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# Statement of Proposal

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WELLINGTON CONSOLIDATED BYLAW 2008, PART 2:  
ANIMALS - REVIEW 2016

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## Summary of information

We're seeking feedback on proposed changes to the Wellington Consolidated Bylaw 2008, Part 2: Animals (the bylaw), and we want to hear your views.

The bylaw outlines requirements for keeping animals to protect the public from nuisance, maintain and promote public health and safety, and to protect the welfare of animals.

For many residents their pets are part of their families while other residents prefer public spaces to be animal free. It is sometimes difficult to find a balance between these two groups and we want to **check and see if we've got it right**.

Proposed changes reflect changes in animal ownership since the bylaw was last reviewed. For example, poultry are increasingly being kept as pets and the Council receives complaints about roosters crowing and the number of poultry kept on properties (and associated nuisances caused). We're also proposing to restructure the bylaw, creating separate sections for different animal types, to make it easier for people to access the information relevant to them. The proposed changes are summarised below.

- Changes to improve clarity, consistency, structure and readability.
- All domestic cats will need to be microchipped and registered with a recognised microchip registry.

- **The Council's permission will be needed to keep more than three cats over 6 months of age, with conditions to mitigate public health and nuisance concerns.**
- **The Council's permission will be needed to keep more than 12 chickens (or other poultry) in urban areas.**
- Roosters will be prohibited from urban areas.
- Feeding of animals in public places will be prohibited, except in designated areas, or **with the Council's prior permission.**

We recognise that protecting wildlife is important, but the Council does not have the power to make bylaws that protect wildlife from cats. The Council manages stray cats and cat colonies on reserves and other public places. This is set out in *Our Natural Capital – Wellington's Biodiversity Strategy & Action Plan*.

Changes to the Dog Policy must be given effect in the bylaw. The Dog Policy sets out the obligations for keeping dogs, and changes to the bylaw are proposed to ensure that requirement of the Dog Control Act 1996 is met. The Dog Policy and the Animals Bylaw are being reviewed at the same time, but consulted on separately. The proposed changes to the bylaw to reflect the proposed changes to the policy are summarised below.

- Changes to improve clarity, consistency, structure and readability.
- Changes to seasonal restrictions so they are based on summer calendar dates rather than daylight saving, and changing the timing to increase beach access at non-peak times.

You can get copies of the Statement of Proposals for both the Dog Policy and the Animals Bylaw online at [wellington.govt.nz/haveyoursay](http://wellington.govt.nz/haveyoursay), the Service Centre at 101 Wakefield Street, libraries, by emailing [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or phoning 04 499 4444.

## Have your say

### We need your feedback by 5pm, Monday 2 May 2016.

The Council is keen to know what residents, ratepayers and stakeholders think about the proposed amended bylaw.

Please make a submission online at [wellington.govt.nz/haveyoursay](http://wellington.govt.nz/haveyoursay), email your submission to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or complete the attached submission form and send it to Animals Bylaw, Freepost, Wellington City Council, PO Box 2199, Wellington.

You can get more copies of the consultation document online at [wellington.govt.nz/haveyoursay](http://wellington.govt.nz/haveyoursay), the Service Centre at 101 Wakefield Street, libraries, by emailing [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or phoning 04 499 4444.

If you'd like to make an oral submission to Councillors, please indicate this on the submission form and make sure you have included your contact details. We will contact you to arrange a time for you to speak. Submissions will be heard by the Environment Committee in May 2016.

**The Council's Environment Committee will consider** the submissions and make recommendations to the full Council. The Council will then decide whether to change the bylaw.

Written submissions open on 1 April 2016 and close at 5pm, 2 May 2016.

### Timeline for considering the proposed bylaw

When	Proposed actions
<b>1 April–2 May</b>	Consultation period
<b>May</b>	Oral submissions
<b>June</b>	Environment Committee considers submissions
<b>August</b>	The Council decides whether to adopt the proposed changes
<b>Following Council decision on proposed changes</b>	The bylaw will come into force

## Statement of Proposal

This statement of proposal relates to a review of the Wellington Consolidated Bylaw 2008, Part 2: Animals. The bylaw is prepared under section 20 of the Dog Control Act 1996, section 64 of the Health Act 1956, and sections 145, 146, 83, and 86 of the Local Government Act 2002 (LGA).

The amendments are summarised in the Statement of Proposal document and a proposed bylaw is attached (see Appendix A and B). The current bylaw is also attached as Appendix C.

## Background

The LGA requires bylaws to be reviewed at least once every 10 years, with an additional 2 years allowed before the bylaw lapses. The current bylaw was adopted in 2004 and accordingly it must be reviewed by 31 August 2016.

The Council can make bylaws relating to animals under the LGA, Health Act 1956 and the Dog Control Act 1996. Under the LGA, the Council can make bylaws for protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and to regulate the keeping of animals. The Health Act provides similar powers to the LGA.

The purpose of the Animals Bylaw is to protect the public from nuisance; maintain and promote public health and safety; and to enforce the Dog Policy. The Council may make bylaws regarding dog ownership as per section 20 of the Dog Control Act 1996.

The current Animals Bylaw also establishes:

- activities that require Council permission – these include running animal establishments, owning goats, owning more than three dogs (other than in a rural area)
- general conditions for keeping animals – they must not cause a nuisance, must be kept in an appropriate way, and the Council may seize stray animals
- that animals (including pigeons) cannot be fed in specified public places
- **the Council's ability to create exercise areas**, controlled places and prohibited places for dogs
- restrictions on keeping goats
- offence provisions.

The proposed bylaw will form part of a wider approach to animal management and promoting responsible pet ownership. Non-regulatory measures will complement the bylaw, for example signs and public education campaigns.

## Legislative requirements

The following legislation is relevant to the proposed amendments:

**Local Government Act 2002:** The LGA requires bylaws to be reviewed every 10 years and sets out the procedure the Council must follow to make, amend or revoke a bylaw. It also provides powers to make bylaws protecting the public from nuisance and protecting, promoting and maintaining public health and safety, as well as regulating the keeping of animals and poultry.

Before making a bylaw the Council must determine that the bylaw is the most appropriate way of addressing the perceived problem, that it is the most appropriate form of bylaw and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

**Dog Control Act 1996:** Under section 10, the Council must adopt a policy and bylaw covering the ownership of dogs within their district. When a bylaw is reviewed, the policy must also be reviewed. Section 10(6) requires that the Council must also give effect to its Dog Policy by making bylaws.

