



DOG CONTROL BYLAW 2014

QUEENSTOWN LAKES DISTRICT COUNCIL DOG CONTROL BYLAW 2014

1 TITLE AND COMMENCEMENT

- (1) The Queenstown Lakes District Council makes the Queenstown Lakes District Council Dog Control Bylaw 2014 pursuant to sections 10 and 20 of the Dog Control Act 1996 and section 145 of the Local Government Act 2002.
- (2) This bylaw is "The Queenstown Lakes District Council Dog Control Bylaw 2014".
- (3) This bylaw shall come into force on 1 December 2014.
- (4) This bylaw applies to the district of the Queenstown Lakes District Council.

2 PURPOSE

- (1) The purpose of this bylaw is to give effect to the Queenstown Lakes District Council "Policy on Dogs 2014" by –
 - (a) Facilitating responsible dog ownership and the control of dogs in the Queenstown Lakes District; and
 - (b) Protecting the wellbeing and safety of both people and dogs; and
 - (c) Regulating the public places where a dog may be taken by its owner, and the method of control of the dog; and
 - (d) Limiting the number of dogs that may be kept on any premises; and
 - (e) Requiring the owner of any dog that defecates in any public place to immediately remove the faeces; and
 - (f) Provide for the enforcement of this bylaw by prescribing offences and penalties for contravening or permitting a contravention of the bylaw.

3 INTERPRETATION

- (1) In the event that the provisions of this bylaw conflict with the provisions of the Dog Control Act 1996, the provisions of the Dog Control Act 1996 shall prevail.
- (2) Explanatory notes and additional information following the clauses of this bylaw are for information purposes only, do not form part of this bylaw and may be made, amended, revoked or replaced by the Council at any time.
- (3) The words used in this bylaw have the following meanings -
 - Act** means the Dog Control Act 1996
 - Council** means Queenstown Lakes District Council
 - Dangerous dog** has the same meaning given to it in the Dog Control Act 1996
 - Disability assist dog** has the same meaning given to it in section 2 of the Dog Control Act 1996
 - Dog control fee** means any fee prescribed under section 37 of the Act
 - 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 exercise area** means an area that is designated by Council resolution for use as a place for exercising dogs
 - Dog ranger** means a dog ranger appointed under section 12 of the Act, and includes an honorary dog ranger
 - Domestic animal** includes -
 - (a) Any animal (including a bird or reptile) kept as a domestic pet; or
 - (b) Any working dog; or
 - (c) Any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment
 - Infringement offence** has the meaning given to it in section 65(1) of the Act
 - Marine Parade Reserve** means that land legally described as "Pt Recreation Reserve Block XV and Sections 6-18 Blk XV, Queenstown"
 - Menacing dog** has the same meaning given to it in the Dog Control Act 1996
 - Minister** means the Minister of the Crown who, under the authority of any warrant or with the

authority of the Prime minister, is for the time being responsible for the administration of the Act

Neutered dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised

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 -
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
 - (ii) 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 the Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Conservation Act 1987 or any order made under the Act or the Animal Welfare Act 1999

Playground means any children's playground equipment provided or maintained by the Council for public use

Poultry means any live bird (including a domestic fowl, a duck, a goose, a turkey, a guinea fowl, a pheasant, an emu, an ostrich, a quail, or a pigeon) that is kept or raised for the purpose of sale or of producing eggs, hatching eggs, or poultry products or for the purpose of rearing on behalf of another person

Private way has the meaning given to it by section 315(1) of the Local Government Act 1974

Protected wildlife means -

- (a) Any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953; and
- (b) Any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and
- (c) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978:

Public place -

Means a place that, 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:

Queenstown Bay means that land legally described as "Sec 6, Blk LI Town of Queenstown"

Queenstown Gardens means that land legally described as "Pt Sections 4, 5 and 7 Block LI, Town of Queenstown and Pt Sections 1-3, Block LII Town of Queenstown"

Queenstown Hill Reserve means that land legally described as "SEC 1 SO 23185 PT SEC 104 BLK XX Shotover R SD and Lot 4 DP 447835"

Queenstown Hill Walkway means that track which is administered by the Council on land legally described as "Lot 2 DP 351844"

Registration year has the same meaning as that given to the term "financial year" by section 5 of the Local Government Act 2002

Reserve means an area of land that is -

- (a) 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.

Specified agency

- (a) means---
 - i) the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990
 - ii) the Department of Conservation

- iii) the Department of Corrections
- iv) the Ministry of Agriculture and Forestry
- v) the Ministry of Defence
- vi) the Ministry of Fisheries
- vii) the New Zealand Customs Service
- viii) the New Zealand Defence Force
- ix) Land Search and Rescue Incorporated
- x) New Zealand Fire Service
- xi) the New Zealand Police and
- (b) Includes the Director of Civil Defence and Emergency Management.

