

10.5 DOG CONTROL BYLAW 2005 AND DOG POLICY DELIBERATIONS REPORT

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Approved by: Andrew Moraes, Chief Executive

Attachments:

1. Revised Dog Control Bylaw 2005 -clean version
2. Revised Dog Control Bylaw 2005 - track changes version
3. Revised Dog Policy - clean version
4. Revised Dog Policy - track changes version

**1. TE PŪTAKE
PURPOSE**

The purpose of this report is to consider feedback and adopt the reviewed Dog Control Bylaw 2005 and Dog Policy.

A presentation will be provided with this item to clarify or answer questions raised during the verbal submissions received on Wednesday 18 September 2024.

**2. TE TUHINGA WHAKARĀPOPOTOTANGA
EXECUTIVE SUMMARY**

The Council is required by the Dog Control Act 1996 to have a policy on dogs and to have a bylaw that gives effect to the policy. The bylaw is the regulatory mechanism for the keeping of dogs, the control of dogs in public places as well as for other purposes relating to the welfare and control of dogs.

Council's current bylaw was last reviewed in 2012 with a minor review of the policy conducted in 2022. A review of the bylaw and policy have been undertaken with minor amendments made, to ensure consistency with legislation as well as the addition of clauses to:

- enable Council to extract DNA samples (hair and/or saliva) on impounded dogs, and
- enable Council, through the animal control team, to enforce the desexing of dogs that have breached clause 5 of the bylaw – Control of Dogs two or more times in a 12-month period.

Following adoption of the Statement of Proposal, consultation was conducted via a special consultative procedure as required by the Dog Control Act 1996 section 10(8). This included hearings for submitters that wished to speak to their submissions.

Consultation was held from 16 August to 17 September 2024 with 483 submissions received. 13 submitters wished to be heard with hearings held on 18 September with eight presenting their views to elected members.

**HE TŪTOHUNGA
RECOMMENDATION**

1. That the report 'Dog Control Bylaw 2005 and Dog Policy deliberations report' be received.

2. **That the Council adopts the revised Dog Policy.**
3. **That the Council resolves that the revised Dog Policy will come into effect 8 October 2024.**
4. **That the Council adopts the revised Dog Control Bylaw 2005.**
5. **That Council resolves that the revised Dog Control Bylaw will come into effect 8 October 2024.**
6. **That Council authorise Council staff to make minor changes or correct errors including to correct any minor editorial, typographical, arithmetical, or formatting errors that are identified. Noting that, changes that affect an existing right or existing status of any person to whom the bylaw applies are not authorised.**

3. TE TĀHUHU BACKGROUND

The Council has reviewed the Dog Control Policy 2016 and the Rotorua District Council Bylaw 2005 in accordance with the Dog Control Act 1996 and the Local Government Act 2002.

The Council is required by the Dog Control Act 1996 to have a policy on dogs and to have a bylaw that gives effect to the policy. The bylaw regulates and controls dogs in public places and regulates the keeping of dogs as well as for other purposes relating to the welfare and control of dogs. The policy must cover whether menacing dogs are required to be neutered and shall cover various aspects of dog control including identifying those areas of the district where dogs are prohibited, required to be controlled on a leash, and areas where there are no restrictions.

When reviewing the policy, the Council has had to have regard to:

- The need to minimise danger, distress, and nuisance to the community generally.
- The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not they are accompanied by adults.
- The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
- The exercise and recreational needs of dogs and their owners.

The current Policy was reviewed in 2016 and the current Bylaw was last reviewed in 2012. The Council has taken the review as an opportunity to revisit the previous approach adopted in

2012 by proposing changes to better address the perceived problems that arise in relation to dogs within the district.

Consultation was held from 16 August to 17 August with 483 submissions received. Hearings were held on 18 August with 13 wishing to be heard.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

Through the review process, a number of minor changes were proposed that provide greater clarity or are updated to align with changes in legislation. In addition to these minor changes, an additional proposed clause was added regarding Council's ability to take DNA samples of dogs impounded in order to build a DNA bank which enables Council to secure prosecution of menacing dogs. Further clauses relating to the desexing of dogs that have breached section 5 – control of dogs of the bylaw were added.

Key proposed changes within the proposed Dog Policy 2016 and Dog Control Bylaw 2005 are:

- Alignment of Policy and Bylaw to improve clarity and to ensure the Policy and Bylaw are consistent with and give effect to each other;
- The ability for Council to extract DNA either through saliva or hair from impounded dogs to add to the dog DNA bank. Through the DNA banking database, Council would be able to accurately prosecute owners of dogs that have caused harm.
- The ability for Council to enforce the desexing of dogs that have been in breach of clause 5 – Control of Dogs of the bylaw on two or more occasions in a 12-month period.

Through this review, the Council has considered access to the Central Business District for dogs. The Long-term Plan 2024 (LTP) has included work to be done in the inner city over years four, five and six of the LTP. We believe that the discussion for dogs in our inner city should be in alignment with works to be done in the inner city to ensure that all has been considered. At this stage, the Council has seen a decline in the percentage of registered dogs annually. By holding off on the discussion for dogs in the inner city for the time being, this allows Council and the community to work together to raise dog registration compliance across the community. This is fundamental to providing safety to the community in relation to dog control.

Consultation options that were put to the community through consultation were:

1. Adopt the reviewed Dog Control Bylaw 2005 and Dog Policy 2016 Statement of Proposal for public consultation (recommended option): This option includes the minor changes and alignments to the policy as well as the addition of the DNA sampling clause of impounded dogs and the enforcement of the desexing of dogs that have breached the control of dogs clause of the bylaw two or more times in a 12 month period.
2. Roll over the current Bylaw with minor changes in alignment to legislation: This option would adopt the current Bylaw without the inclusion of the DNA swabbing clause of

impounded dogs or the desexing of dogs clause relating to control of dogs infringements.

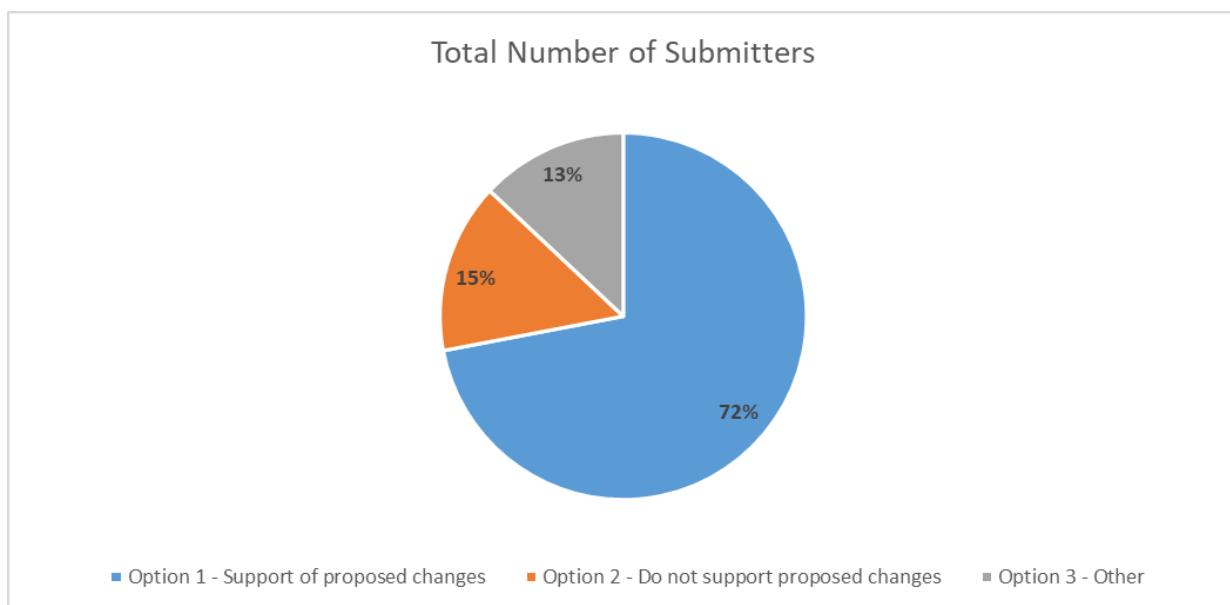
3. Other: the ability for submitters to provide any other feedback on the proposed changes.

Consultation was held from the 16 August to 17 September and a largely digital engagement programme was delivered. Alongside this engagement, the following targeted engagement was also delivered:

- Emails or letters were sent to all registered dog owners
- A targeted email was sent to specific stakeholders including kennels, pet stores and vets
- Signs were placed in 20 of our most popular dog exercise areas with QR codes to the website
- Posters at the Rotorua Pound and posters delivered by the Animal Control team.
- Advertisement in the Rotorua Daily Post and through local newsletters
- Information displays at Te Aka Mauri Rotorua Library and the RLC customer centre

483 submissions were received. Below are the results and themes received from submitters during the consultation period.

Total number of submitters	Email	Let's Talk/Korero mai	Hard Copy
483	36	446	1



The below themes have been identified from the submissions received.

- The use of DNA to identify dogs for prosecution. Of the submissions received for this theme, 68% support and 32% do not support the use of DNA testing.

- Support for the use of DNA banking as a tool for identification of dogs and assists in prosecution of irresponsible dog owners
 - Non-support for DNA banking due to the cost of testing and banking on the general ratepayer as well as DNA collection breaching dog's privacy
 - Acknowledgement that if there is technology to assist the animal control team, Council should utilise it
 - Support for the use of DNA banking to make the community a safer place
- The inclusion of mandatory desexing for dogs impounded more than once within a 12-month period.
 - Support for the desexing of dogs to prevent roaming and enabling a safer community
 - Non-support due to the cost falling onto the compliant dog owners via the registration fee
 - Allowing dogs into the inner city
 - Allow dogs into the CBD (inner city) and lakefront as long as they are on a lead
 - Allowing dogs into the inner city will be inviting for tourists and create vibrancy
 - Don't punish the good dogs and owners from coming into the inner city

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

We are considering the significance level as high and have conducted consultation in alignment with S10(8) of the Dog Control Act 1996 which requires consultation via a special consultative procedure.

6. NGĀ KŌRERA O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Consultation was conducted via a special consultative procedure and was held from 16 August to 17 September 2024. Hearings were held on 18 September 2024 with 8 submitters choosing to speak to elected members.

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1. Mahere Pūtea Financial/Budget Considerations

A number of submissions referred to the cost of the additional clauses of DNA banking and desexing falling onto the registration fee for dogs and therefore onto the compliant dog owners.

The intention is for the cost of desexing and DNA profile extraction to be borne by the owner of the impounded dogs through their release fee.

**7.2. Kaupapa Here Me Ngā Hiraunga Whakariterite
Policy and Planning Implications**

This Bylaw and Policy are due for review in alignment with the Dog Control Act 1996 and the Local Government Act 2002. The Bylaw and Policy need to be reviewed and adopted by 8 October 2024 or the bylaw will lapse. This reviewed policy and Bylaw will take effect from 8 October 2024 if adopted.

**7.3. Te Aromatawai Whakapātanga Ki Te Tāngata Whenua
Tāngata Whenua Impact Assessment**

Not applicable.

**7.4. Tūraru
Risks**

There is a time risk on this proposal in that failure to adopt a new Bylaw by 8 October 2024 will result in the current Bylaw lapsing. The Policy does not lapse but without the enforcement mechanism of the bylaw, will have little effect on dog owners.

**7.5. Te Whaimana
Authority**

Council has the authority to make, amend or revoke Bylaws.

ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

CONTENTS

	<u>Page</u>
1. Short Title	3
2. Commencement	3
3. Repeal	3
4. Interpretation	3
5. Control of Dogs	4
6. Obligations of Dog Owner	5
7. Fouling in Public Places	5
8. Female and Diseased Dogs	5
9. Aggravation of Dogs	6
10. Nuisances	6
11. Limitation of Number of Dogs on any Land or Premises	6
12. Impounding	6
13. Disposal of Impounded Dogs	7
14. Offences and Penalties	7
15. Dispensing Power	7
FIRST SCHEDULE	9
SECOND SCHEDULE	10
THIRD SCHEDULE	11
FOURTH SCHEDULE	14

THE ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

PURSUANT to the powers contained in the Dog Control Act 1996 and the Local Government Act 2002 and any other authority enabling the Council in that behalf, the Rotorua District Council HEREBY RESOLVES to make the following Bylaws:

1. Short Title

This Bylaw shall be known as “The Rotorua District Council Dog Control Bylaw 2005”.

2. Commencement

This Bylaw came into force on the 1st day of February 2006.

This Bylaw was subsequently reviewed and amended on the 27th day of September 2012, and came into force on the 8th day of October 2012.

This Bylaw was further reviewed and amended on the XXX day of XXX 2024, and came into force on the XXX day of XXXX 2024.

3. Repeal

The Rotorua District Council Dog Control Bylaw 1990 was repealed on the 1st day of February 2006.

4. Interpretation

In this Bylaw, unless the context otherwise requires:

Act means the Dog Control Act 1996.

