

Kapiti Coast District Council

Dog Control Bylaw 2019

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1. TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This bylaw may be cited as the Kapiti Coast District Council Dog Control Bylaw 2019 and shall come into force on 14 March 2019.
- 1.2 This bylaw applies to any part of the Kapiti Coast District, excluding any land for the time being included in:
- (a) A controlled dog area or open dog area under Section 262S of the Conservation Act 1987;
 - (b) A National Park constituted under the National Parks Act 1980;
 - (c) Waikanae Scientific Reserve which is land owned and managed by the Department of Conservation; and
 - (d) Queen Elizabeth Park which is land managed by Greater Wellington Regional Council.
- 1.3 This bylaw replaces the Kapiti Coast District Council Dog Control Bylaw 2008.

2. DOG CONTROL BYLAW VALIDATION

- 2.1 The Kapiti Coast District Council Dog Control Bylaw 2019 was approved at a meeting of the Kapiti Coast District Council held on 14 March 2019 after completion of the special consultative procedure.
- 2.2 Technical amendments to this Bylaw were approved at a meeting of the Kapiti Coast District Council on 23 February 2023.

Bylaw Review

Bylaw adopted by Council	14 March 2019
Bylaw came into effect	14 March 2019
Reviewed (Technical)	January-February 2023
Technical amendments approved by Council	23 February 2023
Amendments take effect	23 February 2023
Review due date	14 March 2029

- 2.3 The Common Seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on 14 March 2019, and following technical amendments, pursuant to a resolution of Council on 23 February 2023, in the presence of:



Janet Holborow
Mayor



Darren Edwards
Chief Executive Officer



Councillor Handford



3. OBJECTIVE

- 3.1 The purpose of this bylaw is to promote better care and control of dogs on the Kapiti Coast by supporting the objectives of the Kapiti Coast District Council Dog Control Policy and complying with national dog control legislation, in particular Section 20 of the Dog Control Act 1996 and the Impounding Act 1955.
- 3.2 This bylaw is made pursuant to Section 145(a) and (b) of the Local Government Act 2002 and Section 20 of the Dog Control Act 1996.
- 3.3 Nothing in this bylaw shall derogate from any provision of, or the necessity for compliance with:
- (a) Dog Control Act 1996 or any Act passed in amendment or substitution thereof;
 - (b) Impounding Act 1955 or any Act passed in amendment or substitution thereof;
 - (c) Any other relevant Acts or Acts passed in amendment or substitution thereof;

- (d) Any other relevant bylaws or District Plan requirements; and
- (e) Any other requirements imposed by either the Wellington Regional Council or Department of Conservation.

4. INTERPRETATION

4.1 In this bylaw, the following terms are used:

ACCESS CORRIDOR	Dog access corridors that allow access through or around otherwise no dog areas. These corridors remain dog on-leash areas at all times.
ANIMAL MANAGEMENT OFFICER	An officer appointed under section 11 of the Dog Control Act 1996. (Also known as a Dog Control Officer.)
AUTHORISED OFFICER	Means any person authorised by the Council to carry out any of the duties provided for under this bylaw or any Council bylaw; and (a) Includes any council enforcement officer; and (b) Includes any agent licensed by Council to carry out a duty or operate a public place on Council's behalf.
APPROVED OWNER	An owner who meets the requirements of approved ownership set out in the Kapiti Coast District Council Dog Policy.
BEACH	Any area along the Kapiti Coast which can reasonably be considered part of the beach environment including the foreshore, dunes, river mouths, coastal vegetation, coastal protective works, and any other areas of sand, surf, pebbles, shells or shingles under Council regulatory control.
CHILDREN'S PLAYGROUND	An outdoor recreation area for children, usually equipped with swings, slides, seesaws and other play equipment.

CONTINUOUS CONTROL / ON-LEASH	A dog is kept under continuous leash or lead control by its owner. (Refer below for the definitions of owner and leash.)
CONTINUOUS CONTROL / OFF-LEASH	Refer below for the definition of 'direct control of a dog off-leash'.
COUNCIL	Means the Kapiti Coast District Council or any Committee, Community Board, or an officer authorised to exercise the authority of the Council.
CULTURALLY SIGNIFICANT SITE	Refer below to definition of 'sensitive site'.
DANGEROUS DOG	<p>Any dog classified by Council as dangerous because:</p> <ul style="list-style-type: none"> (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife. <p>(Section 31 of the Dog Control Act 1996)</p>
DISQUALIFIED OWNER	<p>Any owner classified as disqualified by Council because:</p> <ul style="list-style-type: none"> (a) the owner commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or

- (b) the owner is convicted of an offence (not being an infringement offence) against this Act; or
- (c) the owner is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

(Section 25 of the Dog Control Act 1996)

DISTRICT

Kapiti Coast District.

**DIRECT CONTROL OF A DOG
OFF-LEASH**

A dog is under direct control when it is in the owner's direct vision and range of voice at all times. The owner must be able to promptly place a leash on the dog should it pose a nuisance or cause distress to any other persons, stock, poultry, domestic animal or protected wildlife or at the request of an animal management officer. (Refer below for the definitions of owner and leash.)

DOG CONTROL ACT

Dog Control Act 1996 or any Act passed in amendment or substitution thereof including any regulations made under authority of the Act.

DOG EXERCISE AREA

An area designated for dogs that is not fully enclosed, but where dogs that are under direct control can play and socialise off lead. (Refer above for the definition of 'direct control of a dog off-leash'.)

DOG PARK

A dog park is a fully enclosed area for dogs to play and socialise with other dogs typically without a leash and under direct control. (Refer above for the definition of 'direct control of a dog off-leash'.)

DISEASED DOG	A dog infected with parvovirus, hepatitis or any other contagious disease.
DOG RANGER / HONORARY DOG RANGER	Officer appointed under section 12 of the Dog Control Act 1996
DUNES	The section of the beach lying generally above the high tide mark where mounds or ridges of sand formed by wind or water action exist. These dune areas can be covered or uncovered by vegetation.
FORESHORE	The land edging the sand, estuaries and rivers that are regularly submerged and exposed by the sea's tidal ebb and flow. That is, the area between the line of mean high water springs level and the mean low water springs level.
KAPITI COAST DISTRICT COUNCIL APPEALS HEARING COMMITTEE ("the Committee")	A subcommittee convened and constituted to hear objections to any dog classified as dangerous or menacing or any owner classified as probationary or disqualified under the provisions of the Dog Control Act 1996; and to consider exemptions under this bylaw (Note: the name of this committee applies to the 2016-2019 triennium and may change in the future).
LEASH OR LEAD	A leash or lead of appropriate length and material firmly attached to a correctly fitted dog collar or harness. For dogs on shared pathways the leash or lead should not be more than 2 metres in length, while in open park reserve and beach foreshore areas a longer recoil or extension leash or lead may be used but must have a locking mechanism and meet the requirement of "continuous control".
LICENCE	Means a licence, permit, registration, written consent or approval issued as per the requirements of any Act of Parliament, Council bylaw or policy.

