

# Ture ā-rohe Tiaki Kurī o Te Tairāwhiti 2023

(Tairāwhiti Dog Control Bylaw 2023)

Made by Gisborne District Council

Resolution of Council dated **10 August 2023**

To be reviewed by **28 October 2031**

---

## Contents

1.	TITLE .....	1
2.	COMMENCEMENT .....	1
3.	APPLICATION .....	1
<b>PART 1: PRELIMINARY PROVISIONS .....</b>		<b>1</b>
4.	INTERPRETATION .....	1
<b>PART 2: REGULATION AND CONTROL OF DOGS .....</b>		<b>3</b>
5.	PROHIBITION OF DOGS IN SPECIFIED PUBLIC PLACES .....	3
6.	DOGS MUST BE ON A LEASH IN PUBLIC PLACES.....	3
7.	DOGS IN AN OFF-LEASH AREA .....	3
8.	RESTRICTIONS ON DANGEROUS DOGS.....	3
9.	RESTRICTIONS ON FEMALE DOGS IN SEASON .....	3
10.	DOG FAECES .....	4
11.	KEEPING MORE THAN TWO DOGS .....	4
12.	PERMIT FOR KEEPING MORE THAN TWO DOGS ON PREMISES .....	4
13.	REQUIREMENT TO NEUTER AN UNCONTROLLED DOG .....	5
14.	OWNERS OF DOGS CLASSIFIED AS MENACING DUE TO BEHAVIOUR .....	5
<b>PART 3: ENFORCEMENT, OFFENCES, PENALTIES.....</b>		<b>5</b>
15.	ENFORCEMENT .....	5
16.	OFFENCES AND PENALTIES.....	6
<b>PART 4: SAVING, TRANSITIONAL PROVISIONS .....</b>		<b>6</b>
17.	EXISTING PERMITS TO CONTINUE IN FORCE .....	6

## 1. Title

This bylaw is the Tairāwhiti Dog Control Bylaw 2023.

## 2. Commencement

This bylaw comes into force on 10 September 2023.

## 3. Application

This bylaw applies to the Gisborne District.

# Part 1: Preliminary Provisions

## 4. Interpretation

(1) In this bylaw, unless the context otherwise requires –

**Act** means the Dog Control Act 1996

**Control** means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and 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** for the purposes of this Bylaw, means the Gisborne District Council or any person or committee delegated to act on its behalf in relation to this Bylaw.

**Dangerous Dog** means a dog which has been classified as a dangerous dog under section 31 of the Dog Control Act 1996.

**Off-leash area** means an area specified as an off-leash area in Schedule 2 of the Gisborne District Council Dog Control Policy 2023.

**Owner** has the same meaning as in the Act.

**Park** means

(a) any 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.

**Premises** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

**Private Way** has the meaning given by section 315 of the Local Government Act 1974.

**Prohibited public place** means a place specified as prohibited in Schedule 1 of the Gisborne District Council Dog Control Policy 2023.

**Public Place** has the same meaning as in the Act.

**Related information**

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 any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes:

- (a) any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
- (b) any Council controlled public place.

**Reticulated Services Boundary** has the same meaning as in the Tairāwhiti Resource Management Plan.

**Related information**

Link to [Reticulated Services Boundary](#) map

**Road** has the meaning given by section 315 of the Local Government Act 1974, except that where a road is adjacent to a park, and the land within the road and park is developed in an integrated way, the common boundary between the road and park will be reduced or extended to:

- (a) a line parallel to the road that follows any physical separation between the road and park (e.g. fence or bollards); or
- (b) where no physical separation exists, a line parallel to the road that follows the edge of the road carriageway, footpath or cycle track that is closest to the centre of the park.

**Urban area** means the zones defined as Residential, Commercial or Industrial by the Tairāwhiti Resource Management Plan.

**Related information**

Urban area means the zones defined as Residential as well as Commercial or Industrial in the Tairāwhiti Resource Management Plan. These are:

- |   |  |   |  |
|---|--|---|--|
| <p><b>Residential:</b></p> <ul style="list-style-type: none"> <li>• General Residential</li> <li>• Inner City Residential</li> <li>• Residential Protection</li> <li>• Residential Lifestyle</li> </ul> | <p><b>Commercial:</b></p> <ul style="list-style-type: none"> <li>• Amenity Commercial</li> <li>• Aviation Commercial</li> <li>• Fringe Commercial</li> <li>• Inner Commercial</li> </ul> | <p><b>Industrial:</b></p> <ul style="list-style-type: none"> <li>• Outer Commercial</li> <li>• Rural Commercial</li> <li>• Suburban Commercial</li> </ul> | <ul style="list-style-type: none"> <li>• Industrial</li> <li>• Rural Industrial A</li> <li>• Rural Industrial B</li> </ul> |
|---|--|---|--|

Note this includes residential, commercial and industrial zones in rural townships.

**Working Dog** has the same meaning as in the Act

**Related information**

Working dogs include disability assist dogs, dogs kept by state departments such as police dogs and customs dogs, pest control dogs and dogs kept solely or principally

as stock or herding dogs. A full list can be found in section 2 of the Dog Control Act 1996.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Legislation Act 2019 applies to the interpretation of this bylaw.
- (4) Related information is for information purposes only, does not form part of this bylaw, and may be inserted or changed by the Council at any time without any formality.

