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# ORDINARY MEETING OF COUNCIL

## Open Minutes Attachments

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Meeting Date:	Thursday 21 April 2022
Time:	9.00am – 9.50am
Venue:	Via Zoom Audio Visual Link

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# *Proposed* **DOG CONTROL** *Bylaw*

2022



**NAPIER**  
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[www.napier.govt.nz](http://www.napier.govt.nz)

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### 1. Title

- 1.1** This Bylaw is the Napier City Council Dog Control Bylaw 2022.

### 2. Commencement

- 2.1** This Bylaw comes into force on 1st of July 2022.

### 3. Repeal

- 3.1** The Napier City Dog Control Bylaw 2004 is repealed on the commencement date of the Napier Council Dog Control Bylaw 2022.

### 4. Introduction

- 4.1** The Napier City Council, under section 20 of the Dog Control Act 1996, makes this Bylaw for the control of dogs in the Napier City.

### 5. Purpose

- 5.1** The purpose of this Bylaw is to give effect to the **Dog Control Policy** by:
- a) Regulating dogs to prevent nuisance;
  - b) Prohibiting dogs, whether under control or not, from specified public places;
  - c) Requiring dogs to be controlled on-leash in any specified public place;
  - d) Regulating and controlling dogs in any other public place;
  - e) Ensuring the number of dogs kept on a premise is suitable; and
  - f) Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces.

### 6. Interpretation

- 6.1** In this bylaw, unless the context otherwise requires:

**ACT** means the Dog Control Act 1996.

**ANIMAL CONTROL OFFICER** includes a Dog Control Officer appointed under section 11 of the Act and a Dog Ranger appointed under section 12 of the Act.

**AT LARGE** means that the dog is off leash and kept under control at all times.

**AUTHORISED OFFICER** means a warranted Dog Control Officer or Dog Ranger or a person so warranted pursuant to the Local Government Act 2002.

**BYLAW** means the Napier City Council Dog Control Bylaw 2022.

**CHILDREN'S PLAYING AREA** means any public place or play area designed and equipped with facilities for recreational use by children, including and not limited to playgrounds, bike parks, skate parks and sport parks.

**CITY** means the area designated as the Napier City.

**COUNCIL** means the Napier City Council.

**DOG EXERCISE AREA** means a public place identified in the Bylaw as an area, including all walkways and tracks within the exercise area, where dogs may be exercised providing the dog is kept under control at all times.

**DOG ON LEASH** means that the dog must be on a leash and kept under control at all times by the owner or person in charge of the dog.

**DOG ON LEASH AREA** means an area identified in this Bylaw where dogs must be on a leash and kept under control at all times.

**KEPT UNDER CONTROL** means the dog is not causing a nuisance or danger; and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, the dog is obedient and responsive to the dog owner's commands without hesitation.

**LEASH** means a lead which is capable of restraining the dog.

**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); 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 this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

**POLICY** means the Napier City Council Dog Control Policy 2022.

**PROHIBITED PUBLIC PLACE** means a public place identified in this Bylaw as a place where dogs are prohibited, except as provided for in this Bylaw or the Act.

#### **PUBLIC PLACE**

- a) 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
- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**WORKING DOG** has the same meaning as that provided in section 2 of the Act.

**6.2** Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

**6.3** Any ambiguity in the wording of this Bylaw should be, as far as practicable, interpreted accordance with the intent and provisions of the Interpretation Act 2019.

## 7. Nuisances

- 7.1** The owner or occupier of any premises where any dog or dogs are customarily kept shall take all necessary steps to prevent the keeping of the dogs from becoming a nuisance or injurious to health.
- 7.2** If in the opinion of an authorized officer the keeping of dogs referred to in clause 7.1 become or are likely to become a nuisance or injurious to health, the authorized officer may, by notice, require the owner or occupier of the premises to do all or any of the following:
- To reduce the number of dogs kept on the premises;
  - To take such action as stipulated in the notice so as to remove and mitigate the nuisance or injury to health, or likelihood of nuisance or injury that exists;
- Any person who fails to comply with a notice under this clause within the time specified commits an offence against the Act.
- 7.3** The owner of every dog shall ensure that the dog does not create a nuisance including, without limitation, by:
- Obstructing the lawful passage of any person in a public place or on private property.
  - Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.
  - Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
  - Interfering with any person's property, whether on private property (other than the owners) or in a public place.
  - Rushing at, chasing, frightening, obstructing or causing injury or distress to any stock, poultry, domestic animal or protected wildlife, whether on private property (other than the owners) or in a public place.
  - Barking, howling and/or whining in a persistent and loud manner.
  - Rushing at any vehicle.

## 8. Dog Faeces

- 8.1** When in a public place dog owners must ensure the immediate removal and disposal of their dog's faeces. This must be done in a way that does not cause a nuisance.
- 8.2** Clause 8.1 does not apply to any dog herding or driving stock on a road where the dog is kept solely or principally for the purposes of herding or driving stock.

## 9. Limitation on Number of Dogs

- 9.1** No occupier of any property in an urban area may allow or cause to remain or keep on the property, more than two (2) dogs, over the age of three months (whether or not such dogs are registered) unless the occupier has obtained a permit from Council.
- 9.2** A permit may be issued upon or subject to such terms, conditions or restrictions as Council may consider necessary and any breach of such terms, conditions or restrictions shall result in revocation of the licence.