Area Prohibited to Dogs means an area designated as such by resolution of the Council and includes those areas marked “Central Business District Dog Control Area’ on the map in the Second Schedule.

At Large means any dog free or at liberty without any physical restraint by a person. It does not include a dog under the command of a person exercising the dog in a designated exercise area.)

Council means the Rotorua District Council.

Control in any public place means being on a leash not greater than two (2) metres in length, unless the dog(s) is/are:

- (i) in an area designated by Council as a Dog Exercise Area; or
- (ii) unleashed but under verbal restraint or command when in a rural area not designated as prohibited.

District means the Rotorua District.

Dog includes any dog, bitch, neutered dog or spayed bitch.

Dog Control Officer means a Dog Control Officer as defined in section 2 of the Act.

Dog Ranger means a Dog Ranger appointed by the Council under Section 12 of the Act.

Disability Assist Dog has the same meaning as defined in Section 2 of the Act.

Impound means to impound in a public pound or in any vehicle used in the transporting of dogs to a public pound.

Leash means a length of cord, chain or other material no longer than two metres in length that at one end can be secured to a dog and the other end can be securely held by a person and has the strength to restrain the dog in any situation.

Menacing Dog means a dog that has been classified as menacing under Section 33A or Section 33C of the Act.

Microchip means an approved transponder to be implanted for the purpose of providing permanent identification of any dog.

Owner has the same meaning as defined in Section 2 of the Act.

Public place has the same meaning as defined in Section 2 of the Act.

Owner has the same meaning as defined in Section 2 of the Act.

Working Dog has the same meaning as defined in Section 2 of the Act.

5. **Control of Dogs**

- (i) Every dog owner who fails to keep their dog under control at all times commits an offence.
- (ii) Without limiting the generality of sub clause (i) of this clause, a dog shall be deemed to be not under control:
 - (a) If it is found at large on any land or premises other than a public place without the consent (expressed or implied) of the occupier or person in charge of that land or those premises; or
 - (b) No dog owner or person having the dog in their possession shall cause or permit any dog kept by them to enter or remain in any public place unless the dog is kept under control by the way of a leash not greater than two (2) metres in length held by that person, unless that dog is in an area set aside by the Rotorua District Council and stipulated in the Third Schedule to this Bylaw as a designated Dog Exercise Area.
 - (c) No dog owner or person having a dog in their possession shall cause or permit any dog owned by them to be in any public place to be at large unless that dog is in an area designated by the Rotorua District Council for the exercise of dogs as stipulated in the Third Schedule to this Bylaw.

Note: *It shall be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if:*

 - (a) *they prove that the dog is a "working dog" as defined in Section 2 of the Act and was, at the time of the alleged offence, being used for that purpose; or*
 - (b) *if that person who is the owner or in charge of a dog/s is in a rural area not prohibited to dogs by any provision of this Bylaw or any Act, is a licensed or permitted hunter and has that dog/s under his or her control by way of voice of whistle or hand signal and the dog/s is/are being used for hunting activities at the time.*
- (iii) Where a dog is not under control in terms of sub clause (ii) of this clause, a dog control officer or dog ranger may seize the dog and either return it to its owner or impound it.
- (iv) Notwithstanding the provisions of sub clause (i) of this clause the Council may by resolution permit the exercising of dogs in or on any public place specified in that resolution provided such dogs are kept under continual control and for the purpose of this sub clause there shall be deemed to be sufficient control if the dogs are under the continued supervision of a person responsible for the dogs and capable of directing the dog by voice command, whistle, or by hand signal.
- (v) Any resolution made pursuant to sub clause (iv) hereof shall be publicly notified in the manner provided by the Local Government Act 2002.
- (vi) A dog owner shall not allow his dog to enter or remain in or on any part of any camping ground operated under the jurisdiction of the Council unless he/she has first obtained its written consent.

- (vii) All dogs are prohibited from the following areas:
 - (a) Any public building under the control of the Council.
 - (b) Any public baths or other bathing places owned or controlled by the Council.
 - (c) Any reserve or public reserve within the meaning of the Reserves Act 1977, except those reserves that are set apart as Dog Exercise Areas.
 - (d) Whilst dogs are prohibited from being exercised in any Cemetery within the District, they are permitted to accompany any person visiting a grave or memorial, provided the dog is on a leash at all times.
 - (e) Any defined children's playground
 - (f) Any school or kindergarten, including play areas.
 - (g) Those Streets within the Central Business District of the City of Rotorua shown in red on the map in the Second Schedule to this Bylaw.
- (viii) None of the prior sub clauses of this clause shall apply to working dogs as defined in Section 2 of the Act.

6. Obligations of Dog Owner

- (i) A dog owner shall ensure that:
 - (a) The dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - (b) The dog receives adequate exercise;
 - (c) The whole of any kennel or run is maintained in a sanitary condition at all times so as to prevent the creation of any nuisance or state which is injurious to public health.
- (ii) For the purposes of subclause (i)(a) of this clause, proper and sufficient shelter shall comprise a weatherproof kennel or place of confinement constructed on dry ground. In the case of a kennel without other means of confinement, it shall have a fixed chain which allows the dog free movement about the kennel. The kennel or place of confinement shall have access to clean water. The standards for shelter imposed by this sub clause may be waived in any particular case where a dog owner provides proper and reasonable evidence that the dog is normally housed within the confines of a dwelling house or other suitable building.
- (iii) Every dog owner who keeps a dog beneath the bottom or ground floor of a residential building commits an offence.
- (iv) Every dog owner who keeps his dog in any kennel or run which is closer than one (1) metre from any open drain, water course, lake or boundary of any premises commits an offence.
- (v) Every dog owner who keeps a dog in any kennel or run which is not further than six (6) metres from any residential dwelling on a neighbouring property commits an offence.
- (vi) Every dog owner who owns a breed or type of dog listed in the Fourth Schedule of the Act, shall within one (1) month after notice of classification or in the case of dogs classified prior to this sub clause coming into effect, within two (2) months of notification from Council in writing, shall produce to the Council a certificate issued by a veterinarian certifying that the dog has been neutered.

7. Fouling in Public Places

Every dog owner who fails to immediately remove from any public place or from any private property of which they are not the occupier, faeces deposited by their dog, commits an offence. If the dog owner places such faeces in a public litter bin or similar receptacle, the faeces must be wrapped or contained in order to prevent fouling of such litter bin or receptacle.

8. Female and Diseased Dogs

- (i) No dog owner or any person with a dog in their possession that is infected with any contagious disease including mange or distemper shall allow that dog in any public place unless that dog is being taken into the care of a veterinary surgeon.
- (ii) No dog owner shall knowingly permit any female dog owned by him/her in any public place while that dog is in season.

9. Aggravation of Dogs

Every person who, without lawful excuse, behaves or acts in such a way, or who uses a device so as to aggravate or cause distress to any dog in any public place, or on any private property, so that it becomes restive or unmanageable, commits an offence.

10. Nuisances

- (i) Every dog owner commits an offence if they fail to:
 - (a) Take adequate precautions to prevent the dog from becoming a nuisance or injurious to public health;
 - (b) Take such steps as are necessary to prevent his dog from becoming a nuisance or annoyance to residents in the neighbourhood by barking and howling or by obstructing members of the public going about their lawful business in public places.
- (ii) If in the Council's opinion any dog or the keeping of that dog on any premises has become or is likely to become a public nuisance or injurious to public health, it may give written notice to the dog owner requiring all or any of the following things to be done within a time specified in such notice:
 - (a) Reduce the number of dogs kept on those premises; or
 - (b) Require the dog, or such greater number of dogs as Council may specify, to be tied up or otherwise confined during specific periods; or
 - (c) Take such other action as the Council deems necessary to minimise or remove the likelihood of public nuisance or injury to public health.
- (iii) Any dog owner to whom notice is given under sub clause (ii) of this clause who fails to comply with the notice within the time therein specified commits an offence.

11. Limitation of Number of Dogs on any Land or Premises

- (i) No owner of any premises or dog owner shall keep or cause to be kept or have in their care more than two (2) dogs of a greater age than three months within the Urban Fence as defined on the map attached as the Fourth Schedule, unless a Kennel Licence has been obtained from the Council permitting more than two (2) dogs to be kept at those premises.
- (ii) The Licence shall be in the form contained in the First Schedule to this Bylaw, and may contain such terms, conditions or restrictions as an authorised officer of Council may deem fit to impose in any particular case.
- (iii) If the Licence is breached in any way, it may be revoked by an authorised officer of Council at any time.
- (iv) Every application for a Licence shall be submitted in writing on the prescribed form addressed to the Council and signed by the applicant. Before issuing a Licence, the Council may request the applicant to give to it such further information as it may reasonably require. At the time an application for a Licence is made to the Council, the applicant shall pay the application fee as determined by Council from time to time by Resolution publicly notified.
- (v) Every dog owner who breaches any of the terms, conditions or restrictions contained in the Licence issued to them by the Council commits an offence.

12. Impounding

- (i) A dog control officer or dog ranger may impound a dog, whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto, found at large in any public place in breach of any provision of this Bylaw.
- (ii) Council may require any dog owner whose dog is impounded to pay the impounding fee together with a daily sustenance fee for the dog during the period that it is impounded and such fees as determined by Council from time to time by Resolution and publicly notified.
- (iii) Council may take a sample (saliva or hair) from any dog it impounds to obtain a DNA profile of that dog. The DNA profile will be retained as a record by Council and may be used to investigate offences.
- (iv) Where a dog has been impounded under clause 5(iii) the Council may require the owner of that dog to have it neutered if:

- (a) the Council has a record of the dog has been out of control on any previous occasion within the previous 12-month period
- (v) If a dog is required to be neutered under subclause (iv), the owner of that dog:
 - (a) may, within 14 days of receiving the notice, object to the requirement by way of writing to the Council; and
 - (b) has the right to be heard in support of their objection under subclause (v)(a).
- (vi) The Council, when considering an objection under subclause (v)(a), may uphold or rescind the requirement. In making its determination, the Council must have regard to –
 - (a) the evidence which formed the basis for the requirement;
 - (b) the matters relied upon in support of the objection; and
 - (c) any other relevant matters.
- (vii) Following its consideration of an objection under subclause (v)(a), the Council must, as soon as practicable, give written notice to the owner of –
 - (a) its determination of the objection; and
 - (b) the reasons for its determination.
- (viii) If a dog is required to be neutered under clause (iv), the owner of that dog must, within 1 month of receiving the notice of the requirement, produce to the Council a certificate issued by a veterinarian certifying –
 - (a) that the dog is or has been neutered; or
 - (b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate, in which case the owner must produce to the Council, within 1 month after the date specified in that certificate, a further certificate under subclause (vii)(a).

13. Disposal of Impounded Dogs

Where any dog is impounded under this Bylaw and:

- (a) It is not claimed by the dog owner and all fees are not paid to Council within seven (7) days after receipt by the dog owner of either written or oral notice of the impounding; or
- (b) Its owner is unknown to the Council or cannot be found within seven (7) days of the impounding;

then the dog may be destroyed by the Council or sold by the Council to any person who shall thereupon be the lawful owner of the dog. Such destruction or sale shall not relieve the person who was the dog owner before the dog's destruction or sale of liability for any offence under this Bylaw or for payment of any fees payable under this Bylaw.

14. Offences and Penalties

- (a) Every person who commits a breach of any of the provisions in this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000.00.
- (b) Failure to comply with any part of this Bylaw may result in the offender being issued with an Infringement Notice in accordance with the first schedule of the Act.

15. Dispensing Power

Where in the opinion of the Council:

- (a) Full compliance with any of the provisions of this Bylaw would needlessly and unfairly affect any person; or
- (b) Needlessly and unfairly affect the business operation of any such person; or
- (c) Cause undue loss or inconvenience to any person without any advantage to the public; then –

In any such case or cases the Council may, on the special application of any such person so affected and subject to a report thereon by the officer of the Council usually or for the time being charged with the control or administration of that aspect of dog control in question, by resolution (the power to so dispense being hereby reserved) dispense with the observance or performance or relax the strict observance or performance of any of the provisions of this Bylaw, or otherwise modify the same. Any such dispensation, relaxation or modification shall not relieve such person from his/her obligation to comply with the provisions of this Bylaw as so varied.

This Bylaw was duly made by the Rotorua District Council by a resolution passed on the 27th day of September 2012 and was confirmed, following consideration of community submissions received during a special consultative procedure, by a resolution passed on the xxxxxx day of September 2024.

The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in
the presence of:

_____ Mayor

_____ Chief Executive

FIRST SCHEDULE
LICENCE PURSUANT TO CLAUSE 11
ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

The Rotorua District Council hereby licences

of Rotorua, to keep dogs on the premises described below, subject however to such conditions and restrictions as are herein set out.

Description of licensed premises:

Conditions:

This Licence shall remain in force until the 30th day of June 20.....

DATED at Rotorua this day of 20.....

