



**GISBORNE
DISTRICT COUNCIL**

**Gisborne District
Dog Control Bylaw**

SPECIAL ORDER

That in pursuance and exercise of the powers and authorities vested in it by the Local Government Act 1974, the Dog Control Act 1996 and Dog Control Amendment Act 2003 and of all and each and every other power and authority thereunto in that behalf enabling it, the Gisborne District Council, does HEREBY by way of Special Order make this Bylaw and which shall be called the Gisborne District Dog Control Bylaw 2008.

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1. Short Title

- 1.1 The short title of the Bylaw maybe cited as “The Gisborne District Dog Control Bylaw 2008”.

2. Commencement

- 2.1 This Bylaw shall come into force on the 1st day of September 2004 and shall apply to the whole District of Gisborne.

3. Definitions and Interpretation

- 3.1 This Bylaw shall be subject to the Acts Interpretation Act 1924 in the same manner as any other statute.

- 3.2 In this Bylaw, unless the context otherwise requires:

Act	Means the Local Government Act 2002.
Area Prohibited to Dogs	Means an area designated as such by resolution of the Council.
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 visual and oral command of a person exercising the dog in a visual and oral command exercise area.
By Including a New Definition	
Visual and Oral command Exercise Area	Means any land designated by the Council as a visual and oral command exercise area for dogs, such designation being publicly notified by resolution of the Council.
Chief Animal Control Officer	Means any person appointed by the Gisborne District Council to that position.
Council	Means the Gisborne District Council.
District	Means the territory of the Gisborne District Council.
Exercise Area	Means any land designated by the Council as an exercise area for dogs, such designation being by resolution of the Council which shall be publicly notified.

Impound	Means the seizure, taking into custody or receiving into custody, confinement, or other exercise of control over a dog by any constable or dog ranger and includes the transportation of a dog to a dog pound and the exercising of a dog that has been impounded.
Neutered Dog	Has the same meaning as in the Principal Act.
Owner	Has the same meaning as in the Principal Act.
Principal Act	Shall mean the Dog Control 1996.
Public Amenity	Means a building owned by Council and includes any camping ground, public toilet, library or town hall.
Public Place	Has the same meaning as the Principal Act and includes every road, footpath, berm, mall, arcade, court, or other thoroughfare of a public nature open to or used by the public whether public or private property, and every reserve subject to the Reserves Act 1977.
Publicly Notified	Has the same meaning as in the Local Government Act 1974.
Ranger	Has the same meaning as “dog ranger” in the Principal Act and includes any Dog Control Officer appointed by Council under Section 9 of the Principal Act, and includes any constable.
Stock	Has the same meaning as in the Principle Act.
Under Control	Means a dog physically restrained so that it is not at large, and includes any dog inside any enclosure, or a dog under visual and oral command of a person who is exercising the dog on any private property or exercise area as elsewhere herein defined.
Working Dog	Has the same meaning as in the Principal Act.

4. Obligations of Dog Owner

The owner of any dog shall:

- 4.1 Ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter.
- 4.2 Ensure that the dog receives adequate exercise.

5. Control of Dogs

“Under Control” means a dog physically restrained by way of a lead or harness so that it is not at large, and includes any dog inside any enclosure, or a dog under visual and oral command of a person on any private property or visual and oral command exercise area.

- 5.1 The owner of any dog shall keep the dog under control at all times.
- 5.2 Without limiting the generality of Subsection 6.1 of this Section, a dog owner shall be deemed not to be in control of a dog.
 - a. If it is at large.
 - b. If it is in a public place, not being a designated exercise area, without physical restraint by means of a lead, harness, or other effective means of restraint and under the control of a person capable of physically restraining the dog.

6. Areas Prohibited to Dogs

- 6.1 No owner shall allow, take or suffer a dog to be in an area designated by Council to be an area prohibited to dogs. Working, Guide, Hearing Ear, Companion and Police dogs are exempt.
- 6.2 Council may designate an area within its territory or under its control to be an area prohibited to dogs by resolution of the Council, such resolution being publicly notified by publication in any newspaper in circulation within the District.
- 6.3 Council may designate an area or areas within its territory or under its control to be an exercise area for dogs by resolution of the Council, such resolution being publicly notified by publication in any newspaper in circulation within the District.
- 6.4 In a designated exercise area any dog except a bitch in season may be at large if accompanied by a person capable of physically restraining the dog and capable of exercising oral and visual control over the dog.
- 6.5 No person:
 - A. Shall take a dog, into a public amenity at any time, whether or not the dog is under control; or
 - B. Being the owner of a dog, whether knowingly or not, to enter into public amenity at any time.

