



## **WESTLAND DISTRICT COUNCIL** **DOG CONTROL BYLAW**

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Pursuant to the powers vested in it by the Local Government Act 1974, the Dog Control Act 1996 and all other powers thereunder enabling, the Westland District Council makes this Bylaw.

1. **SHORT TITLE:**

This Bylaw may be sited as the Westland District Dog Control Bylaw 1997.

2. **COMMENCEMENT:**

This Bylaw shall come into force on the confirmation thereof.

3. **INTERPRETATION:**

3.1 **Act:**

Means the Dog Control Act 1996.

3.2 **Council:**

Council means the Westland District Council.

3.3 **Impound:**

Means to impound in a public pound or any vehicle employed in the transporting of dogs to a public pound.

3.4 **Owner:**

Owner in relation to any dog, means every person who:

- a) owns the dog; or
- b) has possession of the dog, whether the dog is at large or in confinement, otherwise than for the purpose of preventing the dog causing damage 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) occupies any house or premises in which the dog is usually kept or permitted to remain -

but does not include any person who has seized or taken custody of the dog under the Act or the Animals Protection Act 1960 or any Order made under either of those Acts.

**3.5 Pound:**

Means such premises as shall from time to time be appointed by the Westland District Council for the impounding of dogs and shall include any temporary premises.

**3.6 Prohibited Area:**

Means an area from which dogs are prohibited in accordance with Clause 13 of this Bylaw.

**3.7 Public place:**

Means a place that, at any material time, is open to or is being used by the public, whether free or on payments 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.

**3.8 Working dog:**

Working dog is a dog defined as a working dog in the Dog Control Act 1996.

**3.9** Any word or expression not defined in this Bylaw but defined in the Act shall, unless the context otherwise requires, bear the meaning given to it by the Act.

**CONTROL OF DOGS:**

4. The owner and any person for the time being having charge of any dog shall ensure that it does not enter or remain in any public place unless it is kept under the continuous control of the owner or person having charge of the dog by means of a lead, leash, container, voice, whistle, electronic device or other effective means; provided that nothing in the foregoing provision shall apply in respect of any working dog which is under the continuous and effective control of its owner or the owner's agent while that dog is being worked or while it is being taken by its owner to or from its work.
5. Any dog found in breach of Clause 4 may be impounded by any person duly authorised by the Council in a dog pound in accordance with the Act. Any dog so impounded shall be released on the payment by the owner of the prescribed fees and charges set by the Council pursuant to Section 37 of the Act for the impoundment and maintenance of the dog as well as any outstanding registration fees.

## **LIMITATION OF NUMBER OF DOGS PERMITTED ON LAND OR PREMISES:**

6. No person shall keep or suffer or allow to be kept on any land or premises more than two dogs (whether or not such dogs are registered) over the age of three months unless there is in force in respect of such land or premises a licence from the Council for such purpose.
7. Any person (being the owner of more than two dogs or the owner or occupier of the land or premises) desiring to obtain a licence shall make written application to the Council for a licence in the form set out in the First Schedule of this Bylaw and shall provide with such application such information as the Council may require.
8. The Council when considering any such application shall have regard to the adequacy of the land or premises for the keeping of more than two dogs specified in the application, the likely effect which the keeping of more than two dogs would have upon the surrounding neighbourhood, the likelihood of injury to health and the likelihood of more than two dogs becoming a nuisance. The Council may take into account any other relevant matter.
9. Subject to the foregoing provisions of this Bylaw, the Council may issue a licence for the purposes specified in Clause 6. Any such licence may be issued upon or subject to such reasonable terms, conditions and restrictions consistent with this Bylaw as the Council may determine either generally or in any particular case. Every such licence shall be in the form set out in the Second Schedule of this Bylaw.
10. For every such licence there shall be paid to the Council for the issue of the licence, such fee, as the Council may by resolution determine from time to time. The fee for such licence shall be payable in addition to the registration fees payable under the Act.
11. If at any time while a licence is in force in accordance with the foregoing provisions of this Bylaw:
  - a) the Council is satisfied that the keeping of more than two dogs on the land or premises specified in the licence has caused a nuisance or the likelihood of injury to health or has materially contributed to the creation of a nuisance or to the likelihood of injury to health; or
  - b) the Council is satisfied that the keeping of more than two dogs on the land or premises specified in the licence has caused an unduly detrimental effect upon the surrounding neighbourhood; or
  - c) the Council is satisfied that there has been a failure to comply with all or any of the terms, conditions and restrictions of the licence;

then in any such case the Council, after giving to the Licensee written notice of the grounds and full particulars of the nuisance, likelihood of the injury to health, undue detrimental effect on the neighbourhood or the failure to comply with any terms, conditions or restrictions of the Licence alleged against the Licensee and after giving the Licensee an opportunity to be heard in answer to such allegations, may revoke the Licence.

