



**STRATFORD**  
**DISTRICT COUNCIL**

## **CONTROL OF DOGS BYLAW 2020**

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**Date in force: 17 August 2020**

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**Purpose:** This bylaw gives effect to the Council's Dog Control Policy, the objective of which is to enable people to enjoy the benefits of responsible dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally and native wildlife.

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**Review date: 17 August 2030**

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1 **Title**

1.1 This bylaw is made pursuant to section 20 of the Dog Control Act 1996 and 145 of the Local Government Act 2002 and shall be known as the Stratford District Council Control of Dogs Bylaw 2020.

2 **Commencement**

2.1 This Bylaw shall come into force on 17 August 2020.

3 **Repeal**

3.1 As from the day this Bylaw comes into force, the previous Control of Dogs Bylaw 2008 shall be repealed.

4 **Application of Bylaw**

4.1 This Bylaw shall apply to the Stratford District.

5 **Scope**

5.1 This Bylaw is made under the authority of the Local Government Act 2002 and section 20 of the Dog Control Act 1996 and any other Act or Authority enabling the Council to make bylaws and regulate the control of dogs.

6 **Interpretation**

6.1 This Bylaw is to be read in conjunction with the Stratford District Council Dog Control Policy.

6.2 In this Bylaw, unless the context otherwise requires:

“**Authorised Officer**” means any person authorised by Council to carry out or exercise any powers, duties or functions under this Bylaw or any part thereof and includes any Police Officer.

“**Continuous Control**” means the owner has sufficient control over the dog to prevent the dog causing a nuisance to other animals or members of the public, or damage to property.

“**Disability Assist Dog**” means a dog 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.

“**Dog Exercise Area**” means a public place which has by resolution of Council, pursuant to the Dog Control Act 1996 S20(1)(d), been designated as a dog exercise area under the Dog Control Policy.

“**Leash**” means a lead which is capable of restraining a dog.

“**Owner**” means, in relation to any dog, 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 (b) of this definition; and
  - (ii) Is a member of the parent or guardian's household living with and dependant on the parent or guardian: -

but does not include any person who has seized or taken custody of the dog under this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animals Protection Act 1960.

**"Prohibited Public Place"** means a public place which has by resolution of Council, pursuant to the Dog Control Act 1996 S20(1)(a), been designated as a prohibited public place under the Dog Control Policy.

**"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.

## **7 Prohibited Public Places**

7.1 No owner of any dog shall permit their dog to be in any prohibited public place noted in schedule 1 of this Bylaw.

7.2 Clause 7.1 shall not apply to:

- (a) any disability assist dog, or any dog kept by the Police or any Constable, the Customs Department, the Ministry of Defence, or any Officer or Employee of any such Department of State solely for the purposes of carrying out the functions, powers, and duties in that capacity.
- (b) Any dog contained or securely confined within or tethered on any vehicle so as not to constitute a nuisance or endanger any person, with the exception of Areas gazetted as **CONTROLLED DOG AREAS** under the Conservation Act 1987, except with a Department of Conservation permit.

## **8 Leash Controlled Public Places**

8.1 No owner of any dog shall permit their dog to be in a leash controlled public place except when that dog is controlled on a leash.

## **9 Dog Exercise Area**

9.1 The owner of a dog that is within a dog exercise area shall keep the dog under continuous control but shall not be obliged to keep the dog on a leash.

## 10 **Temporary Designations**

- 10.1 Council may from time to time either impose or suspend a designation as a prohibited or leash controlled public place for a specified period, occasion or event.
- 10.2 Council shall give public notice of such a change in designation by way of a public notice on the Council website and newspaper and appropriate signage in the area concerned.
- 10.3 No owner of any dog shall keep it in any kennel or place of confinement within one metre to any boundary of neighbouring premises. This clause does not apply to dogs confined within a dwelling house.

## 11 **Keeping of More Than Two Dogs**

- 11.1 No person may keep or allow to be kept more than two dogs that are older than three months, unless they are kept on land zoned Rural or as an urban dog owner, holds a licence from the Council to keep a greater number of dogs.
- 11.2 Every application for a licence shall be in writing addressed to the Council.
- 11.3 Any such licence -
  - (a) shall be issued or renewed only upon the payment of fees.
  - (b) shall be issued only upon receipt of the consent of the occupiers of the adjoining properties;
  - (c) may be issued upon or subject to such terms, conditions or restrictions as the Council or its duly authorised officer may impose in any particular case, (whether as to the maximum number of dogs which may be kept on the premises, precautions to be taken to prevent their becoming a nuisance or to prevent a nuisance arising, or otherwise);
  - (d) shall remain in force from the time it is granted until the 30th day of June next following, and shall be renewable annually on the 1st day of July in each year.
- 11.4 The Council may refuse to renew or may suspend, revoke or cancel any licence which it may previously have granted if it is satisfied that the licensee has allowed a nuisance to exist on the premises, or where there has been a failure to comply with all or any of the terms, conditions or restrictions of the licence or any subsequent notice issued by Council.

