Dog Control Bylaw 2027
Te Ture ā-rohe Whakahaere Kurī 2027

Queenstown Lakes District Council

Date of making: TBC
Commencement: TBC

This bylaw is made under sections 145 and 146 of the Local Government Act 2002, and in accordance with section 20 of the Dog Control Act 1996

Note - This document is a draft for the purposes of public consultation. The Dog Control Bylaw 2020 continues to apply.

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Part 1 Preliminary

1. Title and commencement

1.1. This Bylaw is "The Queenstown Lakes District Council Dog Control Bylaw 2027, Te Ture ā-rohe Whakahaere Kurī 2027".

1.2. This Bylaw comes into force on [placeholder].

1.3. This Bylaw applies to the Queenstown Lakes District.

2. Purpose

2.1. The purpose of this Bylaw is to give effect to the Queenstown Lakes District Council Dog Control Policy 2027, Te Kaupapahere Whakahaere Kurī 2027 by:

(a) Facilitating responsible dog ownership and the control of dogs;

(b) Protecting the wellbeing and safety of people, dogs other animals and protected wildlife;

(c) Regulating the public places where a dog may be taken by its owner, and the method of control of the dog;

(d) Limiting the number of dogs that may be kept on any premises;

(e) Requiring the owner of any dog that defecates in any public place to immediately remove the faeces; and

(f) Provide for the enforcement of this Bylaw by prescribing offences and penalties for contravening or permitting a contravention of the Bylaw.

3. Interpretation

3.1. In the event that the provisions of this Bylaw conflict with the provisions of the Dog Control Act 1996, the provisions of the Dog Control Act 1996 shall prevail.

3.2. Explanatory notes and additional information following the clauses of this Bylaw are for information purposes only, do not form part of this Bylaw and may be made, amended, revoked or replaced by Council at any time.

3.3. The words used in this Bylaw have the following meanings:

Act means the Dog Control Act 1996.

Bylaw refers to the Queenstown Lakes District Council Dog Control Bylaw 2027, Te Ture ā-rohe Whakahaere Kurī 2027.

Car park means an area of land, that is set aside, designed, marked for the parking of motor vehicles.

Cemetery means any land or premises for the burial and/or cremation of the dead and includes a closed cemetery and urupā.

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Council means Queenstown Lakes District Council.

Council facility means any building or premises owned, occupied, managed, or operated by Council for the provision of Council, recreational, administrative, or public service.

Dangerous dog has the same meaning given to it in section 2 of the Dog Control Act 1996.

Disability assist dog has the same meaning given to it in section 2 of the Dog Control Act 1996.

District means the area administered by Council as defined in Part 2 of Schedule 2 of the Local Government Act 2002.

Dog Control Policy refers to the Queenstown Lakes District Council Dog Control Policy 2027, Te Kaupapahere Whakahaere Kurī 2027.

Dog control officer means a dog control officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

Dog exercise area means any area that is specified in clause 5 of the Bylaw.

Dog ranger means a dog ranger appointed under section 12 of the Act and includes an honorary dog ranger.

Effective control has the meaning provided in clause 5.1 of the Bylaw.

Footpath has the same meaning given to it in the Land Transport (Road User) Rule 2004.

Leash area means any public place that is specified in clause 4 the Bylaw,

Menacing dog has the same meaning given to it in the Act.

Owner has the same meaning given to it in section 2 of the Act.

Reserve means any land vested in or administered by Council under the provisions of the Reserves Act 1977.

Park has the same meaning as given to it in section 138 of the Local Government Act 2002, including sports fields.

Pedestrian zones mean any area intended primarily for pedestrian use including, shared zone, plazas, pedestrian malls.

Playground means any children's play equipment provided or maintained by Council for public use.

Poultry has the same meaning given to it in section 2 of the Act.

Premise means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied. All lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.

Private way has the meaning given by section 315 of the Local Government Act 1974.

Prohibited areas means any public place that is specified in clause 6 of the Bylaw.

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Protected wildlife has the same meaning given to it in section 2 of the Act.

Public place has the same meaning given to it in section 2 of the Act.

Recreational track means any track or path (sealed or unsealed) managed by Council and accessible for recreational use, such as walking, cycling, horse riding, or fitness.

Road has the meaning given by section 315 of the Local Government Act 1974.

Rural area means land identified as being part of the rural environment in Council's Operative District Plan or in Council's Proposed District Plan, or any equivalent environment in any successor planning instrument(s).

Sports field means any area administered by council and developed or marked out for sports use, for example those used for soccer, rugby, or rugby league, artificial turf, sports range, sports park.

Skateboarding facilities means a purpose-built recreational environment made for skateboarding, rollerblading, roller skating or scootering.

Specified agency has the same meaning given to it in section 2 of Act.