LIVESTOCK/STOCK

Includes stock as defined in section 2 of the Dog Control Act 1996 and shall also include any live animal or bird that is kept within a fence or enclosure or is moved between fenced or enclosed spaces for domestic or farming purposes.

MEDICAL EXEMPTION

Where a dog has a medical condition then an exemption from the appropriate bylaw restrictions may be approved by the Kapiti Coast District Council Appeals Hearing Committee upon the production of a certificate from a registered veterinary surgeon. When a dog is granted such a medical exemption, the Committee may require the dog be subject to other conditions to ensure public safety is not jeopardised.

MENACING DOG

A menacing dog is one that may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

- (a) any observed or reported behaviour of the dog; or
- (b) any characteristics typically associated with the dog's breed or type.

(Section 33A of the Dog Control Act 1996)

MICROCHIPPED DOG

The owner of the dog must, for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner. (Refer to Section 36A of the Dog Control Act 1996.)

MUZZLE

A humane fastening or covering device which prevents a dog from biting but allows normal breathing and drinking.

NEUTERED DOG (de-sexed)	A neutered dog is one which has been castrated or spayed. It does not include a dog which has been vasectomised.
NO DOG AREA	An area in which dogs are not permitted at all times, unless otherwise specified or specifically exempted.
OFF-LEASH AREA	An area designated for dogs where they can play and socialise off-leash, while under direct voice and visual control at all times. These can be fully enclosed dog parks, or not fully enclosed dog exercise areas.
ON-LEASH AREA	An area in which dogs are permitted at all times, provided they are under continuous leash control. (Refer above for the definition of leash/lead.) (Some on-leash areas may have additional restrictions, where dogs must remain on formed pathways and walking tracks. Refer to the definition of on-leash restricted area.)
ON-LEASH RESTRICTED AREA	An area where dogs are permitted, provided they are under continuous leash control <u>and</u> remain on formed pathways and walking tracks. (Refer above for the definition of leash/lead.)
OTHER OWNER	A dog owner who is not an approved, disqualified or probationary owner.
OWNER	Every person who: <ul style="list-style-type: none"> (a) Owns the dog; or (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage,

or distress, or for the sole purpose of restoring a lost dog to its owner; or

(c) The parent or guardian of a person under the age of 16 years who:

i. Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

ii. Is a member of the parent or guardian's household living with and dependent of the parent or guardian.

(Section 2 of the Dog Control Act 1996)

PREMISES

Land and/or buildings occupied domestically or commercially.

PROBATIONARY OWNER

A probationary owner is one classified as such under Section 21 of the Dog Control Act 1996.

PUBLIC PLACE

Public place means:

(a) A place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and

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

RESERVE

Means any land under the management or control of Kapiti Coast District Council and set apart for any public purpose as described from time to time, in the Reserves Act 1977, including parks, gardens, recreation grounds, open spaces and foreshores but excluding sports grounds and sensitive sites.

RESTRICTED AREA	Refer above for the definition of an ‘on-leash restricted area’.
SENSITIVE SITE	An important habitat for wildlife (flora and fauna) vulnerable to harmful disturbance by dogs, or a culturally significant site that is vulnerable to harmful disturbance by dogs. ¹
SHARED PATHWAYS	A shared use path or mixed use path is a form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, cycling and horse riding.
SPORTS GROUNDS	<p>The total of all sports surfaces marked and defined as a sports ground, including individual playing fields/courts and those areas in between individual playing fields/courts. These sports surfaces can be:</p> <ul style="list-style-type: none"> (a) marked fields (e.g., fields used for soccer, cricket, rugby, or rugby league); (b) artificial turf (e.g., turf used for hockey); (c) courts (e.g., courts used for netball or tennis); (d) skateboard parks; or (e) track cycling facilities. <p>These areas are listed by Kapiti Coast District Council’s Parks and Open Spaces Team on the Council website.</p>
WORKING DOG	<p>Working dog means—</p> <ul style="list-style-type: none"> (a) any disability assist dog:

¹ The sensitive sites identified in this bylaw are specific to this bylaw and may differ from those in the District Plan.

(b) any dog—

- (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
- (ii) kept solely or principally for the purposes of herding or driving stock; or
- (iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
- (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - (a) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - (b) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil

Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or

(c) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

(v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Security Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

(vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

(c) Declared to be a working dog at the discretion of Council

(Section 2 of the Dog Control Act 1996)

5. DOG REGISTRATION

- 5.1 The owner shall comply with the provisions of the Kapiti Coast District Council Dog Control Bylaw 2019 and the Dog Control Act 1996.
- 5.2 Every person who owns a dog over the age of three (3) months must register the dog annually with the Kapiti Coast District Council by completing and submitting the prescribed form.
- 5.3 Where an owner of a dog is under the age of 16 years at the time of registration of the dog, the prescribed application form shall be completed by a parent or guardian in whose household the owner is living, and upon whom the owner is dependent.

6. CONTROL OF DOGS IN PUBLIC PLACES

General provisions:

- 6.1 An owner of a dog(s) must always carry an appropriate leash when walking their animal in any notified off-leash areas.
- 6.2 An owner of a dog(s) whilst walking in an off-leash area must keep the dog(s) under their direct control at all times.
- 6.3 The owner shall not allow any dog to enter onto any public place (not designated a dog off-leash area as stipulated in Schedule 3 or 4 of this Bylaw) and remain there without being under continuous leash control.
- 6.4 Any dog found in a public place (not designated a dog off-leash area as stipulated in Schedule 3 or 4 of this bylaw) while not being on a lead is considered to be uncontrolled and may be seized and impounded by any dog control officer, dog ranger, or honorary dog ranger.
- 6.5 The owner shall ensure that no dog is allowed to roam free or be at large on any private land or premises without the express or implied permission of the occupier or person in charge of the land or premises.
- 6.6 No owner shall cause or permit a diseased dog to enter any public place.

- 6.7 If a dog is impounded for wandering for the fourth time within any two-year period, the dog may be classified as menacing based on observed or reported behaviour in accordance with Section 33A(1)(b)(i) of the Dog Control Act.

Dog on-leash area:

- 6.8 Every dog shall be kept under continuous control / on-leash while that dog is in a dog on-leash area.

Dog off-leash area:

- 6.9 Dogs may be exercised off-leash in any area identified as a dog off-leash area in Schedules 3 and 4 of this bylaw, provided the dog is kept under direct control by the owner.

No dog area:

- 6.10 No owner shall cause or permit his/her dog(s) or any dog(s) within his/her charge to enter in or remain in any of the no dog areas as defined in Schedules 1 and 4 of this bylaw, except where
- (i) the dog is securely confined within a vehicle, or caged if on the open tray or deck of a vehicle, or
 - (ii) the Kapiti Coast District Council Parks and Recreation Manager or equivalent position has given permission.

Access corridors:

- 6.11 Access corridors are specifically provided to allow dogs and their owners access through otherwise no dog areas to dog on-leash or dog off-leash areas. Every dog shall be kept under continuous leash control while entering or remaining in any of the access corridors as described in Schedule 2 of this Bylaw.