For and on behalf of the Council

Authorised Officer

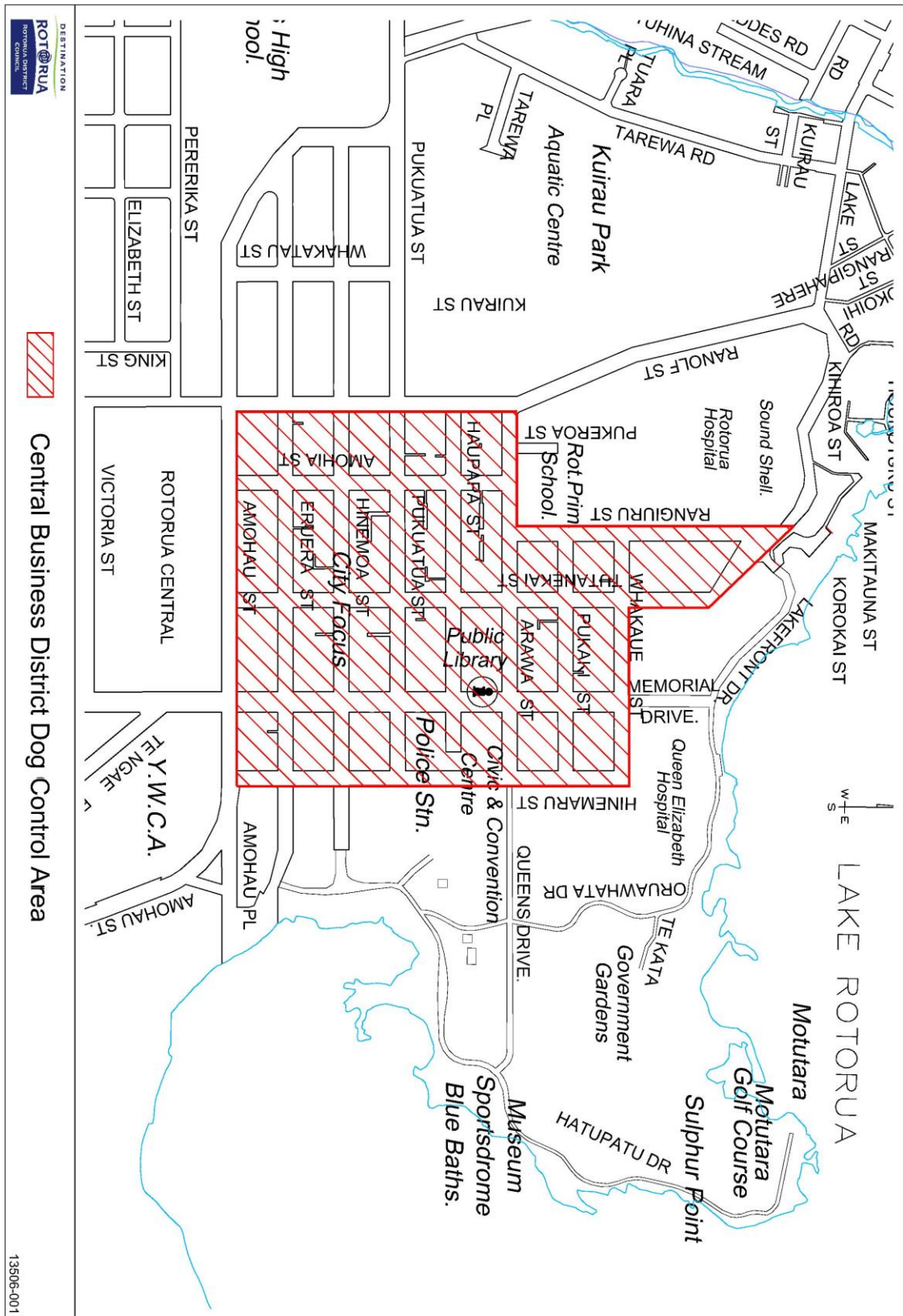
Owner No.

Receipt No.

Fee Paid \$

Date:

SECOND SCHEDULE
CENTRAL BUSINESS DISTRICT DOG CONTROL AREA



THIRD SCHEDULE

DESIGNATED DOG EXERCISE AREAS

That the following Reserve areas be formally set aside as Dog Exercise Areas where dogs may be exercised off a lead providing they are under constant supervision and control of their owner(s) or the person(s) who at the time the animal(s) is/are being exercised has the dog in his or her possession.

Dogs are not permitted on any children's playgrounds or sportsfields located on any reserve. Subject to this restriction the areas where dogs are permitted to be exercised off leash are as follows:

1. **Ngongotaha -**
Reeme Street Reserve, from Reeme Street to the wooden barrier at the Tauhi Street end of the reserve
2. **Ngongotaha -**
Western Road Reserve (Elliott Park)
Access from Western Road and Kokiri Street (via footbridge)
3. **Boielle Park -**
Flat area, entrance off Kawaha Point Road
Central to Koutu/Kawaha Point locality
4. **Fairview Road Reserve -**
Access from Bell, Fairview and Park Roads
5. **Linton Park East -**
Access from Edmund Rd, Kamahi Place, Homedale Street
6. **Blomfield Street Reserve -**
Western perimeter Goldie Street/Pukehangi Road
7. **Pullar Park -**
Between Sunset Primary and Intermediate Schools, adjacent to Otomatea Stream
8. **Wright Park -**
Access off Icarus Place, Pegasus Drive, Castor Place, Helena Place and Orion Street
9. **Simmonds Crescent Reserve (now Tihi Reserve) -**
Access off Simmonds Crescent, Day Place and Tihi Road
10. **Boyes Park -**
Access off Carlton, Wylie, Duncan and Ranolf Streets
11. **Pererika Street (Town Belt) -**
Area from Model Railway Clubrooms to Telecom entrance
12. **McIntyre Avenue -**
Access off McIntyre Avenue and Marguerita Street

13. **Larcy Rd Reserve -**
Access from Larcy and Lynbert Roads
14. **Coulter Road Reserve -**
Access from Wingrove and Coulter Roads
15. **Corlett Street Reserve**
Access from Corlett or Konene Streets
16. **Linton Park West**
17. **Morey Street Reserve**
Access from Morey Street
18. **Jackson Park**
Access from Springfield, Otonga Roads and McDowell Street. Excluding all playground areas and sports fields within the reserve.
19. **Sala Street Reserve**
20. **Hannahs Bay Reserve**
Dogs must be on a leash from the entrance to the Reserve at Willow Avenue including the area to the Lake Foreshore, the wetland area to the south, to the north-eastern drain in the centre of the Reserve.

The **Dog Exercise Area** is the remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.

Dogs are prohibited from:
 1. Any playground within the reserve.
 2. Any barbecue area within the reserve.
 3. The area used by the Pony Club for events on those occasions when an organised event is in progress.
21. **Part of Devon Street West/Utuhina Stream Reserve**
Being that part of the reserve located between Devon Street West (opposite the International Stadium and associated playing fields) and the banks of the Utuhina Stream, as is more particularly described by signs at the reserve.”
22. **Rotorua Racecourse**
Access after 9am off Fenton Street (only available when the Reserve is not in use for Race Meetings or other functions).
23. **Aquarius Drive Reserve**
Access from Aquarius Drive and Capricorn Place.
24. **Karenga Park**
From the Dog Obedience clubrooms south to Lake Road and bounded by Bennetts Road and the old railway line. Access from 10 Bennetts Road.

25. **Kuirau Park**

Excluding the area from the Kuirau Park Access Road north to Lake Road, bounded by Ranolf Street and the residential boundaries of Tarewa Road, within which dogs must be on a leash.

26. **Lakeside Reserves -**

Rotoiti	Okere Road Reserve
Rerewhakaaitu	Brett Road Reserve
Okaro	Lake Okaro Reserve
Rotoma	Merge Lodge
Blue Lake	Area bounded by wooden fence to right of boat ramp

Okareka

Acacia Road (signed area to left of boat ramp along lake edge to intersection with Loop Road)

Boyes Beach – ***Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised on or off a lead, provided they are under the strict control of the person exercising the dog.***

Tarawera

Spencer Road (area adjacent to lake bounded by Rangiuuru Bay Reserve and Stoney Point . Area is to the left of the wooden fence at Rangiuuru Bay to the right of the boat ramp at Stoney Point.)

Cliff Road – off Spencer Road (Reserve area at end of Cliff Road adjoining Lake Tarawera).

Rangiuuru Bay – Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.

Rotorua

Reeme Street – fenced area adjacent to lake to right (south) of boat ramp.

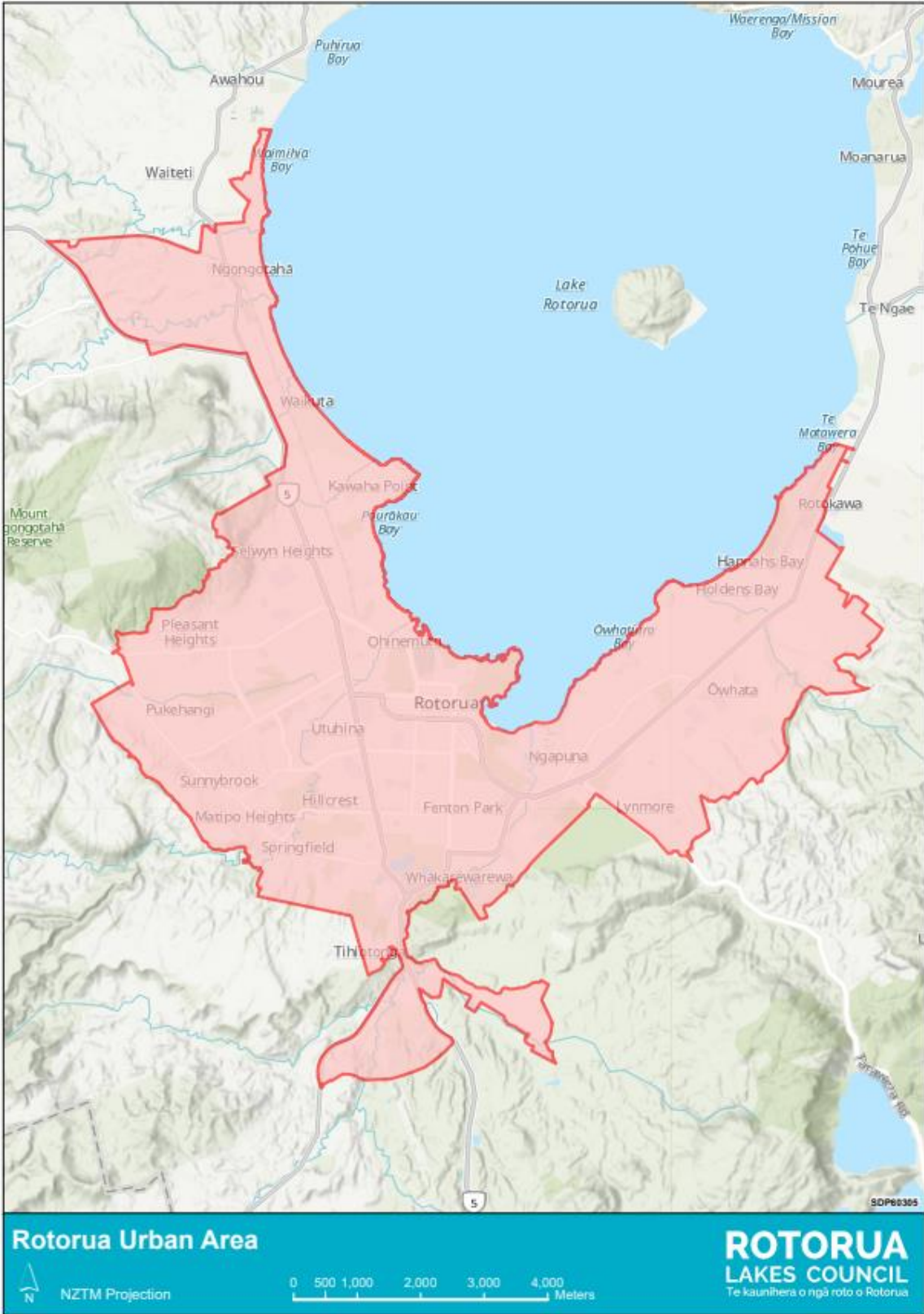
Mourea – area at end of Waana Street.

Hannahs Bay – area at northern end of reserve adjacent to lake.

Hamurana – area adjacent to lake between Fryer Road and Hamurana Stream Mouth – ***The dog exercise area commences opposite Fryer Road, extending to the post and rail fence located 47 metres east of the intersection of Kaska and Hamurana Roads. For reasons of road safety, dogs in this area, when exercised off a leash, must not be closer than 2 metres from the road edge.***

Dogs must be on a leash in the area enclosed by a post and rail fence opposite the intersection of Kaska and Hamurana Roads to the mouth of the Hamurana Stream mouth, between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside of these times dogs may be exercised off a lead provided they are under the strict control of the person exercising the dog. Dogs are prohibited at all times from within 10 metres of the Children's Playground and the BBQ facilities located on this portion of the Reserve.