7. Shelter for Dogs

- 7.1 The owner of any dog:
- A. Shall provide for its use a weatherproof kennel made from durable materials. Such kennel shall be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline, and in the case of a dog weighing less than 20kg shall have a floor area of not less than one square metre, and in the case of a dog weighing 20kg or more, shall have a floor area of not less than two square metres;
 - B. Shall provide at all times within access of a dog in a kennel, an adequate supply of clean water.
- 7.2 In the case of a kennel without other means of confinement of any dog therein, such as a cage or enclosed run, there shall be provided a secure means of physical attachment of the dog to the vicinity of the kennel so as to allow the dog to freely move about and into the kennel or other area within which the dog is confined, such physical attachment to be a running wire located within the property to which the dog shall be attached by a chain.
- 7.3 Any kennel and any area or means of confinement in the vicinity of any kennel shall be cleaned at sufficient intervals so as to be kept free of accumulations of dog faeces, food, hair, or other organic matter. Provision shall be made by the owner for the removal from any property on which a dog is kept, of dog faeces, except that burial within the property of any owner shall be an approved means of disposal of dog faeces, provided that such burial is practicable and is not offensive or likely to be offensive or become a nuisance to any person.
- 7.4 No kennel shall be situated closer to the boundary of any owner's property, or in the case of land subject to a cross-lease, licence to occupy, unit title or similar form of land occupation, the nominal boundary of the owner's area of occupancy, than two metres, provided that a ranger may at his discretion permit a lesser distance for kennels existing at the date of enactment of this Bylaw.
- 7.5 No owner of any dog shall allow or suffer a dog to be kept beneath the floor of any building.

- 7.6 Council may permit alternative accommodation for a dog where it is satisfied that the owner will be providing adequately for the needs of the dog and no other reasonable person is adversely affected PROVIDED THAT where any such alternative accommodation is permitted the owner shall nevertheless provide a running wire within the owner's property to which the dog may be attached by a chain.
- 7.7 The Chief Animal Control Officer in his discretion may, upon application being made by any owner of a dog, grant an exemption from any requirement to provide a running wire.

If any such application is declined the owner may apply in writing to the Manager for reconsideration of the application and on hearing that application the may confirm, reverse or modify the decision made by the Chief Animal Control Officer.

8. Fouling in Public Places

- 8.1 No owner of any dog shall permit or suffer the dog to foul by defecation any public place or land or place not the property of or occupied by the owner, provided that no offence shall be deemed to have been committed against this provision of this Bylaw where the owner of the dog forthwith removes the faeces of the dog to a proper place of disposal. Where a litter receptacle or similar container is available in a public place, the owner may dispose of the dog's faeces in a suitable plastic or otherwise leak-proof bag closed in a secure manner.

9. Limitations on Number of Dogs

- 9.1 No occupier of premises within the boundaries of Gisborne city shall allow or suffer to remain for any period in excess of seven days, two or more dogs of the age of three months or more at any one time (whether or not the person is the owner of all or any of the dogs), on any premises unless the person has a licence permitting the keeping of two or more dogs on any premises.
- 9.2 Such licence shall be in the manner of Form 1 prescribed in the First Schedule to this Bylaw, and may be issued by the Chief Animal Control Officer of Council after an application for a licence has been considered having regard to the "Standard Conditions for Keeping More Than One Dog" prescribed in the Second Schedule to this Bylaw, along with those matters contained in Subsection 3 of this section.

- 9.3 In considering an application for a licence for the purposes of Subsection 1 of this section the following may be taken into account:
- A. The number, breed, and characteristics of the dogs subject of the application; and
 - B. The situation, size, extent and secureness of fencing or enclosure of the subject property; and
 - C. The density of residential buildings in the vicinity of the subject property, and whether or not the occupant of the land adjoining, or in close proximity to the subject property, has indicated in writing their consent to an application for a licence to keep two or more dogs on the subject property; *and*
 - D. The record or complaint history of the applicant as a dog owner; and
 - E. Whether or not the applicant intends to breed the dogs.
- 9.4 Such licence shall record the details of each dog subject to the licence and the licence shall not be transferable in respect to location, breed of dog, or the licence holder.
Provided that replacement of a dog with a dog of the same breed shall not require a further application.
- 9.5 Any owner or person desiring to keep more than one dog on any land in the District, shall make written application to the Council in the manner of Form 2 prescribed in the First Schedule hereto and shall pay such application fee to the Council as the Council may prescribe by resolution from time to time, at the time of lodging the application. The applicant shall provide such additional information as Officers of the Council may require.
- 9.6 Where an application for such a licence is declined or issued subject to conditions that the applicant objects to, the applicant may apply in writing to the Manager for reconsideration of the application. On hearing the appeal, the Manager may confirm reverse or modify the decision made by the Chief Animal Control Officer.
- 9.7 Where a licence for the purpose of subsection 1 of this section has been issued to an owner, and there is evidence to the satisfaction of the Manager that the conditions of approval of the licence are not being complied with Council may by resolution revoke the licence.

