

# Dog Control Bylaw 2010 (Amended 2016)

1. Introduction .....	2
2. Definitions and interpretation .....	2
3. Control of dogs in Public Places.....	4
4. Areas prohibited to dogs.....	4
5. Leash control areas .....	4
6. Dog exercise areas .....	5
7. Minimum standards for accommodation.....	5
8. Limitation on the number of dogs kept .....	5
9. Fouling in Public Places .....	6
10. Duty to avoid Nuisances.....	6
11. Impounding of dogs.....	7
12. Offenses and penalties .....	7
13. General .....	8
14. Fees and charges.....	8
Schedule 1 .....	9
Schedule 2.....	10
Schedule 3.....	11



## **1. INTRODUCTION**

### **1.1 Scope**

The purpose of the Bylaw is to balance the needs of dogs and their Owners against the need to ensure that the danger, distress and Nuisance of dogs and dog behaviour to the community is minimised.

This bylaw gives effect to the Council's Policy on Dogs, the objective of which is to:

- a) To minimise danger, distress and nuisance caused by dogs to the community.
- b) To minimise the nuisance created by dogs fouling in public places.
- c) To provide opportunities to fulfil the exercise and recreational needs of dogs and their owners.
- d) To promote and enhance community awareness of dog control issues and owner responsibility.
- e) To fund the cost of dog control activities from fees and charges levied on dog owners in accordance with Council's funding policy.

This Bylaw shall apply to the entire Matamata-Piako District unless specified otherwise in this Bylaw.

### **1.2 Enabling Enactments**

This Bylaw is made pursuant and subject to the Local Government Act 2002, the Dog Control Act 1996 (and its amendments).

### **1.3 Title of this Bylaw**

This Bylaw shall be cited and referred to as the Matamata-Piako District Council Dog Control Bylaw 2010 and shall come into operation on 28 November 2016. For expediency this Bylaw may be referred to as the Dog Control Bylaw.

## **2. DEFINITIONS AND INTERPRETATION**

### **2.1**

The provisions of the Matamata-Piako District Council Introductory Bylaw 2008 shall apply to this Bylaw. Words which refer to the singular include the plural and the plural includes the singular.

### **2.2**

For the purposes of this Bylaw the following definitions shall apply, unless the context otherwise requires:

At Large means free, or at liberty in a Public Place, without any physical restraint by a Person, but shall not include a dog under the oral and visual command of a Person exercising the dog in a designated dog exercise area.

Confined means enclosed securely in a building or, tied securely to an immovable fixture on a Premises, or within an enclosure from which the dog cannot escape.

Companion Dog has the same meaning as in the Dog Control Act 1996.

Control means a dog physically restricted so that it is not At Large and includes any dog inside any enclosure, or a dog under the oral and visual command of a Person exercising the dog in a designated dog exercise area or on any private property.

Dog Control Officer and Dog Ranger mean a dog control officer and dog ranger appointed by the Matamata-Piako District Council under sections 11 and 12 of the Dog Control Act 1996.

Foul means the deposit of any faeces.

Guide Dog has the same meaning as in the Dog Control Act 1996.

Hearing Ear Dog has the same meaning as in the Dog Control Act 1996.

Leash means a length of cord, chain, or other material that at one end can be secured to a dog and the other end securely held by a Person and includes retractable leashes.

Owner in relation to any dog, means 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:
- d) is the Owner of the dog pursuant to paragraph (a) or (b) of this definition; and
- e) 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 the Dog Control Act 1996, the Animal Welfare Act 1999, the National Parks Act 1980, the Conservation Act 1987 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999.

Neuter means to spay or castrate a dog, but does not include vasectomising a dog.

Park means any land acquired or used by Council principally for community, recreational, environmental, cultural, or spiritual purposes regardless of whether or not that land is also gazetted as a Reserve in terms of the Reserves Act 1977.

Play area means an outdoor area intended for play activities that includes play equipment or surfaces intended for play, such as playgrounds, skate parks, obstacle courses and the like.

Public Place has the same meaning as defined in section 2 of the Dog Control Act 1996.

The Act refers to the Dog Control Act 1996.

