

**DOG CONTROL BYLAW**  
**NO. 221**  
**February 2013**

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## **1 INTRODUCTION**

- 1.1 The title of this Bylaw shall be the "Dog Control Bylaw 2013."  
1.2 The Bylaw shall come into effect on 25 February 2013.

## **2 REPEAL**

- 2.1 The Nelson City Council Bylaw 209 is hereby repealed.  
2.2 This Dog Control Bylaw 2012 was made after following the special consultative procedure initiated at the ordinary meeting of the Council on 19 July 2012 and confirmed at the ordinary meeting of the Council on 19 February 2013.

## **3 DEFINITIONS**

**Act** - Means the Dog Control Act 1996 and its amendments.

**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.

**Dog Control Officer** - Means a Dog Control Officer appointed under Section 11 of the Act, and includes a warranted officer exercising powers under Section 17 of the Act.

**Dog Ranger** - Means a Dog Ranger appointed under Section 12 of the Act and includes an Honorary Dog Ranger.

**Infringement offence** - Has the meaning given to it in Section 65(1) of the Act.

**Neutered dog** - Means a dog that has been spayed or castrated, and does not include a dog that has been vasectomised, and neutering has a corresponding meaning.

**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:
  - is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
  - 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.

**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.

**Public place** - Means:

- 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.

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

**Urban area** – Means the area shown on the map attached to this Bylaw.

**Working dog** - Means:

- a) Any disability assist dog; and
- b) Any Land Search and Rescue dog; and
- c) Any dog that is:
  - 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
  - kept solely or principally for the purposes of herding or driving stock; or
  - 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
  - kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
  - 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

- 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
- 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
- owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- declared by resolution of the territorial authority to be a working dog for the purposes of the 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.

Other terms and expressions defined in the Dog Control Act 1996 shall, when used in this Bylaw, have the meanings defined in the Act.

#### **4 DOGS PROHIBITED**

- 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 One.

#### **5 DOGS PERMITTED ON A LEAD**

- 5.1 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 lead.

#### **6 DOGS IN PUBLIC PLACES**

- 6.1 In all public places where dogs are not prohibited or required to be on a lead, 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 lead or on a lead. Nothing in this clause absolves the owner from the obligation to carry a lead at all times while he or she is with the dog in a public place.
- 6.2 Every person, while exercising any dog, 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 using the area, 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.
- 6.3 Keeping a dog under control includes the obligation to ensure that the dog does not stray on to any private property.

## **7 EXEMPTIONS**

- 7.1 Dogs under the direction of the Nelson Dog Training Club are exempt from Clause 5 above.
- 7.2 A working dog, as defined in the Dog Control Act 1996 , may be exempted from Clauses 4, 5 or 6 above, subject to conditions, while it is engaged in or being used for its working purpose.
- 7.3 Nothing in Clauses 5 or 6 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 7.4 Nothing in Clauses 4 or 5 shall prevent the Council from issuing a permit 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.
- 7.5 Clauses 7.1 and 7.3 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.

## **8 NUMBER OF DOGS**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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.

## **9 SEIZURE OF ROAMING DOGS**

- 9.1 Any dog found wandering free at large, 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.

## **10 MANGED OR DISEASED DOGS**

- 10.1 No owner of any manged or diseased dog, shall take a dog to a public place, or allow the dog to remain in a public place.

## **11 NUISANCES OR INJURY TO HEALTH**

- 11.1 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.
- 11.2 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 owner or occupier 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.
- 11.3 Any person to whom notice is given under Clause 11.2 who fails to comply with the notice, within the time specified in the notice, shall commit an offence against this Bylaw.
- 11.4 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.

## **12 DOGS DEFECATING**

- 12.1 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.
- 12.2 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.

## **13 PENALTIES**

- 13.1 Every person who commits a breach of any of the provisions of this Bylaw, shall commit an Infringement Offence and be liable to the penalties prescribed in Schedule 1 to the Dog Control Act 1996.

## **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.
20. Dogs are permitted to be off lead 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.
21. Sand Island.

## **SCHEDULE TWO**

### **Dogs are Permitted but must be Kept on a Lead**

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 lead 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. As at February 2013 the on-lead neighbourhood parks are: Albion Square Reserve, Aldinga Reserve, Annesbrook Youth Park, Ballard Reserve, Beatson Reserve, Bisle Reserve, Blackwood East Reserve, Bledisloe South Reserve, Bolt Reserve, Brook Park, Bruno Reserve, Burrell Park, Cattle Market Reserve, Cawthron Reserve, Centennial Park, Commodore Reserve, Covent Reserve, Devon Reserve, Enner Glynn North Reserve, Enner Glynn South Reserve, Erin Reserve, Fountain Reserve, Foster Reserve, Frenchay Reserve, Frost Reserve, Glenduan Reserve, Grove Reserve, Harford Reserve, Hockey Reserve, Manson Reserve, Manu Kau Reserve, Marybank Reserve, Miyazu Reserve, Moana Reserve, Monaco Reserve, Moncrieff Reserve, Montrose Reserve, Neale Reserve, Ngaio Reserve, Paddy's Knob Reserve, Paru Paru Reserve, Peace Grove, Pepper Tree Park, Pioneers Park, Poets Park, Princes Lookout Reserve, Ranui Reserve, Riverside Reserve, Ronaki Reserve, Russell Reserve, Sequoia Reserve, St Lawrence Reserve, Te-Ata Reserve, Todd Bush Reserve, Tokomaru Reserve, Tresillian Reserve, Vosper Reserve, Waimea North Reserve, Waimea South Reserve, Wakapuaka Reserve Wards Reserve, Wellington Reserve, Werneth Reserve and Wigzell Park.
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.