## 10. Prohibition of Dogs in Public Places

- 10.1** The owner of any dog must ensure their dog does not enter or remain in any public place specified as a '**prohibited**' area as set out in the First Schedule of this Bylaw.
- 10.2** Clause 10.1 does not apply in the following cases:
- Any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training; or
  - Where the only pedestrian access to either the owners residence or a veterinary surgery is through a prohibited public place provided that:
    - The owner takes the most direct route through the prohibited public place; and
    - The dog is under control on a leash.
  - where a dog is:
    - Wholly contained within a vehicle; or
    - In the case of a ute or truck, securely tethered to the flat deck so that the dog is unable to reach the side or rear of the flat deck and a person in a public place is able to walk past a vehicle without fear of attack or intimidation.

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## **11. Dogs in designated Dog Exercise Area**

- 11.1** The owner of any dog may cause, permit or allow the dog to enter or remain, off leashed, in a designated dog exercise area, as provided for in the Second Schedule of this Bylaw, provided the dog is kept under control at all times.

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## **12. Control of Dogs on a Leash in Public Places**

- 12.1** The owner of any dog must ensure that the dog is under control on a leash in any public place specified in the Third Schedule of this Bylaw.
- 12.2** Clause 12.1 does not apply to:
- a) Any dog confined in a vehicle or cage; or
  - b) Any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

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## **13. Non-Compliance with this Bylaw**

- 13.1** The Council may use its powers under the Act and the Local Government Act 2002 to enforce this Bylaw.
- 13.2** A person who fails to comply with any control, restriction, limitation or prohibitions contained within or made pursuant to this Bylaw commits an offence under the Act and/or the Local Government Act 2002 and is liable to the penalties under the Act and/or the Local Government Act 2002.
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### Schedule 1 - Prohibited Areas (Clause 10)

- a) City of Napier Civic Building  
Public Libraries  
Public Swimming Pools  
Kennedy Park Resort  
McLean Park  
Nelson Park.
- b) Children's playing areas under the control of the Council.
- c) Within the boundaries of all playing areas under the control of the Council set aside and patently prepared for organised games or sports and all other areas zoned as Sports Parks in the City of Napier District Plan including:
  - McLean Park
  - Nelson Park
  - Whitmore Park
  - Marewa Park
  - Taradale Park
  - Bledisloe Park
  - Maraenui Park
  - Park Island
  - Onekawa Park
  - Petane Domain
  - Taraha Recreation Reserve
  - Taraha Park
  - Park Island North
  - Tremain field
  - Bluewater Stadium
  - Hawke's Bay Hockey.
- d) Te Whanganui a Orotu (The Ahuriri Estuary) including the whole of the Westshore Wildlife Reserve, the Ahuriri Estuary Wildlife Refuge Park area below the MHWS (Mean High Water Springs) mark and Department of Conservation land area. This includes from the boundary of the mowed grass area to the MHWS mark and all of the boardwalk and all formed tracks within, and, all of the Humber Street City Council reserve and associated beach area to the MHWS.

**Note:** See Map 1 attached to this bylaw for further clarification.

- e) Watchman Road Reserve.
- f) Port Beach West

**Note:** See Map 2 attached to this bylaw for further clarification.

### Schedule 2 - Dog Exercise Areas (Clause 11)

- a) The Reserve running between Taradale and Kennedy Roads (beside Riverbend Road).
- b) The continuation of the Taradale/Kennedy Road greenbelt between Latham Street, Nash Street and Willowbank Avenue, and the continuation of this greenbelt to and including Te Awa Park, Nash Street Reserve, Latham Street Reserve and Riverbend Road Reserve.
- c) The Plantation Reserve running from Henry Hill School to Taradale Road.
- d) The Drainage Reserve running around Westminster Avenue.
- e) Riverside Park behind the Pettigrew-Green Arena.
- f) Sturms Gully Reserve.
- g) The area in Anderson Park on the northern side of the ponds and waterways bounded by York Avenue and Freyberg Avenue, including the strip of green belt from Taradale Road alongside Islington Place to Freyberg Avenue.
- h) Alexander Park from Taradale Road to Te Awa Park.
- i) All that area of beach and foreshore, known as Beach Domain on the seaward side of State Highway 2 from the Aquarium southward to the City boundary.
- j) All that area of beach and foreshore on the seaward side of the Esplanade and the Napier/Gisborne railway line from the public toilets on The Esplanade foreshore northward to the City boundary during April to September only. During October to March, dogs must be exercised on leash.

**Note:** See Map 3 attached to this bylaw for further clarification.

- k) The land around the base of Western Hills and Park Island cemeteries bounded by the northern-most boundary of the soccer and cricket grounds, Clyde Jeffrey Drive and the waterways, including all the walkways therein.

- l) The reserve between the south side of Atherfold Crescent, Spriggs Crescent and Perry Crescent and north of the motorway culvert.

- m) Ahuriri Reserve

**Note:** See Map 4 attached to this bylaw for further clarification.

- n) All of the Taipo Stream Reserve from Willow Drive through to Balmoral Street, Osier Road and Church Road.

- o) Dolbel Reserve

**Note:** See Map 5 attached to this bylaw for further clarification.

### Schedule 3 - On-Lead Areas (Clause 12)

All those public places that are not designated either a Prohibited Area (First Schedule) or Exercise Area (Second Schedule) are considered On-lead Areas for the purposes of clause 12 of this Bylaw.



## Item 2 Attachment A





Map 2: Port Beach West Prohibited Area (First Schedule (f))





Map 3: Westshore (Second Schedule (j))





Map 4: Ahuriri Reserve Dog Exercise Area (Second Schedule (m))



Item 2 Attachment A



Map 5: Dolbel Reserve Dog Exercise Area (Second Schedule (o))

