

DOG CONTROL BYLAW NO. 221

January 2020

— with proposed amendments

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1. INTRODUCTION

- 1.1 The title of this Bylaw shall be the "Dog Control Bylaw 2020."
- 1.2 The Bylaw shall come into effect on [x month] 2020.

2. DEFINITIONS

- 2.1 Terms and expressions defined in the Dog Control Act 1996 shall, when used in this Bylaw, have the meanings defined in the Act.

Act - Means the Dog Control Act 1996.

City - Means the territory of the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

The Council - Means the Nelson City Council.

Playing area - Means that part of any sports ground which at the material time is marked out or otherwise set aside for the playing of any active sport.

Under control – Means that at all times a dog is able to be restrained or to obey commands.

3. DOGS PROHIBITED

- 3.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule One.

4. DOGS PERMITTED ON A LEASH

- 4.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule Two, unless the dog is at all times controlled on a leash.
- 4.2 Clause 4.1 does not apply to dogs under the direction of the Nelson Dog Training Club.

5. DOGS IN ALL OTHER PUBLIC PLACES

- 5.1 In all public places where dogs are not prohibited or required to be on a leash, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off leash or on a leash. Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place.
- 5.2 Every dog owner shall ensure that at all times the dog is under an appropriate degree of control which will ensure that the dog does not cause a nuisance to any other person, or rush at or startle any person in a manner that causes that person to be injured or endangered, or causes any property to be damaged or endangered.

6. EXEMPTIONS

- 6.1 A working dog, as defined in the Act as well as any Land Search and Rescue dog, is exempted from Clauses 3, 4 or 5 above, while it is engaged in or being used for its working purpose.
- 6.2 Nothing in Clauses 4 or 5 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 6.3 Nothing in Clauses 3 or 4 shall prevent the Council from granting permission for dogs to enter a Schedule One or Two area for a special purpose such as feral animal control or the management of indigenous wildlife.
- 6.4 Clauses 6.1 and 6.3 do not negate the need to apply for a dog control permit from the Department of Conservation where such a permit is required to take a dog onto land administered by the Department of Conservation.

~~7. NUMBER OF DOGS~~

- ~~7.1 No occupier of any land or premises within the City, shall keep, or allow to be kept on the land or premises for any period exceeding seven days, more than two dogs over the age of three months.~~
- ~~7.2 Clause 8.1 shall not apply to any occupier of any land or premises within the City who had more than two dogs in February 2013. They have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.~~
- ~~7.3 Clause 8.1 shall not apply to any occupier of any land or premises within the City who has written permission from the Council to keep more than two dogs.~~
- ~~7.4 Clause 8.1 shall not apply to any occupier of any land or premises which is outside of the urban area shown on the map attached to this Bylaw.~~

8. SEIZURE OF ROAMING DOGS

- 8.1 Any dog found wandering free at large on public or private property, whether or not it is wearing a collar having the proper registration label or disc attached as required by the Act, may be seized and impounded by any Dog Control Officer, Dog Ranger or other person authorised by the Council.

9. DOGS WITH CONTAGIOUS DISEASES

- 9.1 No owner of any dog with a contagious disease shall take the dog to a public place, or allow the dog to remain in a public place.

10. NUISANCES OR INJURY TO HEALTH

- 10.1 The owner of any dog or the owner or occupier of any premises where any dog is customarily kept, shall take all reasonable steps to ensure that the dog does not

cause a nuisance to any person or be likely to be injurious to the health of any person.

- 10.2 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:
- a) reduce the number of dogs on the premises;
 - b) construct, alter, reconstruct or otherwise improve the kennels or other buildings or fences used to house or contain the dog;
 - c) tie up or otherwise confine the dog during specified periods;
 - d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.
- 10.3 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance any person to whom notice is given under Clause 10.2 who fails to comply with the notice, within the time specified in the notice, shall commit an offence against this Bylaw.
- 10.4 Any dog left in a public place, whether restrained or not, and causing a nuisance or distress to any person by act of aggression, obstruction, noise or otherwise, may be removed by any Dog Control Officer, Dog Ranger or Constable and subsequently impounded.

11. DOGS DEFECATING

- 11.1 The owner of any dog that defecates in a public place or on land or premises other than that on which the dog is normally kept, shall immediately remove the faeces.
- 11.2 Every person, with or in control of any dog in any public place, or on any land or premises other than that on which the dog is usually kept, shall at all times carry on their person a bag or other receptacle suitable for the collection of any faeces which the dog might deposit.

12. OFFENCES AND PENALTIES

- 12.1 Every person who breaches this bylaw commits an offence.
- 12.2 Every person who commits an offence under this Bylaw may have an infringement notice issued to them or be prosecuted for a breach of bylaw under the Dog Control Act 1996 or the Local Government Act 2002.