Urban Area includes:

- a) all areas zoned as Residential or Business under the Matamata-Piako District Plan; and
- b) all the Rural settlements within the Matamata-Piako District including Waitoa, Waihou, Waharoa, Rukumoana, Tahuna, Hinuera and Te Poi; and
- c) any area where five or more Dwellings are constructed within a 250 metre radius.

Working Dog has the same meaning as in the Dog Control Act 1996.

### **3. CONTROL OF DOGS IN PUBLIC PLACES**

#### **3.1**

No dog shall be kept unless appropriate means are provided and used to ensure that the dog is confined to its Owner's property so that the dog is unable to gain uncontrolled access to any other property, Public Place or private way.

#### **3.2**

Except as stated in Schedule 1 (prohibited areas) and Schedule 3 (exercise areas) of this Bylaw the owner of any dog must ensure that the dog is under control at all times in Public Places.

#### **3.3**

Clauses 4 and 5 shall not apply to a Guide Dog, Hearing Ear Dog, Companion Dog or to any Working Dog while the dog is working.

### **4. AREAS PROHIBITED TO DOGS**

#### **4.1**

The Council may designate by resolution any Public Place to be an area prohibited to dogs and added to schedule 1 this Bylaw. Prohibited areas may also be deleted from schedule 1 by an ordinary resolution of Council which is Publicly Notified.

#### **4.2**

The Owner of a dog shall not permit that dog to enter or remain in a prohibited area at any time or during such periods as specified in the resolution or this Bylaw, unless the Council is satisfied that the Owner has permitted a dog to enter or remain in a prohibited area for the purpose of attending a veterinary clinic, in which case that dog must be under the control of the Owner.

### **5. LEASH CONTROL AREAS**

#### **5.1**

The Council may designate by resolution any Public Place to be a leash control area for dogs and added to schedule 2 of this Bylaw. Leash control areas may also be deleted from schedule 2 by an ordinary resolution of Council which is Publicly Notified.

## 5.2

The Owner of a dog shall not take that dog into any designated Leash control area unless the dog is controlled on a Leash by a Person capable of physically restraining the dog.

## 5.3

Nothing in clause 5 or Schedule 2 of this Bylaw authorises the Owner of any dog to permit that dog to enter or remain in a prohibited area at any time or during such periods as specified in a resolution pursuant to clause 4 or this Bylaw.

## 6. DOG EXERCISE AREAS

### 6.1

The Council may designate by resolution any Public Place to be a dog exercise area and added to schedule 3 of this Bylaw. Dog exercise areas may also be deleted from schedule 3 by an ordinary resolution of Council which is Publicly Notified.

### 6.2

Any dog may be exercised at large in a designated dog exercise area provided that it is under the control of a Person capable of physically restraining the dog and of exercising oral and visual control over the dog.

## 7. MINIMUM STANDARDS FOR ACCOMMODATION

### 7.1

Every Person shall, in respect of every dog in the care of that Person provide:

- a) Adequate kennelling or other housing so sited as to ensure adequate shade, warmth and dry conditions, and of a sufficient size to allow the dog to move freely, stretch out, stand up or recline.
- b) Such kennel or means of confinement shall be so situated as to ensure that the dog shall not, while in its kennel or otherwise confined, be within 2 metres of the boundary of the Owner's property.
- c) Proper care and attention, sufficient food and water, adequate exercise and ensure the provision of veterinary care when required.

## 8. LIMITATION ON THE NUMBER OF DOGS KEPT

### 8.1

No Occupier of a property within an Urban Area shall keep or permit to be kept on each separate premises more than two dogs of a greater age than three months without obtaining a permit under this clause.

### 8.2

Every application for a permit shall be accompanied by any fee prescribed by Council resolution and issued subject to such terms and conditions required to ensure that a Nuisance does not occur.

### 8.3

Council may cancel a permit where the holder fails to comply with any of the terms or conditions.

### 8.4

The applicant must seek the consent of the adjacent property owner(s) or occupier(s) most likely to be affected by the application. Such consent could be withdrawn at any time if there is a valid reason for doing so.

### 8.5

This clause does not apply to a registered boarding kennel, veterinary clinic or Animal hospital, permitted on the site under the Matamata-Piako District Plan.