- 9.8 Where Council resolves to revoke a licence or amend a licence after its determination according to subsection 7 of this section, the owner shall comply with the decision within seven (7) days of receipt of written notice of the decision.
- 9.9 All previous consents to keep two or more dogs on any property shall on the day this bylaw comes into force be null and void, except that where an application in the prescribed form is lodged with the Council within four (4) weeks of such date, an applicant providing proof of an earlier consent by Council to keep two or more dogs shall not be deemed to be in breach of the provisions of the Bylaw until their application is granted or declined.
- 9.10 Any person to whom a licence to keep two or more dogs is issued shall produce the licence for inspection at the request of any officer of the Council.

10. Nuisance caused by Dogs

The owner of any dog or the occupier of any premises whereupon any dog or dogs are kept shall:

- 10.1 Keep every bitch in season on the premises confined within a dog-proof enclosure on the premises for the duration of her oestrus cycle. The bitch shall be regularly exercised under control during this period of confinement; and
- 10.2 Take such steps as are necessary to prevent dogs on premises rushing at persons or intimidating person lawfully in public or private property.

11. Working Dogs

- 11.1 Working dogs actually working shall not be subject to the provisions of Sections 4 and 6 of this Bylaw while working.

Dogs kept solely or principally for the purpose of herding, driving or yarding stock, shall not be subject to the provisions of Section 4.2, 6.2(b), while working and Section 8.2 and 10 will not apply to working dogs kept on rural properties but working dogs kept on urban properties must comply.

Guide, Hearing Ear and Companion dogs excluded from Section 7 of this Bylaw.

12. Diseased Dogs

- 12.1 Any dog which is suffering from disease shall be properly treated for the disease and, except for the purpose of taking the dog for treatment, shall be secured and confined to land occupied by the keeper whilst it is so affected.

13. Impounding

- 13.1 Any constable or ranger may seize and impound any dog pursuant to the Principal Act and the dog shall be impounded until it is released upon payment of any fees set by Council.

14. Disposal of Impounded Dogs

- 14.1 Council may dispose of any impounded dog in accordance with the provisions of the Principal Act.

15. Offences and Penalties

- 15.1 Every person who commits a breach of any provision of this Bylaw shall be liable upon conviction to a fine not exceeding \$500 and, where the breach is a continuing one, to a further fine not exceeding \$50 for every day on which the breach has continued.

Licence to Keep More Than One Dog on a Property

Full Name of Licensee:	
Property Address to Which This Licence Applies:	
Telephone Number:	
Number of Dogs Over Three Months of Age for Which a Licence is Sought:	
Conditions of Licence	

DETAILS OF DOGS

	Breed	Age	Colour	Reg No.	Name
1.					
2.					
3.					
4.					
5.					
6.					

This Licence is issued by the Authority of the Gisborne District Council:

This _____ day of _____ 200

Per: _____ /_____/_____
 Authorised Officer Date

**Application for a Licence to Keep More Than One Dog on a Property
(The Gisborne District Dog Control Bylaw 2004)**

TO: The Gisborne District Council

Full Name of Applicant:	
Property Address for Which a Licence is Sought:	
Telephone Number:	
Number of Dogs Over Three Months of Age for Which a Licence is Sought:	

DETAILS OF DOGS

	Breed	Age	Colour	Reg No.	Name
1.					
2.					
3.					
4.					
5.					
6.					

Attach a sketch of the property showing the position of all kennels and runs on the property together with the name and address and boundaries of all properties adjacent to the subject property.

If dogs are kept for breeding purposes, please tick here →

If dogs have a pedigree, attach evidence.