**Health Act 1956:** Councils may make bylaws for the improvement or protection of public health and to prevent or abate nuisances. It specifically allows for bylaws to be made regulating, licensing or prohibiting the keeping of animals.

**Animal Welfare Act 1999:** The purpose of the Animal Welfare Act is to make sure owners and caregivers of animals attend properly to the animal's welfare. It should be read along with the bylaw. The Animal Welfare Act requires that reasonable steps are taken to identify the owners of animals.

**Reserves Act 1977:** The Reserves Act sets out the management and governance of reserves. The Reserves Act also requires reasonable steps to be taken to identify the owners of animals captured on reserves.

## Why is the proposed bylaw needed?

Animal ownership has a lot of community interest – many people view their pets as part of their family, while the public also expect to be protected from animal nuisance and dangerous animals. Having clear rules around animal ownership helps owners understand their obligations to be responsible, while helping protect the public.

Overall, there have been no changes to legislation, or to wider Council policy that would indicate an Animals Bylaw is no longer appropriate. During the review process we identified some things that could be dealt with better than in the current bylaw. Some of these issues are technical, such as structure and readability. Other proposed changes are more substantive and aim to address the following issues:

- the need to encourage responsible cat ownership and manage stray cats
- the need for the bylaw to give effect to the Dog Policy, which is also being consulted on
- the need to discourage feeding animals in public places
- the need to manage poultry (including roosters) in urban areas.

These issues are discussed in more detail in the following sections, which outline why we think the proposed changes are necessary. We have provided detail on our proposals concerning owning and managing cats, as we anticipate significant public interest in this issue.

We recognise that protecting wildlife is an important consideration, but the Council does not have the power to make bylaws that protect wildlife from cats. The Council manages stray cats and cat colonies on reserves and other public places. This is set out in Our Natural Capital – Wellington's Biodiversity Strategy & Action Plan.

### Encouraging responsible cat ownership

The Council is proposing two new provisions within the bylaw concerned with owning and managing cats:

- requiring that all domestic cats be microchipped and registered with a recognised microchip registry



- requiring the Council’s permission to keep more than three cats over 6 months of age, with conditions to mitigate public health and nuisance concerns.

Table 1 provides a summary of why we think a bylaw is appropriate for managing cats. The question of what form of bylaw is most appropriate is addressed in Table 2.

**Table 1. What is the perceived problem regarding cats and why would a bylaw be the most appropriate way to address the problem?**

What is the perceived problem?	Other options to address the problem	Why is a bylaw the most appropriate option?
<b>Problem 1</b>		
<p><b>Nuisance caused by cats</b> Cats need to be better managed to mitigate nuisance behaviours.</p> <p>While the “status quo” situation is that “cats roam freely”, this causes a range of public health and nuisance issues, such as fighting, predation of wildlife and small pets, running across roads, and uncontrolled breeding resulting in unwanted kittens, and stray and feral cats.</p> <p>There is no national legislation to manage undesired effects of cat ownership. The Animal Welfare (Companion Cats) code of Welfare (2007) is primarily focussed on the welfare of cats.</p> <p>A survey conducted by the Council found that 45 percent of respondents had been bothered by cat behaviours, including digging and toileting in gardens and lawns, attacking and killing <b>wildlife and other people’s pets</b>, fighting, getting into rubbish, stealing property and producing unwanted kittens.</p>	<p><b>Animals Policy:</b> The Council could create an Animals Policy. While this would complement a bylaw, its provisions are not enforceable. Usually a policy would work to justify and expand on the content of a bylaw.</p> <p>This option would not be effective on its own, and would be most effective if it built on the bylaw.</p> <p><b>Lobbying for change:</b> As lobbying is generally a longer-term strategy, the Council may pursue this alongside other options. The Council might lobby for legislation to manage cats, or a model bylaw for managing cats under the Reserves Act 1977.</p> <p>This option will not address the issue in the short term.</p> <p><b>Voluntary measures:</b> Behaviours such as howling and fighting tend to be sexually-related. The Companion Cats Code of Welfare recommends de-sexing and keeping cats in at night as best practice to mitigate these issues. The Council could work with partners to promote and incentivise de-sexing and keeping cats inside.</p> <p>This option alone will not fix the problems identified. Voluntary measures could be advertised so owners are aware of various options.</p> <p><b>Education:</b> An education campaign could inform cat owners of ways they can be responsible cat owners. It could cover a wide range of topics, such as reducing the impact of cats on wildlife, and having a plan for cats in a disaster.</p> <p>This option could be effective, but it would require funding.</p>	<p>An Animals Policy would be an effective tool to provide owners with more guidance.</p> <p>Council officers are planning on developing a policy later this year. Feedback from the bylaw review will be considered in its development.</p> <p>Management of cat nuisance behaviours are not already covered by other legislation, regulation, or agencies. Under the LGA and the Health Act, the Council can make bylaws concerning nuisance and public health.</p> <p>Nuisance issues persist despite existing voluntary measures, so something more mandatory in nature is required.</p> <p>By stating the preferred options for owners in our bylaw we are clearly establishing what behaviours are expected of responsible owners.</p> <p>Nuisance issues persist despite increasing awareness of issues, so something more mandatory in nature is required.</p>

