



Dog Control Bylaw 2021



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Property of the Hauraki District Council	

1.0 Introduction

1.1 Purpose

The purpose of this bylaw is to promote the control of dogs in public places and on private property to minimise danger, distress, or nuisance caused by the keeping of dogs to the public.

This bylaw should be read in conjunction with the Hauraki District Council Dog Control Policy and cannot be inconsistent with that Policy.

1.2 Title

This bylaw is the Hauraki District Council Dog Control Bylaw 2021.

1.3 Enabling enactments

This bylaw is made in accordance with the Dog Control Act 1996 and the Local Government Act 2002.

1.4 Commencement

This bylaw comes into force on 1 July 2021, except where it is stated in Schedule 1 that those dog exercise areas come into effect on 1 October 2021.

In 2019 Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007 was separated into individual bylaws and the 'control of dogs' bylaw clauses were separated into this bylaw and renamed accordingly.

1.5 Review

Review of this bylaw will be undertaken five years after the last review, to align with the review of the Dog Control Policy.

1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.

This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

2.0 Definitions

For the purposes of this bylaw the following definitions shall apply.

Act	means the Dog Control Act 1996 and its subsequent amendments.
At large	in addition to its accepted meaning, includes any dog, whether on a leash or not, that is present in any area included in the areas where Council has prohibited the presence of dogs under the provisions of this bylaw. Dogs effectively caged or confined to pens or vehicles shall not be considered to be at large in any prohibited area or public place.
Authorised officer	means any person delegated, appointed or authorised in writing by the Council to act on its behalf.
Council	means the Hauraki District Council or any officer authorised to exercise the authority of the Council.
Dog control officer	means a dog control officer appointed under section 11 of the Dog Control Act 1996 and includes a warranted officer exercising powers under section 17 of the Dog Control Act 1996.
Dog ranger	means a dog ranger appointed under section 12 of the Dog Control Act 1996 and includes an honorary dog ranger.
Dog	includes any bitch, spayed bitch or puppy.
Domestic animal	has the same meaning as in the Dog Control Act 1996.
Leash	means an adequate restraint held by a responsible person physically capable of restraining the dog.
Nuisance	shall have the meaning assigned to it by section 29 of the health Act 1956 and its amendments
On a leash	means that a dog is kept under control by means of leash, lead or chain which is secured or is held by a capable person so that the dog cannot break loose.
Owner	in has the same meaning as defined in section 2 of the Dog Control Act 1996.
Premises	means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, or part of the same.

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 any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.
Under control	means that the dog is not causing a nuisance, distress, danger, injury, to any person, domestic animal, stock, poultry or protected wildlife, or causing any property damage and; the person in charge of a 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.
Urban area	means land within a Residential, Low Density Residential Zone, Township, Marae Development (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones as defined in the Hauraki District Plan.
Working dog	has the same meaning as defined in section 2 of the Dog Control Act 1996.

3.0 Control of dogs in public places

3.1 Dogs to be on-leash

- 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, with the exception of dog exercise areas specified in Schedule 1 and prohibited areas specified in Schedule 2 of this bylaw, and shall keep and prevent such dog from entering or being upon a public place unless it is so controlled.
- b) The provisions of sub-clause (a) shall not apply to working dogs exercising the work in respect of which the animal has been registered.
- c) The owner or any person in charge or having control of any dog, must 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, or voice command, hand signals, whistles or other effective means.

- d) 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 can be kept under control at all times.

In our District dogs must be kept on a leash in all public places, unless they are in a dog exercise area. Public places include the likes of parks and reserves, cemeteries, wharves, beaches, town centres.

3.2 Dog exercise areas

- a) Dogs may be exercised free of restraint (off-leash) but under control in the areas specified in Schedule 1 as designated dog exercise areas.
- b) 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.

3.3 Prohibited areas

- a) Dogs are prohibited from entry into any public place listed in Schedule 2 of this bylaw, whether under control or not.
- b) The provisions of this clause shall not apply to working dogs exercising the work in respect of which the animal has been registered.

3.4 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.

Working dogs include disability assist dogs, dogs kept by state departments e.g. police dogs and dogs kept principally as stock or herding dogs.

