

MANUKAU CITY CONSOLIDATED BYLAW 2008

CHAPTER 6

DOG CONTROL¹

EXPLANATORY NOTE

This part of the bylaw supplements the provisions of the Dog Control Act 1996 for the care and control of dogs within Manukau City and gives effect to the Policy on Dogs for Manukau City.

An explanation of the Dog Control Act 1996, Policy on Dogs for Manukau City, and this part of the bylaw is contained in the document titled "Dog Management in Manukau City".

1. Short Title, Commencement and Application

1.1 This bylaw is the Dog Control Bylaw for Manukau City and comes into force on 26 November 2004, Minute no. CL/SEP/1671/04. **Short Title and Commencement**

1.2 This bylaw applies to Manukau City. **Application**

2. Interpretation

Definition of Terms

2.2 In this bylaw unless the context requires otherwise:

BEACH means the foreshore and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation.

CONTAGIOUS DISEASE means any disease declared by resolution of the Council that is carried by a dog and is transferable to people or other animals. Refer to "Council Resolutions to Chapter 6 Dog Control" attached to this bylaw.²

CONTROL means that the dog is not causing a nuisance to any person, distress, danger, injury to any person, domestic animal, stock or poultry, or protected wildlife, or causing any property damage and the person in charge of a dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means.

COUNCIL means the Manukau City Council or any officer authorised to act on its behalf.

DAYLIGHT SAVING means the period from 2 am NZ standard time on the first Sunday of October in each year until 2 am NZ standard time on the third Sunday of March in the following year, or such other period as may from time to time be defined by order or regulation made under the Time Act 1974.

DISTRICT means the district of the Manukau City Council.

¹ Adopted on 30 September 2004 (Minute No. CL/SEP/1671/04)
Amended on 01 October 2008 for Council minute number CL/JUN/745/08
² Inserted under section 156(2)(a) of the Local Government Act 2002

DOG OWNER means owner as defined in section 2 of the Dog Control Act 1996 and includes 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 paragraph (b) of this definition; and
 - (ii) Is a member of the parent or guardian's household living with and dependent 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 Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

FORESHORE means any land covered and uncovered by the ebb and flow of the tide between mean low water springs and mean high water springs and includes the coastline and tidal inlets.

ON A LEASH means that the dog is kept under control by means of a leash, lead or chain which is secured or is held by a person so that the dog cannot break loose.

PUBLIC PLACE means public place as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) 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.

PRIVATE WAY means private way as defined in the Local Government Act 1974 and includes any way or passage whatsoever over private land within the 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.

RESERVE means:

- (a) land vested in or administered by the Council under the provisions of the Reserves Act 1977; or
- (b) Any park, domain or recreational area under the control or ownership of the Council; or
- (c) Any land under the control or management of the Auckland Regional Council.

WORKING DOG means any working dog as defined in section 2 of the Dog Control Act 1996 and includes:

- (a) Any guide dog, hearing ear dog, or companion dog:
- (b) Any dog—

- (i) Kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or
- (ii) Kept solely or principally for the purposes of herding or driving stock; or
- (iii) Kept by the Department of Conservation or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- (iv) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
- (iva) Kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
- (ivb) Kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
- (ivc) Certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- (v) 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 out the business of a security guard; or
- (vi) Declared by resolution of the Council to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution, and includes any dog registered with the Council as a search and rescue dog (Minute No. CL/SEP/1671/04)³ or a hunting dog (Minute No. CL/SEP/1671/04)⁴.

3.0 Control of Dogs in Public Places

Prohibited Areas

- 3.1 Every dog owner must ensure that his or her dog does not enter or remain in any public place designated as a prohibited area in the First Schedule.

Prohibited Areas

Controlled On-Leash Areas

- 3.2 Every dog owner must ensure that his or her dog is kept under control on a leash in any public place designated as a controlled on-leash area in the Second Schedule.

Controlled On-leash Areas

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Refer to Agenda for the 10 October 2002 meeting of the Environmental Management Committee for background information.

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Refer to Submission Number 611 to the Draft Policy and Bylaw on Dogs 2004 for background information.

Controlled Off-Leash Areas

Controlled Off-leash Areas

- 3.3 Every dog owner (excluding the owner of a dog classified by Council as a dangerous dog) may control his or her dog either on a leash or off a leash in any area designated as a controlled off-leash area in the Third Schedule.

