



RUAPEHU DISTRICT COUNCIL

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Animal Control Bylaw 2007

The Ruapehu District Council pursuant to its powers under the Local Government Act 2002, and any other Act or authority in any way enabling it to make Bylaws hereby makes the following Bylaw, entitled **RUAPEHU DISTRICT COUNCIL ANIMAL CONTROL BYLAW**.

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1.0 TITLE

- 1.1 This bylaw may be cited as the Ruapehu District Animal Control Bylaw 2006 (the Bylaw)

2.0 COMMENCEMENT

- 2.1 This bylaw shall come into force on 6 April 2007.

3.0 PURPOSE

- 3.1 The purpose of the Bylaw is to establish a single set of Bylaws to regulate the keeping of dogs, other animals, poultry and bees in the Ruapehu District.

4.0 INTERPRETATION

- 4.1 In this Bylaw, unless inconsistent with the context:

Animal means any live member of the animal kingdom that is—

- (i) A mammal; or
 - (ii) A bird; or
 - (iii) A reptile; or
 - (iv) An amphibian,
- but excludes a human.

At Large means at liberty, free, not restrained;

Companion Dog means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog;

Confined means enclosed securely in a building or vehicle or; tied securely to an immovable fixture on a premise or; within an enclosure from which the dog cannot escape;

Control means restrained by a collar or leash by the person responsible for the custody of the dog except that in an “Exercise Area” control may mean that the dog is under the command control of the person responsible for the custody of the dog;

Council refers to the Ruapehu District Council, or the Officer appointed by Council delegation;

Dangerous Dog means any dog classified under Section 31, 32A or 33ED of the Dog Control Act 1996;

Disability Assist Dog means a dog certified by 1 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:

- (a) Hearing Dogs for Deaf People New Zealand,

- (b) Mobility Assistance Dogs Trust,
- (c) New Zealand Epilepsy Assist Dogs Trust,
- (d) Royal New Zealand Foundation of the Blind,
- (e) Top Dog Companion Trust, or
- (f) An organisation specified in an Order in Council made under section 78D

Domestic Dog means all dogs that are not working dogs to whom no alternative classification has been assigned;

Dog Control Fee means any fee prescribed under Section 37 of the Dog Control Act 1996;

Dog Control Officer means a Dog Control Officer appointed by the Ruapehu District Council under Section 11 of the Dog Control Act 1996;

Dog Ranger means a Dog Ranger appointed by the Ruapehu District Council under Section 12 of the Dog Control Act 1996 and includes an Honorary Dog Ranger;

Limit means restrict the number of;

Menacing Dog means any dog classified under Section 33 of the Dog Control Act 1996;

Owner in relation to a dog means every person who:

- (a) owns a dog;
- (b) has possession or is in charge of a dog whether or not the dog is at large;
- (c) is the parent or guardian of a person under the age of 16 years who is:
 - i. the owner of the dog under paragraph a or b; and
 - ii. a member of the household of that parent or guardian; and
 - iii. living with and dependent on that parent or guardian

but does not include a person who has seized or taken custody of a dog for a period not exceeding 72 hours for the purpose of preventing that dog causing damage or for the purpose of restoring a lost dog to its owner.

Person includes not only a natural person but also a corporation sole and body of persons whether incorporated or not;

Pest Dog means a dog kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993;

Private Way means any way or passage whatsoever over private land within a 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 use of the public generally (Local Government Act 1974 S315 [1]);

Prohibit means to debar or forbid;

Public Place 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 or not the owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any beach, foreshore, reserve or domain, or private way;

Stock means:

- (a) Any live horse, cattle, sheep, alpaca, llama, bison, donkey, hinny, mule, pig, ostrich, emu, or water buffalo that is not in a wild state;
- (b) Any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Working Dog (as defined in the Dog Control Act 1996) includes:

- (a) Any Disability Assist Dog,
- (b) Any dog kept by the Police, Customs Department, or Department of State or Government Ministry,
- (c) Kept for the purposes of herding or driving stock,
- (d) Kept for the purpose of destroying pests,
- (e) 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,
- (f) Declared by resolution of the Local Authority as a working dog, (If a dog is classified **Dangerous**, it forfeits the classification as a **Working Dog**).