Sensitive sites:

- 6.12 Dogs must be on-leash on all sensitive sites. It is an offence not to comply with this requirement.

Dogs on, in or behind vehicles:

- 6.13 No owner shall allow a dog or dogs to ride on the open tray or deck of a vehicle (as defined by the Land Transport Act 1998) unless such dog or dog(s) is/are kept under control by means of a chain or rope of sufficient short length to prevent the dog(s) from

leaving or falling from the vehicle. This part of the bylaw does not apply where the dog is properly confined within a secure cage or dog box on the rear of the vehicle.

- 6.14 No owner is to exercise a dog by running or walking it behind or beside a vehicle.

Exemptions:

- 6.15 Where it is appropriate, the restrictions set out in clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13 and 6.14 do not apply to:

- (a) Working dogs being actively used for this purpose; and
- (b) A dog classified as having a medical exemption.

7. DOG WELFARE

General provisions:

- 7.1 No person shall allow any dog to be kept in a manner that does not comply with the following minimum standards:

- (a) When contained or tethered, dogs must have constant access to water and dog food, appropriate to their needs, that is palatable to the dog, not harmful to health, and available in quantities sufficient to maintain vital bodily functions;
- (b) Dogs must not be contained or tethered in a way that causes them injury or distress, and any tether must be at least two meters in length;
- (c) Collars must fit comfortably without damaging the skin or restricting breathing;
- (d) Dogs must be provided with sheltered and dry sleeping quarters;
- (e) Measures must be taken to enable dogs to keep warm in cold weather, cool in warm weather, and safe in extreme weather or during a civil defence emergency;
- (f) Sleeping quarters must be large enough to allow the dog to stand up, turn around and lie down comfortably;
- (g) Dogs must be able to urinate and defecate away from the sleeping area;

- (h) Ventilation and shade must be provided in situations where dogs are likely to experience heat distress;
- (i) Faeces and urine must not be permitted to accumulate to such an extent that they pose a threat to the health or welfare of the dog and/or neighbouring properties;
- (j) Food and water containers must be kept clean of contamination that may pose a threat to the health or welfare of the dog;
- (k) Owners, or persons in charge of dogs, who observe their dogs to be showing:
 - (i) Signs of significant acute or chronic pain, suffering and distress;
 - (ii) Signs of rapidly deteriorating health; or
 - (iii) Serious injurymust seek immediate attention from a veterinarian or appropriately trained animal health practitioner;
- (l) If a dog is suffering from pain and distress that is extreme or untreatable, then the animal must be euthanised;
- (m) The coats of long-haired dogs must be groomed and/or clipped at a frequency that will prevent suffering and distress due to matting or infestation by parasites; and
- (n) Claws must be clipped when necessary to avoid penetration of the skin and/or foot pads.

7.2 No person or people sharing a property in any urban or rural area shall breed puppies for financial gain with little or no regard for health and welfare.²

Dog housing / kenneling outside:

7.3 Every dog owner must provide his or her dog with suitable housing or kenneling³ which:

² See the Kapiti Coast District Council Dog Control Policy 2019 for information on permits for breeders.

³ Outdoor kenneling is not required if the dog primarily lives inside. If the dog is left outside for periods of time, the dog must be able to access suitable housing, either inside or out.

- (a) Is situated in a position not closer than 5 metres to any adjoining land in rural zoned areas; not closer than 3 metres from the adjoining boundary in all other zones; or not closer than 1 metre where a lesser distance is agreed to by the neighbouring property owner, with the caveat that the permission for a lesser distance can be withdrawn at any time providing the neighbour can show the dog/s are committing a nuisance or when a new neighbour moves in;
- (b) In the case of a kennel without other means of containment, be provided with a fixed chain which allows the dog free movement about the kennel;
- (c) Is of weatherproof material, is constructed on dry ground, and has a floor which allows for easy cleaning; and
- (d) Is of a floor area sufficient to allow reasonable movement and space to turn around, and of sufficient height so that the dogs may stand freely, and is generally consistent with the recommended minimum standard kennel sizes set out in Table 1 below:

Table 1: Recommended minimum kennel sizes		
Size of dog	Kennel only	Kennel plus run
Small (less than 7kg)	900mm x 700mm	500mm x 500mm plus 600mm x 1m
Medium (7kg-20kg)	1.2m x 800mm	600mm x 700mm plus 800mm x 1m
Large (21kg-40kg)	1m x 1.5m	800mm x 800mm plus 1m x 800mm
Extra Large (40kg +)	1m x 2m	1.2m x 1.2m plus 1.2m x 2.4m

Source: National Animal Welfare Advisory Committee. 2010. *Animal Welfare (Dogs) Code of Welfare 2010*. Ministry for Primary Industries.

- 7.4 If Council considers that the keeping of dogs is such that clauses 7.1 or 7.2 are breached, Council may serve notice on the owner or occupier to take actions to require the conditions under which the dog is kept to be improved; so as to comply with clauses 7.1 and 7.2. The notice shall specify all corrective actions to be taken and, except in the case of ongoing actions, the time within which compliance must be achieved. Failure to comply with the notice is a breach of this bylaw and an infringement offence.

Diseased dogs:

- 7.5 Every dog owner must ensure that any dog known to be infected with Parvovirus, Distemper, Hepatitis or other contagious disease, is contained on his or her land or

premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

- 7.6 For every dog infected by a disease set out in clause 7.4 the owner must notify the Council immediately upon confirmation from a registered veterinarian.

Dogs in motor vehicles:

- 7.7 No owner shall keep or leave a dog or dogs in motor vehicles unless:
- (a) They can show that the dog(s) are confined within the vehicle so that it/they cannot cause danger or distress to any person or other animal; and
 - (b) Have access to water and adequate ventilation; and
 - (c) The dog or dogs are not left in circumstances that could lead to danger or discomfort to the animal.

8. PREVENTION OF PUBLIC NUISANCE

- 8.1 The owner of every dog shall take such steps as are necessary and reasonable to prevent it from being or becoming a nuisance or annoyance to residents in the neighbourhood by barking, howling or obstructing the lawful passage of persons in a public place; by rushing at and frightening, harassing or intimidating such persons; or by harassing native wildlife.
- 8.2 If in the opinion of an animal management officer the keeping of dogs on any premises has become or is likely to become a nuisance or injurious to health, the animal management officer may by notice require the owner or occupier of such premises to do all or any of the following:
- (a) reduce the number of dogs kept on the premises;
 - (b) construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;
 - (c) keep such dog or dogs tied up or otherwise confined during specified periods;

- (d) build appropriate fencing on the premises to keep such dogs restrained or otherwise confined; or
- (e) take such other action as the animal management officer deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health.

Dog faeces:

- 8.3 When a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner shall immediately remove the faeces and dispose of such faeces in a sanitary manner.
- 8.4 All dog owners are required when walking a dog in a public place to carry a bag or container or other receptacle for the use of removing dog faeces.
- 8.5 It is an offence not to pick up your dog's faeces or carry an appropriate bag or receptacle. If there is sufficient evidence based on a member of the public witnessing the event, Council may infringe under the Dog Control Act 1996.