FOURTH SCHEDULE ROTORUA URBAN BOUNDARY



ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

CONTENTS

	<u>Page</u>
1. Short Title	3
2. Commencement	3
3. Repeal	3
4. Interpretation	3
5. Control of Dogs	4
6. Obligations of Dog Owner	5
7. Fouling in Public Places	6
8. Female and Diseased Dogs	6
9. Aggravation of Dogs	6
10. Nuisances	6
11. Limitation of Number of Dogs on any Land or Premises	6
12. Impounding	7
13. Disposal of Impounded Dogs	7
14. Offences and Penalties	<u>87</u>
15. Dispensing Power	8
FIRST SCHEDULE	9
SECOND SCHEDULE	10
THIRD SCHEDULE	11
FOURTH SCHEDULE	14

THE ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

PURSUANT to the powers contained in the Dog Control Act 1996 and the Local Government Act 2002 and any other authority enabling the Council in that behalf, the Rotorua District Council HEREBY RESOLVES to make the following Bylaws:

1. Short Title

This Bylaw shall be known as “The Rotorua District Council Dog Control Bylaw 2005”.

2. Commencement

This Bylaw came into force on the 1st day of February 2006.

This Bylaw was subsequently reviewed and amended on the 27th day of September 2012, and came into force on the 8th day of October 2012.

This Bylaw was further reviewed and amended on the XXX day of XXX 2024, and came into force on the XXX day of XXXX 2024.

3. Repeal

The Rotorua District Council Dog Control Bylaw 1990 was repealed on the 1st day of February 2006.

4. Interpretation

In this Bylaw, unless the context otherwise requires:

Act means the Dog Control Act 1996.

~~Animal Control Officer means a Dog Control Officer.~~

Area Prohibited to Dogs means an area designated as such by resolution of the Council and includes those areas ~~shown in~~ marked “Central Business District Dog Control Area’ on the map in the Second Schedule.

At Large means any dog free or at liberty without any physical restraint by a person, ~~but shall~~ It does not include a dog under the command of a person exercising the dog in a designated exercise area.)

Council means the Rotorua District Council.

Control ~~means~~ in any public place means being on a leash not greater than two (2) metres in length, unless the dog(s) is/are:

(i) ~~on~~ in an area designated by Council as a Dog Exercise Area; ~~or~~

~~(ii)~~ (ii) unleashed but under verbal restraint or command when in a rural area not ~~stated~~ designated as prohibited.)

~~(ii)~~ “It shall be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if:

~~(a)~~ he/she proves that the dog is a “working dog” as defined in Section 2 of the Act and was, at the time of the alleged offence, being used for that purpose” or

~~(b)~~ if that person who is the owner or in charge of a dog/s is in a rural area not prohibited to dogs by any provision of this Bylaw or any Act, is a licensed or permitted hunter and has that dog/s under his or her

~~control by way of voice or whistle or hand signal and the dog/s is/are being used for hunting activities at the time.~~

District means the Rotorua District.

Dog includes any dog, bitch, neutered dog or spayed bitch.

Dog Control Officer means a Dog Control Officer ~~appointed by the Council under Section (11) as defined in section 2 of the Act.~~

Dog Ranger means a Dog Ranger appointed by the Council under Section 12 of the Act.

Disability Assist Dog has the same meaning as defined in Section 2 of the ~~Principal Act.~~

Impound means to impound in a public pound or in any vehicle used in the transporting of dogs to a public pound.

Leash means a length of cord, chain or other material no longer than two metres in length that at one end can be secured to a dog and the other end can be securely held by a person and has the strength to restrain the dog in any situation.

Menacing Dog ~~has the same meaning as defined~~ means a dog that has been classified as menacing in under Section 33A ~~and or~~ Section 33C of the ~~Principal Act.~~

Microchip means an approved transponder to be implanted for the purpose of providing permanent identification of any dog.

Owner has the same meaning as defined in Section 2 of the ~~Principal Act.~~

~~Principal Act means the Dog Control Act 1996.~~

Public place has the same meaning as defined in Section 2 of the ~~Principal Act.~~

Owner has the same meaning as defined in Section 2 of the ~~Principal Act.~~

Working Dog has the same meaning as defined in Section 2 of the ~~Principal Act.~~

5. Control of Dogs

- (i) Every dog owner who fails to keep ~~his~~ their dog under control at all times commits an offence.
- (ii) Without limiting the generality of sub clause (i) of this clause, a dog shall be deemed to be not under control:
 - (a) If it is found at large on any land or premises other than a public place without the consent (expressed or implied) of the occupier or person in charge of that land or those premises; or
 - (b) No dog owner or person having the dog in their possession shall cause or permit any dog kept by them to enter or remain in any public place unless the dog is kept under control by the way of a leash not greater than two (2) metres in length held by that person, unless that dog is in an area set aside by the Rotorua District Council and stipulated in the Third Schedule to this Bylaw as a designated Dog Exercise Area.
 - (c) No dog owner or person having a dog in their possession shall cause or permit any dog owned by them to be in any public place to be at large unless that dog is in an area ~~set aside designated~~ by the Rotorua District Council for the exercise of dogs as stipulated in the Third Schedule to this Bylaw.

Note: It shall be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if:

- (a) they prove that the dog is a "working dog" as defined in Section 2 of the Act and was, at the time of the alleged offence, being used for that purpose; or
- (b) if that person who is the owner or in charge of a dog/s is in a rural area not prohibited to dogs by any provision of this Bylaw or any Act, is a licensed or permitted hunter and has that dog/s under his or her

control by way of voice of whistle or hand signal and the dog/s is/are being used for hunting activities at the time.

- (iii) Where a dog is not under control in terms of sub clause (ii) of this clause, a dog control officer or dog ranger may seize the dog and either return it to its owner or impound it.
- (iv) Notwithstanding the provisions of sub clause (i) of this clause the Council may by resolution permit the exercising of dogs in or on any public place specified in that resolution provided such dogs are kept under continual control and for the purpose of this sub clause there shall be deemed to be sufficient control if the dogs are under the continued supervision of a person responsible for the dogs and capable of directing the dog by voice command, whistle, or by hand signal.
- (v) Any resolution made pursuant to sub clause (iv) hereof shall be publicly notified in the manner provided by the Local Government Act 2002.
- (vi) A dog owner shall not allow his dog to enter or remain in or on any part of any camping ground operated under the jurisdiction of the Council unless he/she has first obtained its written consent.
- (vii) All dogs are prohibited from the following areas:
 - (a) Any public building under the control of the Council.
 - (b) Any public baths or other bathing places owned or controlled by the Council.
 - (c) Any reserve or public reserve within the meaning of the Reserves Act 1977, except those reserves that are set apart as Dog Exercise Areas.
 - (d) Whilst dogs are prohibited from being exercised in any Cemetery within the District, they are permitted to accompany any person visiting a grave or memorial, provided the dog is on a lead-leash at all times.
 - (e) Any defined children's playground
 - (f) Any school or kindergarten, including play areas.
 - (g) Those Streets within the Central Business District of the City of Rotorua as set out shown in red on in the map in the Second Schedule to this Bylaw.

(viii) None of the prior sub clauses of this clause shall apply to a disability assist dog, or a dog owned or used by the New Zealand Police or a Licensed Security Guard working dogs as defined in Section 2 of the Act.

6. Obligations of Dog Owner

- (i) A dog owner shall ensure that:
 - (a) The dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - (b) The dog receives adequate exercise;
 - (c) The whole of any kennel or run is maintained in a sanitary condition at all times so as to prevent the creation of any nuisance or state which is injurious to public health.
- (ii) For the purposes of sub-clause (i)-(a) of this clause, proper and sufficient shelter shall comprise a weatherproof kennel or place of confinement constructed on dry ground. In the case of a kennel without other means of confinement, it shall have a fixed chain which allows the dog free movement about the kennel. The kennel or place of confinement shall have access to clean water. The standards for shelter imposed by this sub clause may be waived in any particular case where a dog owner provides proper and reasonable evidence that the dog is normally housed within the confines of a dwelling house or other suitable building.
- (iii) Every dog owner who keeps a dog beneath the bottom or ground floor of a residential building commits an offence.
- (iv) Every dog owner who keeps his dog in any kennel or run which is closer than one (1) metre from any open drain, water course, lake or boundary of any premises commits an offence.
- (v) Every dog owner who keeps a dog in any kennel or run which is not further than six (6) metres from any residential dwelling on a neighbouring property commits an offence.

- (vi) Every dog owner who owns a breed or type of dog listed in the Fourth Schedule of the ~~Principal~~ Act, shall within one (1) month after notice of classification or in the case of dogs classified prior to this sub clause coming into effect, within two (2) months of notification from Council in writing, shall produce to the Council a certificate issued by a veterinarian certifying that the dog has been neutered.

7. Fouling in Public Places

Every dog owner who fails to immediately remove from any public place or from any private property of which ~~he/she is they are~~ not the occupier, faeces deposited by ~~his/her their~~ dog, commits an offence. If the dog owner places such faeces in a public litter bin or similar receptacle, the faeces must be wrapped or contained in order to prevent fouling of such litter bin or receptacle.

8. Female and Diseased Dogs

- (i) No dog owner or any person with a dog in their possession that is infected with any contagious disease including mange or distemper shall allow that dog in any public place unless that dog is being taken into the care of a veterinary surgeon.
- (ii) No dog owner shall knowingly permit any female dog owned by him/her in any public place while that dog is ~~knowingly~~ in season.

9. Aggravation of Dogs

Every person who, without lawful excuse, behaves or acts in such a way, or who uses a device so as to aggravate or cause distress to any dog in any public place, or on any private property, so that it becomes restive or unmanageable, commits an offence.

10. Nuisances

- (i) Every dog owner commits an offence if ~~he/she fails they fail~~ to:
- (a) Take adequate precautions to prevent the dog from becoming a nuisance or injurious to public health;
 - (b) Take such steps as are necessary to prevent his dog from becoming a nuisance or annoyance to residents in the neighbourhood by barking and howling or by obstructing members of the public going about their lawful business in public places.
- (ii) If in the Council's opinion any dog or the keeping of that dog on any premises has become or is likely to become a public nuisance or injurious to public health, it may give written notice to the dog owner requiring all or any of the following things to be done within a time specified in such notice:
- (a) Reduce the number of dogs kept on ~~the those~~ premises; -or
 - (b) Require the dog, or such greater number of dogs as Council may specify, to be tied up or otherwise confined during specific periods; -or
 - (c) Take such other action as the Council deems necessary to minimise or remove the likelihood of public nuisance or injury to public health.
- (iii) Any dog owner to whom notice is given under sub clause (ii) of this clause who fails to comply with the notice within the time therein specified commits an offence.

11. Limitation of Number of Dogs on any Land or Premises

- (i) No owner of any premises or dog owner shall keep or cause to be kept or have in ~~his/her their~~ care more than two (2) dogs of a greater age than three months within the Urban Fence as defined on the map attached as the Fourth Schedule, unless a Kennel Licence has been obtained from the Council permitting more than two (2) dogs to be kept at those premises.
- (ii) The Licence shall be in the form contained in the First Schedule to this Bylaw, and may contain such terms, conditions or restrictions as an authorised officer of Council may deem fit to impose in any particular case.
- (iii) If the Licence is breached in any way, it may be revoked by an authorised officer of Council at any time.
- (iv) Every application for a Licence shall be submitted in writing on the prescribed form addressed to the Council and signed by the applicant. Before issuing a Licence, the Council may request the applicant to give to it such further

information as it may reasonably require. At the time an application for a Licence is made to the Council, the applicant shall pay the application fee as determined by Council from time to time by Resolution publicly notified.

- (v) Every dog owner who breaches any of the terms, conditions or restrictions contained in the Licence issued to ~~him/her~~ them by the Council commits an offence.

12. Impounding

- (i) A dog control officer or dog ranger may impound a dog, whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto, found at large in any public place in breach of any ~~of the other provisions~~ of this Bylaw.
- (ii) Council may require any dog owner whose dog is impounded to pay the impounding fee together with a daily sustenance fee for the dog during the period that it is impounded ~~as and~~ such fees as determined by Council from time to time by Resolution and publicly notified.
- (iii) Council may take a sample (saliva or hair) from any dog it impounds to obtain a DNA profile of that dog. The DNA profile will be retained as a record by Council and may be used to investigate offences.
- (iv) Where a dog has been impounded under clause 5(iii) the Council may require the owner of that dog to have it neutered if:
(a) the Council has a record of the dog has been out of control on any previous occasion within the previous 12 month period
- (v) If a dog is required to be neutered under subclause (iv), the owner of that dog:
(a) may, within 14 days of receiving the notice, object to the requirement by way of writing to the Council; and
(b) has the right to be heard in support of their objection under subclause (v)(a).
- (vi) The Council, when considering an objection under subclause (v)(a), may uphold or rescind the requirement. In making its determination, the Council must have regard to –
(a) the evidence which formed the basis for the requirement;
(b) the matters relied upon in support of the objection; and
(c) any other relevant matters.
- (vii) Following its consideration of an objection under subclause (v)(a), the Council must, as soon as practicable, give written notice to the owner of –
(a) its determination of the objection; and
(b) the reasons for its determination.
- (viii) If a dog is required to be neutered under clause (iv), the owner of that dog must, within 1 month of receiving the notice of the requirement, produce to the Council a certificate issued by a veterinarian certifying –
(a) that the dog is or has been neutered; or
(b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate, in which case the owner must produce to the Council, within 1 month after the date specified in that certificate, a further certificate under subclause (vii)(a).