5.0 PART A: CONTROL OF DOGS

- 5.1 This Part is made pursuant to Section 145 of the Local Government Act 2002 and Section 20 of the Dog Control Act 1996. This part of the Bylaw must be read in conjunction with Council's Dog Control Policy, that outlines policy intent and specific provisions in more detail.
- 5.2 The object of this part of the Bylaw is to regulate the keeping of dogs in the Ruapehu District thereby:
 - (a) To minimise danger, distress and nuisance to the community generally.
 - (b) To promote the control of dogs so that people can enjoy the benefits of dog ownership without compromising the safety of other members of the community.
 - (c) To promote the care of dogs so that the reasonable needs of the dog are met.
 - (d) To promote a high standard of dog ownership throughout the District.
- 5.3 Any person who fails to comply with any section in this Bylaw commits an offence.
- 5.4 Where a person is alleged to have committed a Bylaw offence specified in the First Schedule of the Dog Control Act 1996, that person may either:
 - (a) be proceeded against summarily for the offence; or

- (b) be served with an infringement notice as provided in Section 66 of the Dog Control Act 1996; or
- (c) be proceeded against pursuant to any other enactment so empowering the Council.

6.0 DUTY TO AVOID NUISANCES

- 6.1 A person is not to keep any dog on any land or premises if:
- i The dog causes a nuisance; or
 - ii The dog poses a significant health or safety of risk to others.
- 6.2 Any person commits an offence against this Bylaw who behaves so as to cause any dog on any land, premises or public place to become unmanageable; or incites any dog to fight with, or attack, any other animal or person.
- 6.3 If, in the opinion of a Dog Control Officer or Ranger, any dog or dogs or the keeping of any dogs on any premises, has become or is likely to become a nuisance injurious to health, the Dog Control Officer or Ranger may, by notice in writing, require the owner or occupier of the premises, within a time specified in the notice, to do all or any of the following:
- (a) Reduce the number of dogs kept on the premises,
 - (b) Construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house or contain the dog or dogs,
 - (c) Require the dog or dogs to be tied up or otherwise confined during specified periods,
 - (d) Take such other reasonable action as the Dog Control Officer or Ranger deems necessary to minimise or remove the likelihood of nuisance or injury to health.
- 6.4 Where a Dog Control Officer or Dog Ranger has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, the Dog Control Officer or Dog Ranger may—
- (a) Enter at any reasonable time upon the land or premises, other than a dwelling house, on which the dog is kept, to inspect the conditions under which the dog is kept; and
 - (b) Whether or not the Dog Control Officer or Dog Ranger makes such entry, give the owner of the dog a written notice requiring that person to make such reasonable provision on the property to abate the nuisance as shall be specified in the notice or, if considered necessary, to remove the dog from the land or premises.
- 6.5 Any person who is given notice under this section who fails to comply with such notice within the time specified commits an offence

7.0 DOGS IN PUBLIC PLACES

7.1 General Public Places

- (a) Every person commits an offence, and is liable for an infringement fine, being the owner of a dog that enters or remains in a public place, not using a leash as required in section 4.1 (a) of the Dog Control Policy.
- (b) Exceptions are outlined under Section 4.1 (a) of the Dog Control Policy

7.2 Dog Prohibited Areas

- (a) The Council may from time to time by resolution designate by public notification any public place in which no owner shall cause or permit a dog to enter or remain during such period as may be specified in the resolution.
- (b) No dog is permitted to enter or remain in a Dog Prohibited Area, whether under control or not (except for Working Dogs, dogs confined in or on vehicles, or dogs being taken to or from veterinary premises).
- (c) Failure to comply with these provisions will result in an infringement fine.
- (d) Dog Prohibited Areas are prescribed in section 4.1 (b) of the Dog Control Policy.
- (e) Exceptions are outlined under Section 4.1 (b)(ii) of the Dog Control Policy

7.3 Dog Exercise Areas

Dog Exercise Areas are those prescribed in section 4.1 (c) of the Dog Control Policy read in conjunction with schedule 2 and the maps contained in schedule 3 of that policy.

