



Dog Control Bylaw 2022

Our people, our Islands, our future



chatham islands council

Chatham Islands Council Dog Control Bylaw 2022

Pursuant to the Dog Control Act 1996 and the Local Government Act 2002, the Chatham Islands Council makes this bylaw.

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History of Changes

History	Version	Council Adoption	Description
1/1/2017	1.0	31/12/2016	Initial Bylaw
1/6/2022	2.01	04/08/2022	Reviewed

1. Title and Commencement Date

This bylaw is the Chatham Islands Council Dog Control Bylaw 2022.
This bylaw comes into force on 4 August 2022.

2. Purpose

The purpose of this bylaw is:

- (1) to balance the recreational needs of dogs and their owners with appropriate controls to minimise the potential for harm, distress or nuisance that may be caused by dogs;
- (2) to regulate dog-related matters to enable the enforcement of the Chatham Islands Council Dog Control Policy 2022.

3. Objectives

The objectives of this bylaw are:

- (1) to promote the responsible management of dogs in public places;
- (2) to provide for the recreational needs of dogs;
- (3) to minimise the potential for dogs to cause harm, distress or nuisance in the community and to other animals and wildlife.

4. Interpretation

- (1) This bylaw should be read in conjunction with the Chatham Islands Council Dog Control Policy 2022.
- (2) Text in this bylaw that is in black italics (*italics*) is not part of the bylaw, but is an explanatory note for clarity.
- (3) In this bylaw, unless the context otherwise requires:

COUNCIL	means the Chatham Islands Council
DISABILITY ASSIST DOG	<p>has the same meaning as section 2 of the Dog Control Act 1996.</p> <p><i>Explanatory note: It generally means any docertified to assist someone with a visual, hearing, mobility or other disability.</i></p>
DOG EXERCISE AREA	means an area that is recommended and known to be a good place to exercise dogs off-leash as specified in the Dog Control Policy 2017.
LEASH	means an adequate restraint, and may include a lead attached to a collar or harness, that allows for the control of a dog.
LEASHED AREA	means any public place specified in clause 6.2 of the Chatham Islands Council Dog Control Policy 2022
NUISANCE	means anything which interferes with or threatens the health or enjoyment of people, and in this context may involve things such as barking, causing distress via intimidating behaviour (such as aggressive barking or rushing), or attacking people, wildlife or other animals
OWNER	<p>has the same meaning as in section 2 of the Dog Control Act 1996</p> <p><i>Explanatory note: This generally means the person who owns a dog, the parent or guardian of someone who is under the age of 16 who owns a dog, or a person who is in control of a dog and is responsible for it.</i></p>
PROHIBITED AREA	means any public place specified in clause 6.1 of the Chatham Islands Council Dog Control Policy 2022
PUBLIC PLACE	<p>has the same meaning as in section 2 of the Dog Control Act 1996</p> <p><i>Explanatory note: This generally means a place that is open to the public whether vor not it is private property.</i></p>
ROAD	<p>has the same meaning as in section 315 of the Local Government Act 1974</p> <p><i>Explanatory note: This definition excludes:</i></p> <ul style="list-style-type: none"> • <i>Unformed legal roads</i> • <i>Beaches;</i> • <i>Any driveway located on private land.</i>

SHORT LEASH	<p>means a leash that is no longer than 1.5 metres, and if extendable, is locked at a length of no longer than 1.5 metres.</p> <p><i>Explanatory note: This applies in an area that specifies the use of a short leash only.</i></p>
SUMMER BEACH	<p>means beaches or sections of coastline specified section 6 of the</p>
PROHIBITION AREA	<p>Chatham Islands Council Dog Control Policy 2022.</p>
UNDER EFFECTIVE CONTROL	<p>means control as specified in clause 3.1 of the Chatham Islands Council Dog Control Policy 2022</p> <p><i>Explanatory note: Having your dog under effective control means you can see the dog or are aware of what the dog is doing, and are close enough to prevent issues arising or quickly bring the dog to heel.</i></p>
WORKING DOG	<p>means dogs defined section 4.1 of the Chatham Islands Council Dog Control Policy 2022</p> <p><i>Explanatory note: This generally means any dog carrying out functions and duties</i></p> <ul style="list-style-type: none"> • <i>relating to farming, such as the herding of stock;</i> • <i>under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management, emergency management or conservation;</i> • <i>under the direction of a private security guard in the execution of their duties</i>

5. Control Of Dogs In All Public Places And At All Times

Areas affected are referred to in section 6 of the Chatham Islands Dog Control Policy

(1) Every dog owner or person in charge of a dog must keep their dog under effective control in all public places and at all times.