## 9. FOULING IN PUBLIC PLACES

### 9.1

The Owner of any dog shall not permit that dog to foul any Public Place or land not the property of or Occupied by that Owner.

### 9.2

In the event that a dog Fouls in a Public Place, no Offence against this Bylaw shall be committed provided that the Owner immediately removes the Foulings to a suitable place of disposal. Where a Litter receptacle with a plastic liner is available, the Owner may dispose of the Foulings there in.

## 10. DUTY TO AVOID NUISANCES

### 10.1

A Person must not keep a dog on any land or premise if:

- a) the dog causes a demonstrable Nuisance; or
- b) the dog exposes a Significant risk to the health or safety of others; or
- c) the dog rushes at Persons or intimidates Persons lawfully on public or private property.

### 10.2

No Person shall allow a bitch in season to enter or remain in a Public Place or on any land or premise other than the land or premise of the Owner of the bitch, without the consent of the Occupier or Person in charge of that land or premise. The bitch shall be confined within a dog-proof enclosure on the Owner's property for the duration of her oestrous cycle. The bitch shall be regularly exercised under control during this period of confinement.

### 10.3

If in the opinion of a Dog Control Officer or Dog Ranger, any dog or dogs or the keeping of any dogs is creating or likely to create a Nuisance or a breach of this Bylaw the Dog Control Officer or Dog Ranger may, by notice in Writing, require the Owner or Occupier of the Premises to take such steps as are required to remove the Nuisance or comply with this Bylaw.

#### 10.4

Any Person who is given a notice under clause 11.3 of this Bylaw shall comply with the notice within the time specified in the notice.

### **11. IMPOUNDING OF DOGS**

#### 11.1

Any dog found At Large (whether or not it is wearing a collar with the proper registration tag attached):

- a) in a Public Place or on any other land or premise without the consent of the Occupier in charge of that land or premise; or
- b) in any Public Place in breach of this Bylaw, may be seized by a Dog Control Officer or Dog Ranger and impounded or the Occupier or Person in charge of the land, premise or Public Place may seize the dog and deliver it into the custody of a Dog Control Officer or Dog Ranger for impounding.

#### 11.2

Any dog impounded under clause 12.1 shall not be released until the impounding fees set by resolution of Council and the full registration fee, if the dog is unregistered, have been paid.

#### 11.3

If a dog, impounded in accordance with this Bylaw is not claimed and the fees payable have not been paid within seven days after the Owner has received Written notice in accordance with section 69 of the Dog Control Act 1996, that dog may be destroyed, sold or otherwise disposed of by or on behalf of the Council.

#### 11.4

If the Owner of a dog so impounded is not known and cannot be identified from the dog registration label or by any other means, the Council may, after the expiration of seven days after the date of seizure of the dog, destroy, sell or otherwise dispose of the dog.

### **12. OFFENSES AND PENALTIES**

#### 12.1

Every Person who fails to comply with the requirements of this Bylaw commits an Offence and is liable on summary conviction to a fine not exceeding \$20,000 or to an infringement fee prescribed under the Local Government Act 2002.

#### 12.2

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.

### **13. GENERAL**

#### 13.1

Any notice, order or other document which is required by this Bylaw to be served or given or sent to any Person shall be deemed to have been duly served if delivered to such Person or left at his or her residence or workplace or posted to such Person at his or her last known address.

### **14. FEES AND CHARGES**

#### 14.1

The Council may, in accordance with the Local Government Act 2002 and Dog Control Act 1996, prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by the Council under this Bylaw.

#### 14.2

The Council may prescribe fees or charges by resolution.



## SCHEDULE 1

### Prohibited areas

The Owner of a dog shall not permit that dog to enter or remain in any of the prohibited areas listed below at any time or during such periods as are specified below unless the Council is satisfied that the Owner has permitted a dog to enter or remain in a prohibited area for the purpose of attending a veterinary clinic in which case that dog must be under the control of the Owner.

All parts of the District

Within 15 metres of any children's play area or individual item of play equipment.

