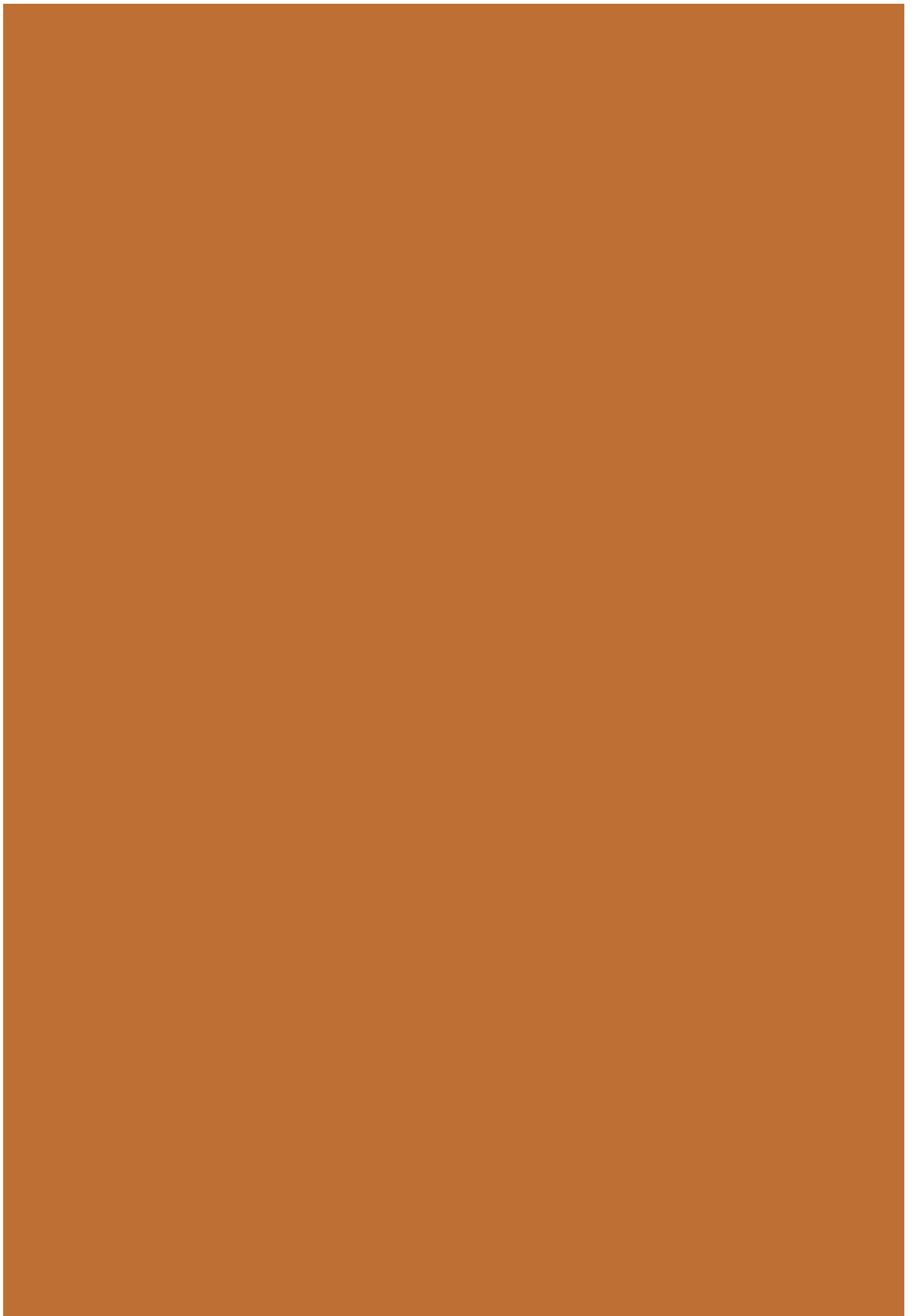


# Christchurch City Council Dog Control Bylaw 2016





# Dog Control Bylaw 2016

**Pursuant to the Dog Control Act 1996 and the Local Government Act 2002, the Christchurch City Council makes this bylaw.**

