

APPENDIX 2

Wellington Consolidated Bylaw 2008: Part 2 - Animals

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.

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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

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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 the 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 seven 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

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- 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 of the Dog Policy 2009.

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 the Council, provided that:

- a) This Part of the Bylaw is complied with, and
 - b) No dog is permitted to enter any cemetery controlled by the 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.

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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.

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APPENDIX A: CLASSIFIED PUBLIC PLACES LISTS OF CONTROLLED PUBLIC PLACES, PROHIBITED PUBLIC PLACES & EXERCISE AREAS

1. CONTROLLED PUBLIC PLACES

All public places in Wellington City are classed as controlled public places where dogs are allowed on-leash under the control of their owner, except for public places classified as:

- **Exercise areas** – dogs can exercise and socialise off-leash.
- **Exercise area (specified times)** – dogs are allowed off-leash in these areas for the times specified.
- **Beach exercise areas** – beach areas where dogs can exercise off-leash
- **Beach area (restricted during summer)** – dogs are prohibited from these areas from 9am – 7pm every day during national Daylight Savings 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.
- **Prohibited public place** – dogs are not allowed in these areas at any time
- **Prohibited place (specified times)** – dogs are prohibited in these areas during the times specified.

Dogs must be under the control of their owners in all public places on and off-leash.

2. PROHIBITED PUBLIC PLACES

The following areas are classified as *Prohibited Public Places* - dogs are prohibited from these public places at all times.

	Prohibited place	Location
1	Wellington Zoo	
2	Karori Wildlife Sanctuary	
3	Wellington International Airport	
4	Areas of Children's Play Equipment	
5	Sportsfields	
6	Freyberg Beach	
7	Oriental Bay Beach	
8	Scorching Bay Beach	
9	Princess Bay Beach	
10	Palmer Head	Wahine Park (penguin nests) to Tarakena Bay
11	Tarakena Bay Beach	To Moa Pt including Hue Te Taka - boat launching ramp

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		and protected area
12	Lyall Bay Beach	From the steps in the seawall, opposite no. 30 Lyall Parade (200 metres from the eastern side of the children's playground) to the western end of the beach.
13	Island Bay Beach	Pier to eastern end of beach
14	Waitangi Park	Dogs are not allowed on the grass-area of Waitangi Park. Dog owners can take their dog(s) on-leash on the outside of the park.

3. PROHIBITED PLACE – (SPECIFIED TIMES)

The following areas are classed as *Prohibited Place (specified times)* where dogs are prohibited during the times specified.

	Prohibited place	Location
1	Arthur Carman Park Prohibited: 1 February to 31 October Exercise area: 1 November to 31 Jan	Collins Ave, Linden
2	Kaiwharawhara Park Prohibited 1 February to 31 October Exercise area: 1 November to 31 Jan	Hutt Rd, Kaiwharawhara
3	Seal Colony Restrictions Sinclair Head and South Coast 'Haul Out' areas Prohibited: 1 May to 31 August Controlled: dogs allowed on-leash rest of year	The area of Sinclair Head and seal 'haul out' areas along the South Coast shall be classed as a Prohibited Public Place 1 May to 31 August each year.
5	Central City Restriction Dog owners can move through the central city but not stop in the CBD.	The area of the central city (defined on Map 1 in Appendix B) is classed as a restricted area. Dog owners are allowed to move through the central city with their dog on-leash to travel to or from the waterfront, however they cannot stop in the central city.
6	Beach areas restricted during summer Prohibited: between 9am and 7pm every day during national 'Daylight Savings' hours Controlled: dogs allowed on-leash before 9am and after 7pm and on-leash at all times during winter.	The following beach areas are classed as prohibited public places between 9am and 7pm every day during national 'Daylight Savings' hours: <ul style="list-style-type: none"> ▪ Balaena Bay beach ▪ Hataitai Bay beach ▪ Island Bay beach (from the pier to the western end of the beach) ▪ Seatoun beach (including Churchill Park) <p>These areas are classed as controlled public places where dogs can be on-leash before 9am and after 7pm in summer and at all times in winter.</p>

4. EXERCISE AREAS

The following areas are classed as exercise areas where dogs can be off-leash but must be under control of their owner at all times.