9. LIMITATION ON THE NUMBER OF DOGS

- 9.1 No more than two (2) dogs of greater age than three (3) months shall be kept on or within any premises, other than in areas zoned rural in the Kapiti Coast District Plan, unless an application for the premises is made by the owner or occupier of the premises, and subsequently approved by an animal management officer and/or other authorised officer and a permit issued. The above limit of two dogs applies irrespective of the number of owners residing in, or using, the premises.
- 9.2 Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions, Council may cancel the permit. Any failure to comply shall be a breach of this bylaw.
- 9.3 In assessing every application for a permit, Council shall have regard to:
 - (a) The adequacy of the land or premises for keeping of additional dog(s) specified in the application, giving consideration to their size and breed;

- (b) The likely effects which keeping the additional dog(s) would have upon the surrounding neighbourhood;
 - (c) The likelihood of the dog(s) becoming a nuisance;
 - (d) Any previous complaints made to the Council about the owner or their dog(s);
 - (e) Whether there is adequate fencing;
 - (f) Whether there is dog-free access to the property;
 - (g) Any other matters considered relevant; and
 - (h) The views of neighbouring properties.
- 9.4 Every application for a permit must supply the information that Council requires to issue the permit and the applicant must pay the applicable fee prescribed by Council through the Annual Plan process.
- 9.5 The fee for such a permit shall be payable in addition to the registration fees payable under the Act.
- 9.6 Where there are more than two (2) dogs on any premises without a permit required by clause 9.1 of this bylaw, the animal management officer will by notice require the owner or occupier of such premises to apply for a permit within seven (7) days.
- 9.7 Where a permit application is declined, or the owner fails to lodge a permit application within seven (7) days of being notified of the requirement to do so, the animal management officer will by notice require the owner or occupier to reduce the number of dogs on the premises to no more than two (2) dogs within 14 days. Where that owner or occupier fails to comply with this notice, Council shall seize the number of dogs required to reduce the number of dogs on the premises to two.
- 9.8 Clauses 9.1-9.7 shall not apply to:
- (1) Working dogs in their normal working environment as long as such dogs are kept on such property for working purposes;

- (2) Guide, hearing or seeing-eye dogs as long as the dogs are kept on such premises for one or more of these specific reasons;
- (3) Dogs kept by the Police, the Customs Department, the Ministry of Defence or any officer or employee of any Department of State solely for the purposes of carrying out the functions, powers and duties of that specific organisation;
- (4) Dogs that are intermittently visiting the premises for a short period of time and are not causing a nuisance;
- (5) Any breeder of dogs who has a resource consent issued by Kapiti Coast District Council to conduct such a business within the Kapiti Coast District;
- (6) Veterinary premises;
- (7) Premises that have been set up for the specific purpose of caring for dogs and have a resource consent issued by Kapiti Coast District Council to conduct such a business within the Kapiti Coast District;
- (8) Facilities established under the authority of a Controller during a civil defence emergency; and
- (9) Facilities operated by an Approved Organisation under the Animal Welfare Act 1999.

10. BITCHES IN SEASON

- 10.1 The owner having possession or control of a bitch in season shall keep it confined on the owner's property whilst it is in that condition or otherwise suitably confine the dog except as specified in clauses 10.2 and 10.3.
- 10.2 A bitch in season shall receive adequate exercise for the duration of the season. If this cannot be achieved on the owner's property, then the bitch shall be exercised only under continuous control in dog on-leash areas.

- 10.3 When it is necessary to take the bitch in season from the owner's property, the bitch must be completely confined in a cage or vehicle while being transported to or from a secure location.

11. MENACING DOGS AND DANGEROUS DOGS

- 11.1 The owner of any dog classified as dangerous in accordance with Section 31 of the Dog Control Act 1996 must comply with the provisions set out in Section 32 of the Act. Similarly, the owner of any dog classified as menacing in accordance with Section 33A and/or 33C of the Dog Control Act 1996 must comply with the provisions set out in Section 33E of the Act.
- 11.2 Any dog residing in the Kapiti Coast District that has been classified as menacing will be required to be neutered within one (1) month after receipt of the notice of the classification.
- 11.3 If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, but moves to the Kapiti Coast District, it will be a requirement for the dog to be neutered within one (1) month of residing in the Kapiti Coast District.
- 11.4 Council shall grant an exemption to the requirement to be neutered where the owner provides a written declaration from a registered veterinarian that neutering the dog would be detrimental to its health.

12. FEES

- 12.1 Dog registration fees are reviewed and set on an annual basis in accordance with Section 37 of the Dog Control Act 1996. A summary of Kapiti Coast District Council dog fees is available on the Council website or by contacting the Council Call Centre.

13. DOG CONTROL ACT 1996

- 13.1 It is the responsibility of all dog owners to make themselves fully conversant with the Dog Control Act 1996 and any later amendments.

- 13.2 The Dog Control Act 1996 provides important information on the obligations of dog owners, the powers and duties of territorial authorities, the infringement process, and classifications of owners and dogs.
- 13.3 The Kapiti Coast District Council requires all dog owners to fully comply with the obligations defined in the Dog Control Act 1996, and will actively enforce any breaches.
- 13.4 Land under the jurisdiction of the Department of Conservation (DOC) is subject to the Dog Control Act 1996; however, access is determined by DOC. The Waikanae Estuary Scientific Reserve is subject to DOC's Waikanae Scientific Reserve Bylaw, which prohibits animals in the Estuary.
- 13.5 Queen Elizabeth Park is under the jurisdiction of the Greater Wellington Regional Council (GWRC) and GWRC determine access. Access rules for Queen Elizabeth Park can be found on GWRC's website.
- 13.6 The Kapiti Coast District Council has a limited role in accordance with the Dog Control Act 1996 to protect wildlife from uncontrolled dogs in respect of both the Waikanae Estuary Scientific Reserve and Queen Elizabeth Park.

14. SUMMARY OF OFFENCES

- 14.1 Every person who commits a breach of any of the provisions of this bylaw shall be liable on summary conviction to a fine not exceeding \$20,000 and/or be issued with an infringement notice in the range of \$100 to \$750.
- 14.2 The following infringements (see Table 2) are set by the Dog Control Act 1996. The Council has no discretion to alter these fees:

Table 2: Table of Infringement Offences		
Section	Brief Description of Offence	Infringement Fee
18	Wilful obstruction of Dog Control Officer or Ranger	\$750.00
19(2)	Failure or refusal to supply information or willfully stating false particulars	\$750.00
19A(2)	Failure to supply information or willfully providing false particulars about dog	\$750.00
20(5)	Failure to comply with any bylaw authorised by section 20 of the Act	\$300.00
24	Failure to comply with obligations of probationary owner	\$750.00
28(5)	Failure to comply with effects of disqualification	\$750.00
32(2)	Failure to comply with the effects of classification of dog as a dangerous dog	\$300.00
32(4)	Fraudulent sale or transfer of dangerous dog	\$500.00
33(F)	Failure to comply with effects of classification of dog as a menacing dog	\$300.00
36(A)	Failure to implant microchip transponder in dog	\$300.00
41	False statement relating to registration	\$750.00
41A	Falsely notifying death of dog	\$750.00
42	Keeping an unregistered dog	\$300.00
46(4)	Fraudulent attempt to procure replacement label or disc	\$500.00
48(3)	Failure to advise change of ownership	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal or swapping of labels or discs	\$500.00
52(A)	Failure to keep dog controlled or confined	\$200.00
53(1)	Failure to keep dog under proper control	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water and to provide adequate exercise.	\$300.00
54A	Failure to carry leash in public	\$100.00
55(7)	Failure to comply with barking dog abatement notice	\$300.00
72(2)	Releasing dog from custody	\$750.00

SCHEDULE ONE – NO DOG AREAS

1. Inland no dog areas

Dogs are not permitted in these zones at all times unless otherwise specified or unless specifically exempted (see section 6 of this bylaw).