<b>Problem 2</b>		
<p><b>Public health issues</b></p> <p>There is the need to control stray cats to mitigate public health issues.</p> <p>Wandering domestic cats toilet on neighbouring properties. Cats spread toxoplasmosis through faeces, which can have serious health implications for humans, especially pregnant women and people with impaired immunity<sup>1</sup>.</p> <p>New Zealand has high rates of toxoplasmosis, with more than 40 percent of the population infected<sup>2</sup>.</p>	<p><b>Working with other agencies:</b> Some other agencies do have statutory authority to manage cats, including Greater Wellington Regional Council (feral cats – Biosecurity Act 1993) and the SPCA (cat welfare – Animal Welfare Act 1999).</p> <p>The Council already works with these agencies where possible. However, this is not fixing the problems. Additional measures may enable further collaboration between these groups.</p>	<p>The Council is already working with other agencies where possible, and pursuing a range of other options for managing cats. No solutions have so far been established.</p> <p>The Council will continue to work alongside other agencies, such as the SPCA, to improve:</p> <ul style="list-style-type: none"> <li>• rates of desexing of animals (and cats)</li> <li>• improve education</li> <li>• awareness of responsible pet ownership</li> </ul>
<b>Problem 3</b>		
<p><b>Identifying unowned cats</b></p> <p>Lost cats become part of the stray cat population. The Council manages stray cats and cat colonies on reserves and other public places. This is set out in Our Natural Capital – Wellington's Biodiversity Strategy &amp; Action Plan.</p> <p>Research conducted by Victoria University indicates that on <b>average Wellington's domestic cats</b> have a range of 4.3 hectares.</p> <p>Owned cats often wander into areas where stray cats are trapped. To assist the management of stray cats, Council officers need to be able to establish whether or not a trapped cat is owned. The Animal Welfare Act 1999 and Reserves Act 1977 establish that reasonable steps are taken to identify the owners of domestic cats.</p> <p>Cats that are easily identified can be returned to their owners if they are separated.</p>	<p><b>Trapping stray cats:</b> The Council works alongside other organisations to manage stray cat populations. However, complementary measures are needed to reduce the number of stray cats and some way of identifying owned cats will make the process simpler and less time consuming.</p> <p><b>Microchipping:</b> Requiring microchipping would enable owned cats to be identified.</p> <p>The <b>Ministry of Primary Industry's</b> Companion Cats Code of Welfare already includes micro-chipping as recommended best practice.</p> <p>Cat owners benefit if their cat is microchipped as they can be reunited with their cat if it becomes lost, injured or trapped.</p> <p>Following the February 2011 earthquake in Christchurch, approximately 80 to 85 percent of lost microchipped cats were identified and returned to owners, compared to only 15 percent of cats<sup>3</sup> without microchips.</p>	<p>The Council considers a bylaw would be most appropriate if used alongside other measures, such as a public education campaigns.</p> <p>Voluntary microchipping has resulted in about half of the total number of domestic cats being microchipped. With a bylaw requirement it is hoped that the percentage will increase significantly, which will reduce the time required by Council officers when identifying whether trapped cats are owned or not.</p> <p>Requiring that cats to be microchipped would significantly increase the proportion of cats that are microchipped.</p>

<sup>1</sup> Dangerous feline parasite at shocking levels in humans, New Zealand Herald, September 2012, [http://www.nzherald.co.nz/world/news/article.cfm?c\\_id=2&objectid=10831740](http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10831740) accessed 07 March 2016

<sup>2</sup> Disease carried by cats not so trivial, New Zealand Herald, January 2013, [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10862178](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10862178) accessed 07 March 2016

<sup>3</sup> New Zealand Veterinary Association, [Vets@work](http://www.vets@work.co.nz), 2011

**Table 2. What is the most appropriate form of bylaw?**

<b>What is the perceived problem and proposed form of bylaw?</b>	<b>Other forms of the bylaw</b>	<b>Why is the proposed bylaw most appropriate?</b>
<p><b>Lack of regulation to help manage cats:</b> The Council is proposing a bylaw under the nuisance and public health provisions of the LGA and Health Act.</p>	<p>The Council can make bylaws concerning nuisance and public health under the LGA <b>and the Health Act, but doesn't currently</b> have the ability to make bylaws to protect wildlife. As a result, our focus of this bylaw is to remedy public health and nuisance issues surrounding cats.</p>	<p>The proposed bylaw is consistent with the empowering provisions and processes of the LGA and Health Act.</p>
<p><b>Cat nuisance behaviours:</b> The Council is proposing that owning more than three cats will require permission, and compliance with the best practice recommendations of Companion Cats code of Welfare.</p>	<p><b>Requiring permission for keeping more than a set number of cats:</b> This option would enable the Council to act if they are concerned about animal welfare, due to the number of cats being kept at one property. Currently, households have to get permission to keep more than three dogs. It would be fair to have the same limit for cats. Three is also a simple and reasonable number of cats to own.</p> <p>Limiting the number of cats per household is a regulatory option already in place in a number of other Territorial Authorities<sup>4</sup>.</p>	<p>The proposed bylaw will help reduce nuisance behaviours including unwanted breeding. The Council considers that the proposed bylaw provides an appropriate balance between regulating the positive and negative aspects of keeping cats. The Council can regulate but not prohibit the keeping of cats.</p>
<p><b>Managing stray cats:</b> The Council is proposing cats must be microchipped, so it is clear that they are owned. This would enable owned cats to be distinguished from feral and stray cats.</p> <p>The Council would work with relevant welfare agencies to ensure that stray and feral cats are managed in a suitable way.</p>	<p><b>Specifying microchipping:</b> The bylaw could specify microchipping as a requirement.</p> <p>Cat owners also benefit either way since they can be reunited with their cat if it becomes lost, injured or trapped.</p> <p>Another option is to require cats to be easily identifiable through a collar, tattoo or identity tag. Collars, however, can sometimes come off. Tattoos have been used in the past to identify owned cats.</p> <p>The form of identification could be left to the <b>cat's owner, although the Council</b> could still recommend microchipping as per the Companion Cats Code of Welfare.</p>	<p>Requiring microchipping will make managing stray cats safer for domestic cats and easier for the Council.</p>

<sup>4</sup> Limit of three cats per household: Buller District Council, Invercargill City Council, Masterton District Council, Palmerston North City Council, and Rangitikei District Council. Limit of four cats per household: Hastings City Council, and Marlborough District Council. Limit of five cats per household: New Plymouth District Council, and Far North District Council.



### **Giving effect to the Dog Policy**

The Animals Bylaw provides the Council with legal powers to give effect to and enforce the Dog Policy. The proposed changes relating to dogs are to give effect to amendments to the Dog Policy. The Dog Policy sets out the obligations for keeping dogs. It aims to recognise the community and health benefits of dog ownership while balancing public safety concerns and the relevant legal requirements.

The bylaw and the Dog Policy are being reviewed at the same time but reported separately. You can get copies of the Statement of Proposal for the Dog Policy online at [wellington.govt.nz/haveyoursay](http://wellington.govt.nz/haveyoursay), the Service Centre at 101 Wakefield Street, libraries, by emailing [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or phoning 04 499 4444.

The bylaw must give effect to the policy. Changes that are proposed to the policy need to be reflected in the bylaw, and they need to be consistent. As a result, it is proposed to add new sections to the bylaw, on content from the policy. Other smaller changes are technical in nature, and relate to wording consistencies of definitions and clarifying the intent of clauses.

Changes to seasonal restrictions are proposed so they are based on summer calendar dates rather than daylight savings, and changing the timing to increase beach access at non-peak times.