State Names of Canine Obedience, Club or Related Affiliations:

Names, Addresses and Signatures of Persons Whose Property has a Common Boundary with the Land on Which the Dogs are to be kept			
1.		Signature:	
2.		Signature:	
3.		Signature:	
4.		Signature:	
5.		Signature:	
6.		Signature:	

DECLARATION BY APPLICANT

I, the above-named applicant, declare the information above to be correct and hereby apply for a Licence to Keep _____ Dogs on the Property above-named.

Signature of Applicant

____/____/____
Date

EXERCISE AREAS

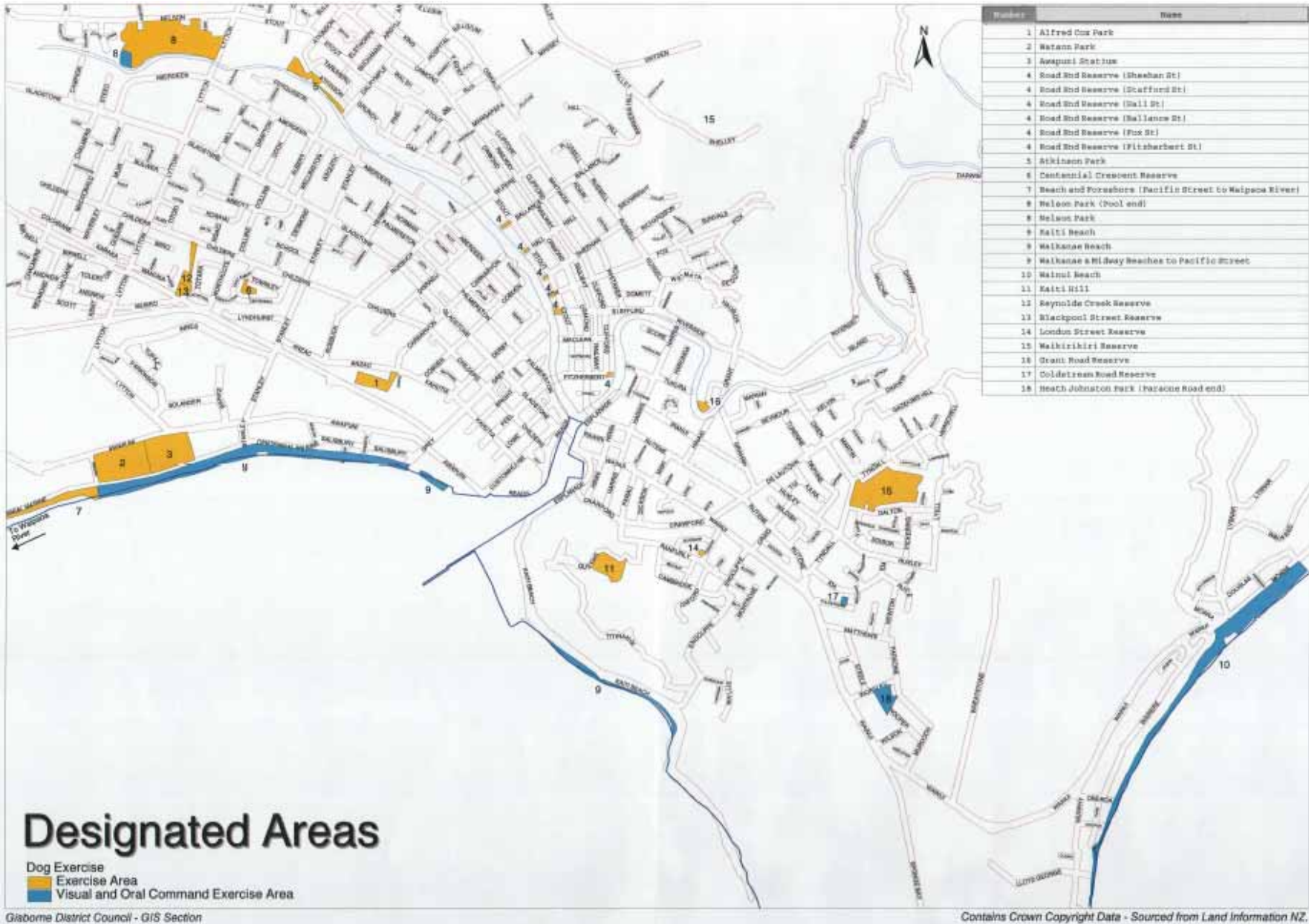
Areas in which dogs may be exercised only when on a lead or harness:

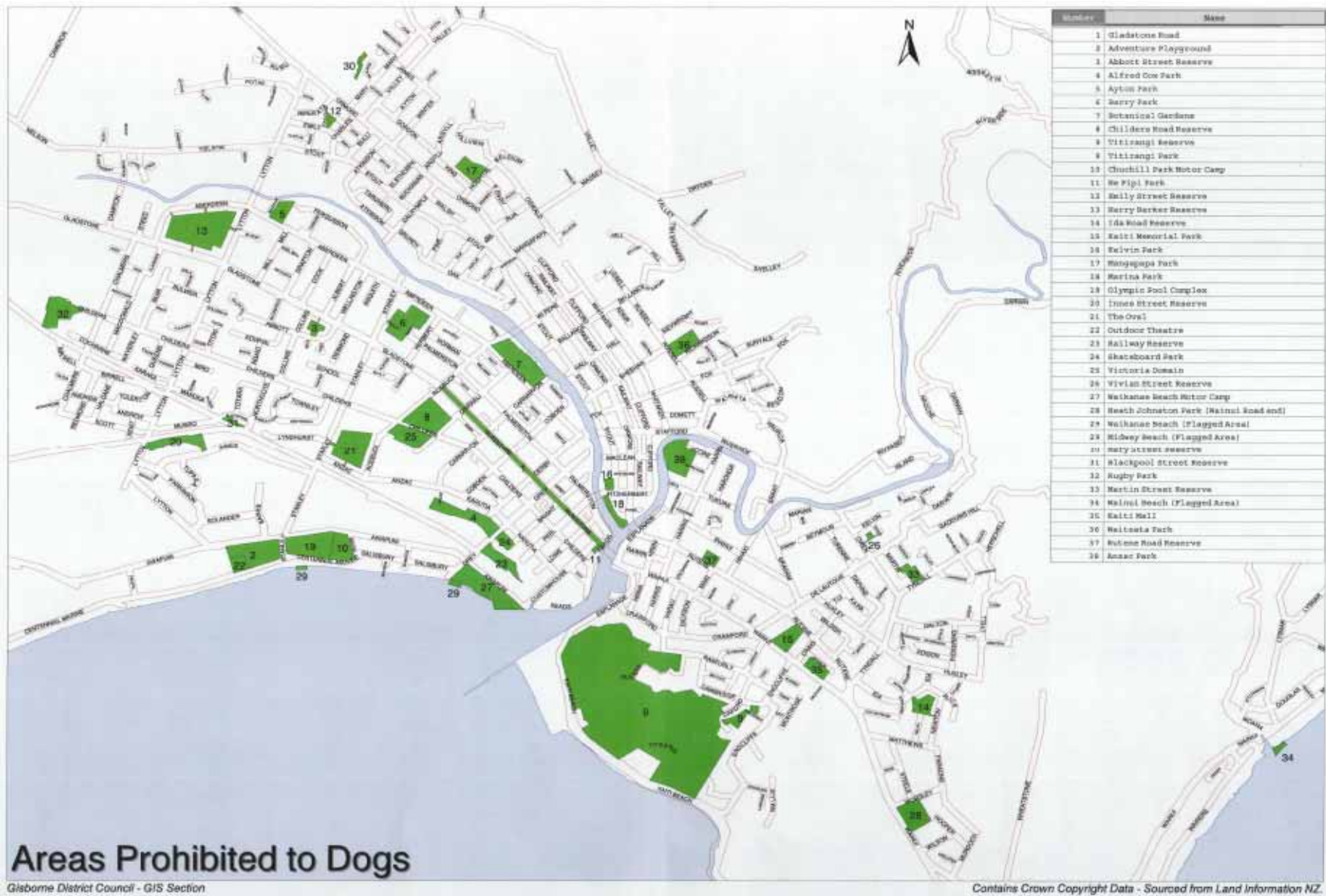
1. *Alfred Cox Park* - Dogs belonging to the Dog Obedience Club only.
2. *Watson Park* - Now exercise areas.
3. *Stadium* - Now exercise areas.
4. Road End Reserve.
5. Atkinson Park
6. Centennial Crescent
7. Beach and foreshore to Waipaoa River
8. Nelson Park - must be on a lead, other than the visual and oral command areas
9. Kaiti, Waikanae and Midway to Pacific Street Beaches. School and public holiday's dogs must be on leads and kept under control.
10. Wainui Beach - school and public holidays dogs must be on leads and kept under control.
11. Kaiti Hill
12. Reynolds Creek Reserve
13. Blackpool Street on Childers Road side.
14. London Street
15. Waikirikiri Reserve
16. Grant Road
17. Coldstream Road Reserve