4.0 Dog control on private property

4.1 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.

4.2 Limitation on the number of dogs on any urban premises

- a) No person shall keep, or permit to be kept, on or within any premises within the urban area more than two (2) dogs of greater age than three (3) months without first obtaining the written consent of the Council.
- b) 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 the prescribed fee.

- c) 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.
- d) 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 bylaw.
- e) 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.

4.3 Fencing requirements for dangerous dogs

- a) The securely fenced portion of an owner's property used for the containment of a dangerous dog must be a minimum area measuring eight (8) metres by four (4) metres, or such a size as deemed appropriate by an authorised officer.
- b) There must be a lockable gate to gain entry to the securely fenced area in sub-clause (a) and the fencing and gate shall be a minimum height of one point eight (1.8) metres, or such a height as deemed appropriate by an authorised officer.

The Dog Control Act 1996 requires dangerous dogs to be kept in a securely fenced part of an owner's property that it is not necessary to enter to get access to a door of any house on the property.

4.4 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 Group Manager Community Development, 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 on 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:

For information on our responsible dog owner licence and the reduced dog registration fees see our [Dog Control Policy](#) on our website.

- 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 Group Manager Community Development 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 this Bylaw.

5.0 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 and dispose of them in an appropriate manner. No offence shall be deemed to have been committed against this bylaw where the person having control of the dog removes the droppings immediately.

6.0 Impoundment and neutering of dogs

- a) Any dog found at large in any place in breach of this bylaw whether or not the dog is wearing a collar having the proper label or disc attached, may be impounded.
- b) Any dog found at large in any place and impounded on more than three (3) occasions within a continuous period of 24 months, may be required to be neutered.

7.0 Fees

Any relevant licence, permit, consent or approval fees are documented in the Council's Schedule of Fees and Charges.

8.0 Permits/licences/consent

8.1 Transfer

No licence, permit, consent or approval issued to a person named in that licence, permit, consent or approval, shall be transferable to any other person and no such licence, permit, consent or approval shall authorise any person other than the person named therein.

8.2 Revocation

If circumstances change, the Council may revoke the licence, permit, consent or approval or suspend it for as long as the Council thinks fit.

8.3 Appeal

There shall be a right of appeal by the applicant from any decision by an authorised officer to the relevant Group Manager. After consultation with the Chief Executive the Group Manager may refer the appeal to the Council, or relevant Committee of the Council, when in the Chief Executive's opinion this is justified.

9.0 Enforcement

The Council may use its powers under the Dog Control Act 1996 and the Local Government Act 2002 to enforce this bylaw.

The Dog Control Act 1996 enables an authorised officer to issue fines for offences against the Act and a \$300 fine for breach of this bylaw.

10.0 Offences and penalties

- a) Every person who fails to comply with any part of this bylaw commits an offence.
- b) 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.

List of schedules passed in terms of this bylaw

- a) Schedule 1 – Dog Exercise Areas.
- b) Schedule 2 – Dog Control Areas.

Control of Dogs Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 28 April 2021, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

_____ Mr. Toby Adams, Mayor

_____ Mr. Langley Cavers, Chief Executive

Schedule 1: Dog exercise areas

Dog exercise areas

The following areas of land within the Hauraki District Council are available for the exercising of dogs. Dogs may be off-leash but must be under control.

Area and description	Rules
Paeroa Ward	
Stop bank land in Paeroa, between Criterion Bridge and William Street, excluding the carpark.	Off-leash
Brenan Field, Paeroa, excluding the skate park and the sports fields.	Off-leash
*Leach Field, Paeroa, reserve land previously used as rugby fields behind West Rugby Club, excluding the area over the bridge. <i>Note: Access to the land from Neil Street only.</i> <i>*Operative from 1 October 2021.</i>	Off leash
Plains Ward	
Stop bank land in Ngatea between the 100/50 km/hr speed limit sign on River Road and the Waikato Regional Council pump station adjacent to Orchard West Road.	Off-leash
Stop bank land in Ngatea between the corner of Orchard West Road and Kaihere Road to Puhanga Island Bridge, Kaihere Road.	Off-leash
*River Road, Ngatea, fenced off area on River Road (previously used as on old Council stock pound) – as per signage. <i>*Operative from 1 October 2021.</i>	Off leash
*Kerepehi Domain, fenced off area on the left hand side from the road – as per signage. <i>*Operative from 1 October 2021.</i>	Off leash