13. Disposal of Impounded Dogs

Where any dog is impounded under this Bylaw and:

- (a) It is not claimed by the dog owner and all fees are not paid to Council within seven (7) days after receipt by the dog owner of either written or oral notice of the impounding; or
(b) Its owner is unknown to the Council or cannot be found within seven (7) days of the impounding;

then the dog may be destroyed by the Council or sold by the Council to any person who shall thereupon be the lawful owner of the dog. Such destruction or sale shall not relieve the person who was the dog owner before the dog's destruction or sale of liability for any offence under this Bylaw or for payment of any fees payable under this Bylaw.

14. Offences and Penalties

- (a) Every person who commits a breach of any of the provisions in this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000.00.
- (b) Failure to comply with any part of this Bylaw may result in the offender being issued with an Infringement Notice in accordance with the first schedule of the Principal Act.

15. Dispensing Power

Where in the opinion of the Council:

- (a) ~~A~~ Full compliance with any of the provisions of this Bylaw would needlessly and unfairly affect any person; or
- (b) Needlessly and unfairly affect the business operation of any such person; or
- (c) Cause undue loss or inconvenience to any person without any advantage to the public; then –

In any such case or cases the Council may, on the special application of any such person so affected and subject to a report thereon by the officer of the Council usually or for the time being charged with the control or administration of that aspect of dog control in question, by resolution (the power to so dispense being hereby reserved) dispense with the observance or performance or relax the strict observance or performance of any of the provisions of this Bylaw, or otherwise modify the same. Any such dispensation, relaxation or modification shall not relieve such person from his/her obligation to comply with the provisions of this Bylaw as so varied.

This Bylaw was duly made by the Rotorua District Council by a resolution passed on the 27th day of September 2012 and was confirmed, following consideration of community submissions received during a special consultative procedure, by a resolution passed on the 4th ~~xxxxxx~~ day of September 2014.

The Common Seal of the
ROTORUA DISTRICT COUNCIL
was hereunto affixed in
the presence of:

_____ Mayor

_____ Chief Executive

FIRST SCHEDULE
LICENCE PURSUANT TO CLAUSE 11
ROTORUA DISTRICT COUNCIL DOG CONTROL BYLAW 2005

The Rotorua District Council hereby licences

of Rotorua, to keep dogs on the premises described below, subject however to such conditions and restrictions as are herein set out.

Description of licensed premises:

Conditions:

This Licence shall remain in force until the 30th day of June 20.....

DATED at Rotorua this day of 20.....

For and on behalf of the Council

Authorised Officer

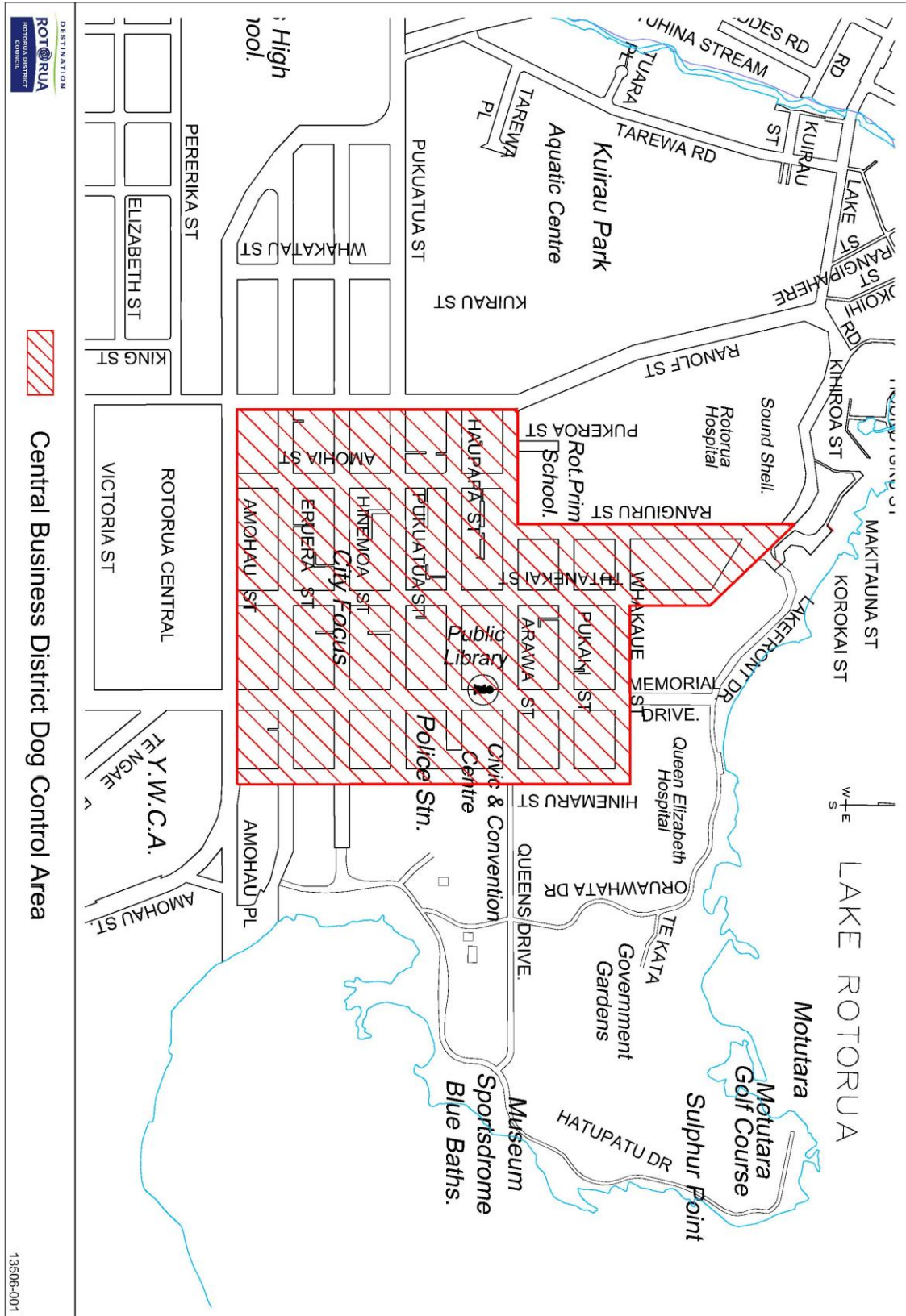
Owner No.

Receipt No.

Fee Paid \$

Date:

**SECOND SCHEDULE
CENTRAL BUSINESS DISTRICT DOG CONTROL AREA**



THIRD SCHEDULE

DESIGNATED DOG EXERCISE AREAS

That the following Reserve areas be formally set aside as Dog Exercise Areas where dogs may be exercised off a lead providing they are under constant supervision and control of their owner(s) or the person(s) who at the time the animal(s) is/are being exercised has the dog in his or her possession.

Dogs are not permitted on any children's playgrounds or sportsfields located on any reserve. Subject to this restriction the areas where dogs are permitted to be exercised off leash are as follows:

1. **Ngongotaha -**
Reeme Street Reserve, from Reeme Street to the wooden barrier at the Tauhi Street end of the reserve
2. **Ngongotaha -**
Western Road Reserve (Elliott Park)
Access from Western Road and Kokiri Street (via footbridge)
3. **Boielle Park -**
Flat area, entrance off Kawaha Point Road
Central to Koutu/Kawaha Point locality
4. **Fairview Road Reserve -**
Access from Bell, Fairview and Park Roads
5. **Linton Park East -**
Access from Edmund Rd, Kamahi Place, Homedale Street
6. **Blomfield Street Reserve -**
Western perimeter Goldie Street/Pukehangiri Road
7. **Pullar Park -**
Between Sunset Primary and Intermediate Schools, adjacent to Otomatea Stream
8. **Wright Park -**
Access off Icarus Place, Pegasus Drive, Castor Place, Helena Place and Orion Street
9. **Simmonds Crescent Reserve (now Tihi Reserve) -**
Access off Simmonds Crescent, Day Place and Tihi Road
10. **Boyes Park -**
Access off Carlton, Wylie, Duncan and Ranolf Streets
11. **Pererika Street (Town Belt) -**
Area from Model Railway Clubrooms to Telecom entrance
12. **McIntyre Avenue -**
Access off McIntyre Avenue and Marguerita Street

13. **Larcy Rd Reserve -**
Access [from](#) Larcy and Lynbert Roads
14. **Coulter Road Reserve -**
Access [from](#) Wingrove and Coulter Roads
15. **Corlett Street Reserve**
Access from Corlett or Konene Streets
16. **Linton Park West**
17. **Morey Street Reserve**
Access from Morey Street
18. **Jackson Park**
Access from Springfield, ~~and~~ Otonga Roads and McDowell Street. Excluding all playground areas and sports fields within the reserve.
19. **Sala Street Reserve**
20. **Hannahs Bay Reserve**
Dogs must be on a leash from the entrance to the Reserve at Willow Avenue including the area to the Lake Foreshore, the wetland area to the south, to the north-eastern drain in the centre of the Reserve.
- [The Dog Exercise Area: is the remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.](#)
~~The remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.~~
- Dogs are prohibited from:
1. Any playground within the reserve.
 2. Any barbecue area within the reserve.
 3. The area used by the Pony Club for events on those occasions when an organised event is in progress.
21. **[Part of Devon Street West/Utuhina Stream Reserve](#)**
~~Including Being~~ that part of the reserve located between Devon Street West (opposite the International Stadium and associated playing fields) and the banks of the Utuhina Stream, as is more particularly described by signs at the reserve.”
22. **Rotorua Racecourse**
Access after 9am off Fenton Street (only available when the Reserve is not in use for Race Meetings or other functions).
23. **Aquarius Drive Reserve**
Access from Aquarius Drive and Capricorn Place.
24. **Karenga Park**
From the Dog Obedience clubrooms south to Lake Road, and bounded by Bennetts Road and the old railway line. Access from 10 Bennetts Road.

25. **Kuirau Park**

~~From Excluding the area from~~ the Kuirau Park Access Road north to Lake Road, bounded by Ranolf Street and the residential boundaries of Tarewa Road. ~~Dogs within which dogs~~ must be on a leash.

26. **Lakeside Reserves -**

Rotoiti	Okere Road Reserve
Rerewhakaaitu	Brett Road Reserve
Okaro	Lake Okaro Reserve
Rotoma	Merge Lodge
Blue Lake	Area bounded by wooden fence to right of boat ramp

Okareka

Acacia Road (signed area to left of boat ramp along lake edge to intersection with Loop Road)

Boyes Beach – ***Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised on or off a lead, provided they are under the strict control of the person exercising the dog.***

Tarawera

Spencer Road (area adjacent to lake bounded by Rangiu Bay Reserve and Stoney Point . Area is to the left of the wooden fence at Rangiu Bay to the right of the boat ramp at Stoney Point.) ~~Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.~~

Cliff Road – off Spencer Road (Reserve area at end of Cliff Road adjoining Lake Tarawera).

Rangiu Bay – Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.

Rotorua

Reeme Street – fenced area adjacent to lake to right (south) of boat ramp.