Stock has the same meaning given to it in section 2 of the Act.

Urban area means land identified as being part of an urban environment in Council's Operative District Plan or Council's Proposed District Plan, or any equivalent environment set out in any successor planning instrument(s).

Warranted officer has the same meaning given to it in section 2 of the Act.

Working dog has the same meaning given to it in section 2 of the Act. It also includes:

(a) Any dog kept on land within a rural area and solely or principally for the purposes of rabbit destruction or for herding or driving stock; or

(b) Any dog kept solely or principally for the purposes of destroying pests or pest agents under a contract for service; or

(c) Any dog suitably trained and kept solely or principally for the purposes of performing the functions, powers and duties of search and rescue or avalanche rescue; or

(d) Any dog that has had valid registration as a working dog, whether or not the dog is currently kept solely or principally for work.

Part 2 Control of dogs in public places

4. Leash areas

4.1. Every Owner must ensure that their dog is controlled on a leash in a public place designated as a leash area.

4.2. Owners must have their dog controlled on a leash in the areas outlined in Schedule 1 of the Dog Control Policy.

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4.3. Owners must have their dog controlled on a leash in public places within urban areas outlined in Schedule 2 of the Dog Control Policy.

4.4. Owners must have their dog controlled on a leash in locations outlined in the Schedule 3 of the Dog Control Policy as leashed areas.

4.5. For avoidance of doubt, all rules made in clauses 4.2 and 4.4. continue to apply in any rural area.

4.6. Clauses 4.2-4.4 shall not apply to any working dog carrying out the work in respect of which the dog has been registered.

Explanatory note:

Dogs must be controlled on a leash in every cemetery, playground, skateboarding facility and pump track throughout the District at all times. For example, if a reserve has a playground, dogs must still be controlled on a leash, even though the reserve has an overall off-leash rule or for any playground within rural areas, dogs must still be controlled on a leash.

5. Dog exercise areas

5.1. Where an Owner is not required to keep a dog under control on a leash the Owner must keep it under effective control, which means that the Owner must:

(a) pay active attention to be aware of where the dog is and what it is doing;

(b) ensure the dog is responsive to commands, with prompt recall;

(c) be close enough to the dog to quickly prevent any issues; and

(d) ensure the dog is not creating a nuisance to any other person, or to any stock, poultry, domestic animal, or protected wildlife.

5.2. Every Owner in a public place must keep their dog leashed if they cannot meet the effective control requirements in clause 5.1.

5.3. A Dog Control Officer or Dog Ranger may seize any dog that is not under effective control and either return the dog to its Owner or impound the dog.

5.4. Owners are permitted to have their dog off a leash, while under effective control, in areas outlined as off leash areas in the Schedule 2 and Schedule 3 of the Dog Control Policy.

Explanatory notes:

(a) Some recreational tracks cross privately owned land or public conservation land, or are subject to easements, leases, licences or other access arrangements.

(b) The dog access classifications in this Bylaw establish the rules applying under the Dog Control Policy 2027 and Bylaw. They do not confer a right to enter or remain on land and do not prevent a landowner, lawful occupier or other person with authority over the land from imposing a more stringent access restriction or condition. Any such restriction or condition operates independently of the QLDC Policy and Bylaw.

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6. Dog prohibited areas

6.1. Every Owner must ensure that their dog (with the exception of disability assist dogs) does not enter or remain in any public place designated as a prohibited area.

6.2. Dogs are prohibited from entering any school grounds, unless part of education programs or organised events managed by the school.

6.3. Owners must ensure that their dog does not enter any area(s) outlined in the Schedule 3 of the Dog Control Policy as prohibited areas.

7. Fouling in public places

7.1. The Owner of any dog that is in a public place must carry a bag or other receptacle suitable for the removal of faeces.

7.2. The Owner of any dog that defecates in a public place or on land or premises other than that land usually occupied by the Owner must immediately remove the faeces.

7.3. Where a public litter bin or similar receptacle is used to dispose of the faeces, the owner must ensure the faeces is suitably wrapped or contained to prevent fouling of the receptacle.

8. Temporary changes to dog access rules

8.1. Council may, subject to clause 8.2 to 8.6, authorise temporary changes to a dog access rule specified in a Schedule to the Dog Control Policy for a defined public place if satisfied that the temporary change is reasonably necessary to:

(a) facilitate a leisure or cultural event, including a dog-friendly event;

(b) facilitate organised dog training;

(c) protect wildlife vulnerable to dogs; or

(d) enable pest-control operations on land controlled or managed by Council.

8.2. When deciding whether to make a temporary change, Council must have regard to:

(a) the purposes of the Act;

(b) the objectives of the Dog Control Policy; and

(c) the preservation of public safety.