Stock means-

- (a) Any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state
- (b) Any deer, goat, thar, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes

Warranted officer means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987

Working dog means-

- (a) Any disability assist dog
- (b) Any dog kept on land zoned Rural General and solely or principally for the purposes of rabbit destruction or for herding or driving stock; or
- (c) Any dog kept solely or principally for the purposes of destroying pests or pest agents under a contract for service; or
- (d) Any dog kept principally for the purposes of carrying out the functions, powers, and duties of a Specified Agency as defined in section 2 of the Dog Control Act 1996, and includes any dog kept by any officer or employee of a Specified Agency that is -
 - i) Kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Bio security Act 1993; or
 - ii) Owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010, or owned by 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
 - iii) Any dog suitably trained and kept solely or principally for the purposes of performing the functions, powers and duties of search and rescue or avalanche rescue; or
 - iv) Declared by resolution of the Council 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; or
- (e) Any dog that has had valid registration as a working dog, whether or not the dog is currently kept solely or principally for work.

Explanatory note: *This explanatory note does not form part of this bylaw, and is included to advise that it is intended that retired working dogs are not required to be registered at a higher fee category simply due to their retirement from active work.*

4 CONTROL OF DOGS IN PUBLIC PLACES

- (1) No dogs (with the exception of disability assist dogs) will be permitted to enter onto the following public places -
 - (a) All schools, unless part of education programs or organised events managed by the school;
 - (b) Buckingham Street, Arrowtown between Berkshire and Wiltshire Streets and including the Arrowtown Village Green and Marshall Park;
 - (c) Designated areas as determined by resolution of Council.
- (2) The owner of a dog must keep that dog under control on a leash in -

- (a) all cemeteries; and
 - (b) all playgrounds and skate boarding facilities; and
 - (c) any other public place.
- (3) Clauses 4(1) and 4(2) do not apply in -
 - (a) Areas designated (by Council resolution) as dog exercise areas, unless that area is a playground, skate boarding facilities or cemetery;
 - (b) The Rural General Zone as described in the Queenstown Lakes District Plan, unless that area is a playground or cemetery;
 - (c) a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
 - (d) a national park constituted under the National Parks Act 1980.
- (4) Where an Owner is not required to keep a dog under control on a leash the Owner must-
 - (a) keep that dog under effective control by voice, or signal while that dog is in any public place; and
 - (b) immediately leash and bring the dog under control if the dog causes a nuisance to any person or animal.
- (5) A Dog Control Officer or Dog Ranger may seize any dog that is not under effective control and either return the dog to its owner or impound the dog.
- (6) The provisions of clause 4(2) shall not apply to any working dog carrying out the work in respect of which the dog has been registered.

Explanatory notes:

- (a) *Dogs must be on a leash in every cemetery, playground and skateboarding facility throughout the Queenstown Lakes District.*
- (b) *The Conservation Act 1987 and the National Parks Act 1980 provide for the control of dogs. It is not necessary for the bylaw to apply to control dogs in these areas.*
- (c) *The exemption for working dogs is to permit working dogs (i.e. Police Dogs or Search and Rescue dogs) to work off leash in public places.*

5 DOG EXERCISE AREAS

- (1) All Reserves are designated as dog exercise areas except -
 - (a) Queenstown Gardens:
 - (b) Marine Parade:
 - (c) Marine Parade Reserve:
 - (d) Queenstown Bay:
 - (e) Queenstown Hill Reserve and Queenstown Hill Walkway.

Explanatory note: *Dogs must be kept under control on a leash in the Queenstown Gardens, Queenstown Bay Reserve, Marine Parade, Marine Parade Reserve, Queenstown Hill Reserve and Queenstown Hill Walkway because these areas are public places and are not designated as Dog Exercise Areas.*

6 FOULING PUBLIC PLACES

- (1) The Owner of any dog that is in a public place must carry a bag or other receptacle suitable for the removal of faeces.
- (2) The Owner of any dog that defecates in a public place or on land or premises other than that occupied by the Owner must immediately remove the faeces.
- (3) Where a public litter bin or similar receptacle is used to dispose of the faeces, the owner must ensure the faeces is suitably wrapped or contained to prevent fouling of the receptacle.

7 DISEASED AND FEMALE DOGS

- (1) Every person who is the Owner of any dog that is diseased or a female in season must at all times keep that dog wholly confined so that it is unable to wander at large whether on any private land or public place.
- (2) Notwithstanding subclause (1) above, any such dog shall be adequately exercised on any private land occupied by the owner of the dog or any other private land with the consent of the occupier.