- a) Maclean Park Recreation Reserve (dogs are allowed on-leash along the footpaths, as these are access corridors)
- b) Marine Gardens Recreation Reserve, Raumati
- c) All public swimming pools under Council control (Paraparaumu, Waikanae & Ōtaki), unless specified (i.e. Dogs in Togs) as per clause 6.10 of this bylaw
- d) Otaihanga Domain, unless specified (i.e. Paws in the Park) as per clause 6.10 of this bylaw. (Note: dogs are allowed on-leash along the footpaths, as these are access corridors.)
- e) Within 10 metres of all children's playgrounds
- f) All sports grounds under Council's control, unless an exemption has been provided for as per clause 6.10 of this bylaw
- g) Crown land and the adjacent beach and foreshore areas at the northern end of Kapiti Island
- h) The area known as Mataihuka Walkway in the Raumati Escarpment Reserve, east of old State Highway One in Paraparaumu, at all times
- i) All coastal dune areas except via sign posted beach access ways. (For access rules under Greater Wellington Regional Council control, refer to the Greater Wellington Regional Council website.)
- j) The Kapiti Expressway (not including the shared cycleways, walkways, and bridleways alongside the Expressway) and Transmission Gully motorway (Kapiti jurisdiction)

2. Beach no dog areas

See Schedule Four, section 1.1 for beach no dog areas in the summer from 10am to 7pm.

SCHEDULE TWO – DOG ON-LEASH AREAS

1. Inland dog on-leash areas

Dogs must be under continuous leash control at all times in dog on-leash areas.

- a) All commercial retail zones as described in the Kapiti Coast District Plan
- b) All recreational reserves within the District, except those specified in Schedules 1 or 3
- c) All public footpaths, streets and roads within the District (urban and rural). (Note: this includes the shared cycleways, walkways, and bridleways alongside the Kapiti Expressway.)
- d) All sensitive sites (see below)
- e) All cemeteries under Council control
- f) Native bush reserves, including but not limited to Wi Parata Reserve and Russell Reserve
- g) Walking tracks or signed marked areas in coastal dunes
- h) The western corner of Mazengarb Park from the central car park up to the boundary defined by the stream, extending through the reserve west along the drain up to the Mazengarb roundabout and the intersection on Guildford Drive
- i) Wharemauku Stream/Paraparaumu Airport walkway from Rimu Road through to Teoti Street, Paraparaumu Beach or Weka Park, Raumati Beach
- j) The stop bank track on the north side of the Ōtaki River from old State Highway 1 east to Chrystalls Bend
- k) The outside perimeter of all sports grounds at all times. (Note: this does not include the areas in between individual playing fields/courts.)
- l) The cross country area and pony club paddocks adjacent to Waikanae Park
- m) The Waikanae Riverbank Walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to Waikanae Estuary Scientific Reserve
- n) Kaitawa Reserve, Paraparaumu
- o) Edgewater Park, Waikanae

2. Sensitive sites

These sensitive sites remain dog on-leash areas at all times.

- a) Ames Street Reserve, Paekākāriki (including beach from Beach Road entrance to southern boundary)
- b) Waimanu Lagoons, Waikanae
- c) Waimeha Lagoon, Waikanae
- d) Waimeha Stream Estuary
- e) Pharazyn Reserve
- f) Barry Hadfield Nikau Scenic Reserve
- g) Te Kowhai Stream Estuary
- h) Mangaone Stream Estuary
- i) Ōtaki Estuary and River mouth⁴
- j) Waitohu Stream Estuary

3. Access corridors

Dog access corridors allow access through or around otherwise no dog areas. Where possible, dog owners have on-leash 'rite of passage' with their dogs through otherwise no-dog areas. These corridors remain dog on-leash areas at all times.

Some examples include, but are not limited to;

- a) The road going through Otaihanga Domain in order to access the Otaihanga footbridge and the walkway
- b) The footpath through Maclean Park
- c) Walking through Campbell Park, either from Wellington Road to the Parade or vice versa

4. Beach dog on-leash areas

See Schedule Four, sections 1.2 and 2.1 for beach dog on-leash areas in the summer and winter.

⁴ Unless Greater Wellington Regional Council has issued a permit for a specific activity.

SCHEDULE THREE – DOG OFF-LEASH AREAS

1. Inland dog off-leash areas

- a) The stop-bank track on the south side of the Ōtaki River from old State Highway One west to the locked gates opposite the Katihiku Marae. (Note: this track passes through property leased for grazing and dog owners are required to observe the dog on-leash area requirements in these areas.)
- b) The stop-bank track on the north side of the Ōtaki River from old State Highway One west to the Ōtaki Estuary.
- c) Ōtaki Dog Park, 79 Aotaki street, Ōtaki
- d) The equestrian showground adjacent to Waikanae Park, when an organised event is not held
- e) The river bank walkway on the south side of the Waikanae River from the Otaihanga Domain to old State Highway One
- f) The river bank walkway on the north side of the Waikanae River from the western edge of Jim Cooke Park to old State Highway One, excluding Edgewater Park (which is a dog on-leash area)
- g) Wesley Knight Park, Paraparaumu Beach
- h) Eatwell Avenue Reserve, Paraparaumu Beach, via the main access off Gray Avenue. This Reserve reverts to a dog on-leash area when an organised event is being held in this space.
- i) The western corner of Weka Park, Raumati Beach (Alexander Road entrance), between 9am and 3pm from Monday to Friday (at all other times the Park is a dog on-leash area).
- j) Kapiti Coast District Council's Greenaway Road Dog Park at Pukekawa Reserve (Greenaway Road, Waikanae).
- k) The flat flood prone area owned by Greater Wellington Regional Council at Pukekawa Reserve.

2. Beach dog off-leash areas

See Schedule Four, sections 1.3 and 2.2 for beach dog off-leash areas during summer and winter.