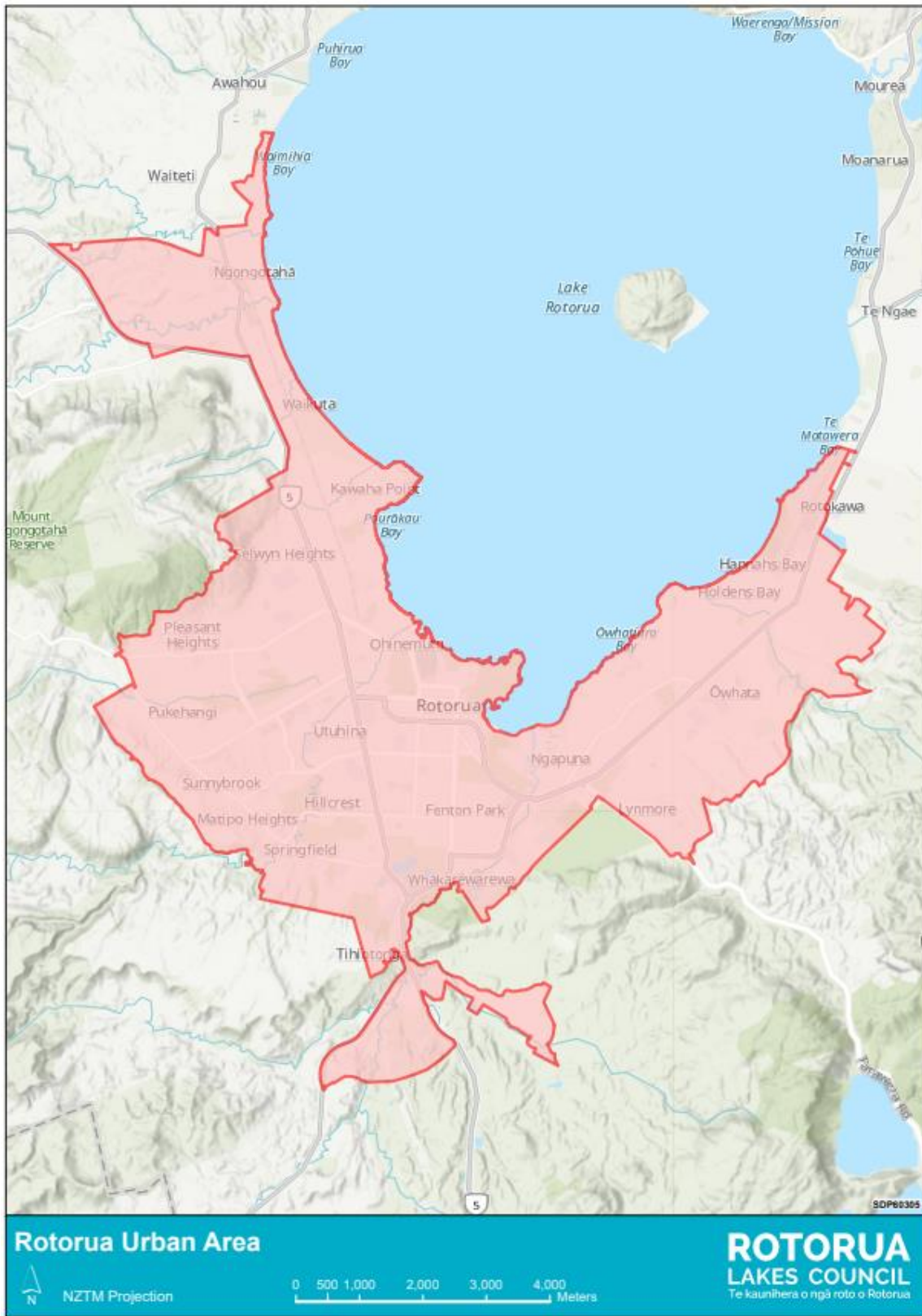
Mourea – area at end of Waana Street.

Hannahs Bay – area at northern end of reserve adjacent to lake.

Hamurana – area adjacent to lake between Fryer Road and Hamurana Stream Mouth – ***The dog exercise area commences opposite Fryer Road, extending to the post and rail fence located 47 metres east of the intersection of Kaska and Hamurana Roads. For reasons of road safety, dogs in this area, when exercised off a leash, must not be closer than 2 metres from the road edge.***

Dogs on Leash Area must be on a leash in – From the area enclosed by a post and rail fence opposite the intersection of Kaska and Hamurana Roads to the mouth of the Hamurana Stream mouth, ~~dogs must be on a leash~~ between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside of these times dogs may be exercised off a lead provided they are under the strict control of the person exercising the dog. Dogs are prohibited at all times from within 10 metres of the Children's Playground and the BBQ facilities located on this portion of the Reserve.

FOURTH SCHEDULE
ROTORUA URBAN BOUNDARY





3.1 DOG POLICY

Date Adopted	Next Review	Officer Responsible
1 October 2016	30 June 2022 (in conjunction with Dog Control Bylaw)	Manager, Regulatory Services
Amended XXX 2024 in conjunction with the Dog Control Bylaw		

Policy Purpose:

Council’s powers in relation to the care and control of dogs are contained within the Dog Control Act 1996.

The Act also enables local authorities to adopt a Bylaw to assist in the Control of Dogs. Council will amend where necessary, the existing Rotorua District Council Dog Control Bylaw 2005, to make provision for changes adopted as a result of the consultative procedures required by Section 10 of the Dog Control Act 1996 and Section 83 of the Local Government Act 2002.

Policy:

1. PROHIBITION OF DOGS IN PUBLIC PLACES

The existing provisions of Clause 5(vii) of the Dog Control Bylaw 2005 continue, thereby prohibiting dogs from the following areas:

- a) Any public building under the control of the Council.
- b) Any public baths or other bathing places owned or controlled by the Council.
- c) Any reserve or public reserve within the meaning of the Reserves Act 1977, except those reserves that are set apart as Dog Exercise Areas.
- d) Whilst dogs are prohibited from being exercised in any Cemetery within the District, they are permitted to accompany any person visiting a grave or memorial, provided the dog is on a lead at all times.
- e) Any defined children’s playground.
- f) Any school and kindergarten, including play areas.
- g) The area defined in the Dog Control Bylaw 2005 as the Central Business District Dog Control Area

2. DOGS ON LEASH

The provisions of the existing Dog Control Bylaw, as set out in Clause 5, remain. This requires that a dog owner always keep their dog under control.

Keeping a dog, other than a working dog, under control in any public place other than a dog exercise area requires that the dog be on a leash not greater than 2 metres in length, held by a person capable of controlling the dog.

Council may require the owner of any dog repeatedly found not under control to have that dog neutered.

3. WORKING DOGS

Section 2 of the Dog Control Act 1996 defines a “working dog.”

Section 10(3)(c) and 20(1)(b) of the Act exclude “working dogs” from any provision of this Policy or the Dog Control Bylaw requiring dogs to be controlled on a leash in specified public places or in public places in specified parts of the District..

Clause 5 of the Rotorua District Council Dog Control Bylaw 2005 has been amended by adding a paragraph stating that it shall “be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if they prove that the dog is a “working dog” as defined in Section 2 of the Dog Control Act 1996 and was, at the time of the alleged offence, being used for that purpose”.

4. MENACING DOGS

Schedule 4 of the Dog Control Act 1996 lists the following breeds and types to be classified as Menacing Dogs. Dogs that are predominantly of the following breeds or type are also required to be classified as Menacing Dogs.

Breed of Dog

Brazilian Fila
Dogo Argentino
Japanese Tosa
Presa Canario

Type of Dog

American Pit Bull Terrier

A dog may also be classified as menacing pursuant to section 33A of the Dog Control Act if the Council considers it poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

The effects of a classification under Section 33E of the Dog Control Act 1996 are as follows:

The owner of the dog:

must not allow the dog to be at large or in any public place or in any private way, except when confined completely with a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but allow it to breath and drink without obstruction, and;

must within one month after receipt of notice of the classification, produce to the Rotorua District Council a certificate issued by a registered veterinary surgeon certifying that the dog has been neutered.

Failure to comply with the classification is an offence and the owner or person in possession of the dog is liable on summary conviction to a fine not exceeding \$3000.00. The dog may also be seized and removed from the owner’s possession and held until the Rotorua District Council has reasonable grounds to believe that the person has demonstrated a willingness to comply with the classification.

The requirement to neuter menacing dogs applies to dogs classified as menacing by other councils when presented for registration in Rotorua.

5. DOG EXERCISE AREAS

Dog Exercise Areas already provided for by, and identified in, the Third Schedule to the Dog Control Bylaw 2005 will continue to be available.

Council will:

- Continue to review the availability of suitable Reserves under its control with a view to creating additional dog exercise areas.
- Where practical, provide bins at dog exercise areas to facilitate the sanitary disposal of dog faeces.
- Implement a programme to erect signage on Reserves to indicate where dogs are permitted and where dogs are prohibited.

Dogs are not permitted on any children's playground or sport fields located on any reserve. Subject to this restriction, the areas where dogs are permitted to be exercised off leash are as follows:

- a) **Ngongotaha** -
Reeme Street Reserve, from Reeme Street to the wooden barrier at the Tauhi Street end of the reserve.
- b) **Ngongotaha** -
Western Road Reserve (Elliott Park). Access from Western Road and Kokiri Street (via footbridge).
- c) **Boielle Park** -
Flat area, entrance off Kawaha Point Road. (Central to Koutu/Kawaha Point locality).
- d) **Fairview Road Reserve** -
Access from Bell, Fairview and Park Roads.
- e) **Linton Park East** -
Access from Edmund Road, Kamahi Place & Homedale Street.
- f) **Linton Park West**
- g) **Pullar Park** -
Between Sunset Primary and Intermediate Schools, adjacent to Otomatea Stream.
- h) **Wright Park** -
Access off Icarus Place, Pegasus Drive, Castor Place, Helena Place and Orion Street.
- i) **Simmonds Crescent Reserve (now Tihi Reserve)** -
Access off Simmonds Crescent, Day Place and Tihi Road.
- j) **Boyes Park** -
Access off Carlton, Wylie, Duncan and Ranolf Streets.
- k) **Blomfield St Reserve**
Western perimeter Goldie St / Pukehangi Rd.
- l) **Hannahs Bay Reserve**
Dogs must be on a leash from the entrance to the Reserve at Willow Avenue including the area to the

Lake Foreshore, the wetland area to the south, to the north-eastern drain in the centre of the Reserve.

Dogs are prohibited from:

1. Any playground within the reserve.
2. Any barbecue area within the reserve.
3. The area used by the Pony Club for events on those occasions when an organised event is in progress.

The **Dog Exercise Area** is the remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.

- m) **Pererika Street (Town Belt)** -
Area from Model Railway Clubrooms to Telecom entrance.
- n) **McIntyre Avenue** -
Access off McIntyre Avenue and Marguerita Street.
- o) **Larcy Road Reserve** -
Access from Larcy and Lynbert Roads.
- p) **Coulter Road Reserve** -
Access from Wingrove and Coulter Roads
- q) **Corlett Street Reserve** -
Access from Corlett or Konene Streets.
- r) **Morey Street**
Access from Morey Street.
- s) **Rotorua Racecourse**
Access after 9am off Fenton Street (only available when the Reserve is not in use for Race Meetings or other functions).
- t) **Sala Street Reserve**
- u) **Jackson Park**
- v) Access from Springfield Road, McDowell Street and Otonga Road Excluding all playground areas and sports fields within the reserve.
- w) **Part of the Devon Street West/Utuhina Stream Reserve**

Being that part of the reserve located between Devon Street West (opposite the International Stadium and associated playing fields) and the banks of Utuhina Stream.
- x) **Aquarius Drive Reserve**
Access from Aquarius Drive and Capricorn Place.
- y) **Karenga Park**
From the Dog Obedience clubrooms south to Lake Road and bounded by Bennetts Road and the old railway line. Access from 10 Bennetts Road.
- z) **Kuirau Park**
Excluding the area from the Kuirau Park Access Road north to Lake Road, bounded by Ranolf Street and the residential boundaries of Tarewa Road within which dogs must be on a leash.
- aa) **Lakeside Reserves –**

<u>Lake</u>	<u>Reserve</u>
Rotoiti	Okere Road Reserve
Rerewhakaaitu	Brett Road reserve
Okaro	Lake Okaro Reserve

<u>Lake</u>	<u>Reserve</u>
Rotoma	Merge Lodge
Tarawera	Spencer Road (area adjacent to lake bounded by Rangiuru Bay Reserve and Stoney Point. Area is to the left of the wooden fence at Rangiuru Bay to the right of the boat ramp at Stoney Point.) Cliff Road – off Spencer Road (Reserve area at end of Cliff Road adjoining Lake Tarawera). Rangiuru Bay <i>Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.</i>
Blue Lake	Area bounded by wooden fence to right of boat ramp
Okareka	Acacia Road (signed area to left of boat ramp along lake edge to intersection with Loop Road) Boyes Beach Reserve <i>Dogs prohibited between hours 9am-4pm 15 Dec-1 Mar inclusive. Outside these times dogs may be exercised on or off a lead provided they are under strict control of persons exercising the dog</i>
Rotorua	Reeme Street – fenced area adjacent to lake to right (south) of boat ramp. Mourea – area at end of Waana Street. Hannahs Bay – area at northern end of reserve adjacent to lake.

Hamurana:

The dog exercise area commences opposite Fryer Road, extending to the post and rail fence located 47 metres east of the intersection of Kaska and Hamurana Roads. For reasons of road safety, dogs in this area, when exercised off a leash, must not be closer than 2 metres from the road edge.

Dogs must be on leash from the area enclosed by a post and rail fence opposite the intersection of Kaska and Hamurana Roads to the mouth of the Hamurana Stream mouth between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside of these times dogs may be exercised off a lead provided they are under the strict control of the person exercising the dog. Dogs are prohibited at all times from within 10 metres of the Children’s Playground and the BBQ facilities located on this portion of the Reserve.

6. FEES

Council will charge fees in relation to dogs as follows:

a) Registration Fees:

These fees will be determined each year by Council during its Financial Estimates process, at a level that will:

- i) Acknowledge the different levels of service needed to achieve dog control in the Rural and Urban areas of its District.
- ii) Meet the cost of providing an annual Animal Control Service after taking into account whatever portion of General Rates that may be applied towards Animal Control.
- iii) Recognise responsible dog ownership by providing a reduced registration fee to those owners who meet the criteria required to qualify for Selected Dog Owner Status.

