

# Dog Control Bylaw

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2021

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## REVISION HISTORY

<b>Date Adopted:</b>	16 November 2021
<b>Review Date:</b>	16 November 2024
<b>Department:</b>	Operations
<b>Responsible Officer:</b>	Manager Planning
<b>Sponsor:</b>	Group Manager Operations
<b>Adopted by:</b>	Chief Executive

## 1. Introduction

This Bylaw is the Mackenzie District Council Dog Control Bylaw 2021.

This Bylaw shall come into force on 16 November 2021.

This Bylaw has been made pursuant to section 10 and section 20 of the Dog Control Act 1996.

This Bylaw shall be read in conjunction with the Mackenzie District Council Dog Control Policy 2021.

## 2. Purpose

The purpose of this Bylaw is:

- to regulate and enforce the Mackenzie District Council Dog Control Policy 2021;
- to promote the responsible management of dogs in public places;
- to provide for the recreational needs of dogs and their owners; and
- to minimise the potential for dogs to cause harm, distress or nuisance to the community, animals and wildlife.

## 3. Interpretations

For the purposes of this Bylaw the following definitions shall apply. Where a definition has the same meaning as a definition in the Dog Control Act 1996 (the Act), the definition for the purposes of this Bylaw includes any subsequent amendment to the definition in the Act.

For the avoidance of doubt, where a definition in the Act differs from a definition in the Bylaw, the definition in the Act takes precedence.

<b>Act</b>	the Dog Control Act 1996
<b>Continuous Control</b>	a dog that is restrained by a leash in a public place
<b>Council</b>	the Mackenzie District Council
<b>Dangerous Dog</b>	a dog classified as dangerous by the Council under section 31 or 33ED of the Act
<b>Disability Assist Dog</b>	the same meaning as section 2 of the Act and generally means any dog certified to assist a person with a visual, hearing, mobility or other disability
<b>Dog Control Officer</b>	a Council Officer appointed as a warranted Dog Control Officer under section 11 of the Act

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<b>Dog Ranger</b>	a ranger appointed under section 12 of the Act and includes an honorary dog ranger
<b>Dog Exercise Area</b>	any public place defined within the district where a dog may be exercised off leash
<b>Dog Prohibited Area</b>	any public place within the district where a dog is prohibited either generally or at specified times
<b>Effective Control</b>	the owner or person in charge of a dog is aware of where the dog is and what it is doing and that the dog is responsive to commands and is not creating a nuisance
<b>Leash</b>	an adequate restraint, which may include a lead attached to a collar or harness, not exceeding 2 meters in length, that allows for the control of a dog when in a public place
<b>Leash Control Area</b>	any public place in the district where a dog is required to be kept under continuous control by means of a leash
<b>Menacing Dog</b>	a dog classified as menacing under sections 33A or 33C or 33ED of the Act
<b>Nuisance</b>	anything which interferes with or threatens the health or enjoyment of people, and includes things such as barking, causing distress via intimidating behavior (such as aggressive barking or rushing), or attacking people, wildlife, or other animals
<b>Neutered Dog</b>	a dog that has been spayed or castrated
<b>Owner</b>	the same meaning as section 2 of the Act and generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is looking after a dog and is responsible for it and includes any person who resides permanently at the dogs usual place of residence
<b>Policy</b>	the Mackenzie District Council Dog Control Policy 2021
<b>Public Place</b>	the same meaning as section 2 of the Act and generally means a place that is open to the public whether or not it is private property
<b>Urban Areas</b>	land zoned Residential 1, 2, 3 and 4 and land zoned Rural Residential 1 and 2 in the Operative Mackenzie District Plan 2004
<b>Working Dogs</b>	the same meaning as section 2 of the Act and generally means any dog carrying out functions and duties: <ul style="list-style-type: none"> <li>• relating to farming, such as hearing stock;</li> <li>• under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defense, corrections, customs, security biosecurity, pest management, emergency management or conservation; and</li> <li>• under the direction of private security guard in the execution of their duties</li> </ul>

## 4. Obligations of Dog Owners

Every dog owner or person in charge of a dog must keep their dog under effective control, in all public places, at all times.

Every dog owner or person in charge of a dog must carry a leash when taking their dog into public places, whether or not it is a leashed area.

Every dog owner or person in charge of a dog must carry plastic bags or other effective means to remove and dispose any fouling (dog faces) when in public places with their dog.

Every dog owner or person in charge of a dog must remove and appropriately dispose of any fouling produced by their dog in public places or on land that is not their own land.

Every dog owner must provide a dog with:

- a weatherproof kennel of adequate size and on well drained land, or other place of confinement (which may include any dwelling);
- access to clean water and food; and
- clean and sanitary conditions.

Where a premise is unfenced, the owner of a dog must restrain the dog by a fixed chain, running wire or electronic boundary which allows the dog free movement.

All dogs must be registered by 30 June each year and must be registered for the first time before they are three months old.

All dogs, except for working dogs, must be implanted with a microchip.

## 5. Prohibited and Leashed Areas

The Mackenzie District Council Dog Control Policy 2021 contains the specific public places where dogs are prohibited (not allowed) or are required to be controlled on a leash.

Every dog owner or person in charge of dog must ensure that their dogs do not enter or remain in any public place designated as a Prohibited Area.

Every dog owner or person in charge of a dog must ensure that their dog is kept on a leash in public places designated as a Leashed Area.

All dogs must be under effective control in public places that are not specifically listed as Prohibited or Leashed Areas.

The general Prohibited and Leashed Areas in the Mackenzie District are as follows:

### **Council Playgrounds, Skateparks and Swimming Pools**

Dogs are prohibited from being within any fenced playground, on any specifically surfaced playground area, within one metre of any fenced or surfaced playground area or within one metre of any playground equipment where there is no fence or special surface.