SCHEDULE FOUR - BEACH AREAS

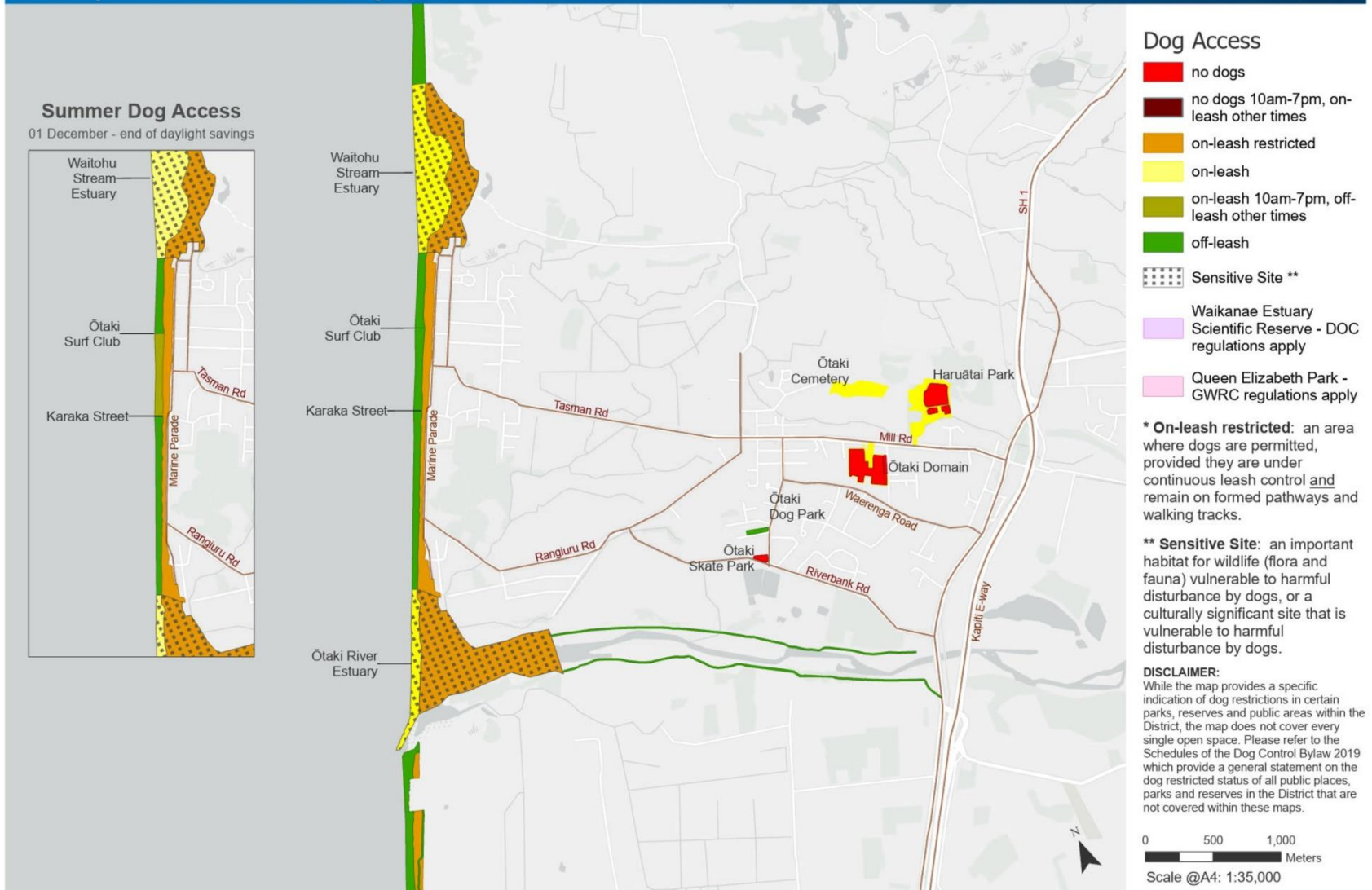
1. Summer Beach Dog Areas by day (10am-7pm) (See Maps 1-6)

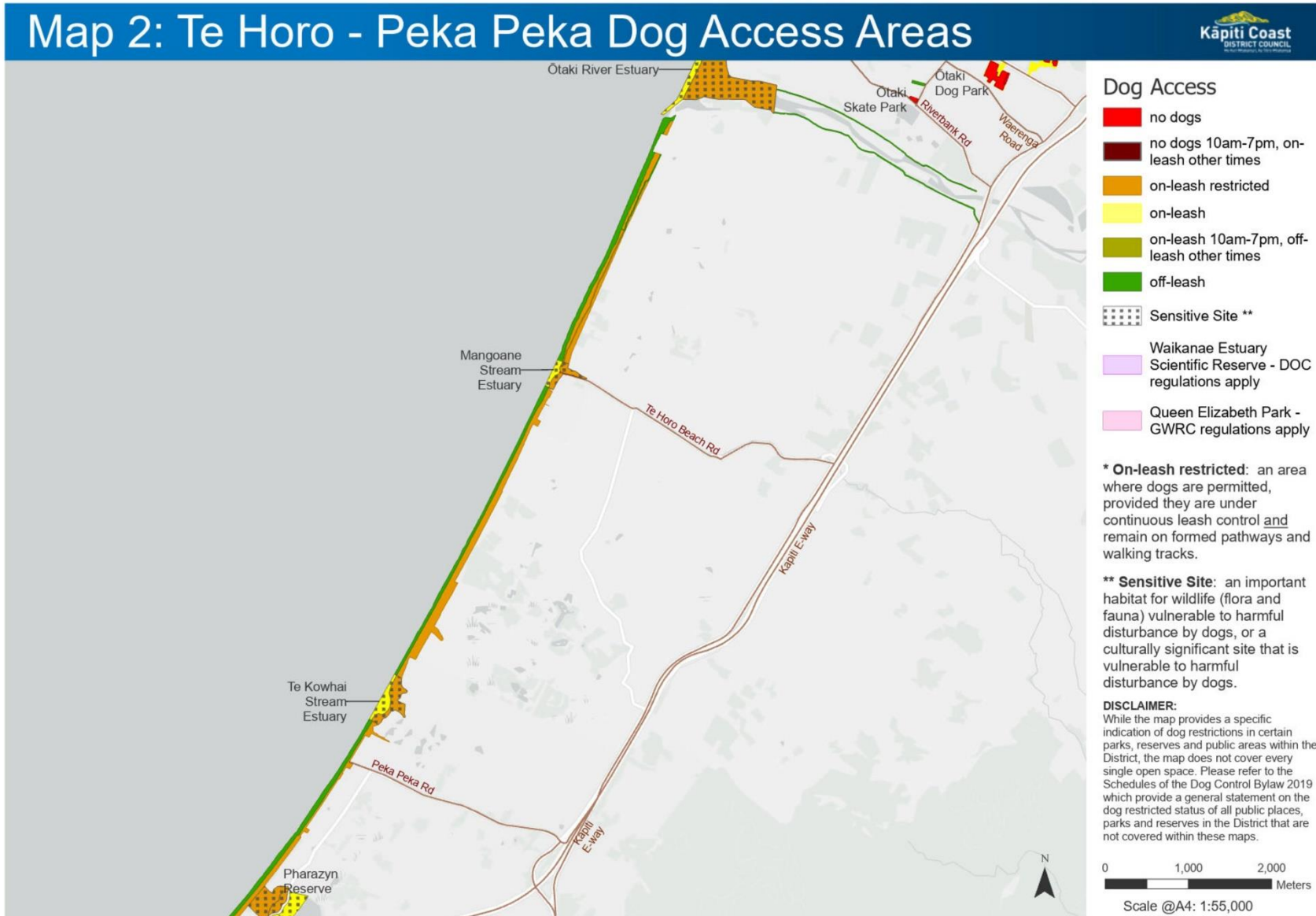
- 1.1 Between 10am – 7pm from 01 December to the end of daylight savings, the following beach foreshore areas are **no dog areas**:
- a. Takitimu Road, Raumati Beach to the Wharemauku Stream, Raumati Beach
 - b. Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
 - c. Waikanae Boating Club to the beginning of the Waimeha Stream Sensitive Site, Waikanae Beach.
- 1.2 Between 10am – 7pm from 01 December to the end of daylight savings the following beach foreshore areas are **dog on-leash areas**:
- a. Karaka Street, Ōtaki Beach to the Ōtaki Surf Club, Ōtaki Beach
 - b. From Beach Road, Paekākāriki to the Wainui Stream Estuary
- 1.3 All beach foreshore areas are **dog off-leash areas** between 10am – 7pm from 01 December to the end of daylight savings, except for sensitive sites and clauses 1.1 and 1.2 above.