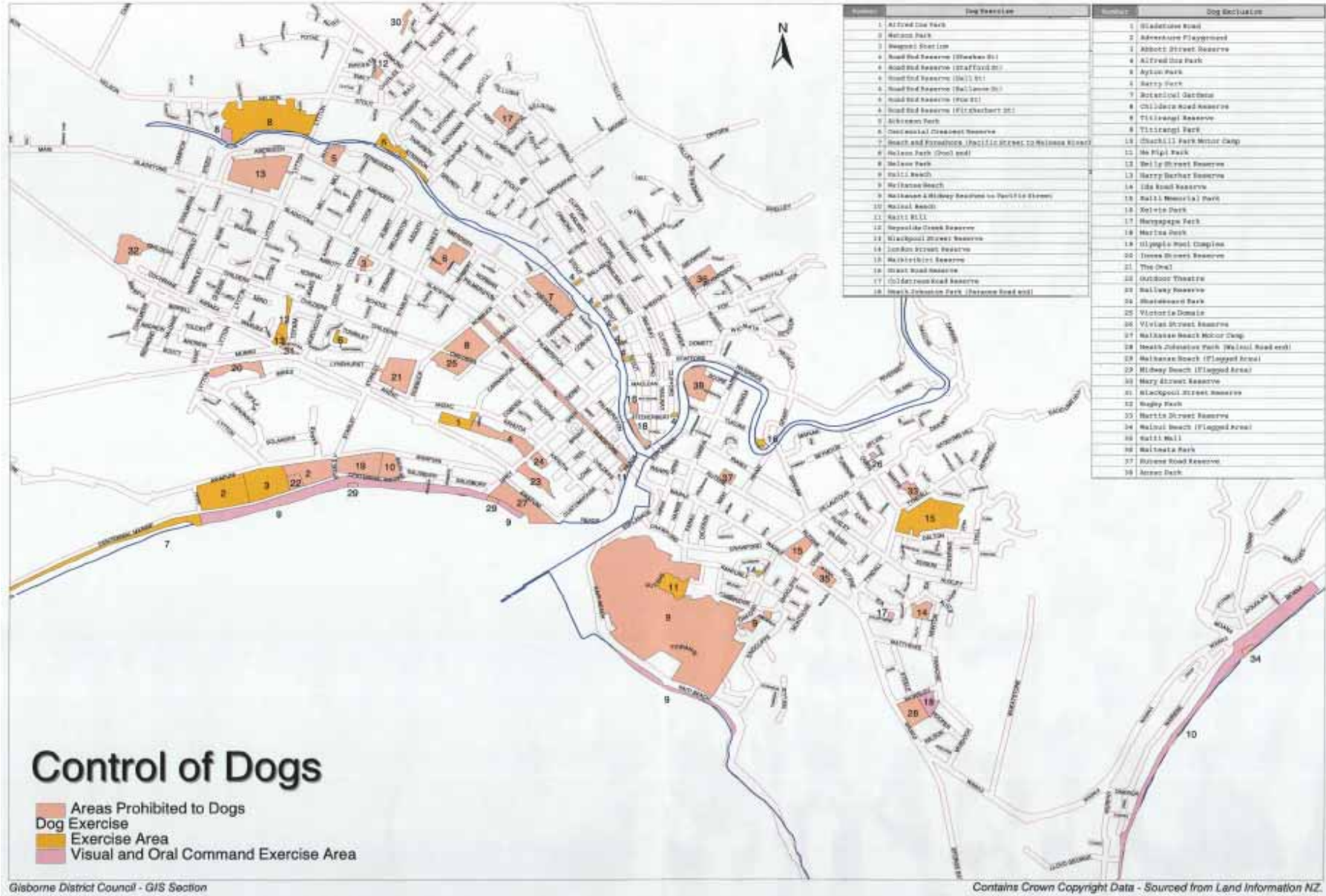
Visual and Oral Command Exercise Areas

Areas in which dogs may be exercised without physical constraint but under the oral command of their owners or on a lead:

1. Coldstream Road Reserve.
2. All beaches except for school and public holidays.
3. Nelson Park adjacent to footbridge.
4. Heath Johnson Park - strip on Paraone Road side of Park.







THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED
PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT
COUNCIL HELD ON _____ (DAY) OF _____ (MONTH) 2008.

----- MAYOR

----- CHIEF EXECUTIVE