7.4 Fouling Of Public Places And Land

Owners or persons in charge of dogs entering permitted areas are required to remove their dogs' droppings.

8.0 IMPOUNDING OF DOGS

8.1 Temporary Pounds

Where any dog is seized for impounding under the provision of this Bylaw, and it is not practicable by reason of time or distance to place that dog in any pound appointed by the Council for that purpose, a Dog Control Officer, Dog Ranger or any other authorised person, may, with the consent of the occupier, use any land as a temporary pound for any reasonable time until its disposal in terms of this Bylaw.

8.2 Impounding Provisions

- (a) No dog shall be released from any pound, including a temporary pound, until the owner has paid all fees and charges in respect of poundage, sustenance and care.
- (b) No dog, which is for the time being not registered in accordance with the Dog Control Act 1996, shall be released until it is registered and the due fees and charges paid.

- (c) Council pounds will be open during Council working hours when appointments can be made with the Dog Control Officer at the Ruapehu District Council.
- (d) Any person entering a Council dog pound for the purpose of releasing any dog impounded by a Dog Control Officer, Dog Ranger or other authorised person, without approval of Council, or who is found in the possession of any dog which has been removed by any person from any such dog pound without approval of Council, commits an offence against this Bylaw.
- (e) If a dog impounded in accordance with this Bylaw is not claimed and due fees and charges paid within 7 days after the owner, where known, has received written notice in accordance with Section 69 and 71A of the Dog Control Act 1996, the dog may be disposed of in a manner Council deems fit, by, or on behalf, of Council.

9.0 KEEPING OF MORE THAN TWO DOGS

- 9.1 No person shall keep, or permit to be kept, on each separate premises (multi-unit and attached dwellings are treated as separate), more than two dogs of a greater age of three months, except with a licence issued under this clause. The exceptions to this provision are:
- i Areas zoned Residential Low or Rural in the Ruapehu District Plan
 - ii Boarding Kennels
 - iii Veterinary Clinics
 - iv Pounds
- (Note – The Ruapehu District Plan does not identify boarding kennels, veterinary clinics or pounds and accordingly new boarding kennels, veterinary clinics or pounds are considered as non-complying activities and would require Resource Consent).*
- 9.2 The maximum number of dogs allowed under the licence is four, with exceptions to be considered by Council’s Policy Committee on a case by case basis.
- 9.3 An application fee for a licence applies, and is in the Council’s Fees and Charges Manual.
- 9.4 The licence shall be issued subject to the applicant meeting the following criteria:
- i must have the physical suitability of land to hold more than two dogs;
 - ii must meet the Selected Owner criteria;
 - iii must have the written approval of neighbours on all sides of the applicant’s property;
 - iv must meet such terms or special conditions the inspecting officer may attach to any licence.
- 9.5 When owners and dogs change address, a new application must be submitted for the new address.

9.6 Where the holder of any licence fails to comply with any of the conditions of the licence, a Dog Control Officer may cancel the licence.

9.7 Every person who commits a breach under this Section, commits an offence against the Animal Control Bylaw.

10.0 BITCHES IN SEASON / DISEASED DOGS

10.1 No person shall cause, or permit, a bitch in season to enter or remain in a public place or on any land or premises other than the land or premises of the owner of the dog, or at a registered veterinary clinic.

10.2 No person shall cause, or permit, a dog suffering from mange or other disease to enter or remain in a public place or on any land or premises other than the land or premises of the owner of the dog, or at a registered veterinary clinic.

10.3 Every dog described under this clause shall be confined, given proper care and attention, provided with proper care and sufficient food, water and veterinary care, and adequately exercised during that period of confinement. In the case of bitches in season, they must be contained in such a manner that makes them inaccessible to roaming dogs.

11.0 MINIMUM STANDARDS FOR ACCOMMODATION OF DOGS

11.1 Every owner, in respect of every dog in the care of that owner, must provide accommodation, which meets the following minimum standards:

- i Weather-proof kennel or place of confinement in which there is sufficient room for the dog to stand up and turn around;
- ii The kennel or place of confinement must be:
 - 1 A solid structure sheltered from the elements, with a roof and floor, and be constructed on dry ground; and
 - 2 Allow access to clean water at all times and be kept in a clean and sanitary condition.