## Contents

1. Short title and commencement	4
2. Purpose	4
3. Objectives	4
4. Interpretation	4
5. Control of dogs in all public places and at all times	5
6. Leashed and prohibited dog control areas	5
7. Specific leashed and prohibited dog control areas	5
8. General leashed and prohibited dog control areas	5
(A) All Council children's playgrounds	5
(B) All Council skateparks	5
(C) All roads	5
(D) All Council swimming pools and paddling pools	5
(E) All Council cemeteries and memorials	5
(F) All Council boat ramps and slipways	5
9. Exceptions to leashed and prohibited dog control areas	5
10. Special dog control areas	5
(A) Dog Parks	5
(B) Dog Exercise Areas	5
11. Licence for more than two dogs	6
12. Female dogs in season	6
13. Dogs on vehicles	6
14. Offence and penalty	6
15. Christchurch City Council General Bylaw	7
16. Revocations	7

## 1. SHORT TITLE AND COMMENCEMENT

- (1) This bylaw is the Christchurch City Council Dog Control Bylaw 2016. This bylaw comes into force on 1 September 2016.

## 2. PURPOSE

- (1) The purpose of this bylaw is:
  - (a) to balance the recreational needs of dogs and their owners with appropriate controls to minimise the potential for harm, distress or nuisance that may be caused by dogs
  - (b) to regulate dog-related matters to enable the enforcement of the Christchurch City Council Dog Control Policy 2016.

## 3. OBJECTIVES

- (1) The objectives of this bylaw are:
  - (a) to promote the responsible management of dogs in public places
  - (b) to provide for the recreational needs of dogs and their owners
  - (c) to minimise the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

## 4. INTERPRETATION

- (1) This bylaw should be read in conjunction with the Christchurch City Council Dog Control Policy 2016.
- (2) Text in this bylaw that is in grey italics (*italics*) is not part of the bylaw, but is explanatory in nature.
- (3) In this bylaw, unless the context otherwise requires:

**COUNCIL** means the Christchurch City Council

**DISABILITY ASSIST DOG** has the same meaning as section 2 of the Dog Control Act 1996 and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability

**DOG EXERCISE AREA** means an area that is recommended and known to be a good place to exercise dogs off-leash. Such areas are generally not fenced and do not have the same equipment or facilities as a Dog Park

**DOG PARK** means Council land set aside and designed to allow dogs a space to exercise with other dogs and their owners, in a dog-friendly environment. Such areas are generally fenced, have dog-related equipment or facilities, and display signage indicating they are a Dog Park

**HANDLER** means any person who is in control of a working dog, and is not the owner of the working dog

**LEASH** means an adequate restraint, and may include a lead attached to a collar or harness, that allows for the control of a dog when in a public place

**LEASHED AREA** means any public place specified in clause 8 of this bylaw or in the Christchurch City Council Dog Control Policy 2016 where dogs must be on a leash

**NUISANCE** means anything which interferes with or threatens the health or enjoyment of people, and in this context may involve things such as barking, causing distress via intimidating behaviour (such as aggressive barking or rushing), or attacking people, wildlife or other animals

**OWNER** has the same meaning as in section 2 of the Dog Control Act 1996, and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it

**PROHIBITED AREA** means any public place specified in clause 8 of this bylaw or in the Christchurch City Council Dog Control Policy 2016 where dogs are prohibited

**PUBLIC PLACE** has the same meaning as in section 2 of the Dog Control Act 1996, and generally means a place that is open to the public whether or not it is private property

**ROAD** means any land that is designed to facilitate the movement of motor vehicles from one place to another (whether sealed or not), and includes

- associated pedestrian areas (such as footpaths);
- the margins alongside roads, whether sealed or not (such as berms and verges);
- private ways;
- state highways; and
- car parks (whether or not located on land controlled by the Council).

This definition excludes:

- unformed legal roads;
- beaches; and
- any driveway located on private land.

**SHORT LEASH** means a leash that is no longer than 1.5 metres, and if extendable, is locked at a length of no longer than 1.5 metres.  
*Explanatory note: This only applies in an area that specifies the use of a short leash, and not in all Leashed Areas.*

**SUMMER BEACH PROHIBITION AREA** means beaches or sections of coastline specified in the Christchurch City Council Dog Control Policy 2016 where dogs are prohibited between 1 November and 31 March, and between 9am and 7pm, to protect swimming and recreation activities from dog-related nuisances

**UNDER EFFECTIVE CONTROL** means the owner or person in charge of a dog is aware of where the dog is and what it is doing, and that the dog is responsive to commands and is not creating a nuisance.