8.3. A temporary change under clause 8.1 may:

(a) prohibit dogs from the specified place;

(b) require dogs to be kept on a leash in the specified place; or

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(c) permit dogs to be exercised under effective control on or off a leash in the specified place.

8.4. Council may authorise a temporary change under clause 8.1 either on its own initiative or in response to an application in writing by any person, subject to the payment of the applicable application fee as prescribed in Council's Annual Plan, Fees and Charges.

8.5. The Council may authorise a temporary change where satisfied it will achieve:

(a) the purposes of the Act;

(b) the objectives of the Dog Control Policy; and

(c) preservation of public safety.

8.6. If Council authorises a temporary change under clause 8.1, the decision must specify:

(a) the reason for it;

(b) the person, activity and/or place to which it applies;

(c) the rule that will apply and any conditions imposed;

(d) its commencement and expiry dates; and

(e) the manner in which the temporary change will be publicised to clearly identify the affected area, including at least one or more signs placed on or adjacent to that area.

Part 3 Other provisions

9. Licence to keep more than two dogs

9.1. No person may keep more than two dogs over the age of three (3) months on any premises unless a current multiple dog licence issued by Council authorises those dogs to be kept at those premises.

9.2. Clause 9.1 does not apply to:

(a) working dogs kept on premises within rural areas; or

(b) dogs kept at an impounding facility administered by Council; or

(c) dogs receiving, or recovering from, medical treatment at a veterinary practice.

9.3. An application for a multiple dog licence must be made in the form required by Council and include any information reasonably required by Council to assess the application.

9.4. Council may grant a multiple dog licence if satisfied, having regard to the criteria in clause 8 of the Dog Control Policy, that keeping the dogs at the premises is consistent with the objectives of that Policy.

9.5. Council may make one of the following decisions in respect of an application for a multiple dog licence:

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(a) grant the licence;

(b) grant the licence subject to any reasonable conditions it considers necessary to achieve the objectives of the Dog Control Policy; or

(c) refuse the application.

9.6. A multiple dog licence:

(a) takes effect on the date specified in the licence and continues until it expires, is surrendered or is revoked;

(b) applies only to the Owner(s), dogs and premises specified in the licence; and

(c) is not transferable.

9.7. A specified Owner(s) must comply with all conditions and restrictions of the licence.

9.8. Council may revoke a multiple dog licence if reasonably satisfied that:

(a) the Owner(s) has breached a condition of the licence;

(b) a change in circumstances has made the licence holder or premises unsuitable for keeping more than two dogs;

(c) any dog required to be registered under the Act is not currently registered; or

(d) the licence holder has been convicted of an offence against the Act or the Animal Welfare Act 1999.

9.9. Nothing in this clause limits any power of seizure or impoundment available under the Act.

9.10. The applicable multiple dog licence fee prescribed in Council's Annual Plan or fees and charges schedule is payable in addition to the registration fees payable under the Act.

10. Diseased and female dogs

10.1. The Owner of any dog that is diseased or a female in season must at all times keep that dog wholly confined so that it is unable to wander at large whether on private property or in public place so to minimise the impact on other dogs.

10.2. Notwithstanding clause 10.1, any such dog shall be adequately exercised on any private land occupied by the Owner of the dog or any other private land with the consent of the occupier.

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Part 3 General Provisions

11. Enforcement, offences and penalties

11.1. Council may use its powers under the Act and the Local Government Act 2002 to enforce this Bylaw.

11.2. Every person who contravenes or permits a contravention of this Bylaw commits an offence.

11.3. Every person who commits an offence under this Bylaw is liable to a penalty under section 242(4) of the Local Government Act 2002, or to a penalty under the Act.

12. Administrative information

12.1. This Bylaw is administered by Council, any of the various powers and functions of Council as detailed and set out in this Bylaw may be delegated by it to its Chief Executive, and sub delegated by the Chief Executive to any other Officer of Council.

13. Relationship of bylaw to Ngai Tahu Claims Settlement Act 1998

13.1. This Bylaw does not limit or affect nohoanga entitlements granted under the Ngāi Tahu Claims Settlement Act 1998.

14. Revocation

14.1. The Queenstown Lakes District Council Dog Control Bylaw 2020, including all amendments, are revoked.

15. Saving

15.1. Every licence issued under clause 9.1 of the Queenstown Lakes District Council Dog Control Bylaw 2009 and Dog Control Bylaw 2020 shall continue in effect, but is deemed to be subject to clauses 9.6, 9.7, and 9.8 of this Bylaw.

Explanatory note

This Bylaw was adopted pursuant to a resolution passed by the Queenstown Lakes District Council on the [ ] day of [ ] 2027 and in accordance with Section 20 of the Dog Control Act 1996.

Mayor

Chief Executive Officer

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