Exemptions

Exceptions

- 3.4 Clauses 3.1 and 3.2 do not apply to the owner of:
- (a) A working dog while it is working; or
 - (b) Any dog which is confined completely within a vehicle or cage.
- 3.5 Clauses 3.1, 3.2 and 3.3 shall not, during the course of any event that requires the approval of the Council or the Auckland Regional Council to occur in a public place, apply to that public place. The level of dog access shall be at the discretion and responsibility of the event organiser or in accordance with any conditions of the Council or the Auckland Regional Council. Examples may include the Puhinui Three-Day Event, the Ellerslie Flower Show, sheep dog trials on Duder Regional Park, a concert, function, wedding, filming.

4.0 Removal of Faeces

Dog Faeces

- 4.1 Every dog owner must at all times, when in a public place with their dog, carry a receptacle that will enable the owner to remove any faeces of that dog.
- 4.2 Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the dog owner must remove the faeces immediately and dispose of them in a way that does not cause a nuisance.

5.0 Limitation on Number of Dogs

Limitation on Number of Dogs

- 5.1 Except on land or premises in the following zones of the Manukau City Operative District Plan 2002, no person may keep more than two dogs over the age of three months on any land or premises for more than 14 days (whether or not the dogs have the same owner), unless that person holds a valid permit for that purpose issued by the Council. The zones exempted from this requirement are:
- Rural 1, 2, 3 and 4;
 - Future Development Stage 1 and Stage 2;
 - Flat Bush Countryside Transition;
 - Mangere - Puhinui Heritage;
 - Mangere - Puhinui Rural.
- 5.2 Every application for a permit must supply the information that the Council requires to issue the permit and must pay any fee prescribed from time to time by resolution of the Council.
- 5.3 The Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions the Council may cancel the permit.

6.0 Bitches in Season and Diseased Dogs

6.1 The owner of any bitch in season must ensure that his or her dog does not enter or remain upon any public place or any property other than that of the owner of the dog. This does not apply where the dog is taken to:

Bitches in Season

- (a) Another property with the consent of the occupier; or
- (b) A registered veterinary clinic for treatment

provided that the dog is transported in a way that avoids as far as possible, contact with other dogs. The owner must ensure that the dog is adequately exercised while confined.

6.2 The owner of any dog infected with a contagious disease must ensure that his or her dog does not enter or remain upon any public place or any property other than that of the owner of the dog. This does not apply where the dog is taken to a registered veterinary clinic for treatment, provided that the dog is transported in a way that avoids as far as possible, the spread of the disease.

Diseased Dogs

7.0 Neutering of Dogs

Neutering of Dogs

7.1 Where any dog owner fails to keep his or her dog under control on more than one occasion the Council may, by written notice, require the owner to cause the dog to be neutered.

7.2 The dog owner must, within one month of receipt of the notice produce to the Council a certificate issued by a registered veterinary surgeon certifying:

- (i) that the dog is or has been neutered; or
- (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate.

If a certificate under clause (ii) is produced, the dog owner must within one month after the date specified in the certificate, produce a further certificate to the Council under clause (i).

7.3 Offences and Penalties

Offences and Penalties

7.4 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable to an infringement fee of \$500 or a fine not exceeding \$20,000.

7.5 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this bylaw.

FIRST SCHEDULE Prohibited Areas

1. Any camping ground, cemetery, crematorium or public building, including any library, swimming pool, recreation centre, and visitor centre, under the control or management of the Council or the Auckland Regional Council unless permitted by the occupier or person having control of the premises and subject to compliance with any reasonable conditions imposed.
2. Any other public place not under the control or management of the Council or Auckland Regional Council unless permitted by the occupier or person having control of the premises and subject to compliance with any reasonable conditions imposed. Examples may include a café or school.
3. Any playground or children's play equipment.
4. Any sports surface, including marked fields, courts, and artificial turf.
5. The following beaches and adjoining reserves from 9.00am to 7.00pm during daylight saving:

Clevedon Ward	Howick Ward	Mangere Ward	Manurewa Ward	Pakuranga Ward
<ul style="list-style-type: none"> ▪ Kawakawa Bay Beach ▪ Maraetai Beach ▪ Magazine Bay ▪ Omana Beach ▪ Orere Beach ▪ Sunkist Bay Beach ▪ Waiomanu Beach ▪ Waiti beach 	<ul style="list-style-type: none"> ▪ Cockle Bay Beach ▪ Howick Beach from westernmost boat ramp to Rangitoto View Road ▪ Mellons Bay Beach southeast of water pipe 	<ul style="list-style-type: none"> ▪ Shelly Bay Beach and Kiwi Esplanade from Mangere Boat Club to Short Avenue unless for the purpose of moving through the reserve and boat club and their dog is controlled on a leash 	<ul style="list-style-type: none"> ▪ Shallow Water Beach from Roys Road to Gibbons Road, including Keith Park 	<ul style="list-style-type: none"> ▪ Bucklands Beach south of boat ramp opposite Devon Road ▪ Eastern Beach south of northernmost water pipe including picnic area adjoining McLeans Reserve ▪ Little Bucklands Beach