*Explanatory note: Having your dog under effective control means you can see it or are aware of what it is doing, and are close enough to prevent issues or quickly bring it to heel.*

**WORKING DOG** has the same meaning as section 2 of the Dog Control Act 1996, and generally means any dog carrying out functions and duties:

- relating to farming, such as the herding of stock
- under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management, emergency management or conservation
- under the direction of a private security guard in the execution of their duties

## 5. CONTROL OF DOGS IN ALL PUBLIC PLACES AND AT ALL TIMES

- (1) Every dog owner or person in charge of a dog must keep their dog under effective control in all public places and at all times.
- (2) Every dog owner or person in charge of a dog must carry plastic bags or other effective means to remove and dispose of any fouling (dog faeces) when in public places with their dog.
- (3) Every dog owner or person in charge of a dog must remove and appropriately dispose of any fouling (dog faeces) produced by their dog in public places or on land that is not their own land.

*Explanatory note: The Dog Control Act also requires the owner or person in charge of a dog to carry a leash when taking their dog into public places, whether or not it is a Leashed Area. This requirement does not apply to working dogs in public places.*

## 6. LEASHED AND PROHIBITED DOG CONTROL AREAS

- (1) Every dog owner or person in charge of a dog must ensure that their dog is kept on a leash in a public place designated as a Leashed Area.
- (2) Every dog owner or person in charge of a dog must ensure that their dog does not enter or remain in any public place designated as a Prohibited Area.

## 7. SPECIFIC LEASHED AND PROHIBITED DOG CONTROL AREAS

- (1) The Christchurch City Council Dog Control Policy 2016 contains tables listing the specific public places where leashed and prohibited dog controls apply.
- (2) Dogs are prohibited from specific beaches (Summer Beach Prohibition Areas) during summer (from 1 November to 31 March and between the hours of 9am and 7pm). These beaches are listed in the Christchurch City Council Dog Control Policy 2016.

*Explanatory note: You must have your dog under effective control in public places that are not listed as Leashed Areas or Prohibited Areas.*

## 8. GENERAL LEASHED AND PROHIBITED DOG CONTROL AREAS

### (A) ALL COUNCIL CHILDREN'S PLAYGROUNDS

- (i) Dogs are prohibited from being:
  - a. within any fenced playground area;
  - b. on any specially surfaced playground area;
  - c. within one metre of any fenced or surfaced playground area; or
  - d. within one metre of any playground equipment where there is no fence or special surface.

### (B) ALL COUNCIL SKATEPARKS

- (i) Dogs are prohibited on skatepark surfaces, and from being within one metre of the perimeter of any skatepark.

### (C) ALL ROADS

- (i) Dogs must be on a leash on all roads.

*Explanatory note: For the sake of clarity, 'road' includes associated pedestrian areas (such as footpaths) and the margins alongside roads, whether sealed or not (such as berms and verges), as well as state highways, private ways and car parks.*

### (D) ALL COUNCIL SWIMMING POOLS AND PADDLING POOLS

- (i) Dogs are prohibited from being inside any fenced Council paddling pool area, and from being within one metre of any unfenced Council paddling pool.
- (ii) Dogs are prohibited from entering any Council swimming pool facilities.

### (E) ALL COUNCIL CEMETERIES AND MEMORIALS

- (i) Dogs must be on a leash in the grounds of Council-managed cemeteries and in memorial areas.

### (F) ALL COUNCIL BOAT RAMPS AND SLIPWAYS

- (i) Dogs must be on a leash on and in the vicinity of all Council boat ramps and slipways.

*Explanatory note: For the sake of clarity (and as set out above), dogs must be on a leash on all 'roads', which includes those around boat ramps, slipways and other waterfront and marina-related areas where vehicles manoeuvre*

## 9. EXCEPTIONS TO LEASHED AND PROHIBITED DOG CONTROL AREAS

- (1) Nothing in this bylaw restricting access to any public place applies to disability assist dogs.
- (2) Nothing in this bylaw restricting access to any public place applies to a working dog that is under the effective control of its owner or handler while that dog is being worked or while it is being taken to and from its work.
- (3) Nothing in this bylaw restricting access to any public place applies to any dog that is being worked as a hunting dog by a person undertaking legal hunting activities.
- (4) Every dog owner or person in charge of a dog may enter a beach area designated as a Summer Beach Prohibition Area during summer hours with their dog on a short leash and only for the purpose of passing through, and must ensure that their dog does not remain in the area.

## 10. SPECIAL DOG CONTROL AREAS

### (A) DOG PARKS

- (i) No dog owner or person in charge of a dog may leave a dog unattended at a Dog Park.
- (ii) Every dog owner or person in charge of a dog at a Dog Park must comply with the obligations set out in clause 5 of this bylaw.
- (iii) Dog Parks are listed in the Christchurch City Council Dog Control Policy 2016.