SCHEDULE ONE

Dogs Prohibited Areas

1. Nelson Airport (unless transporting dogs for air lift in or out of Nelson; or dogs securely restrained in the owner's vehicle).
2. Eastern two thirds of Tahunanui Main Beach.
3. The playing area of any Council sports grounds. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.
4. Children's playgrounds - the section of the reserve set aside for playground equipment.
5. Nelson City Council Water Reserves (without Council permits):
 - Maitai Valley
 - Roding
6. Brook Conservation Reserve.
7. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
8. Trafalgar Park.
9. Saxton Field Cricket Oval and the Athletics Track.
10. Saxton Field Hockey and Softball Areas.
11. Haulashore Island.
12. Oyster Island.
13. Haven Holes Reserve.
14. The following Maitai River swimming holes and the listed picnic areas:
 - The picnic area and river bank beside Black Hole - true right side of the river only. (This is the right-hand side, when looking downstream.)
 - Dennes Hole and the adjacent picnic area
 - Sunday Hole and the adjacent picnic area
 - Maitai Camp Hole and the adjacent picnic area.(This prohibition only applies from 1 December to 31 March each year.)
15. Dogs are prohibited from land administered by the Department of Conservation that is not foreshore and sea bed unless the owner has specific authorisation, for example a dog control permit from the Department of Conservation; or the reserve

has Department of Conservation signage identifying where a dog may be taken without a permit. (Dogs are permitted on foreshore and sea bed administered by the Department of Conservation unless it is an area listed in this Schedule.)

16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries.
17. The Boulder Bank ~~Scenic Reserve~~, from the Cut towards Boulder Bank Drive for 4 kilometres, from October to February.
18. Whakapuaka Raupo Swamp.
19. The fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve.
20. Delaware Estuary margins, and islands within the estuary.
21. Dogs are permitted to be off leash on the formed cycling and walking tracks within Marsden Valley Reserve, including Involution Trail. However, they are prohibited from being in the bush areas (off the tracks) in the part of Marsden Valley Reserve to the east of the Barnicoat Walkway.
22. Sand Island.

SCHEDULE TWO

Dogs are Permitted but must be Kept on a Leash

1. All public footpaths and other public areas within the Central Business District, and within the Stoke and Tahunanui shopping centre.
2. Nelson cemeteries, both active and historic. The active cemeteries are: Marsden Valley Cemetery, Seaview Cemetery, and Hira Cemetery. The historic cemeteries are Wakapuaka Cemetery, the Quakers Cemetery on Wellington Walkway and the Hallowel Cemetery near Shelbourne Street.
3. Horticultural Parks. These are: Miyazu Japanese Gardens, Anzac Memorial Park, Church Hill, Melrose Gardens, Queens Gardens, Broadgreen Gardens and Isel Park. The exception to the on leash requirement is the less cultivated part of Isel Park which begins at Main Road Stoke and extends to the Isel Park entrance gate, as well as the area south of the access road beyond the Isel Park entrance gate. This exception applies when events are not being held in Isel Park.
4. Neighbourhood Parks – excluding those listed in Schedule Three.
5. The sand and mudflats of Delaware Estuary.
6. Around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off lead on sports grounds other than the playing area of sports grounds.)
7. The Maitai walkway, from the river mouth up to the Collingwood Street bridge.
8. Council-owned, grazed reserves Council-owned, grazed reserves, including:
 - part of the Grampians Reserve
 - part of the Sir Stanley Whitehead Walkway
 - part of the Tantragee Reserve (Tantragee Walkway area)
 - part of the Maitai River esplanade reserve.

(Note: The grazed part of Paremata Flats Reserve continues to be an off-lead area.)

9. The Boulder Bank. (Note: the Boulder Bank from the Cut toward Boulder Bank Drive for 4 kilometres is a dogs prohibited area from October to February.
10. Titoki Reserve.
11. Whakatū Drive Foreshore Reserve.

SCHEDULE THREE

Neighbourhood Parks in which Dogs may be Off Leash

1. Abraham Heights Reserve.
2. Andrews Farm Reserve.
3. Bayview Road Reserve (North).
4. Betsy Eyre Park.
5. Bishopdale Reserve.
6. Bishop's Park.
7. Bledisloe North Reserve.
8. Branford Park.
9. Corder Park.
10. Custom House Reserve.
11. Emano East Reserve.
12. Emano West Reserve.
13. Fairfield Park.
14. Grampian Oaks Reserve.
15. Hanby Park.
16. Hira Reserve.
17. Kowhai Reserve.
18. Monaco Reserve.
19. Murphy North Reserve.
20. Murphy South Reserve.
21. Ngapua Reserve.
22. Nikau Reserve.
23. Orchard Reserve.
24. Pipers Park.

25. Poplar Reserve.
26. Queen Elizabeth II Reserve.
27. Station Reserve.
28. Songer Reserve.
29. Tosswill Reserve.
30. Waterhouse Reserve.
31. Wolfe Reserve.
32. Woodstock Reserve.

~~Map of the Nelson Urban Area~~