2. Summer Beach Dog Areas at night (7pm – 10am), and all day during winter (See Maps 1-6)

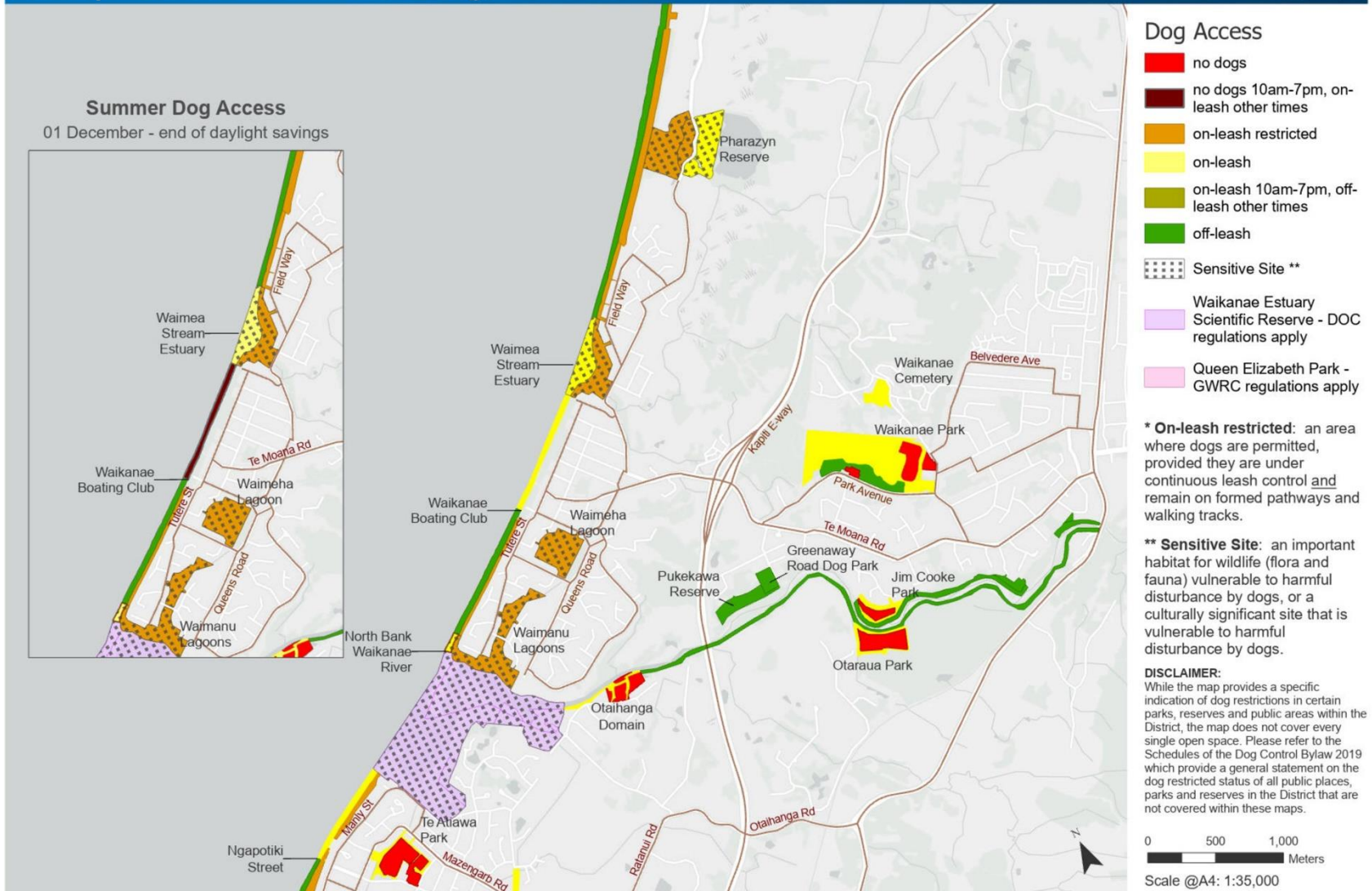
- 2.1 Between 7pm-10am from 01 December to the end of daylight savings and all day during winter (the balance of the year) the following beach foreshore areas are **dog on-leash areas**:
- a. Takitimu Road, Raumati Beach to Wharemauku Stream, Raumati Beach
 - b. Rua Road, Paraparaumu Beach to the Kapiti Boating Club, Paraparaumu Beach
 - c. Waikanae Boating Club to the beginning of the Waimeha Stream Sensitive Site, Waikanae Beach.
- 2.2 All beach foreshore areas are **dog off-leash areas** between 7pm – 10am from 01 December to the end of daylight savings and all day during winter, except for sensitive sites and clause 2.1 above.