An issue with the Dog Policy is the confusion around access to exercise areas with restricted **times: “beach areas (specified times)” and “exercise area (specified times)”**. Currently the rules for some beaches vary, and are specified based on daylight saving. It appears that these changing rules are often forgotten and are unclear.

An option to address this perceived problem is to introduce a blanket rule, either prohibiting these areas or allowing access all year round. It would not be reasonable to prohibit dogs in these areas, as the rights of responsible dog owners would be restricted. Allowing access all year round would create conflict between dog owners and the wider public when there is peak demand for these areas during summer.

Adjusting specified times to be before 10am and after 7pm in summer from 1 December until 1

March the consecutive year will increase the amount of time dogs can access these areas without interfering with beach users. The changes intend to make it easier for owners to remember the rules.

### **Feeding animals in public places**

The proposed bylaw would make it an offence to feed animals in public places, aside from designated areas. For example, grain is provided at the Wellington Botanic Garden to feed ducks. Public places where feeding animals is permitted will have signs, or people wanting to feed animals in public places will need prior permission from the Council.

The problem we need to address with the proposed bylaw is that feeding animals in public places can lead to public health and nuisance issues. For example, feeding pigeons increases and supports high numbers of pigeons. Pigeons produce a lot of excrement, which damages buildings and other structures and is a public health concern. Cities around the world face similar issues and research shows that the most effective way to control pigeon populations is to limit food sources. Other options the Council has considered for managing pigeons are much more difficult and expensive, not available in New Zealand (contraceptives) or unpalatable (eradication).

In some places, the Council manages stray cats. If unneutered strays are being fed in public places there is a risk that a cat colony could quickly form. The Companion Cats Code of Welfare notes that cats can breed from when they are only 5 months old and a single female cat can have 300 kittens in its lifetime.

Non-regulatory approaches will also be used to support the bylaw. For example, signs will encourage people not to feed pigeons or leave food where it can be easily scavenged by pigeons, and redirecting the efforts of people who habitually feed pigeons elsewhere.

We consider it most appropriate to make a general bylaw concerning the feeding of animals rather than name specific animals. Feeding of other types of animals is also problematic, both for the health and welfare of animals, and due to the potential to attract and support vermin such as rats.

## Managing poultry in urban areas

The proposed bylaw will require the Council's permission to keep more than 12 chickens (or other poultry) per property, and prohibit the keeping of roosters in urban areas.

The problem we need to address with the proposed bylaw is that large numbers of poultry can create nuisance issues such as noise and odour, and public health issues if kept in unsatisfactory conditions. This problem is exaggerated in urban areas when households are in close proximity. The Council commonly receives complaints about roosters crowing, as well as wandering chickens and the number of poultry being kept (and associated nuisances).

Poultry ownership is becoming more popular in Wellington. Owning roosters in urban areas is not currently prohibited, and there is no limit on the number of poultry that people can keep in urban areas. The bylaw needs to clearly set out the responsibilities of poultry owners, and protect the public from nuisance.

Several options have been assessed to address the perceived problem. The Council could prohibit poultry ownership across the city. This would be unreasonable, as poultry eggs provide a sustainable food source to many households. Encouraging urban agriculture is an important platform in enabling Wellington to be resilient. Poultry are also pets for some households, and it would be unreasonable to restrict the right to own poultry if the risk of any potential nuisance is being managed in a suitable way.

Households were limited to owning no more than 12 chickens, prior to the 2004 review. This was removed and replaced with a clause that requires **animals to be kept in a way that "is not likely to become a nuisance, dangerous, offensive, or injurious to health". We have found this clause has not provided clear enough guidance.**

The proposal to prohibit rooster ownership in urban areas is the most appropriate form of bylaw. It is very difficult to manage roosters to stop them from crowing loudly, and there is high probability that nuisance will occur. It is recognised that roosters are required for breeding, and therefore it would be unreasonable to prohibit their ownership everywhere.

It is proposed that the limit of poultry numbers is reintroduced. We are seeking public feedback on what a suitable number would be. Another option is to reintroduce the old limit of 12 chickens (or other poultry) per household. This number is an appropriate amount as it is what the bylaw stated previously. Sometimes properties may be in urban areas, but have low likelihood of causing nuisance. It is proposed that this is recognised by allowing more poultry to be kept if relevant criteria are met and Council permission is obtained.

## New Zealand Bill of Rights Act 1990 (NZBORA) implications

Under section 155(3) of the LGA, the Council is obliged to consider whether the proposed bylaw is inconsistent with the NZBORA. The LGA expressly requires that bylaws are not inconsistent with the NZBORA.

Under section 21 of the NZBORA, **"everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise". The proposed bylaw may be seen to limit this under sections 3.4, as the seizure of owned animals would be classified as the seizure of property.**

Animals (excluding cats) will only be seized if they stray from their owners' property. Considering the public safety and nuisance issues involved, officers consider the potential seizure of animals a reasonable restriction of this right. Owned cats may be seized inadvertently where trapping is used to manage feral cats. Proposed changes to the bylaw will make it easier for officers to differentiate between owned cats and feral cats.

The Council considers that other proposed changes, such as requiring permission to own more than a set number of certain animals, or restrictions on owning roosters, are not inconsistent with the NZBORA and do not give rise to any implications under the NZBORA.

### Areas of the bylaw where no changes are proposed

We have assessed the parts of the bylaw where no proposed changes are made. These provisions

address genuine problems and continue to be the most appropriate way of addressing those issues and the most appropriate form of bylaw. There has been nothing to suggest these provisions need to be changed as part of the review.

## Appendix A: Description of proposed changes

Proposed bylaw ref.	Proposed revised bylaw, clause names	Key differences between proposed revised bylaw and current Part 2: Animals.
-	<b>Purpose</b>	<p>“Context” changed to “Purpose” for consistency with other recently reviewed bylaws.</p> <p>Content of section carried over from current bylaw, and amended date of Dog Policy. Removed bees, to reflect them being included in the definition of “animal”.</p> <p>Removal of animal welfare reference, to bring it in line with the LGA bylaw powers.</p> <p>Minor reordering of wording, to improve readability.</p>
1	<b>Definitions</b>	<p>The updated definition of “animal” includes bees. This is to reflect the proposed changes to section 7.1. Changes aim to clarify that it is not an offence to injure/kill a bee under the bylaw.</p> <p>The term “domestic animal” is newly defined in the bylaw to make the overall intent and scope of the bylaw clearer. In section 7.1 it establishes that it is only an offence to kill/injure an owned animal.</p> <p>The revised definition of “nuisance” intends to provide a clearer definition of the term.</p> <p>“Poultry” has been defined to reflect the new section on their keeping.</p> <p>The term “public place” has been added to provide clarification as to what areas it includes.</p> <p>“Rural area” and “urban area” has been updated to provide clearer definitions of what areas are covered under the Council’s district plan.</p> <p>“The Act” has been shortened to be more succinct.</p> <p>The terms, “birds” and “stock” have been deleted as they were not specifically referred to in the bylaw.</p> <p>The following terms have been moved to 5.1 Interpretation (dogs):</p> <ul style="list-style-type: none"> <li>• beach exercise areas</li> <li>• beach areas (specified times)</li> <li>• controlled public places</li> </ul>