## **Part 2: Regulation and Control of Dogs**

### **5. Prohibition of dogs in specified public places**

- (1) The owner of any dog must ensure that their dog (including when confined in a vehicle or cage) does not enter or remain in any prohibited public place.
- (2) Subclause (1) does not apply to any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

### **6. Dogs must be on a leash in public places**

- (1) This clause applies in the following areas:
  - a) Any area within the Reticulated Services Boundary;
  - b) Waihirere Domain; and
  - c) Tīfirangi Domain.
- (2) The owner of any dog must ensure that the dog is controlled on a leash in any public place or private way that is not a designated off-leash area or prohibited public place.

#### **Related Information**

Section 54A of the Dog Control Act 1996 requires that the owner of a dog must carry a leash at all times when with a dog in a public place.

Gisborne District Council requires dogs in public places to be on a leash when not in an off-leash area to ensure the dog is visibly under control.

### **7. Dogs in an off-leash area**

- (1) The owner of any dog in an off-leash area must ensure that the dog is kept under control at all times.

### **8. Restrictions on dangerous dogs**

- (1) The owner of a dangerous dog must ensure that the dog is muzzled at all times in any public place or private way.

### **9. Restrictions on female dogs in season**

- (1) The owner of any female dog in season must ensure the dog does not enter or remain in any public place or private way unless:

- a) That dog is confined in a vehicle or cage for the purposes of transportation; or
  - b) The owner of that dog has the permission of the occupier or person controlling the public place; and complies with any reasonable conditions imposed.
- (2) Any dog confined must be regularly exercised under the control of the owner.

## 10. Dog faeces

- (1) The owner of a dog in any public place or premises must ensure the immediate removal and disposal of the dog's faeces in a manner that does not cause a nuisance.
- (2) Subclause (1) does not apply to the owner of a dog that is:
- (a) In premises occupied by the owner;
  - (b) Herding or driving stock on a road, where the dog is kept solely or principally for the purposes of herding or driving stock.

## 11. Keeping more than two dogs

- (1) The occupier of premises in an urban area must not keep more than two dogs over the age of 3 months (other than a working dog) on the premises for more than 30 consecutive days.
- (2) Subclause (1) does not apply if –
- (a) The dogs are being kept in accordance with a permit; or
  - (b) An application for a permit to keep the dogs on the premises has been submitted to the Council within 30 days of the dogs first being kept on that premises, and the application for that permit is yet to be decided.

## 12. Permit for keeping more than two dogs on premises

- (1) Any application for a permit must be accompanied by the relevant application fee (if any).

### Related Information

Council has the power to set fees by resolution under the Dog Control Act 1996. These are contained in the Fees and Charges Policy, which is updated annually.

- (2) An application for a permit must be in writing, contain all information necessary for the Council to consider issuing a permit, and be submitted in accordance with applicable Council policy.
- (3) A permit under this bylaw may be granted by the Council at its discretion and include any conditions the Council considers appropriate (including the payment of ongoing fees and charges).
- (4) A holder of a permit issued under this bylaw must ensure that all conditions of the permit are complied with.
- (5) In determining an application for a permit, the Council may require the applicant to provide further information.
- (6) The Council may, at its discretion, at any time, review, suspend, or revoke any permit issued under this bylaw.

- (7) Unless otherwise stated in the conditions of the permit granted under this clause, the permit will remain valid as long as the circumstances described on the permit remain unchanged.
- (8) The permit cannot be transferred to another person or another premise.

### **13. Requirement to neuter an uncontrolled dog**

- (1) The council may, by written notice, require the owner of a dog to have that dog neutered if:
  - (a) the owner has received an infringement notice relating to a breach of a requirement to keep the dog under control; and
  - (b) the owner has failed to keep the dog under control on more than two occasions within a 12-month period.
- (2) The owner of a dog that receives a notice issued under subclause (1) must, within one month of receipt of the notice, produce to Council a certificate issued by a veterinary surgeon certifying:
  - (a) that the dog has been neutered, or
  - (b) that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- (3) If a certificate under clause 13(2)(b) is produced to the Council, the owner of the dog must produce to the Council no later than one month from the date specified in that certificate a further certificate under clause 13(2).

#### **Related Information**

Dog owners that do not get their dog neutered in the time specified may be subject to an infringement and will still be required to neuter their dog.

### **14. Owners of dogs classified as menacing due to behaviour**

- (1) If a dog has been classified as menacing due to their behaviour, under section 33A of the Dog Control Act 1996, the owner may request the classification be reviewed after a 12-month period if:
  - (a) the owner provides evidence of a dog behavioural assessment report, at the owner's expense;
  - (b) the owner has not received any infringement notices in relation to the dog within the preceding 12-month period; and
- (2) The Council will provide the owner with written notice of its decision.

## **Part 3: Enforcement, offences, penalties**

### **15. Enforcement**

- (1) The council may use its powers under the Dog Control Act 1996 and the Local Government Act 2002 to enforce this Bylaw.

## **16. Offences and Penalties**

- (1) Every person who breaches this Bylaw commits an offence.
- (2) Every person who commits an offence under this Bylaw is liable to a penalty under the Dog Control Act 1996 and the Local Government Act 2002.

### **Part 4: Saving, transitional provisions**

## **17. Existing permits to continue in force**

- (1) Every permit to keep more than two dogs that was issued under the Gisborne District Council Dog Control Bylaw 2010 is deemed to be a permit issued under this Bylaw.
- (2) However, every permit to which subclause (1) applies expires:
  - (a) if any owner to which the permit applies changes address;
  - (b) if the number of dogs kept on the premises for more than 14 days exceeds the number permitted by the permit;
  - (c) if the number of dogs kept on the premises for a continuous period of more than 12 months is fewer than the number permitted by the permit; or
  - (d) for any reason specified in the permit.