(2) Every dog owner or person in charge of a dog must carry a container/receptacle or other effective means to remove and dispose of any fouling (dog faeces) when in public places with their dog.

(3) Every dog owner or person in charge of a dog must remove and appropriately dispose of any fouling (dog faeces) produced by their dog in public places or on land that is not their own land.

Explanatory note: The Dog Control Act 1996 also requires the owner or person in charge of a dog to carry a leash when taking their dog into public places, whether or not it is a Leashed Area. This requirement does not apply to working dogs in public places.

6. Exceptions To Leashed And Prohibited Dog Control Areas

(1) Nothing in this bylaw restricting access to any public place applies to disability assist dogs, or.

(2) To a working dog that is under the effective control of its owner or handler while that dog is being worked or while it is being taken to and from its work, or

(3) Nothing in this bylaw restricting access to any public place applies to any dog that is being worked as a hunting dog by a person undertaking legal hunting activities

7. Special Dog Control Areas

Dog Exercise Areas are listed in schedule 3 of the Chatham Islands Council Dog Control Policy 2022. Conditions of dog exercise areas:

(1) No dog owner or person in charge of a dog may leave a dog unattended at a Dog Exercise Area.

(2) Every dog owner or person in charge of a dog at a Dog Exercise Area must comply with the obligations set out in clause 5 of this bylaw.

8. Bitch (Female) Dogs In Season

Managing dogs in season are referred to in section 7.2 of the Chatham Islands Council Dog Control Policy 2017.

Every dog owner or person in charge of a dog, where that dog is a bitch in

(1) confined while it is in season; and

(2) limit the dog's movements; and

(3) confined in such a way so as to minimise the impact on other dogs; and.

(4) transport of a bitch in season should be minimised, and any transport should be undertaken securely and in such a way so as to minimise the impact on other dogs.

Explanatory note: The hormones released by a bitch is in season can be detected over long distances. Bitch's in season must be securely confined on private property

(ideally away from boundary fences) and cannot be exercised as normal in public places, or transported unnecessarily. Transport should be limited to veterinary or breeding-related travel. This only applies to bitch's that have not been de-sexed..

9. Dogs On Vehicles

(1) Every dog owner or person in charge of a dog where the dog is on the open tray of a vehicle (such as a utility or truck), in a public place, must ensure the dog is secured by a leash that is sufficiently short in length to prevent any part of the dog from protruding beyond the tray.

(2) Subclause (1) does not apply to a working dog that is being worked whilst on the open tray of a vehicle.

10. Animal Welfare

(1) No person shall keep any dog under conditions which are offensive or likely to be injurious to the health of the dog.

(2) Any owner or person having control or charge of any diseased dog shall confine that dog to that person's property at all times unless the dog is being taken to a place of treatment.

(3) No person shall tease, provoke or otherwise mistreat any dog in such a way that would cause, or may cause, that dog to become aggressive, unmanageable or a nuisance.

11. Offence and Penalty

(1) Every person who fails to comply with this bylaw commits an infringement offence under Schedule 1 of the Dog Control Act 1996 and may be served with an infringement notice and be liable to pay an infringement fee.

(2) Every person who fails to comply with this bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable, on conviction, to the penalty prescribed by section 242(4) of the Local Government Act 2002.

For the purpose of clarity, many matters not covered by this bylaw are already covered by the Dog Control Act 1996, and breaches of those matters can result in the issuing of infringement notices (otherwise known as instant fines).

The amounts for these infringements range from \$100 to \$750 and are set out in the Act.

11. Revocations

This bylaw revokes and replaces the Chatham Islands Council Dog Control Bylaw 2017.

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