Those criteria are

- I. Ownership of a dog for more than 12 months.
 - II. The dog has not been impounded in the last 2 years whilst in the ownership of the selected owner applicant.
 - III. There have been no justified complaints about the dog for the last 2 years.
 - IV. The applicant has not been the subject of any legal proceedings in relation to the control of dogs.
 - V. Payment of all Registration fees by due date.
- iv) Council will not charge a fee for registration of:
 - I. A disability assist dog.
 - II. Council will, again, as part of its Annual Financial Estimates process, set fees for the sustenance and release of impounded dogs.
 - III. Council will allow a proportional fee structure based on the month of the registration year that a dog attains 3 months of age and therefore has to be registered.
 - IV. *Where the dog dies during the year for which it is currently registered, 1/12 of the annual fee for each complete month remaining in the current registration year, after the date of application for a refund, will be refunded.***

7. MISCELLANEOUS FEES

Council will implement and charge a fee for the following provisions:

- a) Section 15(1)(c) of the Act [Dog removed from property because of insufficient food or water.] The Act allows Council to set reasonable fees for costs incurred by it in the seizure, transport and custody of dogs so removed.
- b) Section 19(3) of the Act [Supply of personal information] allows the seizure of a dog, where reasonable grounds exist to believe an offence against section 19(2) has been committed, the person in charge of a dog has been warned and there are reasonable grounds for believing a further offence has been committed. Section 68(1) of the Act allows Council to set reasonable fees for costs incurred in the seizure, transport and, if necessary, sustenance of the dog.
- c) Section 42(2)(a) [Seizure of an unregistered dog]. Section 68(1) of the Act allows Council to set reasonable fees for costs incurred in the seizure, transport and, if necessary, sustenance of the dog.
- d) Section 70(6) [Custody of dog removed for barking.] This allows Council to charge sustenance fees for dogs removed from a property for excessive barking. Council believes

that the costs involved in removing and transporting the dog are costs which should be recoverable from the owner of the offending dog.

- e) Section 71(8) [Retention of a dog threatening public safety.] This allows Council to charge sustenance fees for a dog that has been seized or retained because it is considered to be a threat to public safety. Council believes that if the dog is seized by an Animal Control Officer (as opposed to a Police Constable) then Council's reasonable costs should be able to be recovered from the dog owner. Again, reliance would be placed on Section 68(1) of the Dog Control Act 1996 to set reasonable fees for dog control.

8. EDUCATION PROGRAMMES

Council will continue, through education, to promote responsible dog ownership by using a variety of mechanisms, including:

Public Advertising:

Using radio, social media and public appearances.

School Programme:

A programme on responsible dog ownership and safety around dogs is offered to all Primary and Intermediate schools.

Information sources:

Information on dog ownership and responsibilities is available through pamphlets held at the Council Civic Centre and/or online via the Rotorua Lakes Council website

Provision of free "Doggie Doo" Bags:

Free doggie doo bags may be collected from the Council Civic Centre to assist dog owners to pick up and remove dog faeces from public places.

Barking Collar Hire Service:

This service is proving to be of assistance in reducing the incidence of barking by problem dogs.

9. INFRINGEMENT NOTICES

Council will utilise the Infringement Offence provisions provided for by Section 65 of the Dog Control Act 1996.

By way of explanation, an Infringement Offence means one of the following offences as specified in the First Schedule to the Act as set out below:

Section of the Act	Brief description of Offence:	Infringement Fee:
18	Willful obstruction of dog control officer or dog ranger	\$750
19(2)	Failure or refusal to supply information or willfully stating false particulars	\$750
19A(2)	Failure to supply information or willfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by Section 20	\$300
23A(2)	Failure to undertake dog owner education programme or dog obedience	\$300
24	Failure to comply with obligations of probationary owner	\$750

Section of the Act	Brief description of Offence:	Infringement Fee:
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer, of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to dog registration	\$750
41A	Falsely notifying death of dog	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal, swapping or counterfeiting of registration label or disc	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300
62(5)	Failure to advise person of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750

Council will pursue unpaid Offence Infringement Notices through the Court.

10. CLASSIFICATION OF OWNERS

Council intends that there be classes of dog owners within its District as follows:

- a) **Urban Dog Owners:**
Comprising those owners living within the urban area of the District.
- b) **Rural Dog Owners:**
Comprising those owners living within the Rural area of the District.
- c) **Selected Dog Owners:**
Those owners who have met the qualifying criteria for this class of ownership [as set out in 6a)iii) I-IX.
- d) **Probationary Owners:**
This classification, provided for by Section 21 of the Dog Control Act 1996 may be imposed on a dog owner if they have been:
 - i) Convicted of an offence [not being an Infringement Offence] against the Dog Control Act 1996: or

- ii) Convicted of an offence against Section 3 or Section 4 of the ***Animal Welfare Act 1999*** in respect of a dog; or
- iii) Convicted of an offence against Section 26ZZP of the Conservation Act 1987 or Section 561 of the National Parks Act 1980; or
- iv) Issued with three or more infringement offences within a 24-month period.

This classification of probationary owner will continue for a period of 24 months unless there are extenuating circumstances involved in any one particular case. A probationary owner is by statute subject to the following restrictions:

- a) Shall not be capable of registering any dog except for the dog/s for which he/she was the registered owner at the time of the classification.
- b) Shall, within 14 days, dispose of every unregistered dog in his/her care, in a manner that does not constitute an offence against any Act.
- c) Unless there are unusual circumstances in any particular case, the classification shall continue for a period of 24 months, unless the Council reduces that time.

11. DISQUALIFICATION OF OWNERS

Council may implement the provisions of Section 25 of the Dog Control Act 1996 to disqualify from dog ownership, any dog owner who:

- a) is convicted of any offence under the Dog Control Act 1996; or
- b) commits three infringement offences in terms of the Act within a continuous 24-month period.

The effect of the imposition of a status of “disqualified” requires that person to dispose of every dog owned by them, in a manner that does not constitute an offence against the Dog Control Act or any other Act. The status of “Disqualified Owner” applies throughout New Zealand.

There is a right of appeal to Council against classification as a disqualified owner, in addition to the right of appeal to the District Court.

12. IMPOUNDED DOGS

Council may take a sample (saliva or hair) from any dog it impounds to obtain a DNA profile of that dog. The DNA profile will be stored on a databank and may be used in the investigation of offences for the purpose of confirming or disproving a dog’s involvement in the commission of the offence.

Where any impounded dog is disposed of to any person other than the registered owner it shall not be released until it has first been de-sexed and the cost of that procedure has been paid to Council.



3.1 DOG POLICY

Date Adopted	Next Review	Officer Responsible
1 October 2016	30 June 2022 (in conjunction with Dog Control Bylaw)	Manager, Community & Regulatory Services
Amended XXX 2024 in conjunction with the Dog Control Bylaw		

Policy Purpose:

Council’s powers in relation to the care and control of dogs ~~is~~are contained within the Dog Control Act 1996.

The Act also enables local authorities to adopt a Bylaw to assist in the Control of Dogs. Council will amend where necessary, the existing Rotorua District Council Dog Control Bylaw 2005, to make provision for changes adopted as a result of the consultative procedures required by Section 10 of the Dog Control Act 1996 and Section 83 of the Local Government Act 2002.

Policy:

1. PROHIBITION OF DOGS IN PUBLIC PLACES

The existing provisions of Clause 5(vii) of the Dog Control Bylaw 2005 continue, thereby prohibiting dogs from the following areas:

- a) Any public building under the control of the Council.
- b) Any public baths or other bathing places owned or controlled by the Council.
- c) Any reserve or public reserve within the meaning of the Reserves Act 1977, except those reserves that are set apart as Dog Exercise Areas.
- d) Whilst dogs are prohibited from being exercised in any Cemetery within the District, they are permitted to accompany any person visiting a grave or memorial, provided the dog is on a lead at all times.
- e) Any defined children’s playground.
- f) Any school and kindergarten, including play areas.
- g) The area defined in the Dog Control Bylaw 2005 as the Central Business District Dog Control Area

2. DOGS ON LEASH

The provisions of the existing Dog Control Bylaw, as set out in Clause 5, remain. This requires that a dog owner always keep their dog under control.

Keeping a dog, (other than a working dog, under control) in any public place ~~(other than a dog exercise area)~~ must-requires that the dog be on a leash not greater than 2 metres in length, held by a person capable of controlling the dog.

Council may require the owner of any dog repeatedly found not under control to have that dog neutered

3. WORKING DOGS

Section 2 of the Dog Control Act 1996 defines a “working dog.”

Section ~~10(3)(c) and 20(1)(b)~~ -of the Act ~~allows Council the authority to make a Bylaw provision which excludes exclude~~ “working dogs” from ~~any provision of this Policy or the Dog Control Bylaw being requiring dogs to be~~ controlled on a leash in specified public places ~~or in public places in specified parts of the District..~~

Clause ~~4-5~~of the Rotorua District Council Dog Control Bylaw 2005 has been amended by adding ~~to the interpretation of “control in any public place” the following words “it a paragraph stating that it~~ shall “be a defence to any person being the owner of or in charge of a dog who is charged with an act or omission amounting to a breach of the requirement to have a dog on a leash in a public place if ~~he/she proves they prove~~ that the dog is a “working dog” as defined in Section 2 of the Dog Control Act 1996 and was, at the time of the alleged offence, being used for that purpose”.

4. MENACING DOGS

Schedule 4 of the Dog Control Act 1996 lists the following breeds and ~~typetypes~~ to be classified as Menacing Dogs. Dogs that are predominantly of the following breeds or type are also required to be classified as Menacing Dogs.

Breed of Dog

Brazilian Fila
Dogo Argentino
Japanese Tosa
Presa_Canario

Type of Dog

American Pit Bull Terrier

A dog may also be classified as menacing pursuant to section 33A of the Dog Control Act if the Council considers it poses a threat to any person, stock, poultry, domestic animal or protected wildlife.

The effects of a classification under Section 33E of the Dog Control Act 1996 are as follows:

The owner of the dog:

must not allow the dog to be at large or in any public place or in any private way, except when confined completely with a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but allow it to breath and drink without obstruction, and;

~~Must~~ must within one month after receipt of notice of the classification, produce to the Rotorua District Council a certificate issued by a registered veterinary surgeon certifying that the dog has been neutered.

Failure to comply with the classification is an offence and the owner or person in possession of the dog is liable on summary conviction to a fine not exceeding \$3000.00. The dog may also be seized and removed from the owner’s possession and held until the Rotorua District Council has reasonable grounds to believe that the person has demonstrated a willingness to comply with the classification.

The requirement to neuter menacing dogs applies to dogs classified as menacing by other councils when

| [presented for registration in Rotorua.](#)

5. DOG EXERCISE AREAS

Dog Exercise Areas already provided for by, and identified in, the Third Schedule to the Dog Control Bylaw 2005 will continue to be available.

Council will:

- Continue to review the availability of suitable Reserves under its control with a view to creating additional dog exercise areas.
- Where practical, provide bins at dog exercise areas to facilitate the sanitary disposal of dog faeces.
- Implement a programme to erect signage on Reserves to indicate where dogs are permitted and where dogs are prohibited.

Dogs are not permitted on any children's playground or sport fields located on any reserve. Subject to this restriction, the areas where dogs are permitted to be exercised off leash are as follows:

~~Those, and additional areas where dogs are able to be exercised off a lead are as follows:~~

- a) **Ngongotaha** -
Reeme Street Reserve, from Reeme Street to the wooden barrier at the Tauhi Street end of the reserve.
- b) **Ngongotaha** -
Western Road Reserve (Elliott Park). Access from Western Road and Kokiri Street (via footbridge).
- c) **Boielle Park** -
Flat area, entrance off Kawaha Point Road. (Central to Koutu/Kawaha Point locality).
- d) **Fairview Road Reserve** -
Access from Bell, Fairview and Park Roads.
- e) **Linton Park East** -
Access from Edmund Road, Kamahi Place & Homedale Street.
- f) **Linton Park West**
- g) **Pullar Park** -
Between Sunset Primary and Sunset Junior High Schools/Intermediate Schools, adjacent to Otomatea Stream.
- h) **Wright Park** -
Access off Icarus Place, Pegasus Drive, Castor Place, Helena Place and Orion Street.
- i) **Simmonds Crescent Reserve (now Tihi Reserve)** -
Access off Simmonds Crescent, Day Place and Tihi Road.
- j) **Boyes Park** -
Access off Carlton, Wylie, Duncan and Ranolf Streets.
- k) **Blomfield St Reserve**
Western perimeter Goldie St / Pukehangi Rd.

l) **Hannahs Bay Reserve**

Dogs must be on a leash from the entrance to the Reserve at Willow Avenue including the area to the Lake Foreshore, the wetland area to the south, to the north-eastern drain in the centre of the Reserve.

Dog Exercise Area

~~The remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.~~

Dogs are prohibited from:

1. Any playground within the reserve.
2. Any barbecue area within the reserve.
3. The area used by the Pony Club for events on those occasions when an organised event is in progress.

