

Upper Hutt City Council

Dog Control Bylaw 2004

1. Purpose and Objectives

- 1.1 The **purpose** of this Bylaw is to give effect to the Upper Hutt City Council Dog Control Policy (Policy).
- 1.2 The **key objectives** of this Bylaw are to ensure that dogs in Upper Hutt are controlled and cared for appropriately, and balance the need to protect the public from harm or nuisance caused by dogs with the interests of dog owners.
- 1.3 The following documents should be read in conjunction with this bylaw:
 - [Upper Hutt City Council Dog Control Policy](#) (Policy)
 - [Dog Control Act 1996](#) (DCA)
 - [Local Government Act 2002](#) (LGA)
 - [Health Act 1956](#)
 - [Animal Welfare Act 1999](#)

2. Commencement

- 2.1 This bylaw is called the Dog Control Bylaw 2004 (Bylaw) and was made under section 20 of the DCA and sections 145 and 146 of the LGA.
- 2.2 This bylaw applies within the district of the Upper Hutt City Council (Council).
- 2.3 This bylaw became operative on 1 September 2004. It incorporates amendments made effective on 1 September 2010 and 28 July 2022.

3. Interpretation

- 3.1 In this bylaw, unless the context otherwise requires:

DCA means the [Dog Control Act 1996](#), and includes all amendments enacted.

Disability Assist Dog, District, Dog Control Officer, Dog Ranger, Infringement Offence, Neutered Dog, Owner, Private way, Probationary Owner, Private way, Public Place, Register, Registration year, Veterinarian and Working Dog have the same meanings as those found in [section 2](#) of the DCA.

Dog Control Policy or **Policy** means the most recent policy adopted by Upper Hutt City Council under Section 10 of the DCA.

Authorised Officer, Council, Dangerous dog, Menacing dog, Nuisance, Property and Zone have the same meanings as those found in section 2 of the Policy.

4. Keeping more than two dogs

- 4.1 Unless authorised by Council under section 6 of the Policy, **no more than two dogs** over the age of three months may be kept on the following properties:
- a. a property in any rural zone with an area of 1,000m² or less, or
 - b. any property in any zone other than a rural zone.
- 4.2 In such cases, a warranted Dog Control Officer may remove any dogs in excess of the permitted number.
- 4.3 The Owner of any dog over the age of three months being kept at a property with more than two other dogs, without authorisation from Council, is in breach of this Bylaw.

5. Minimum standards for the welfare and keeping of dogs

- 5.1 The Owner of any dog must provide adequate care, attention, food, water, shelter and exercise, in accordance with section 8 of the Policy. Failure to do so is a breach of this Bylaw.

6. Barking dogs

- 6.1 Nuisances created by the persistent and loud barking or howling of any dog identified under section 9 of the Policy shall be managed in accordance with [section 55](#) of the DCA.

7. Fouling in public places

- 7.1 If a dog defecates in a public place, or on land or premises other than that occupied by the Owner, the Owner **must** immediately remove the faeces and appropriately dispose of it. Failure to do so is a breach of this Bylaw.

8. Dogs in Public Places

- 8.1 All Owners **must** carry a leash with them when at all times when taking a dog to any Public place or Private way.
- 8.2 All dogs (except working dogs whilst working) **must** be kept on a leash or harness which is held by a person at all times and under the control of their Owner, or otherwise securely restrained, in the Public places at the times specified in section 11 of the Policy.
- 8.3 Dogs may be exercised off-leash in public areas not excluded under section 11 of the Policy, provided they are under control at all times, and do not annoy, harass or cause a nuisance to any other person in the public place.
- 8.4 Dogs may be exercised off-leash in places designated as dog exercise areas in schedule 1 of the Policy.
- 8.5 Dogs **must not** enter or remain in places designated as a dog-free area in schedule 2 of the Policy.
- 8.6 The Owner of a dog that is in a public place in breach of clause 8.1, 8.3 or 8.5, or is not under control in accordance with clause 8.2, commits an offence under this Bylaw.

9. Probationary Owners

- 9.1 An Owner that Council has classified as a Probationary Owner, in accordance with [section 21](#) of the DCA, **must not** own any other dog(s) than were owned at the time the classification was made, in accordance with section 23 of the Act). Failure to do so is an offence.
- 9.2 Any Owner that Council has classified as a Probationary Owner, in accordance with [section 21](#) of the DCA, **must** dispose of any unregistered dogs within 14 days (in accordance with [section 24](#) of the DCA). Failure to do so is an offence.
- 9.3 An Owner that the Council has classified as a Probationary Owner, in accordance with [section 21](#) of the DCA, **must** undertake, at their own expense, a dog owner education programme and/or a dog obedience course training approved by Council (in accordance with [section 23A](#) of the DCA. Failure to do so is an offence.

10. Disqualified Owners

- 10.1 Any Owner that Council has disqualified, in accordance with [section 25](#) of the DCA, **must** dispose of all dogs they own within 14 days, and cannot own any more dogs for up to five years, as determined by Council. Failure to do so is a breach of this Bylaw.

11. Owners of Dangerous Dogs

- 11.1 Any Owner of a dog classified as a Dangerous dog, in accordance with [section 31](#) of the DCA, must satisfy all requirements under [section 32](#) and [section 36A](#) of the DCA.
- 11.2 An Owner who fails to comply with these requirements, commits an offence and is liable on conviction to a fine.

12. Owners of Menacing Dogs

- 12.1 Any Owner of a dog classified as a Menacing dog, in accordance with [section 33A](#) or [section 33C](#) of the DCA, because of its behaviour or breed (in whole, or in part), must satisfy all requirements under [section 33E](#) and [section 36A](#) of the DCA.
- 12.2 An Owner who fails to comply with these requirements, commits an offence and is liable on conviction to a fine.

13. Infringement, Offences and Penalties

- 13.1 If a Dog Control Officer or Dog Ranger has reasonable cause to believe that any person has committed an infringement offence under [section 65](#) of the DCA, they may issue that person with an infringement notice in accordance with [section 66](#) of the DCA.
- 13.2 Anyone who breaches sections 4 to 12 of this Bylaw commits an offence, and may be issued with an infringement notice or prosecuted in accordance with the Local Government Act 2002 and/or the Dog Control Act 1996, and will be liable for the penalties prescribed in those Acts.
- 13.3 Penalties include, but are not limited to, fees listed in [Schedule 1](#) of the DCA.