12. Nothing in Clauses 6 to 11 of this Bylaw shall apply:
- a) to any land or premises for the time being included in the rural zones or rural management areas described in the Westland District Plan;
  - b) to any land or premises lawfully used exclusively or principally as a veterinary clinic including any office used by a veterinary surgeon;
  - c) to any land or premises lawfully used exclusively or principally for carrying on the business of boarding dogs;
  - d) to any land or premises lawfully used exclusively or principally for the purpose of impounding dogs pursuant to the provisions of this Bylaw.

**LEASH ONLY AND PROHIBITED AREAS:**

13. No person shall take, or allow to be taken, any dog not controlled on a leash within the land zoned as *Commercial Core* in the Westland District Plan and including all the land constituting road and foredune between Camp Street and Stafford Street.
14. No person shall take, or allow to be taken, any dog on to the mown playing surfaces of any public sports ground.
15. Nothing in Clause 13 of this Bylaw shall apply to any guide dog, hearing dog, police dog, dogs attending any veterinary clinic located in the prohibited area or any dog contained within or on any vehicle in the prohibited area and is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person.

**PENALTIES:**

16. Every person who commits a breach of this Bylaw shall be liable on summary conviction to the maximum penalty as provided from time to time in or the Local Government Act 1974 or where any person is alleged to have committed an infringement offence specified in the First Schedule of the Act that person may either:
- a) Be proceeded against summarily for the offence; or
  - b) Be served with an infringement notice as provided by the Dog Control Act 1996.

**REPEAL**

17. The Westland District Dog Control Bylaw 1994 is hereby repealed.

The foregoing Bylaw was duly made by the Westland District Council by a Special Order passed at a meeting of the Council held on 15 day of May 1997 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on the 19 day of June 1997.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the offices of and pursuant to the resolution of the Westland District Council in the presence of :

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Acting General Manager**

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**

**FIRST SCHEDULE**

**Application Form**

**Westland District Council**

**APPLICATION FOR A LICENCE TO KEEP ADDITIONAL DOGS  
ON LAND OR PREMISES**

To the **WESTLAND DISTRICT COUNCIL**

I, \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ hereby apply pursuant to Clause 7 of the Westland District Council Dog Control Bylaw 1997 for a licence in respect of the land or premises described below permitting an additional dog/dogs to be kept on such land or premises.

1. Address of land or premises on which it is intended to keep the additional dog or dogs:

\_\_\_\_\_  
\_\_\_\_\_

2. The number of additional dogs proposed to be kept: \_\_\_\_\_

3. The following is a description of the dogs proposed to be kept:

\_\_\_\_\_  
\_\_\_\_\_  
(Includes species, sex and name (if any) of the dog)

4. Name(s) and Owner(s) of the additional dogs(s):

\_\_\_\_\_  
\_\_\_\_\_

I herewith tender the prescribed fee of \$ \_\_\_\_\_

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 199\_\_.

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

**SECOND SCHEDULE**

**Form of Licence**

**Westland District Council**

**LICENCE TO KEEP AN ADDITIONAL DOG OR DOGS ON LAND OR PREMISES**

No.: \_\_\_\_\_

Pursuant to Clause 9 of the Westland District Council Dog Control Bylaw 1997, the Westland District Council hereby licences the land or premises described below for the purpose of keeping the dog(s), described below on such land or premises subject to the provisions of the Bylaw made in that behalf and to the conditions (if any) endorsed hereon.

1. Name of Applicant for Licence:

\_\_\_\_\_

2. Address of land or premises on which the additional dog or dogs are permitted to be kept:

\_\_\_\_\_

3. Description and name(s) (if any) of additional dog or dogs permitted to be kept:

\_\_\_\_\_

4. Name(s) and Owner(s) of the additional dog(s):

\_\_\_\_\_

5. Conditions of Licence:

\_\_\_\_\_

\_\_\_\_\_

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 199\_\_.

\_\_\_\_\_  
**GENERAL MANAGER**

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**OFFICE USE ONLY**

**Fee Paid: \$** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Receipt No.:** \_\_\_\_\_

**(LICENCE NOT TRANSFERABLE)**