The **Dog Exercise Area** is the remaining part of the Reserve to the east from the north-eastern drain in the centre of the reserve.

~~2. Any barbecue area within the reserve.~~

~~3. The area used by the Pony Club for events on those occasions when an organised event is in progress.~~

- m) **Pererika Street (Town Belt) -**
Area from Model Railway Clubrooms to Telecom entrance.
- n) **McIntyre Avenue -**
Access off McIntyre Avenue and Marguerita Street.
- o) **Larcy Road Reserve -**
Access from Larcy and Lynbert Roads.
- p) **Coulter Road Reserve -**
Access from Wingrove and Coulter Roads
- q) **Corlett Street Reserve -**
Access from Corlett or Konene Streets.
- r) **Morey Street**
Access from Morey Street.
- s) **Rotorua Racecourse**
Access after 9am off Fenton Street (only available when the Reserve is not in use for Race Meetings or other functions).
- t) **Sala Street Reserve**
- u) **Jackson Park**
Access from Springfield Road, McDowell Street and Otonga Road. Excluding all playground areas and sports fields within the reserve.
- v) **Part of the Devon Street West/Utuhina Stream Reserve**

Being that part of the reserve—located between Devon Street West (opposite the International Stadium and associated playing fields) and the banks of Utuhina Stream. ~~Note: dogs are not permitted on the children's playground or sport fields located on any reserve.~~

v)w) Aquarius Drive Reserve
Access from Aquarius Drive and Capricorn Place.

w)x) Karenga Park
From the Dog Obedience clubrooms south to ~~Lake Road, and~~ Lake Road and bounded by Bennetts Road and the old railway line. Access from 10 Bennetts Road.

x)y) Kuirau Park
~~From~~ Except for ~~Excluding~~ the area from the Kuirau Park Access Road north to Lake Road, bounded by Ranolf Street and the residential boundaries of Tarewa Road. Within which dogs must be on a leash.

y)z) Lakeside Reserves –

Lake	Reserve
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Rotoiti	Okere Road Reserve
Rerewhakaaitu	Brett Road reserve
Okaro	Lake Okaro Reserve

<u>Lake</u>	<u>Reserve</u>
Rotoma	Merge Lodge
Tarawera	Spencer Road (area adjacent to lake bounded by Rangiuru Bay Reserve and Stoney Point. Area is to the left of the wooden fence at Rangiuru Bay to the right of the boat ramp at Stoney Point.) Cliff Road – off Spencer Road (Reserve area at end of Cliff Road adjoining Lake Tarawera). -Rangiuru Bay Dogs prohibited between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside these times dogs may be exercised off a lead provided they are under strict control of persons exercising the dog.
Blue Lake	Area bounded by wooden fence to right of boat ramp
Okareka	Acacia Road (signed area to left of boat ramp along lake edge to intersection with Loop Road) Boyes Beach Reserve Dogs prohibited between hours 9am-4pm 15 Dec-1 Mar inclusive. Outside these times dogs may be exercised on or off a lead provided they are under strict control of persons exercising the dog
Rotorua	Reeme Street – fenced area adjacent to lake to right (south) of boat ramp. Mourea – area at end of Waana Street. Hannahs Bay – area at northern end of reserve adjacent to lake. Waana Street Reeme Street Wilsons Bay Hannahs Bay Hamurana

Hamurana:

The dog exercise area commences opposite Fryer Road, extending to the post and rail fence located 47 metres east of the intersection of Kaska and Hamurana Roads. For reasons of road safety, dogs in this area, when exercised off a leash, must not be closer than 2 metres from the road edge.

Dog on Leash Area:

Dogs must be on leash ~~From~~ from the area enclosed by a post and rail fence opposite the intersection of Kaska and Hamurana Roads to the mouth of the Hamurana Stream mouth, ~~dogs must be on a leash~~ between the hours of 9am to 7pm from 15 December to 1 March inclusive. Outside of these times dogs may be exercised off a lead provided they are under the strict control of the person exercising the dog. Dogs are prohibited at all times from within 10 metres of the Children's Playground and the BBQ facilities located on this portion of the Reserve.

Council will:

- ~~Continue to review the availability of suitable Reserves under its control with a view to creating additional dog exercise areas.~~
- ~~Where practical, provide bins at dog exercise areas to facilitate the sanitary disposal of dog faeces.~~
- ~~Implement a programme to erect signage on Reserves to indicate where dogs are permitted and where dogs are prohibited.~~

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a) Registration Fees:

These fees will be determined each year by Council during its Financial Estimates process, at a level that will:

- i) Acknowledge the different levels of service needed to achieve dog control in the Rural and Urban areas of its District.
- ii) Meet the cost of providing an annual Animal Control Service after taking into account whatever portion of General Rates that may be applied towards Animal Control.
- iii) Recognise responsible dog ownership by providing a reduced registration fee to those owners who meet the criteria required to qualify for Selected Dog Owner Status.

~~That~~Those criteria are is:

- I. Ownership of a dog for more than 12 months.
- II. The dog has not been impounded in the last 2 years whilst in the ownership of the selected owner applicant.
- III. There have been no justified complaints about the dog for the last 2 years.
- IV. The applicant has not been the subject of any legal proceedings in relation to the control of dogs.
- V. Payment of all Registration fees by due date.
- ~~VI. Adequate fencing of the property where the dog is, or is to be kept, to contain the dog.~~
- ~~VII. Provision of adequate housing.~~
- ~~VIII. Successful completion of a 12-Question paper on responsible dog ownership.~~
- ~~IX. Applications to be made before 31 March in any year.~~

- iv) Council will not charge a fee for registration of:
 - I. A disability assist dog.
 - II. Council will, again, as part of its Annual Financial Estimates process, set fees for the sustenance and release of impounded dogs.
 - III. Council will allow a proportional fee structure based on the month of the registration year that a dog attains 3 months of age and therefore has to be registered.
 - IV. *Where the dog dies during the year for which it is currently registered, 1/12 of the annual fee for each complete month remaining in the current registration year, after the date of application for a refund, will be refunded.***

7. MISCELLANEOUS FEES

Council will implement and charge a fee for the following provisions:

- a) Section 15(1)(c) of the Act [Dog removed from property because of insufficient food or water.] The Act allows Council to set reasonable fees for costs incurred by it in the seizure, transport and custody of dogs so removed.
- b) Section 19(3) of the Act [Supply of personal information] allows the seizure of a dog, where reasonable grounds exist to believe an offence against ~~subsection 2 of Section~~section 19-(2) has been committed, the person in charge of a dog has been warned and there are reasonable grounds for believing a further offence has been committed. Section ~~6837~~6837(1) of the Act allows Council to set reasonable fees for costs incurred in the seizure, transport and, if necessary, sustenance of the dog.
- c) Section 42(2)(a) [Seizure of an unregistered dog]. Section 6837(1) of the Act allows Council to set reasonable fees ~~for the control of dogs.~~ for costs incurred in the seizure, transport and, if necessary, sustenance of the dog.
- ~~e) Section 70(6) [Custody of dog removed for barking.] This allows Council to charge sustenance~~

fees for dogs removed from a property for excessive barking. Council believes

that the costs involved in removing and transporting the dog are costs which should be recoverable from the owner of the offending dog.

- d) Section 71(8) [Retention of a dog threatening public safety.] This allows Council to charge sustenance fees for a dog that has been seized or retained because it is considered to be a threat to public safety. Council believes that if the dog is seized by an Animal Control Officer (as opposed to a Police Constable) then Council’s reasonable costs should be able to be recovered from the dog owner. Again, reliance would be placed on Section ~~68~~37(1) of the Dog Control Act 1996 to set reasonable fees for dog control.

8. EDUCATION PROGRAMMES

Council will continue, through education, to promote responsible dog ownership by using a variety of mechanisms, including:

Public Advertising:

Using radio, ~~newspapers, and from time to time, Television~~ social media and public appearances.

School Programme:

A programme on responsible dog ownership and safety around dogs is offered to all Primary and Intermediate schools.

Information ~~Pamphlets~~ sources:

Information on dog ownership and responsibilities is available through pamphlets held at the Council Civic Centre and/or online via the Rotorua Lakes Council website ~~A wide range of information pamphlets are available for owners and intending owners. Some are distributed to owners of registered dogs at registration, and other appropriate mail-out times. **These pamphlets will also be available at a variety of information outlets throughout the District.**~~

Provision of free “Doggie Doo” Bags:

Free doggie doo bags may be collected from the Council Civic Centre to assist dog owners to pick up and remove dog faeces from public places ~~These plastic bags have been freely available for some time, to encourage compliance with the requirement to remove dog faeces from public places.~~

Barking Collar Hire Service:

This service is proving to be of assistance in reducing the incidence of barking by problem dogs.

9. INFRINGEMENT NOTICES

Council will utilise the Infringement Offence provisions provided for by Section 65 of the Dog Control Act 1996.

By way of explanation, an Infringement Offence means one of the following offences as specified in the First Schedule to the Act as set out below:

Section of the Act	Brief description of Offence:	Infringement Fee:
18	Wilful obstruction of dog control officer or dog ranger	\$750
19(2)	Failure or refusal to supply information or wilfully stating false particulars	\$750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750
20(5)	Failure to comply with any bylaw authorised by Section 20	\$300

23A(2)	Failure to undertake dog owner education programme or dog obedience	\$300
24	Failure to comply with obligations of probationary owner	\$750

Section of the Act	Brief description of Offence:	Infringement Fee:
28(5)	Failure to comply with effects of disqualification	\$750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300
32(4)	Fraudulent sale or transfer, of dangerous dog	\$500
33EC(1)	Failure to comply with effects of classification of dog as menacing	\$300
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100
36A(6)	Failure to implant microchip transponder in dog	\$300
41	False statement relating to dog registration	\$750
41A(4)	Falsely notifying death of dog	\$750
42	Failure to register dog	\$300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500
48(3)	Failure to advise change of ownership	\$100
49(4)	Failure to advise change of address	\$100
51(1)	Removal, swapping or counterfeiting of registration label or disc	\$500
52A	Failure to keep dog controlled or confined	\$200
53(1)	Failure to keep dog under control	\$200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and shelter and to provide adequate exercise	\$300
54A	Failure to carry leash in public	\$100
55(7)	Failure to comply with barking dog abatement notice	\$200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300
62(5)	Failure to advise person of muzzle and leashing requirements	\$100
72(2)	Releasing dog from custody	\$750

Council will pursue unpaid Offence Infringement Notices through the Court.

10. CLASSIFICATION OF OWNERS

Council intends that there be classes of dog owners within its District as follows:

- a) **Urban Dog Owners:**
Comprising those owners living within the urban area of the District.
- b) **Rural Dog Owners:**
Comprising those owners living within the Rural area of the District.
- c) **Selected Dog Owners:**
Those owners who have met the qualifying criteria for this class of ownership [as set out in 6a)iii) ~~a-j-I-X.hereof~~.
- d) **Probationary Owners:**
This classification, provided for by Section 21 of the Dog Control Act 1996 may be imposed on a dog owner if they have been:

- i) Convicted of an offence [not being an Infringement Offence] against the Dog Control Act 1996: or

- ii) Convicted of an offence against Section 3 or Section 4 of the ***Animal Welfare Act 1999*** in respect of a dog; or
- iii) Convicted of an offence against Section 26ZZP of the Conservation Act 1987 or Section 561 of the National Parks Act 1980; or
- iv) Issued with three or more infringement offences within a 24 month ~~period~~period.

This classification of probationary owner will continue for a period of 24 months unless there are extenuating circumstances involved in any one particular case. A probationary owner is by statute subject to the following restrictions:

- a) Shall not be capable of registering any dog except for the dog/s for which he/she was the registered owner at the time of the classification.
- b) Shall, within 14 days, dispose of every unregistered dog in his/her care, in a manner that does not constitute an offence against any Act.
- c) Unless there are unusual circumstances in any particular case, the classification shall continue for a period of 24 months, unless the Council reduces that time.

11. DISQUALIFICATION OF OWNERS

Council may implement the provisions of Section 25 of the Dog Control Act 1996 to disqualify from dog ownership, any dog owner who:

- a) is convicted of any offence under the Dog Control Act 1996; or
- b) commits three infringement offences in terms of the Act within a continuous 24 month period.

~~the effect~~The effect of the imposition of a status of “disqualified” requires that person to dispose of every dog owned by them, in a manner that does not constitute an offence against the Dog Control Act or any other Act. The status of “Disqualified Owner” applies throughout New Zealand.

There is a right of appeal to Council against classification as a disqualified owner, in addition to the right of appeal to the District Court.

12. IMPOUNDED DOGS

Council may take a sample (saliva or hair) from any dog it impounds to obtain a DNA profile of that dog. The DNA profile will be stored on a databank and may be used in the investigation of offences for the purpose of confirming or disproving a dog’s involvement in the commission of the offence.

Where any impounded dog is disposed of to any person other than the registered owner it shall not be released until it has first been de-sexed and the cost of that procedure has been paid to Council.