

5.7 SHELTER FOR ANIMALS

No suffering shall be caused to an animal by the manner of its shelter or keeping.

5.8 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 5

- a) Schedule 5 - Determination of numbers of animals allowed to be kept;

6.0 CONTROL OF DOGS

6.1 DOGS TO BE UNDER CONTROL AT ALL TIMES

The owner or any person in charge or having control of any dog, ensure that the dog is under control by not causing a nuisance, danger or injury and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice command, hand signals, whistles or other effective means, except as may be permitted under another clause section of this Part of this Bylaw.

Every owner allowing a dog to ride on the open tray of a utility vehicle in a public place shall ensure that it is secured by a leash, lead or chain short enough so that the dog cannot fall from the tray and be kept under control at all times.

6.2 DOG EXERCISE AREAS

Dogs may be exercised free of restraint but under control in the areas specified in Schedule 6 as designated dog exercise areas and any further areas added to the schedule by resolution of Council. The owner or a responsible person over the age of sixteen (16) years must have continuous control of the dog and remain in the exercise area while the dog is running free.

6.3 DOG CONTROL AREAS

- a) The owner or person for the time being in charge of any dog shall keep it on a leash in every public place into which it is taken or led, and shall keep and prevent such dog from entering or being upon a public place unless it is so controlled.
- b) Notwithstanding the provisions of sub-clause (a) hereof, the Council may by resolution prohibit or restrict the entry of dogs onto any public place specified in that resolution. Those prohibited and restricted areas are listed in Schedule 7 of this Part of this Bylaw.
- c) Schedule 7 of this bylaw shall be amended to reflect all such resolutions.
- d) The provisions of this clause shall not apply to working dogs exercising the work in respect of which the animal has been registered.

6.4 SHELTER

Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.

6.5 FOULING

The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog shall immediately remove the faeces. No offence shall be deemed to have been committed against this bylaw where the person having control of the dog removes the droppings immediately.

6.6 LIMITATION OF THE NUMBER OF DOGS ON ANY PREMISES

No person shall keep, or permit to be kept, on or within any premises within the urban area more than two dogs of greater age than three months without first obtaining the written consent of the Council.

- a) Every application for such consent shall be in writing on the prescribed form and signed by the applicant and the applicant shall give to the Council such further information as it may require. Every such application shall be accompanied by an application fee which shall be fixed by the Council by resolution from time to time and publicly notified.
- b) The Council may grant or refuse to give consent for the issue of a licence at its absolute discretion and subject to any terms, conditions or restrictions as it may impose in any particular case concerning the housing and control of the dogs.
- c) Every person who commits any breach of the terms, conditions or restrictions imposed by the Council under sub-clause (b) hereof shall be guilty of an offence against this Part of this Bylaw.
- d) At the end of each dog registration period, any approval given during that year for any person to keep more than two (2) dogs on their premises may be reviewed by an authorised Council officer. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval.

6.7 DISEASED DOGS

No person owning or having control or charge of any mangy or diseased dog shall take the same into any public place or permit or suffer such dog to enter or remain thereon or wander free and at large.

6.8 NUISANCES

- a) The owner of any dog or the owner or the occupier of any premises whereupon any dog or dogs are customarily kept shall:
 - i) take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or injurious to health;
 - ii) keep every bitch in season continuously confined but adequately exercised whilst it is in that condition;

- iii) take such steps as are necessary to prevent dogs under the owner's control from being or becoming a nuisance or annoyance to residents in the neighbourhood by barking or howling or by obstructing the lawful passage of persons in public places or by rushing at and frightening such persons.
- b) If in the opinion of the Council's Planning and Environmental Services Manager, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance or injurious to health, the Council or any person duly authorised in that behalf by the Council may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:
- i) Reduce the number of dogs kept on the premises;
 - ii) Construct, alter, re-construct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
 - iii) Require such dog or dogs to be tied up or otherwise confined during specific periods;
 - iv) Take such other action as the Council's Planning and Environmental Services Manager deems necessary to minimise or remove the likelihood of nuisance or injury to health.
- c) Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified commits an offence against Part of this Bylaw.

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 Hauraki District Council on 12 July, 2007.

SCHEDULE 6 OF PART 3 – PUBLIC SAFETY

a) DOG EXERCISE AREAS;

Part 1

The following areas of land within the Hauraki District Council are available for the exercise and recreation needs of dogs:-

- Stop bank land in Paeroa, down stream of the Criterion Bridge, owned by Environment Waikato and not sub leased for grazing or other purposes.
- Brenan Field, Paeroa but excluding the skate board area and the playing fields.
- Waihi South Reserve, Consol Street, Waihi.
- Stop bank land in Ngatea owned by Environment Waikato and not sub leased for grazing or other purposes.
- Area of Morgan Park, Waihi behind the netball courts only, excluding the children's playground area and the playing fields.
- Public land between the northern boundary of the District and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuhopu Bridge.

SCHEDULE 7 OF PART 3 – PUBLIC SAFETY

DOG CONTROL AREAS – Map of Whiritoa



DOG CONTROL AREAS – Map of Kaiaua dog control areas



Part 2: Prohibited and Restricted Areas for dogs

a) Areas to which Prohibition for dogs will apply

1. Whiritoa beach including the lagoon: - from December 20 in any one year to March 1 of the following year and on public holiday weekends, between the hours of 9:00am and 7:00pm. Outside these hours but within these dates dogs may be exercised without a leash but must be under the control of its owner or the person in charge of the dog.
2. The beach area, defined as east of the boundary of East Coast road to mean low water spring, from the District boundary at Miranda to, the southern boundary of Kaiawa which is defined by the southern 50 kilometre per hour speed limit sign.
3. Children's playgrounds.
4. Areas of ecological sensitivity. The Chief Executive is given delegated authority to, in conjunction with the Department of Conservation, determine and publicly notify protected animal and bird habitat areas from which dogs will be banned for a period of time included in the determination.
5. Any other areas as resolved by Council from time to time through the Dog Control Bylaw.

b) On Leash Areas

Dogs are prohibited from entry to the following public places unless on a leash:-

1. Whiritoa beach including the lagoon: - from March 2 in any year to December 19 of the same year between the hours of 10:00am and 3:00pm. Outside these hours but within these dates a dog may be exercised without a leash but must be under the control of its owner or a responsible person.
2. Public land between the southern boundary of Kaiawa, defined by the southern 50 kilometre per hour speed limit sign, and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuhopu Bridge.

3. Entry to land under the control of the Department of Conservation may be restricted.
Owners should consult with the Department of Conservation or Auckland Council prior to entering land under the Departments control.

4. Urban areas of public use for example, but not limited to, residential areas picnic areas, sports fields, shopping areas, Council Reserves and other similar public places.