Area and description	Rules
<p>*Turua Domain, area within the Domain – as per signage.</p> <p><i>*Operative from 1 October 2021.</i></p>	Off-leash
Public land between the northern boundary of the Waharau Reserve at Waharau and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuhopu Bridge.	Off-leash
Waihi Ward	
Waihi South Reserve, Consol Street, Waihi.	Off-leash
Morgan Park, Waihi, behind the netball courts only, excluding the children's playground and the sports fields.	Off-leash
<p>Whiritoa Beach, including the lagoon, but excluding the southern end of the beach which is defined as south of the beach access off Moray Place.</p> <p><i>Note: Outside these hours but within these dates' this area is prohibited to dogs.</i></p>	<p>Off-leash</p> <p>from December 20 to 9 February the following year and including all public holiday weekends throughout the year, between the hours of 6.00pm to 9.00am the following day</p>
<p>Whiritoa Beach, including the lagoon, but excluding the southern end of the beach which is defined as south of the beach access off Moray Place.</p> <p><i>Note: Outside these hours but within these dates dogs must be on a lead in this area.</i></p>	<p>Off-leash</p> <p>from 10 February to December 19 the same year, but excluding public holiday weekends, between the hours of 3.00pm to 10.00am the following day</p>

Entry to land under the control of the Department of Conservation may be restricted. Owners should consult with the Department of Conservation prior to entering land under the Department's control.

Schedule 2: Dog control areas

Prohibited Areas for dogs

Area and description	Rules
Prohibited Sites in the Hauraki District	
Children's playgrounds.	Prohibited
Skate parks.	Prohibited
Defined areas of ecological sensitivity identified from time to time by the Chief Executive of Council in conjunction with the Department of Conservation which are publically notified and identified with temporary area restrictions and/or signs.	Prohibited for the duration of the determination
The southern end of Whiritoa beach; defined as that part of the beach south of the beach access off Moray Place and including the urupā site. <i>Note: This area of beach is recognised by the Department of Conservation as a significant New Zealand Dotterel breeding site.</i>	Prohibited
Whiritoa Beach, including the lagoon. <i>Note: Outside these hours but within these dates dogs may be exercised off leash.</i>	Prohibited from December 20 to 9 February the following year and including public holiday weekends between the hours of 9.00am to 6.00pm the same day
The pa/urupā site at the summit of the hill in Ngati Koi Recreation Reserve (Black Hill Reserve), Waihi.	Prohibited