		<ul style="list-style-type: none"> <li>• exercise area</li> <li>• exercise area (specific times)</li> <li>• leash</li> <li>• prohibited public place</li> <li>• prohibited place (specified times).</li> </ul>
<b>2</b>	<b>Activities that require Council permission</b>	<p>Clarifies that dog day care is considered as a boarding establishment. The overall intention 2.2.1 is to let the Council know about where animal establishments are, so they can be monitored.</p> <p>The introduction of 2.2.2 is to clearly establish that permission for occasions, such as when horses and dogs are in prohibited areas for festivals.</p> <p><b>The section “Keeping goats” has been moved to 6.2.</b></p> <p><b>The section “Keeping more than three dogs” has been moved to 5.2.1.</b></p> <p>Minor grammatical changes made.</p>
<b>3</b>	<b>General conditions of keeping animals</b>	<p>Title has been changed, as a result of the content becoming more specific. The formatting of the section has changed, due to the removal of the subtitles. Minor grammatical and wording changes made to increase clarity.</p> <p>Removal of bees, to reflect that they are included in the new definition of “animal”.</p> <p>Proposed changes to section 3.5 intend to limit the instances where animals may be fed in public. The intention is to discourage the public from feeding pigeons and other birds in unsuitable places. The aim is to redirect public feeding of birds to suitable locations.</p> <p>The section on goats has been moved to 6.2.</p> <p><b>The section “Dog nuisances” has been moved to 5.3.</b></p> <p><b>The section “Dog areas” has been moved to 5.4.</b></p>
<b>4</b>	<b>Cats</b>	<p>Section 4 currently covers Offences. In the proposed text, this has been moved to section 7.</p> <p>Having a dedicated section on cats makes the bylaw more reader-friendly, as it allows people to quickly find the information they are looking for.</p> <p>The proposed changes set out the management of cats. Under the current bylaw, there are no explicit restrictions on cat ownership; there is also currently no national legislation explicitly on the management of owned domestic cats.</p> <p>Microchipping means owned domestic cats can be distinguished from feral cats, and allows owners to be identified.</p> <p>It is proposed that permission is required to keep more than three cats. The intent of this is to protect the public from nuisance, and enable animal welfare organisations to assist if owners are irresponsible. A variety of other councils</p>

		across the country have similar restrictions.
<b>5</b>	<b>Dogs</b>	<p>Various parts of the bylaw on dogs are proposed to be moved under one section. The intent of this is to make the bylaw more reader-friendly.</p> <p>Minor grammatical and wording changes have been made throughout the section to improve readability.</p> <p>All terms in 5.1 Interpretation (dogs) have been moved from Section 1.</p> <p><b>The definitions of “beach exercise areas”, and “prohibited place (specified times)” are updated to be consistent with the Dog Policy.</b></p> <p><b>The definitions for “beach areas (specified times)” and “exercise area (specified times)”, and clause 5.4.6 have been updated to reflect proposed changes to the Dog Policy.</b> By adjusting specified times to be before 10am and after 7pm in summer from 1 December until 1 March the consecutive year, it will increase the amount of time dogs can access these areas without interfering with beach users. The changes intend to make it easier for owners to remember the rules, by covering the period commonly known as summer.</p> <p><b>It’s proposed</b> the following terms are defined to make the overall intent and scope of the bylaw clearer, and to be consistent with the Dog Policy:</p> <ul style="list-style-type: none"> <li>• disability assist dog</li> <li>• exercise area (specified times)</li> <li>• working dog.</li> </ul> <p>Section 5.2 and 5.2.1 have been reworded to establish that prior written permission is required.</p> <p>Section 5.2.1 has been reworded so it is clearer, and has been broken down into more sections so it is easier to read.</p> <p>Section 5.2.2 has been added to reflect the Dog Policy. Owners need permission to keep more than three dogs. The new wording establishes that the associated fee is one-off.</p> <p>It is proposed that section 5.4.1 is amended so that the list of dog exercise areas, prohibited and restricted places are attached to the Dog Policy, but not the bylaw.</p> <p>The proposed changes to 5.4.2 are to clarify its purpose. The wording in the old clause is not clear.</p> <p>Section 5.4.4 is updated for clarity.</p> <p>Beach areas (specified times) has been added to section 5.4.6 and 5.4.7 to clearly establish where working dogs and disability assist dogs are allowed.</p> <p>Section 5.4.8 has been added to reflect the Dog Policy. This section details the various criteria used to determine a dog exercise area.</p>
<b>6</b>	<b>Other animals</b>	<p>Various parts of the bylaw on other animals (such as poultry and goats) are proposed to be moved under one section. As with the sections on dogs and cats, this is intended to make the bylaw more reader-friendly and easier to</p>

		<p>find information in.</p> <p>Proposed section 6.1 has been added to provide regulations around keeping poultry. Under the current bylaw, there are no explicit limitations on poultry ownership. The proposal establishes that poultry must be adequately contained so as not to cause nuisance. It is proposed that roosters are not allowed in urban areas.</p> <p>A limit on the number of poultry in urban areas is also proposed.</p> <p>It is proposed permission is required to keep more than 12 chickens. Similarly to cats, the intent of this is to protect the public from nuisance, and enable animal welfare organisations to assist if owners are irresponsible. A variety of other councils across the country have similar restrictions. The exception for those in rural areas acknowledges that there is a lower chance of nuisance occurring due to rural properties being larger than those in urban areas.</p> <p>Proposed section 6.2 on goats has been restructured from the current section 2. The requirement for owned goats to be registered has been removed. The proposed changes will still require owned goats to be tagged or collared, so that they are identifiable from feral goats.</p>
7	<b>Offences</b>	<p>This section has been moved from its current position as section 4. Minor changes wording changes have been made to improve readability.</p> <p>The removal of bees from section 7.1.a is to reflect that the definition of <b>“animal” was updated to include bees.</b></p> <p>The introduction of the term “domestic animal” throughout section 7.1 establishes that it is not a bylaw offence to injure a bee or a wild bird. Offences concerning animal welfare (such as injuring and killing of wild animals) are enforceable under the Animal Welfare Act 1999.</p> <p><b>By adding “car park” to the section, the intention is to broaden the areas where domestic animals need to be under control. Proposed changes clarify the section’s intention of protecting pets while they are being transported.</b></p> <p>Replacing <b>“road” with “public place” means more areas</b> – like car parks, parks, and footpaths – are covered.</p>