*Explanatory note: Having your dog under effective control is as much about the safety of your dog as it is about the safety of other dogs and other people at Dog Parks and in Dog Exercise Areas.*



**(B) DOG EXERCISE AREAS**

- (i) No dog owner or person in charge of a dog may leave a dog unattended at a Dog Exercise Area.
- (ii) Every dog owner or person in charge of a dog at a Dog Exercise Area must comply with the obligations set out in clause 5 of this bylaw.
- (iii) Dog Exercise Areas are listed in the Christchurch City Council Dog Control Policy 2016.

**11. LICENCE FOR MORE THAN TWO DOGS**

- (1) Owners of more than two dogs must obtain a licence to keep more than two dogs over the age of three months on any property smaller than one hectare / 10,000m<sup>2</sup>.
- (2) An owner of more than two dogs must:
  - (i) apply to the Council for the relevant licence on the appropriate form; and
  - (ii) pay the relevant licence inspection or re-inspection fee; and
  - (iii) allow an inspection or re-inspection of their property as to the suitability of the number and type of dogs applied for being kept there.
- (3) A licence relates to a dog owner, their registered dogs and the specified property. A licence is not transferrable to another property, to a new owner at the same property or to different dogs at the same property.
- (4) A licence will not expire, but will need to be reapplied for if the dogs registered at that property change.
- (5) A licence may be granted, have conditions imposed, or be refused, at the discretion of the attending Dog Control Officer. In considering whether consent should be granted, the attending Dog Control Officer shall have regard to:
  - (i) whether the property size is suitable for the breed and number of dogs
  - (ii) whether there is adequate fencing
  - (iii) whether there is dog-free access to the property
  - (iv) whether the location of kennels is appropriate, and that the kennels are suitable and provide adequate shelter for the breed and number of dogs
  - (v) the previous history of the dog owner in relation to complaints or nuisance
  - (vi) whether the owner is complying with and familiar with their obligations under the Dog Control Act 1996 and the Christchurch City Dog Control Bylaw.
- (6) The licence fee and re-inspection fee will be set annually through the Annual Plan process.
- (7) Any licence issued under a previous Christchurch City Council Dog Control Bylaw is deemed to be a licence issued under this bylaw.
- (8) Any breach of a licence or of any conditions imposed in a licence is considered a breach of this bylaw. The Council may revoke the licence as a result of a breach, whether or not it prosecutes the breach.

**12. FEMALE DOGS IN SEASON**

- (1) Every dog owner or person in charge of a dog, where that dog is a female dog in season, must keep the dog:
  - (i) confined to private property while it is in season; and
  - (ii) confined in such a way so as to minimise the impact on other dogs.
- (2) Transport of a female dog in season should be minimised, and any transport should be undertaken securely and in such a way so as to minimise the impact on other dogs.
- (3) Subclauses (1) and (2) do not apply to a working dog while it is being worked.

*Explanatory note: The hormones released by a female dog in season can be detected over long distances. Female dogs in season must be securely confined on private property (ideally away from boundary fences) and cannot be exercised as normal in public places, or transported unnecessarily. Transport should be limited to veterinary or breeding-related travel. This only applies to female dogs that have not been de-sexed.*

**13. DOGS ON VEHICLES**

- (1) Every dog owner or person in charge of a dog that is on the open tray of a vehicle (such as a ute or truck), in a public place, must ensure the dog is secured by a leash that is sufficiently short in length to prevent the dog from reaching beyond the tray.
- (2) Subclause (1) does not apply to a working dog that is being worked whilst on the open tray of a vehicle.

**14. OFFENCE AND PENALTY**

- (1) Every person who fails to comply with this bylaw commits an infringement offence under Schedule 1 of the Dog Control Act 1996 and may be served with an infringement notice and be liable to pay an infringement fee.
- (2) Every person who fails to comply with this bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.

*For the purpose of clarity, many matters not covered by this bylaw are already covered by the Dog Control Act 1996, and breaches of those matters can result in the issuing of infringement notices (otherwise known as instant fines). The amounts for these infringements range from \$100 to \$750 and are set out in the Act.*

**15. CHRISTCHURCH CITY COUNCIL  
GENERAL BYLAW**

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

**16. REVOCATIONS**

- (1) This bylaw revokes and replaces the Christchurch City Council Dog Control Bylaw 2008.

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*The initial resolution to make this bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on the 10th day of December 2015 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent ordinary meeting of the Council on the 23rd day of June 2016.*

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