Dogs are prohibited from all skatepark surfaces and from being within one metre of the perimeter of any skatepark.

Dogs are prohibited from entering any Council swimming pool facilities.

### **Council Cemeteries**

Dogs are prohibited from entering any Council owned and managed cemeteries.

### **Schools, Kindergartens, Play Centres, Public Halls, Community Centres or Libraries**

Dogs are prohibited from entering any premise or land used as a school, kindergarten, play centre, public hall, community centre or library unless approval has been obtained from the Controlling Authority of that land or premise.

### **Roads**

Dogs are to be on a leash on all roads. For the purposes of this Bylaw roads include associated pedestrian areas (such as footpaths) and the margins alongside roads, weather sealed or not (such as berms and verges) as well as state highways, private ways and carparks.

The above clauses do not apply to disability assist dogs.

The above clauses do not apply to working dogs that are under effective control while that dog is being worked or while it is being taken to and from work.

For the specific Prohibited and Leashed Areas refer to the Mackenzie District Council Dog Control Policy 2021.

## **6. Exercise Areas**

The Mackenzie District Council Dog Control Policy 2021 contains the designated public places where dogs are allowed to be exercised off leash.

No dog owner or person in charge of a dog may leave a dog unattended at a designated Dog Exercise Area.

Every dog owner or person in charge of a dog at a designated Dog Exercise Area must comply with the obligations set out in clause 4 of this Bylaw.

## 7. Number of Dogs

Owners of more than two dogs, on a property located within any urban area, must obtain a license to keep more than two dogs over the age of three months.

An owner of more than two dogs must:

- apply to the Council for the relevant license on the appropriate form;
- allow an inspection of their property as to the suitability of the number and type of dogs applied for; and
- pay the relevant license inspection fee.

A license relates to the dog owner, their registered dogs and specified property. A license is not transferable to another property, to a new owner at the same property or to different dogs at the same property.

A license will not expire but will need to be reapplied for if the dogs registered at that property change or the owner moves.

A license may be granted, have conditions imposed, or be refused, at the discretion of the attending Dog Control Officer. In considering whether consent should be granted, the attending Dog Control Officer shall have regard to:

- whether the property is a suitable size for the breed and number of dogs applied for;
- whether any of the dogs applied for are classified as dangerous or menacing;
- whether there is adequate fencing;
- whether there is a dog free access to the property;
- whether the location of kennels is appropriate, and the kennels are suitable and provide adequate shelter for the breed and number of dogs;
- the previous history of the dog owner in relation to complaints or nuisance; and
- whether the owner is complying with and familiar with their obligations under the Act and Bylaw.

If granted, any breach of conditions shall constitute a breach of this Bylaw. Without limitation, the Council may impose conditions relating to:

- the number of dogs to be kept at any one time;
- the duration of the permission;
- the purpose for which such dogs may be kept;
- provision for hygiene control, confinement, and regular inspection;
- provision for the protection of other persons or property; and
- provision for emergencies, including food, muzzles, leads and carriers.

Any license issued may be revoked by the Mackenzie District Council for breach of conditions.

## 8. Female Dogs in Season

Every dog owner or person in charge of a dog where the dog is a female dog in season, must keep the dog:

- confined to private property while it is in season; and
- confined in such a way as to minimise the impact on other dogs.

Transport of a female dog in season should be minimised and any transport should be undertaken securely and in such a way as to minimise the impact on other dogs.

The above clauses do not apply to working dogs that are being worked.

The above clauses only apply to female dogs that have not been de-sexed.

## 9. Infectious and Diseased Dogs

No dog owner or person in charge of any infectious or diseased dog may take that dog into any public place except while being taken to a veterinary clinic.

## 10. Nuisance Caused by Dogs

If, in the opinion of a Dog Control Officer, any dog or dogs on any premises has become or is likely to become a nuisance, the Council may, by notice in writing, require the owner or occupier of the premise within a time specified in such notice, to do all or any of the following:

- reduce the number of dogs kept on the premise;
- order the permanent removal of a particular dog on a property;
- construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs;
- require such dog or dogs to be tied up or otherwise confined during specific periods; and
- take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.

## 10. Disposing of Dogs

The owner of a dog shall, within 24 hours of the death of that dog, bury the dog below the surface of the ground (with at least 750 mm of cover) or place the dog in an offal pit of a depth of 2 metres or more below ground level.



## 11. Impounding of Dogs

A Dog Control Officer may impound any dog found at large or in breach of any provision of this Bylaw whether it is wearing a collar having the proper registration liable or disc attached.

A Dog Control Officer may impound any dog where there are reasonable grounds to believe an offence under the Act has been committed, including failure to comply with registration requirements.

The owner of any dog impounded shall pay the necessary Council fees before the dog is released back to its owner.

A dog prior to being released back to its owner shall be registered and microchipped. In addition, all other requirements under the Act, and Bylaw shall be met.

## 11. Offences and Penalties

Every person who fails to comply with this Bylaw commits an infringement offence under Schedule 1 of the Act and may be served with an infringement notice and be liable to pay an infringement fee.

Every person who fails to comply with this Bylaw commits an offence under section 20(5) of the Act and is liable on conviction to the penalty described by section 242(4) of the Local Government Act 2002.

For the purpose of clarity, many matters not covered by the Bylaw are covered by the Act and breaches of these matters can result in the issuing of infringement notices. The amounts for these infringements range from \$100 to \$750 as set out in the Act.



**Mackenzie**

DISTRICT COUNCIL