# Appendix B: Proposed Animals Bylaw

Wellington Consolidated Bylaw 2008: Part 2 – Animals

## Purpose

The Wellington Consolidated Bylaw 2008: Part 2 – Animals, gives effect to, and gives legal powers to enforce, the Dog Policy 2016. It also sets requirements for the keeping of animals, to protect the public from nuisance, and to maintain and promote public health and safety and safeguard the welfare of animals.

This bylaw is made under Sections 145 and 146 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996 and Section 64 of the Health Act 1956. The Animal Welfare Act 1999 should be read in conjunction with this bylaw.

## 1. Definitions

In this bylaw:

**Animal** has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, bird, bee, or any other member of the animal kingdom that is declared from time to time by the Governor-General, by Order in Council, to be an animal.

**Authorised Officer** means any person appointed or authorised by the Council on its behalf.

**Domestic animal** means any animal (including a bird or reptile, but excluding bees) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

**Nuisance** means a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person.

**Poultry** means domestic fowls kept for the eggs they produce, their meat, their feathers, or sometimes as pets.

**Public place** has the meaning defined in Part 1 of the bylaw and means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**Rural area** means any area zoned "rural" in any operative District Plan of the Council's operative District Plan.

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

**Urban area** means any area that is not zoned "rural" under the Council's Operative District Plan.

## 2. Activities that require Council permission

**2.1** The process to grant Council permission for anyone to carry out the activities set out below is outlined in Part 1 (Introduction) of the Wellington Consolidated Bylaw 2008. Council permission may be granted subject to any conditions the Council sees fit.

**2.2** The following activities will require the Council's prior written permission:

### 2.2.1 Animal establishments

a. Establishing or maintaining any animal boarding establishment, including dog day care services.

b. Establishing or maintaining a pet shop, animal hospital, or refuge centre for the keeping, selling, or treating of animals that also operates a business as a boarding establishment.

**2.2.2** Bringing a domestic animal, other than where this is permitted under the Dog Policy, into areas classified as a beach area (restricted during summer), controlled public place, exercise area (specified times), prohibited public place, prohibited place (specified times) for special events.

## 3. General conditions of keeping animals

**3.1** All animals shall be kept in a manner that is not, or is not likely to become, a nuisance, dangerous, offensive, or injurious to health.

**3.2** All animals shall be kept in a manner that ensures they have access to sufficient food, water, shelter and, where appropriate, adequate exercise.

**3.3** All animals, other than domestic cats, found at large and not within their owner's property may be seized and impounded by an authorised officer.

**3.4** The Council may sell, re-home or otherwise dispose of any animal seized and impounded under clause 3.3 that has not been claimed or returned within 7 days after it was seized and impounded.

**3.5** Feeding of animals can attract rats or other vermin or cause excessive fouling to public places. No animals are to be fed in public places, except for in designated areas, or with prior written permission from the Council.

**3.5.1** Areas for feeding will be clearly signposted. In assessing an application to feed animals, the Council will consider the following factors:

- a. whether the activity is likely to attract vermin or create public health issues
- b. whether the activity is likely to cause nuisance, or adversely impact wildlife

## **4. Cats**

**4.1** All domestic cats must be microchipped and registered with a recognised microchip registry.

### **4.2 Activities that require Council permission**

**4.2.1** An owner or occupier of any premises may keep no more than three cats over the age of 6 months on a property without the Council's prior written permission.

**4.2.2.** Clause 4.2.1 does not apply to approved catteries or registered breeders operating in accordance with all required approvals and consents.

**4.2.3.** In assessing an application to allow more than three cats under clause 4.2.1, the Council will consider:

- a. the number of cats at the premises

- b. whether all the cats at the premises are microchipped and neutered
- c. provision for the cats' hygiene, control, and confinement
- d. provision for the protection of other persons or property from being affected in any way by the cats.

The Council may impose whatever conditions it sees fit on any permission it issues.

## **5. Dogs**

### **5.1 Interpretation (dogs)**

**Beach exercise areas** means beach areas where dogs can exercise off-leash.

**Beach areas restricted during summer** means areas where dogs are prohibited from 10am to 7pm every day during summer (from 1 December until 1 March the consecutive year). These areas are classed as controlled public places where dogs can be on-leash before 10am and after 7pm in summer and on-leash at all times in winter.

**Controlled public place** means any area where dogs are allowed as long as they are on-leash and under the control of their owner.

**Disability assist dog** means a dog trained (or in training) to assist a person with a disability as defined under the Act, including any guide dog, hearing ear dog, or companion dog.

**Exercise area** means any area where dogs are allowed off-leash under the control of their owner.

**Exercise area (specified times)** means areas where dogs are allowed off-leash before 10am and after 7pm in summer (from 1 December until 1 March the consecutive year) and off-leash at all times in winter.

**Leash** means a strap or chain attached to a collar or harness on the dog, sturdy enough to ensure that the dog is restrained and controlled by the person using the leash.

**Prohibited public place** means any area where dogs are not allowed at any time, on or off-leash.

**Prohibited place (specified times)** means where dogs are prohibited during the times specified.

**Working dog** means any dog that works for the Government, the Police, is a disability assist dog, or is part of commercial activity.

## 5.2 Activities that require Council permission

The following activities will require the Council's prior written permission:

### 5.2.1 Keeping more than three dogs

No household (other than those in a rural area) may keep more than three dogs in total, unless given prior written permission by the Council. Permission will be required for more than three dogs over the age of 3 months, whether or not the dogs are registered or the owner/occupier is the registered owner of the dogs.

**5.2.2** On application, dog owners will have to pay the associated fee for permission to keep more than three dogs on a property.