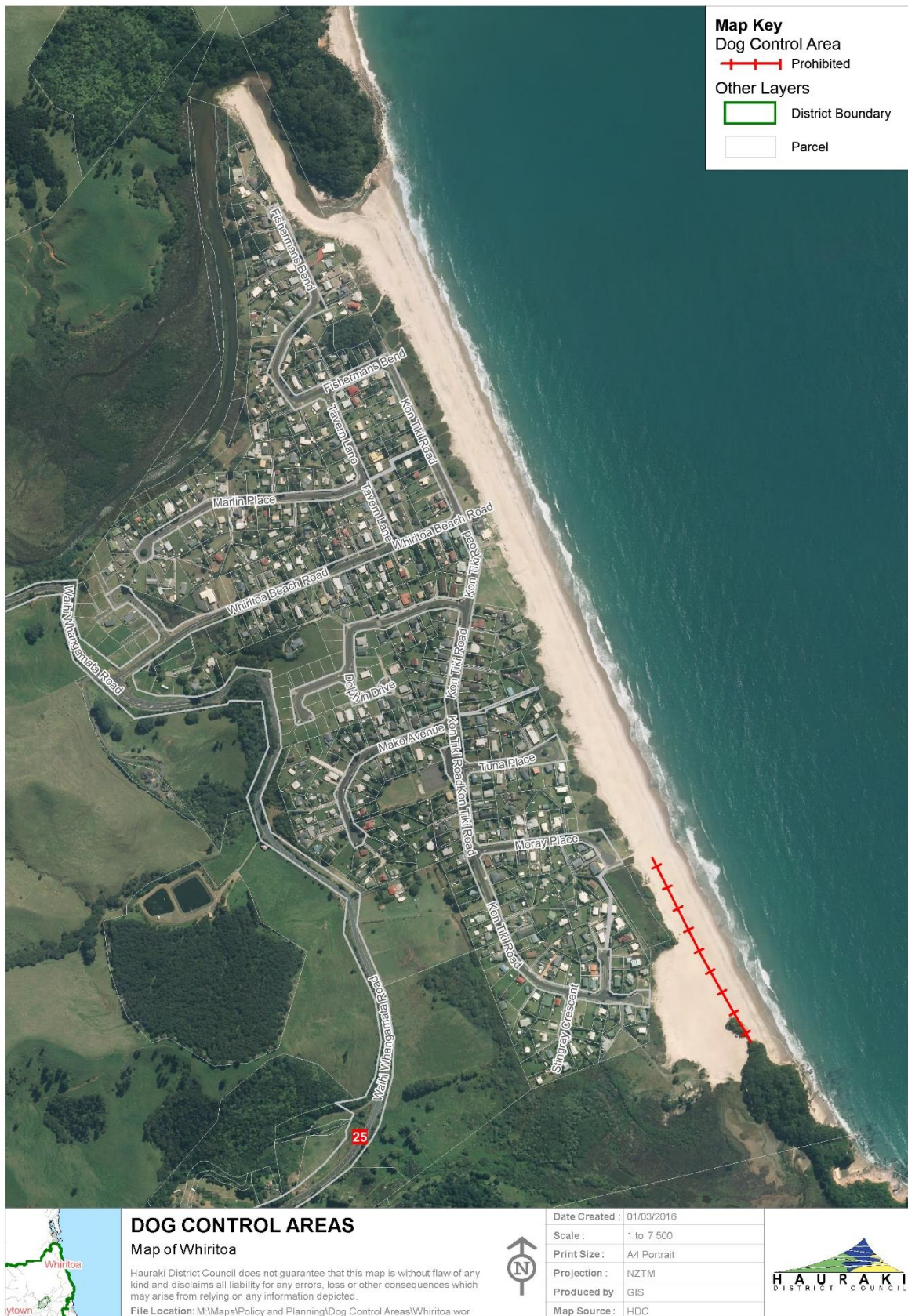
Area and description	Rules
The beach area, defined as east of the boundary of East Coast road to the mean low water spring, from the District boundary at Miranda/Pūkorokoro to, the southern boundary of Kaiaua, which is defined by the southern 50 kilometre per hour speed limit sign.	Prohibited