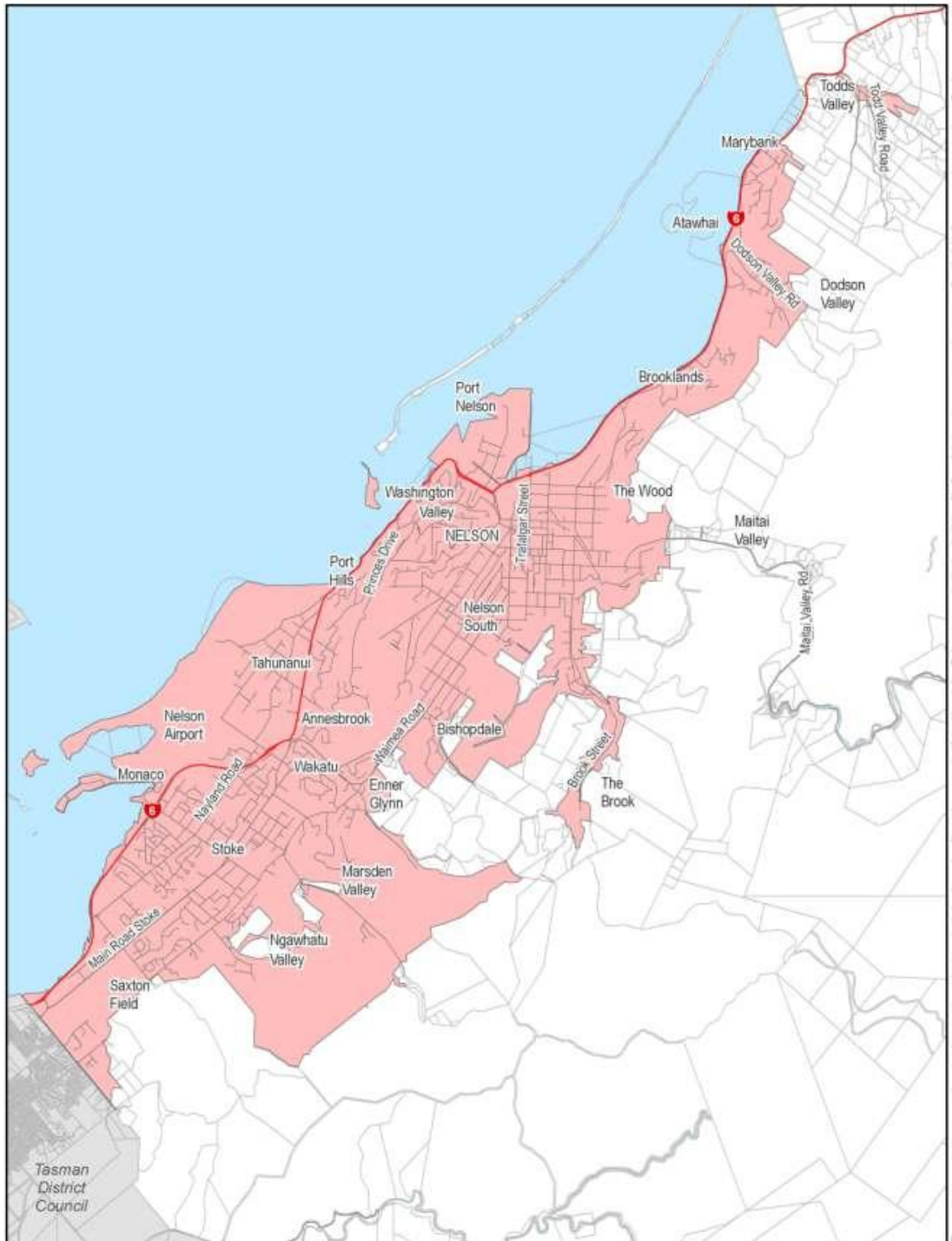
## **SCHEDULE THREE**

### **Neighbourhood Parks in which Dogs may be Off Lead**

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. Murphy North Reserve.
19. Murphy South Reserve.
20. Ngapua Reserve.
21. Nikau Reserve.
22. Orchard Reserve.
23. Pipers Park.
24. Poplar Reserve.
25. Queen Elizabeth II Reserve.
26. Station Reserve.


27. Songer Reserve.
28. Tosswill Reserve.
29. Waterhouse Reserve.
30. Wolfe Reserve.
31. Woodstock Reserve.

**MAP OF THE NELSON URBAN AREA**



The map is an approximate representation only and must not be used to determine the location or size of farms shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of this data or plan, and its warranty of any kind is given in its entirety and is limited to the extent of the information provided in the map. This information is provided for information only and is not intended to be used for any other purpose. All data is copyright reserved by Nelson City Council.

**Extent of Nelson Urban Area**



 Nelson City Council  
 te kaunihera o whakatū

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**Legend**

Nelson Urban Area

0 0.5 1 1.5 2 km  
 Scale 1:70,000

N  
  
 January 2012