8 LICENCE TO KEEP MORE THAN TWO DOGS

- (1)
 - (a) No person may keep more than two dogs of registrable age (whether or not any dog is registered) on any premises, unless the Owner is the holder of a multiple dog licence issued by the Council.
 - (b) Clause 8(1)(a) does not apply to-
 - i) working dogs kept on any premises within the Rural General Zone (as described in the Queenstown Lakes District Plan); or
 - ii) impounding facilities administered by the Queenstown Lakes District Council; or
 - iii) dogs receiving medical treatment or recovering from medical treatment at any veterinary practice.
- (2) No person may breach or fail to comply with the terms, conditions or restrictions of a licence issued under this part.
- (3) No licence will be granted unless the Owner of the premises can demonstrate to Council's satisfaction (having regard to the criteria listed in Council's Dog Control Policy) that the keeping of more than 2 dogs at that location will achieve the objectives of the Council's Dog Control Policy.
- (4) A licence issued under this clause is subject to the conditions set by the Council. Every licence issued -
 - (a) is subject to such conditions as the Council sees fit to impose; and
 - (b) has effect only in relation to the premises described in the licence; and
 - (c) is not transferable to any other person, or any other premises, or any dog that is not already specified in the terms of the licence.
- (5) A multiple dog licence may be revoked by the Council immediately if -
 - (a) the Owner is in breach of conditions of the licence; or
 - (b) a change of circumstances renders the premises inappropriate for housing more than two dogs; or
 - (c) the dogs are required to be registered and do not have a current registration under the Act; or
 - (d) the Owner is in contravention of the Animal Welfare Act 1999.
- (6) A Dog Control Officer or Dog Ranger may seize any dog kept at a premises and impound any dog at the Owner's cost where –
 - (a) more than two dogs are kept at a premises; and
 - (b) there is no licence permitting the keeping of more than two dogs.
- (7) Applications for licences to keep more than two dogs shall be made on the form supplied by the Council and the Owner shall provide such information in respect of the application as the Council may reasonably require.
- (8) The applicant must pay to the Council, the licence fee prescribed in Schedule 1.
- (9) The fee for such licence shall be payable in addition to the registration fees payable under the provisions of the Dog Control Act 1996.

9 TEMPORARY EXEMPTION

- (1) The Council may temporarily exempt any person, premises or public place from any duty or restriction in this bylaw.
- (2) The Council may grant an application for a temporary exemption where it is satisfied that allowing the activity will achieve the -
 - (a) purpose of the Dog Control Act 1996; and
 - (b) objectives of the Queenstown Lakes District Council Dog Control Policy 2014; and
 - (c) preservation of public safety.
- (3) The applicant must pay to the Council, the applicable fee prescribed in Schedule 1.
- (4) The fee for such licence shall be payable in addition to the registration fees payable under the provisions of the Act.

10 ENFORCEMENT

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

11 OFFENCES AND PENALTIES

- (1) Every person who contravenes or permits a contravention of this bylaw commits an offence.
- (2) Every person who commits an offence under this bylaw is liable to a penalty under section 242(4) of the Local Government Act 2002, or to a penalty under the Dog Control Act 1996.

12 SAVINGS

- (1) Every licence issued under clause 9 of the Queenstown Lakes District Council Dog Control Bylaw 2009 shall continue in effect, but is deemed to be subject to clauses 8(2), 8(4) and 8(5) of this bylaw.
- (2) Any licence issued under clause 9 of the Queenstown Lakes District Council Dog Control Bylaw 2009 may be the subject of a review of the terms and conditions that it was issued with.

13 ADMINISTRATIVE INFORMATION

- (1) These bylaws are made under the Local Government Act 2002 and the Dog Control Act 1996.
- (2) These bylaws are administered by the Queenstown Lakes District Council.
- (3) The initial resolution to make this Bylaw was passed by the Queenstown Lakes District Council at an ordinary meeting of the Council held on 22 May 2014 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent ordinary meeting of the Council on 27 November 2014.

SCHEDULE 1

This schedule forms part of THE QUEENSTOWN LAKES
DISTRICT COUNCIL DOG CONTROL BYLAW 2014

FEES

Clause	Brief Description	Fee (\$) for license period
8	Multiple Dog Licence application fee	70
8	Multiple Dog Licence inspection fee	80
9	Temporary Exemption application fee	0

EXPLANATORY NOTES

THE QUEENSTOWN LAKES DISTRICT COUNCIL DOG CONTROL BYLAW 2014

This bylaw was adopted pursuant to a resolution passed by the Queenstown Lakes District Council on the [] day of [] 2014 and in accordance with Section 20 of the Dog Control Act 1996.

Mayor

Chief Executive Officer