11.2 The kennel must not be located nearer than 1 meter to any boundary of the premises. Failure to comply with this provision is an offence.

12.0 PART B: KEEPING OF ANIMALS (OTHER THAN DOGS) AND POULTRY

12.1 Part B is made pursuant to section 146 of the Local Government Act 2002.

13.0 KEEPING OF PIGS

13.1 No person shall keep any pigs so as to be or likely to be a nuisance or create a danger to health.

- 13.2 Except with the written consent of the Council no person shall, within a residential low area, allow any pigs to be kept within fifty metres of any:
- (i) Occupied house
 - (ii) Public place
 - (iii) Boundary of an adjoining property.

- 13.3 Notwithstanding any provision in this bylaw, no person shall keep any pigs in any area zoned for medium or high residential use in the District Plan.

13.4 Maintenance Of Pigsties

- 13.5 The owner of pigs must keep the pigsty and all drains, tanks and other areas associated with the pigsty in a clean condition.

- 13.6 All troughs from which pigs are fed must be of properly constructed concrete, sheet iron, hardwood or other material approved in writing by a Council Officer. The trough must be watertight. All troughs must be kept in a clean condition.

- 13.7 Feeding places for pigs must be of sufficient size to minimize pollution of the surrounding ground.

13.8 Storage Of Pig Food

- 13.9 All food intended for pigs shall be contained in an impervious container with a close fitting cover sufficient to prevent access by flies or the escape of offensive odours.

14.0 KEEPING OF STOCK

- 14.1 No person shall keep any stock so as to be or likely to be a nuisance or create a danger to health.

- 14.2 No person shall keep or suffer to be kept within the district (excluding land zoned Rural) any stock at less distance than 2 metres from any boundary of adjoining premises used for the purpose of a dwelling, shop, warehouse, factory, work shop, church or school unless such animal is at the time being used, ridden or driven.

- 14.3 No stock shall be stabled or housed other than in a stable or other approved building constructed or made to comply with all relevant regulations.

- 14.4 No person shall keep a goat within the district, excluding land zoned as rural, unless it is kept in an area specifically fenced so that it is not possible for the goat to escape or unless it is securely tethered at all times.

- 14.5 No person shall occupy or suffer to be used for human habitation any portion of any building, which is also used as a stable or cattle shed.

15.0 KEEPING OF POULTRY

15.1 No person shall keep any poultry so as to be or likely to be a nuisance or create a danger to health and no person may keep any rooster in areas other than those zoned Rural or Residential Low in the District Plan.

15.2 In areas other than those zoned Rural or Residential Low in the District Plan no person may keep more than 12 birds of poultry and no poultry may be kept except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a poultry run may be attached.

15.3 Poultry House And Run

15.4 No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10m of any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2m of the boundary of adjoining premises.

15.5 Every poultry run, except those in rural zones, shall be enclosed to confine the poultry.

15.6 Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.

16.0 KEEPING OF BEES

16.1 No person shall keep bees at a particular place if in the opinion of a council officer the keeping of bees at that place is, or likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.

16.2 A council officer may prescribe conditions relating to the location and number of hives able to be kept on any premises.

17.0 SLAUGHTER OF ANIMALS

17.1 No person shall slaughter any stock within an urban area in a manner that is a nuisance or injurious to health or offensive.

17.2 No person shall allow to remain on any land, any dead animal or part thereof.

18.0 PENALTIES

- 18.1 Any person who fails to comply with this Bylaw commits an offence and shall be liable upon summary conviction to the maximum penalty provided from time to time in the Dog Control Act 1996 or Section 242(4) of the Local Government Act 2002. Where any person is alleged to have committed an infringement offence specified in the First Schedule to the Dog Control Act 1996 that person may either:
- (a) be proceeded against summarily for the offence; or
 - (b) be served with an infringement notice as provided in Section 66 of the Dog Control Act 1996; or
 - (c) be proceeded against pursuant to any other enactment so empowering the Council.