Matamata

The central business area including associated service lanes and public parking areas, between the hours of 8.00am to 6.00pm namely:

- a) Arawa Street – from Rawhiti Avenue to Tainui Street.
- b) Broadway – from Hetana Street to Meura Street.
- c) Rewa Street – all of the street.
- d) Tainui Street – from Broadway to Arawa Street.
- e) Tui Street – from Arawa Street to Meura Street.

Firth Tower Reserve/Museum Site (excluding the carpark and camping/campervan area).

Kowhai Street Reserve

Morrinsville

The central business area including associated service lanes and public Parking areas, between the hours of 8.00am to 6.00pm namely:

- a) The area bounded by, but not including Anderson Street, Canada Street, Allen Street and Lorne Street.

Thomas Park

Te Aroha

The central business area including associated service lanes and public Parking areas, between the hours of 8.00am to 6.00pm namely:

- a) Boundary Street – from Church Street to Rewi Street.
- b) Kenrick Street – from Church Street to Rewi Street.
- c) Rewi Street – from Rolleston Street to Lawrence Avenue.
- d) Whitaker Street – from Rolleston Street to Burgess Street.
- e) Herries Memorial Park.

Hauraki Rail Trail - The Hauraki Rail Trail defined as being the area between the fences on either side of the formed Hauraki Rail Trail track and includes bridges, underpasses and farm access tracks. Dogs, excluding working dogs, are prohibited from the North Western most point where the Hauraki Rail Trail intersects with Farmer Street.

Kennedy Street Reserve

## **SCHEDULE 2**

### **Leash control areas**

The Owner of a dog shall not take that dog into any of the designated Leash control areas listed below unless the dog is controlled on a Leash by a Person capable of physically restraining the dog.

- a) The Urban Area, excluding those areas set out in schedule 3.
- b) Prohibited areas outside the period specified that dogs are prohibited from entering.
- c) All of the area known as and Occupied by the Waharoa (Matamata) Aerodrome.
- d) The Matamata, Maukoro, Old Morrinsville, Piako Lawn, Te Aroha and Waharoa Cemeteries.
- e) Te Miro Forest (Waterworks Road Reserve).
- f) The Te Aroha Domain and associated track network.
- g) All Parks except those that have been listed either as Prohibited Areas under Schedule 1 or as Dog Exercise Areas under Schedule 3.
- h) All walking and cycling tracks managed by Council except those listed either as Prohibited Areas under Schedule 1 or as Dog Exercise Areas under Schedule 3.

## SCHEDULE 3

### Dog exercise areas

A dog may be exercised free of restraint in any of the dog exercise areas listed below, provided that it is under the control of a Person capable of physically restraining the dog and of exercising visual and oral control over the dog.

#### Matamata

- a) Centennial Drive from Tainui Street to Broadway.
- b) Tom Grant Drive from Rawhiti Avenue to Tawari Street.
- c) Furness Reserve.
- d) Founders Park.
- e) Peria Road Reserve (portion excluding memorial plantings and pathway).

#### Morrinsville

- a) Murray Oaks Reserve – State Highway 26.
- b) The Morrinsville Recreation Grounds Polo Field area only at times when there is no Horse or Sports Activity.
- c) Holmwood Park (lower portion near the Piako River).

#### Te Aroha

- a) Spur Street Esplanade (portion near the Waihou River under the footbridge)
- b) Reserve on Spur Street (portion opposite netball club and bmx track)

In compliance with the provisions of the Local Government Act 2002 and the Bylaws Act 1910, this Part of the Bylaw is passed by the Matamata-Piako District Council on 23rd June 2010 and confirmed by the Council on 23rd July 2011.

The common seal of the Matamata-Piako District Council was affixed on this 23rd day of June 2010 in the presence of




\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Executive

**Record of Bylaw Amendments (from 2016)**

Approved by Council:	14 September 2016
Amendments:	Clause 8, Schedules 1, 2 and 3 and other minor amendments.
Date Amendment came into force:	28 November 2016
Review Date:	14 September 2026

Approved by Council:	3 November 2021
Amendments:	Schedule 3 - adding, expanding and removing of dog exercise areas
Date Amendment came into force:	1 December 2021
Review Date:	14 September 2026