**5.2.3** In assessing an application under clause 5.2.1 the Council will consider the impact granting Council permission will have on the amenities of **the neighbourhood. The Council's permission may** be subject to any terms, conditions and restrictions it thinks fit, including:

- a. specifying the number of dogs that may be kept on the premises at any one time
- b. **specifying the duration of the Council's permission**
- c. restrictions as to the purpose for which the dogs may be kept
- d. provision for the dogs' hygiene, control, confinement and regular inspection
- e. provision for the protection of other persons or property from being affected in any way by the dogs.

## 5.3 Dog nuisances

**5.3.1** If, in the opinion of an authorised officer, any dog or the keeping of any dog on any premises has become, or is likely to become, a nuisance, injurious or hazardous to health, property, or

safety, the officer may require the owner by written notice to:

- a. reduce the number of dogs kept on the premises
- b. construct, alter, reconstruct or otherwise improve the kennels, fences or other buildings used to house or contain the dog
- c. take such action as the authorised officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health, property or safety.

**5.3.2** The owner must comply with any notice issued under clause 5.3.1 within the time specified in the notice.

## 5.4 Dog areas

**5.4.1** The Council may, by publicly notified resolution, declare any public place to be one of the following classifications and may impose prohibitions and restrictions in respect of that area:

- a. controlled public place
- b. exercise area
- c. exercise area (specified times)
- d. beach exercise area
- e. beach area (restricted during summer)
- f. prohibited public place
- g. prohibited place (specified times).

**5.4.2** Dogs not on private land must be on-leash and under the control of their owners at all times, unless in a designated off-leash area (where they can be off-leash, but still need to be under the control of their owner).

**5.4.3** Dogs are permitted to enter any cemetery controlled by the Council, provided that:

- a. this part of the bylaw is complied with
- b. the dog is under the control of its owner and on-leash at all times.

This clause is made pursuant to the Burial and Cremation Act 1964.

**5.4.4** The owner of any dog will ensure their dog does not enter any public place contrary to any classification, prohibition or restriction imposed by the Council under clause 5.4.1.

**5.4.5** The owner of any dog may keep their dog off-leash in any exercise area, exercise area (specified times), beach exercise area, or beach areas restricted during summer during the times specified in the resolution under clause 5.4.1.

**5.4.6** Despite any restrictions imposed under clause 5.4.1, any working dog that is working at the time may enter a controlled public place without a leash if required and a prohibited public place, beach areas restricted during summer, beach areas (specified times) or a prohibited place (specified times) declared under clause 5.4.1.

**5.4.7** The owner of any disability assist dog may keep their dog off-leash in a controlled public place, prohibited public place, beach areas restricted during summer, or a prohibited place (specified times) declared under clause 5.4.1.

#### **5.4.8 Criteria to determine exercise areas**

The criteria used to determine exercise areas for dogs include:

- the area is not used extensively for sporting or other purposes
- the area is of significant size and has appropriate access
- there are sufficient sight lines
- the area is well bounded from adjacent areas
- no potential risk to other groups
- new areas must be fenced if they are adjacent to a road.

### **6. Other animals**

#### **6.1 Poultry**

**6.1.1** Poultry must be adequately contained within **the owner's property, so as not to cause** (or be likely to cause) nuisance, offence or be injurious to health.

**6.1.2** No roosters are to be kept in urban areas.

#### **6.2 Goats**

**6.2.1** Goats must wear an ear tag (an RFID tag or similar) or collar to indicate that they are not feral, and so the owner can be traced if the goat is seized.

**6.2.2** All goats kept within the district must be kept confined within their owner's property.

### **6.1.3 Activities that require Council permission**

**6.1.4** An owner or occupier of any property in an urban area may keep no more than 12 chickens (or other poultry) without the Council's prior written permission. In assessing an application to allow more than 12 chickens (or other poultry), the Council will consider:

- a. the number of poultry at the premises
- b. provision for hygiene, control, and confinement of the poultry
- c. provision for the protection of other persons or property from being affected in any way by the poultry.

The Council may impose whatever conditions it sees fit on any permission it issues.

### **7. Offences**

**7.1** Everyone commits an offence who:

- a. keeps animals in a manner that is, or is likely to become, a nuisance, dangerous, offensive, or injurious to health
- b. being the owner or having the care, custody, or control of any domestic animal does not confine it adequately to prevent it from straying on to any road or car park; trespassing on any land or reaching into or over any residential property or public place
- c. injures any domestic animal in a public place and fails to render assistance
- d. kills any domestic animal in a public place and allows it to remain in a public place
- e. buries any animal carcass anywhere in the district in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.

**7.2** Every dog owner or person in possession of the dog at the time commits an offence who:

- a. allows their dog to enter or be in a public place when it is infected with mange, distemper, or other infectious disease, or is a bitch in season
- b. does not immediately pick up and remove **and/or dispose of their dog's faeces when** their dog defecates in any public place, or

on land or premises other than that **occupied by the dog's owner**

- c. allows their dog (except a working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 5.4.1.

## Appendix C: Current Animals Bylaw (2004)

Wellington Consolidated Bylaw 2008: Part 2 – Animals

### Contents

The *Wellington Consolidated Bylaw 2008: Part 2 - Animals*, gives legal powers to enforce the Dog Policy 2009 and determines requirements for the keeping of animals and bees to protect the public from nuisance, maintain and promote public health and safety and the welfare of animals.

This bylaw is made under Sections 145 and 146 of the Local Government Act 2002, Section 20 of the Dog Control Act 1996 and Section 64 of the Health Act 1956. The Animal Welfare Act 1999 should be read in conjunction with this bylaw.

### 1. Definitions

In this bylaw:

**Animal** has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, a bird or any other member of the animal kingdom which is declared from time to time by the Governor-General, by Order in Council, to be an animal.

**Authorised Officer** means any person appointed or authorised by the Council on its behalf.

**Beach exercise areas** - beach areas where dogs can exercise off-leash under the control of their owner.

**Beach areas restricted during summer** means areas where dogs are prohibited from 9am - 7pm every day in summer (during national Daylight Saving hours). These areas are classed as controlled public places where dogs can be on-

leash before 9am and after 7pm in summer and on-leash at all times in winter.

**Birds** include any domestic or wild birds, poultry, game, caged birds or birds kept for display. Poultry includes geese, ducks, turkeys, pigeons, pheasants, domestic fowls, chickens or roosters.

**Controlled public place** means any area where dogs are allowed as long as they are on-leash and under the control of their owner.

**Exercise area** means any area where dogs are allowed off-leash under the control of their owner.

**Exercise area (specified times)** means any area where dogs are allowed off-leash before 9am and after 7pm in summer (during national Daylight Saving hours) and off-leash at all times in winter.