Prohibited Areas for dogs on the Hauraki Rail Trail

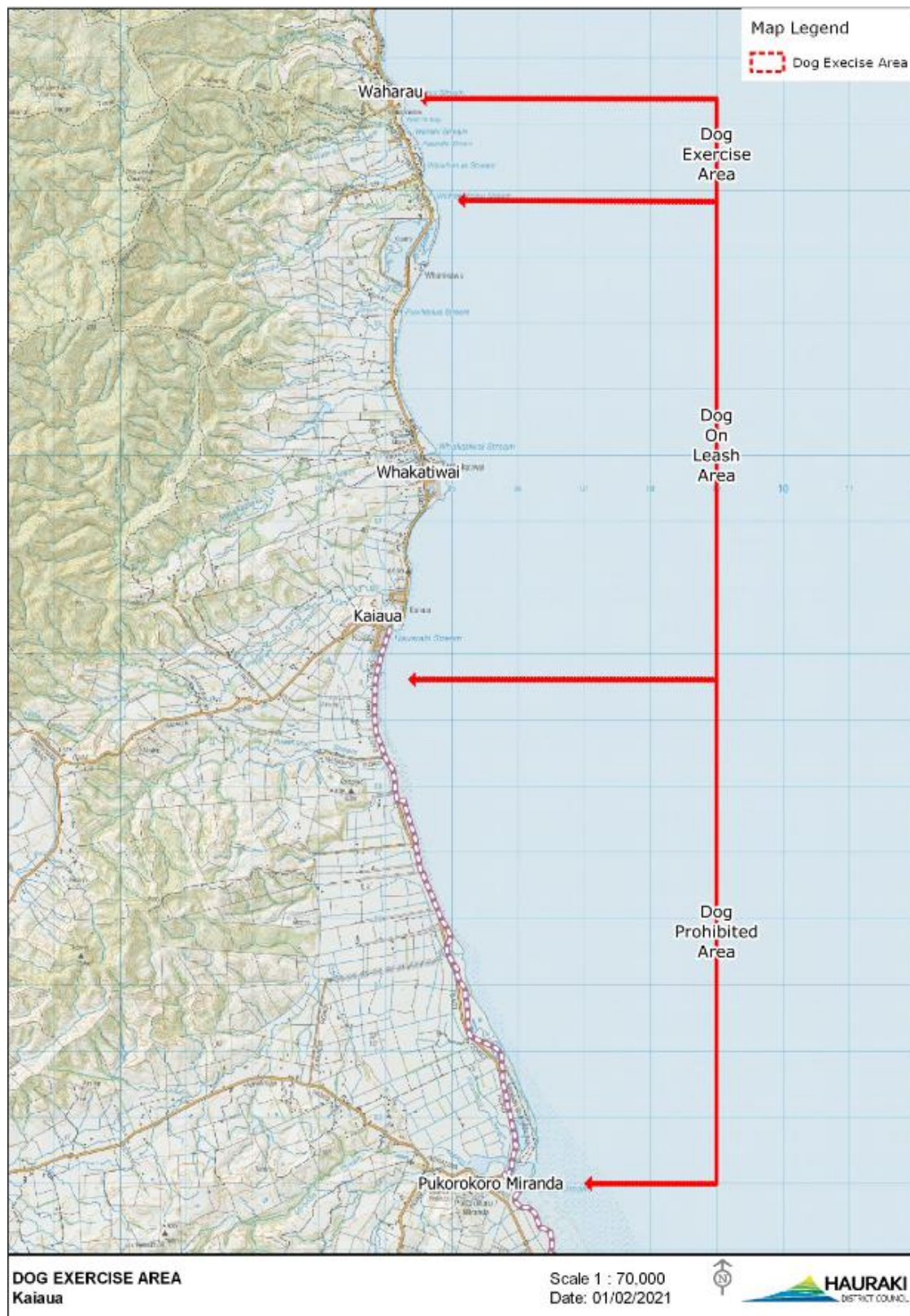
Dogs are prohibited from those lengths of the Hauraki Rail Trail corridor outlined below. The corridor is defined as being the formed Hauraki Rail Trail track including any area between the fences on either side of the formed track and includes any bridges, underpasses and farm access tracks. Dogs are prohibited between the following points:

- a) That part of the Hauraki Rail Trail between Ferry Road, Hikutaia, and the southern side of the Opukeko Stream Bridge, Paeroa.
- b) That part of the Hauraki Rail Trail that commences at Ryall Road, Paeroa, through to the Hauraki Rail Trail Bridge immediately north of the stream/drain known as D3 on the Hauraki District Council Matamata-Piako District Council boundary.
- c) That part of the Hauraki Rail Trail from the intersection of Rotokohu Road and Te Moananui Flats Road, Paeroa, through to Bridge Street, Karangahake.
- d) That part of the Hauraki Rail Trail that commences at the gateway directly south of the western end of the pedestrian footbridge which traverses the Ohinemuri River adjacent to the Victoria Battery, Waikino, through to the northern side of the Hauraki Rail Trail swing bridge (C-11), Waihi.
- e) That part of the Hauraki Rail Trail between the western end of the Kopu Bridge on State Highway 25 and State Highway 25, Pipiroa.
- f) That part of the Hauraki Rail Trail between unsealed Buchanan Road, Pipiroa, and State Highway 25, Waitakaruru.
- g) That part of the Hauraki Rail Trail that commences where the Trail crosses Front Miranda Road, north of the Hot Springs Canal land drain, through to the southern boundary of Kaiaua which is defined by the southern 50 kilometre per hour speed limit sign, south of Kaiaua.