## 12 **Responsibility to Remove Faeces**

- 12.1 The owner of any dog that defecates on a public place or on land or premises other than that occupied by the owner, shall immediately remove the faeces.

## 13 **Confinement of Bitches In Season**

- 13.1 The owner of any bitch shall keep the animal confined but adequately exercised whilst in season.

14 **Impounding of Dogs At Large**

14.1 Any dog found at large in any public place in contravention of any of Clauses 7 through to Clause 10 hereof, whether or not it is wearing a collar having the proper registration tag attached, may be seized and impounded by any person duly authorised by Council.

15 **Neutering of Dogs**

15.1 In addition to the provisions of the Dog Control Act 1996, for the requirement of the neutering of dogs by classified owners, dog owners who have been infringed for failure to control and confine a dog on three or more occasions in the period of one year, will be required to have that dog neutered.

16 **Mangy or Diseased Dogs**

16.1 No person owning or having control or charge of any mangy or diseased dog shall take it into any public place or allow such dog to enter or remain in a public place or wander free and at large.

17 **Custody of Dogs**

17.1 As soon as practicable after any dog has been impounded, where to owner of the dog is known to Council, the Council shall give written notice to the owner that the dog has been impounded and that unless the dog is claimed and any fee referred to herein paid within seven days of the receipt of such notice, it may be sold, destroyed or otherwise disposed of in such manner as the Council thinks fit.

17.2 Where the owner of the dog is not known and cannot be identified from the dog registration tag, Council may, after the expiration of seven days after the date of seizure of the dog, sell, destroy or otherwise dispose of the dog in such manner as it thinks fit.

17.3 Any dog impounded shall only be released to the owner upon the owner paying to Council:

- (a) Fees for the sustenance of the dog; and
- (b) The Poundage Fee; and
- (c) The cost of giving notice of the impounding to the owner; and
- (d) The cost of any newspaper advertisement placed for the purpose of notifying the owner of impounding.

18 **Fees**

18.1 Refer to the Stratford District Council's current fees and charges relating to dog registration fees. For registration fees appointed to urban dog owners, please refer to Schedule 2 of the Dog Control Area map which outlines the urban area.

19 **Additional Provisions**

19.1 Stratford District Council may require a dog owner to undertake measures that in the opinion of the territorial authority are necessary or desirable in the control dogs. These include but are not limited to:

- Obedience training
- Fencing repairs
- The use of barking devices
- The use of a muzzle in a public place

## SCHEDULE 1

### Prohibited Public Places

1. The public area surrounding the front entrance of TSB Swimming Pool Complex is a prohibited area.
2. Within 20 metres of any children's playground equipment which is on land controlled by Council except any public road or footpath adjacent such an area.
3. Broadway, including the footpaths, between the northern roundabout, at the intersection of Broadway and Regan Street, and the southern roundabout, at the intersection of Broadway and Fenton Street.
4. Prospero Place
5. Te Papakura o Taranaki except with a Department of Conservation permit.
6. Whanganui National Park except with a Department of Conservation permit.
7. Areas gazetted as **CONTROLLED DOG AREAS** under the Conservation Act 1987, except with a Department of Conservation permit.
8. Pembroke Road, from the Te Papakura o Taranaki Gate to the Plateau carpark being the entire length of the road which is bounded on both sides by the National Park.
9. Manaia Road, from the Te Papakura o Taranaki Gate to the Dawson Falls Road end carpark, being the entire length of the road which is bounded on both sites by the National Park.
10. Any part of any street or public place that has for the time being been so declared by any resolution of Council.

### Leash Controlled Public Places

Dogs must be **CONTROLLED ON A LEASH** in the following areas:

- Any part of any footpath or berms adjacent to a footpath within the district.
- The entrance to King Edward Park from the Colonel Malone gates and includes the Scout Den, Netball Courts, tennis courts and surrounding area as indicated on the attached Dog Control Area map.
- Along the Carrington Walkway (Western Loop) of King Edward Park as indicated on the attached Dog Control Area map.

### Dog Exercise Areas

Dogs may be exercised **UNLEASHED BUT UNDER CONTINUOUS CONTROL** in all areas of the Stratford District except those specified above. Every such area shall be a **DOG EXERCISE AREA**.

Dogs may be exercised without a Department of Conservation permit and subject to certain conditions in the following **OPEN DOG AREAS**:

- Areas gazetted as open dog areas under the Conservation Act 1987. Every such area shall be a **DOG EXERCISE AREA**.

## **SCHEDULE 2**

DOG CONTROL AREA MAPS.

Downloadable as separate files from:  
[www.stratford.govt.nz](http://www.stratford.govt.nz)