the dog from being or becoming a nuisance by persistent barking, howling or whining.
- C) No person shall keep any dog under conditions which are offensive or likely to be injurious to the health of the dog or any person.
- D) The owner of any dog that has not been kept under proper control on 2 or more occasions in any twelve month period shall cause that dog to be neutered, whether or not the owner of the dog has been convicted of an offence against Section 53 of the principal Act.

## **12.0 Diseased Dogs**

Any owner or person having control or charge of any diseased dog shall confine that dog to that persons property at all times.

## **13.0 Teasing Dogs**

No person shall tease, provoke or otherwise mistreat any dog in such a way that would cause, or may cause, that dog to become aggressive, unmanageable or a nuisance.

## **14.0 Revocation**

Any previous Chatham Islands Dog Control Bylaw is hereby revoked.

Section 20(5) of the dog control Act 1996 provides that every person who commits a breach of the Bylaw commits an offence and is liable to the penalties described by Section 683 of the Local Government Act 1974 which, as at the date of making the Bylaw, were a fine not exceeding \$500.00, and where the breach is a continuing one, to a further fine not exceeding \$50.00 for every day in which the breach has continued.

Section 65 of the Dog Control Act 1996 permits for an infringement fee of \$200.00 to be imposed in respect of each offence.

## **FIRST SCHEDULE**

### **DOG EXERCISE AREAS**

- All island beaches

## **SECOND SCHEDULE**

### **PROHIBITED DOG AREAS**

- Norman Kirk Memorial Reserve – Those areas that are not used for farm purposes.
- Department of Conservation Reserves
  - o Nikau Scenic Reserve
  - o Hapupu Historic Reserve
  - o Henga Scenic Reserve
  - o Mangere Island Nature Reserve
  - o South East (Rangatira) Island Nature Reserve
  - o Tuku Nature Reserve

**NB:** A Dog Permit can be obtained on application to the D.O.C. office, Te One.

**THIRD SCHEDULE**  
URBAN AREAS

- The township of Waitangi

Adopted and passed by the Chatham Islands Council at its Ordinary Monthly Meeting held on 18<sup>th</sup> July 2002.

The common seal of the Chatham Islands Council was at the same time affixed by the order of the Council in the presence of

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Patrick F Smith  
Mayor

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Owen L Pickles  
General Manager