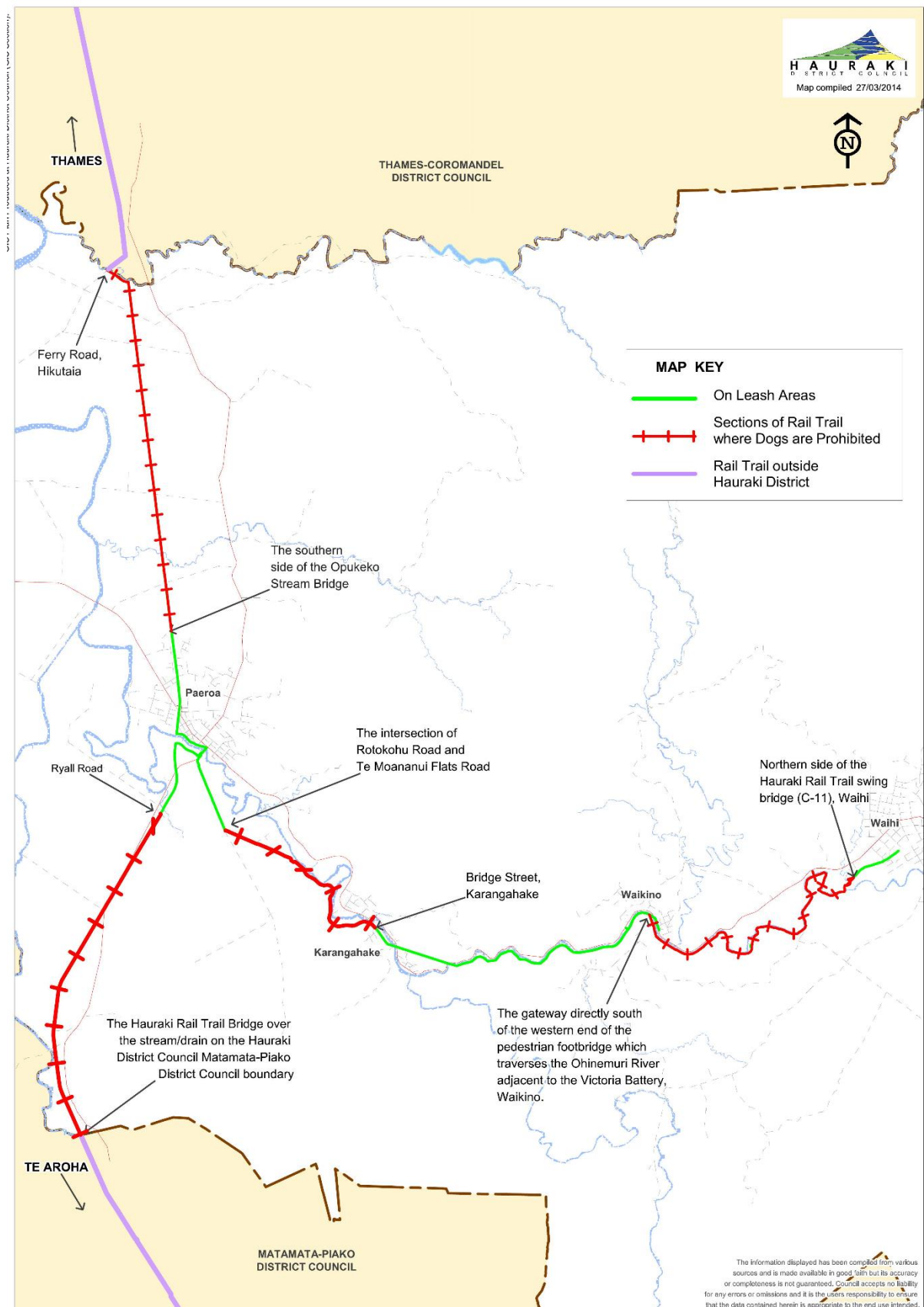
Dog control areas – Map of Whiritoa



Dog control areas – Map of Kaiaua dog control areas



Dog control areas – Hauraki Rail Trail











For more information:

- **W** www.hauraki-dc.govt.nz
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road