Map 1: Ōtaki Dog Access Areas

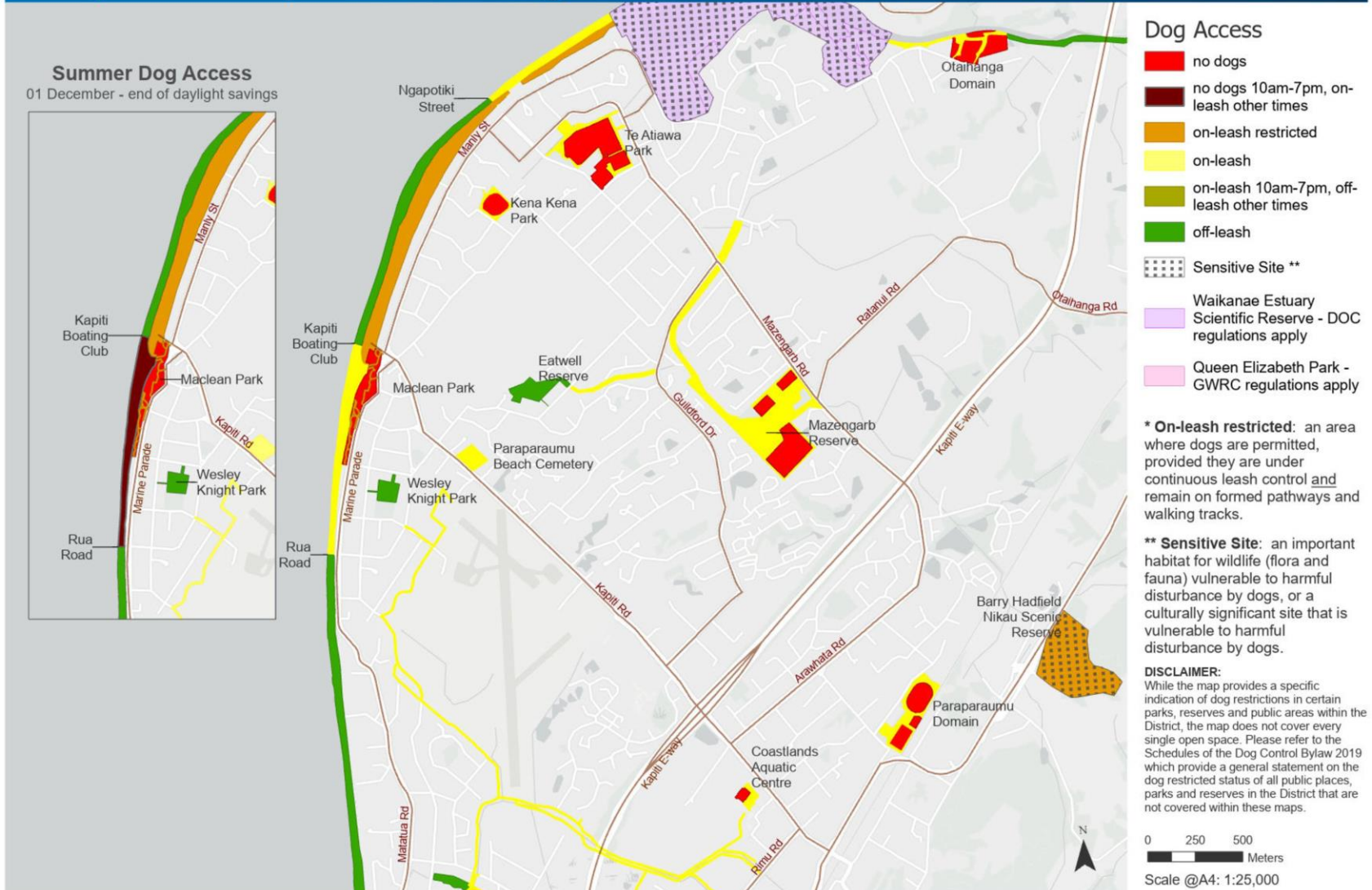


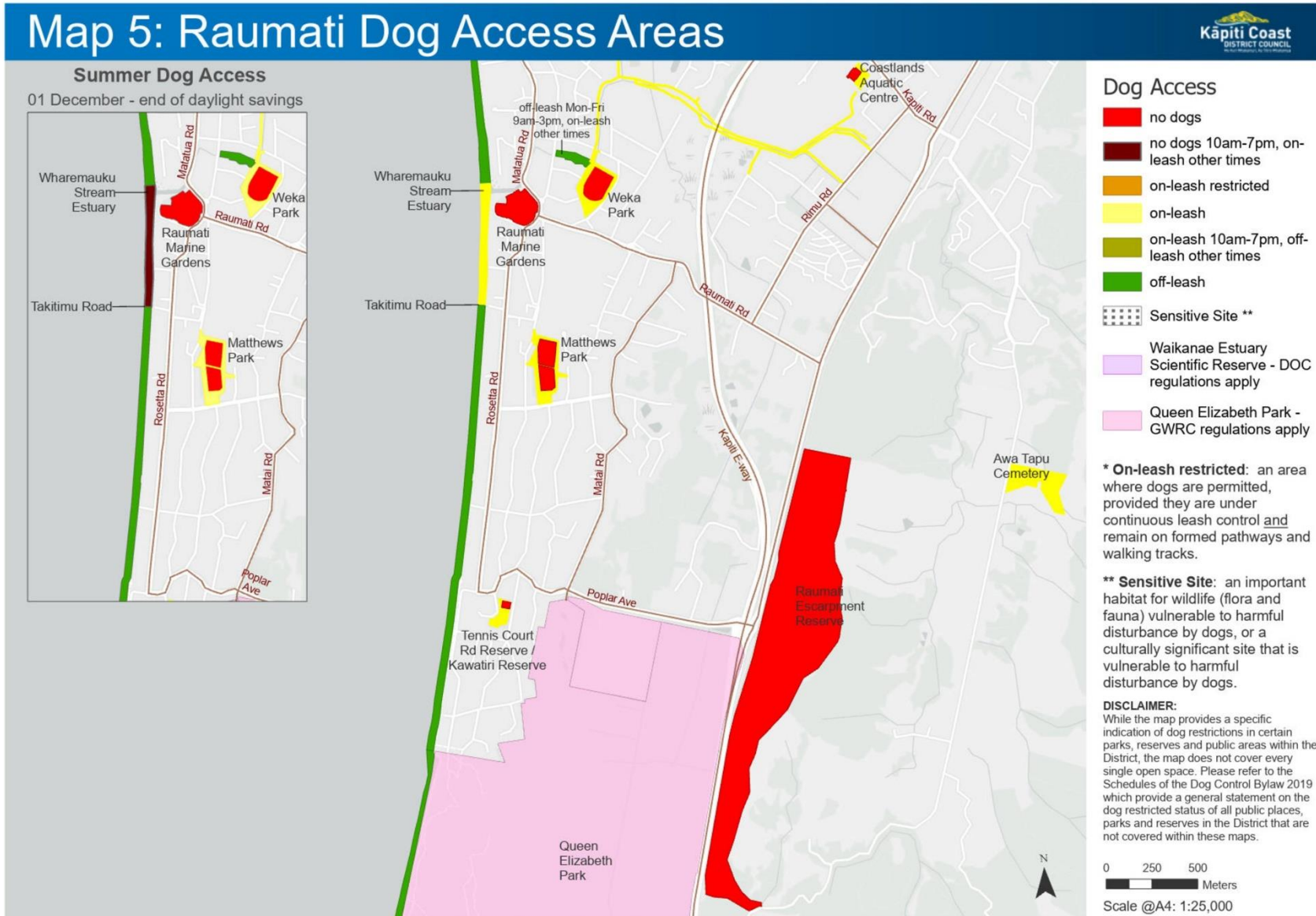


Map 3: Waikanae Dog Access Areas



Map 4: Paraparaumu Dog Access Areas





Map 6: Paekākāriki Dog Access Areas