6. Ambury Farm and adjacent foreshore except loop road connecting Kiwi Esplanade to Ambury Road (see Second Schedule).
7. Botanic Gardens in restaurant area and on cultivated garden areas.
8. Duder Regional Park and adjacent foreshore.
9. Mangemangeroa Reserve foreshore.
10. Omana Regional Park on farm track and paddocks.
11. Tapapakanga Regional Park between 1 July and 30 November.
12. Wattle Farm Reserve in wildlife protection area.

SECOND SCHEDULE Controlled On-Leash Areas

1. Any public place not identified as prohibited or controlled off-leash areas in the First or Third Schedules.
2. Any private way, including shared driveway.
3. Any road or car park, including footpath and berm.
4. Any jetty, boat ramp, or boat marshalling area.
5. Any farm paddocks occupied by stock.
6. Any bush walk in the following reserves:

Clevedon Ward	Howick Ward	Manurewa Ward
Clevedon Stewardship Area	Mangemangeroa Reserve	David Nathan Park
Dr Platt-Mills Reserve		Hill Road Reserve
Murphy's Bush		Orford Park
Point View Reserve		Totara Park

7. Ambury Farm loop road connecting Kiwi Esplanade to Ambury Road.
8. Botanic Gardens except in restaurant area and garden areas (see First Schedule) and area north of rose garden (see Third Schedule).
9. Esplanade reserves adjacent to Papepape Marginal Strip Foreshore.
10. Esplanade reserves adjacent to Waikopua Creek Stewardship Area Foreshore.
11. Esplanade reserves adjacent to Wairoa River Estuary Bay Foreshore.
12. Esplanade reserves in Puhinui Reserve.
13. Kiwi Esplanade Reserve.
14. Musick Point Esplanade Reserve.
15. Omana Regional Park excluding farm track and paddocks (see First Schedule) and perimeter track (see Third Schedule).
16. Rotary Walkway to Galloway Crescent accessway.
17. Tapapakanga Regional Park between 1 December and 30 June.
18. Totara Park in picnic and playground areas.
19. Weymouth Walkway esplanade reserve from Palmers Rd to Kopara Pl.

THIRD SCHEDULE

Controlled Off-Leash Areas

1. Any reserve, beach and foreshore except for those areas identified as prohibited or controlled on-leash areas in the First and Second Schedules.

**ATTACHMENTS TO CHAPTER 6 DOG CONTROL
OF THE MANUKAU CITY CONSOLIDATED BYLAW 2008
FOR INFORMATION PURPOSES ONLY**

HISTORY OF THE ATTACHMENT

Description	Date Made	Council Minute	Commencement
Attachment first adopted under 2008 consolidated bylaw	25 Sep 2008	CL/SEP/1083/08	01 Oct 2008

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Attachment A

1. Contagious Diseases 2

ATTACHMENT A CONTAGIOUS DISEASES

Chapter 6 Dog Control of the Manukau City Consolidated Bylaw 2008 defines “contagious disease” as any disease declared by resolution of the Council that is carried by a dog and is transferable to people or other animals.

Manukau City Council resolved at its meeting on 26 May 2005 to declare the following diseases as a “contagious disease” (Minute No. CL/MAY/850/05):

(a) Contagious diseases transferable to humans and other animals:

- (i) Ringworm
- (ii) Sarcoptic Mange
- (iii) Roundworm larvae
- (iv) Bacterial enteritis
- (v) Salmonella
- (vi) Leptospirosis
- (vii) Hydatids
- (viii) Campylobacter
- (ix) Toxoplasma gondii
- (x) Dog bites which become infected
- (xi) Pseudocowpox (Milkers Nodule)
- (xii) Orf (Scabby Mouth)
- (xiii) Brucellosis
- (xiv) Ornithosis
- (xv) Cryptosporidiosis
- (xvi) Giardiasis
- (xvii) Toxoplasmosis
- (xviii) Toxicariasis
- (xix) Hydatid Disease

(b) Contagious diseases transferable to humans:

- (i) Giardia
- (ii) Bacterial bronchitis
- (iii) Mycobacterium tuberculosis

(c) Contagious diseases transferable to other dogs:

- (i) Parvovirus
- (ii) Distemper
- (iii) Kennel cough
- (iv) Canine hepatitis
- (v) Worms