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Exercise Areas		Locations
1.	Duncan Park	Linden Avenue, Tawa – area between stream and Nathan Street
2.	Grasslees Reserve	Main Road, Tawa – western side of stream to Main Road
3.	Taylor Park	Taylor Terrace, Tawa – southern area of park behind badminton hall
4.	Willowbank Park	Main Road, Tawa – area north of scout hall and area on eastern side of stream
5.	Churton Park	Halswater Drive, Churton Park – southern side of Halswater Drive up to sports field area
6.	Edward Wilson Park	Churton Drive, Churton Park – hill slopes to Middleton Road
7.	Seton Nossiter Park	Mark Avenue, Paparangi/Newlands – valley floor, not including the Mark Avenue access path, up to the stream crossing adjacent to the Paparangi School boundary and the titoki grove
8.	Spennmoor Street Park	Spennmoor Street, Newlands
9.	Waihinahina Park in Memory of Dennis Duggan	Ladbroke Drive, Newlands - large flat area to the south on right-hand side of car park
10.	Meekwood Reserve	Ohariu Road, Johnsonville – Ohariu Road side of reserve up to crest of hill
11.	Flinders Park	Flinders Place, Johnsonville – area to south of carpark
12.	Cashmere Park	Onslow Road, Khandallah
13.	Silverstream Road Reserve	Silverstream Road, Crofton Downs – part of Huntleigh Park, area south of play area
14.	Cummings Park	Ottawa Road, Ngaio – area to east of stream in central part of reserve
15.	Chelmsford Reserve	Chelmsford Street, Ngaio
16.	Trelissick Park	Kaiwharawhara Road (bottom of Ngaio Gorge) to Waikowhai Street (by Crofton Downs Railway Station), Ngaio
17.	Odell Reserve	Punjab St, Khandallah – area up to reservoir
18.	Izard Park	Wilton Rd, Wilton – area north and east of play equipment
19.	Top of Te Ahumairangi (Tinakori Hill)	Weld Street, Wadestown – open areas along summit
20.	Te Ahumairangi (Tinakori) Slopes	Wadestown Road, Thorndon – hill slopes from summit to Wadestown Road
21.	Ian Galloway Park	Curtis St, Northland – bottom area adjacent to BMX track and skateboard ramp
22.	Karori Park	Karori Road, Karori – area north of sports fields
23.	Monaghan Rd Reserve	Monaghan Road, Karori
24.	Wrights Hill	Wrights Hill Road, Karori – parade ground area
25.	The Terrace	The Terrace behind numbers 230-242, grassed area above motorway entrance to Terrace Tunnel
26.	Mitchelltown School Site	Holloway Road, Aro Valley – area above Holloway Road/Aro Street
27.	Ohiro Park (aka Tanera Park)	Ohiro Road, Brooklyn – open area on ridge
28.	Kowhai Park	Mitchell Street, Brooklyn
29.	Charles Plimmer Park	Palliser Road/Majoribanks Street, Mt Victoria – area above petanque to Palliser Rd entrance
30.	Ellice Street Quarry	Ellice Street, Mt Victoria
31.	Lower portion of Treasure Island/Kainui Reserve	Evans Bay Parade, Hataitai

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	(land opposite Cog Park)	
32.	Hataitai Park	Ruahine Street/Alexandra Road Hataitai – open area along Ruahine Street from badminton hall to park entrance. Open area from Alexandra Road to behind badminton hall
33.	Vice Regal North	Coromandel Street
34.	Alexandra Road West	Alexandra Road
35.	Liardet & Balfour Street Corner	Liardet Street, Vogeltown – open area on west side of Liardet St
36.	Macalister Park	Adelaide Road, Berhampore – area south of sports field area
37.	Owen Street	Lower terrace on southern end of Owen Street
38.	Newtown Park	Russell Terrace – pine plantation at top end of Newtown Park
39.	Mt Albert	Mt Albert Rd, Melrose – hill areas behind hockey stadium and Chinese Sports and Cultural Centre
40.	Sinclair Park	Houghton Valley Rd, Melrose – terraced areas in park down from Houghton Valley School excluding bottom field
41.	Tawa Tawa Reserve (Preston's Gully)	Murchison Road, Happy Valley
42.	Dorrie Leslie Park	Queens Drive, Lyall Bay – open space along coast north from Arthurs Nose to residential area
43.	Bann Street	Orchy Crescent/Bann Street, Island Bay - Hill top between Orchy Crescent and Bann Street
44.	Reef Street	Reef Street/The Esplanade, Island Bay – corner opposite Shorland Park
45.	Maupuia Walkway (Old Prison Road)	Maupuia Road/Akaroa Drive, Maupuia - open walkway accessed from Maupuia Rd and Akaroa Dr
46.	Ataturk Memorial	Eastern Walkway, grass valley on left arm of walkway heading north from the Memorial
47.	Worser Bay/Awa Road intersection	Awa Rd, Seatoun – corner of Awa Rd and Marine Parade opposite Worser Bay beach
48.	Tukanae Street Reserve	Tukanae Street, Strathmore – reserve accessed from Tukanae Street
49.	Cliff Gaskin Reserve	Makara Road, Makara Village

EXERCISE AREAS (SPECIFIED TIME)

	Exercise Areas	Location	Specified Time
1	Worser Bay Beach	Entire Beach	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.
2	Arthur Carman Park	Collins Ave, Linden	1 November to 31 January only Prohibited the rest of the year
3	Kaiwharawhara Park	Hutt Rd, Kaiwharawhara	1 November to 31 January only Prohibited the rest of the year

BEACH AREAS RESTRICTED DURING SUMMER

Dogs are prohibited from these areas from 9am – 7pm every day during national Daylight Savings 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.

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	Prohibited place	Location
1	Balaena Bay Beach	
2	Hataitai Bay Beach	
3	Island Bay Beach	From the pier to the western end of the beach
4	Seatoun Beach	Including Churchill Park