**Leash** means a strap or chain attached to a collar or harness on the dog, sturdy enough to ensure that the dog is restrained and controlled by the person using the leash.

**Nuisance** refers to the dictionary definition (a person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists) or to a statutory nuisance as defined in Section 29 of the Health Act 1956.

**Prohibited public place** means any area where dogs are not allowed at any time on or off-leash.

**Prohibited place (specified times)** means any area where dogs are prohibited for a specified time.

**Rural area** means any area zoned 'rural' in any operative District Plan of Council and rural premises is any premises situated in the rural zone, open space zone or conservation zone under the operative District Plan.

**Stock** has the meaning as defined under the Dog Control Act 1996.

**The Act** means the Dog Control Act 1996 and its subsequent amendments.

**Urban area** means any area which is not a rural area.

## **2. Activities that require Council permission**

**2.1** The process to grant Council permission for anyone to carry out the activities set out below is outlined in Part 1 (Introduction) of the Wellington Consolidated Bylaw 2008. Council permission may be granted subject to any conditions the Council sees fit.

**2.2** The following activities will require Council's prior written permission.

### **2.2.1** Animal establishments

Establishing or maintaining any animal boarding establishment.

Establishing or maintaining a pet shop, animal hospital, or refuge centre for the keeping, selling or treating of animals that also operates a business as a boarding establishment.

### **2.2.2** Keeping goats

Anyone keeping goats within the district (including the rural area).

### **2.2.3** Keeping more than three dogs

An owner or occupier of any premises (other than rural premises) keeping more than three dogs in total on a property. Permission will be required for more than three dogs over the age of three months, whether or not the dogs are registered or the owner/occupier is the registered owner of the dogs.

In assessing an application under clause 2.2.3 the Council will consider the impact granting Council permission will have on the amenities of the neighbourhood. Council's permission may be subject to any terms, conditions and restrictions, including:

- a. limiting the number of dogs that may remain or be kept on the premises at any one time

- b. limiting the duration of Council's permission
- c. restrictions as to the purpose for which the dogs are to be kept
- d. provision for the dogs' hygiene, control, confinement and regular inspection
- e. provision for the protection of other persons or property from being affected in any way by the dogs.

## **3. Other activities**

### **3.1 General conditions of keeping animals**

**3.1.1** All animals and/or bees shall be kept in a manner that is not or is not likely to become a nuisance, dangerous, offensive, or injurious to health.

**3.1.2** All animals shall be kept in a manner that ensures they have access to sufficient food, water, shelter and, where appropriate, adequate exercise.

**3.1.3** All goats kept within the district must be kept confined within their owner's property and must display (whether by a tag or otherwise) the number provided by the Council when Council permission is granted under clause 2.2.2, so that the owner can be identified.

**3.1.4** All animals, other than domestic/owned cats, found at large and not within their owner's property may be seized and impounded by an authorised officer.

**3.1.5** The Council may sell, re-home or otherwise dispose of, any animal seized and impounded under clause 3.1.4 that has not been claimed or returned within 7 days after it was seized and impounded.

### **3.2 Feeding animals**

**3.2.1** Feeding of animals can attract rats or other vermin or cause excessive fouling to public places. Where restrictions are required for specific areas, they will be clearly signposted. Animals must not be fed in these signposted areas.

### **3.3 Dog nuisances**



**3.3.1** If, in the opinion of an authorised officer, any dog or the keeping of any dog on any premises has become, or is likely to become, a nuisance, injurious or hazardous to health, property, or safety, the officer may require the owner by written notice to:

- a. reduce the number of dogs kept on the premises
- b. construct, alter, reconstruct or otherwise improve the kennels, fences or other buildings used to house or contain the dog
- c. take such action as the Officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health, property or safety.

**3.3.2** The owner must comply with any notice issued under clause 3.3.1 within the time specified in the notice.

### 3.4 Dog areas

**3.4.1** The Council may, by publicly notified resolution, declare any additional public place to be one of the following classifications and may impose prohibitions and restrictions in respect of that area:

- a. Controlled public place
- b. Exercise area
- c. Exercise area (specified times)
- d. Beach exercise area
- e. Beach area (restricted during summer)
- f. Prohibited public place
- g. Prohibited place (specified times)

A list of areas that are currently classified is included in Appendix A.

**3.4.2** Dogs entering and remaining in *Controlled public places* must be on-leash and under the control of their owner at all times.

**3.4.3** Dogs are permitted to enter any cemetery controlled by Council, provided that:

- a. This Part of the Bylaw is complied with; and
- b. No dog is permitted to enter any cemetery controlled by Council unless it is under the control of its owner and on-leash at all times.

This clause is made pursuant to the Burial and Cremation Act 1964.

**3.4.4** The owner of any dog will ensure their dog does not enter a *Prohibited public place* or a *Prohibited place (specified times)* contrary to any prohibition or restriction imposed by the Council under clause 3.4.1.

**3.4.5** Despite any restrictions imposed under clause 3.4.1 any working dog that is working at the time may enter a *Controlled public place* without a leash if required and a *Prohibited public place* or a *Prohibited place (specified times)*.

**3.4.6** The owner of any dog may keep their dog off-leash in any *Exercise area, Exercise area (specified times)* or *Beach exercise area* during the times specified in the resolution under clause 3.4.1.

**3.4.7** The owner of any authorised disability assist dog may keep their dog off-leash in a *Controlled public place, Prohibited public place* or a *Prohibited place (specified times)* declared under clause 3.4.1.

### 4. Offences

**4.1** Everyone commits an offence who:

- a. keeps animals and/or bees in a manner that is, or is likely to become a nuisance, dangerous, offensive, or injurious to health.
- b. being the owner or having the care, custody, or control of any animal, does not confine it adequately to prevent it from straying on to any road; trespassing on any land or reaching into or over any residential property or public land.
- c. injures any animal on any road and fails to render assistance.
- d. kills any animal on any road and allows it to remain on the road.
- e. buries any animal carcass anywhere in the district in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.

**4.2** Every dog owner or person in control of the dog at the time commits an offence who:

- a. allows their dog to enter or be in a public place when it is infected with mange,

distemper, or other infectious disease, or it is a bitch in season.

- b. does not immediately pick up and remove and/or dispose of their dog's faeces when it defecates in any public place, or on land or premises other than that occupied by the dog's owner.
- c. allows their dog (except a working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 3.4.1.



