

# **DOG CONTROL BYLAW NO. 221**

## **June 2020**

<b>Date the Council passed the Bylaw Resolution</b>	<b>25 June 2020</b>
<b>Date the Bylaw came into effect</b>	<b>27 July 2020</b>
<b>Date of the next Bylaw review</b>	<b>27 July 2030</b>
<b>Bylaw expiry date</b>	<b>27 July 2032</b>

The COMMON SEAL of  
the NELSON CITY  
COUNCIL

Was hereto affixed in  
The presence of:



Her Worship the Mayor

Chief Executive

## **CONTENTS**

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>2</b>	<b>DEFINITIONS .....</b>	<b>1</b>
<b>3</b>	<b>DOGS PROHIBITED.....</b>	<b>1</b>
<b>4</b>	<b>DOGS PERMITTED ON A LEASH.....</b>	<b>1</b>
<b>5</b>	<b>DOGS IN ALL OTHER PUBLIC PLACES .....</b>	<b>1</b>
<b>6</b>	<b>EXEMPTIONS.....</b>	<b>2</b>
<b>7</b>	<b>NUMBER OF DOGS .....</b>	<b>2</b>
<b>8</b>	<b>SEIZURE OF ROAMING DOGS.....</b>	<b>2</b>
<b>9.</b>	<b>DOGS WITH CONTAGIOUS DISEASES .....</b>	<b>2</b>
<b>10.</b>	<b>NUISANCES OR INJURY TO HEALTH .....</b>	<b>2</b>
<b>11.</b>	<b>DOGS DEFECATING.....</b>	<b>3</b>
<b>12.</b>	<b>OFFENCES AND PENALTIES .....</b>	<b>3</b>
	<b>SCHEDULE ONE .....</b>	<b>4</b>
	<b>SCHEDULE TWO .....</b>	<b>6</b>
	<b>SCHEDULE THREE.....</b>	<b>7</b>

## **1 INTRODUCTION**

- 1.1 The title of this Bylaw shall be the "Dog Control Bylaw 2020."
- 1.2 The Bylaw shall come into effect on 27 July 2020.

## **2 DEFINITIONS**

Terms and expressions defined in the Dog Control Act 1996 shall, when used in this Bylaw, have the meanings defined in the Act.

**Act** - Means the Dog Control Act 1996.

**City** - Means the territory of the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

**The Council** - Means the Nelson City Council.

**Playing area** - Means that part of any sports ground which at the material time is marked out or otherwise set aside for the playing of any active sport.

**Under control** – Means that at all times a dog is able to be restrained or to obey commands.

**Urban area** – Means the area as defined in the Nelson Air Quality Plan, or any other resource management plan/s which replace it after this Bylaw is adopted.

## **3 DOGS PROHIBITED**

- 3.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule One.

## **4 DOGS PERMITTED ON A LEASH**

- 4.1 No person shall allow any dog of which they are the owner to enter upon or remain on any part of any public place or area specified in Schedule Two, unless the dog is at all times controlled on a leash.
- 4.2 Clause 4.1 does not apply to dogs under the direction of the Nelson Dog Training Club.

## **5 DOGS IN ALL OTHER PUBLIC PLACES**

- 5.1 In all public places where dogs are not prohibited or required to be on a leash, dogs must be kept under control by the owner. It is the responsibility of the owner to decide whether this control can be achieved off leash or on a leash. Nothing in this clause absolves the owner from the obligation to carry a leash at all times while he or she is with the dog in a public place.
- 5.2 Every dog owner shall ensure that at all times the dog is under an appropriate degree of control which will ensure that the dog does not cause a nuisance to any other person, or rush at or startle any person in a manner



that causes that person to be injured or endangered, or causes any property to be damaged or endangered.

## **6 EXEMPTIONS**

- 6.1 A working dog, as defined in the Act as well as any Land Search and Rescue dog, is exempted from Clauses 3, 4 or 5 above, while it is engaged in or being used for its working purpose.
- 6.2 Nothing in Clauses 4 or 5 shall prevent the Council from excluding dogs from any area for the purpose of holding an event.
- 6.3 Nothing in Clauses 3 or 4 shall prevent the Council from granting permission for dogs to enter a Schedule One or Two area for a special purpose such as feral animal control or the management of indigenous wildlife.
- 6.4 Clauses 6.1 and 6.3 do not negate the need to apply for a dog control permit from the Department of Conservation where such a permit is required to take a dog onto land administered by the Department of Conservation.

## **7 NUMBER OF DOGS**

- 7.1 No occupier of any land or premises within the City, shall keep, or allow to be kept on the land or premises for any period exceeding seven days, more than two dogs over the age of three months.
- 7.2 Clause 7.1 shall not apply to any occupier of any land or premises within the City who had more than two dogs in February 2013. They have an "existing use right" to continue to own their existing dogs, until the end of the dogs' lives. Written permission will be required for ownership of any additional dogs after this date.
- 7.3 Clause 7.1 shall not apply to any occupier of any land or premises within the City who has written permission from the Council to keep more than two dogs.
- 7.4 Clause 7.1 shall not apply to any occupier of any land or premises which is outside of the urban area.

## **8 SEIZURE OF ROAMING DOGS**

- 8.1 Any dog found wandering free at large on public or private property, whether or not it is wearing a collar having the proper registration label or disc attached as required by the Act, may be seized and impounded by any Dog Control Officer, Dog Ranger or other person authorised by the Council.

## **9. DOGS WITH CONTAGIOUS DISEASES**

- 9.1 No owner of any dog with a contagious disease shall take the dog to a public place, or allow the dog to remain in a public place.

## **10. NUISANCES OR INJURY TO HEALTH**

- 10.1 The owner of any dog or the owner or occupier of any premises where any dog is customarily kept, shall take all reasonable steps to ensure that the dog does not cause a nuisance to any person or be likely to be injurious to the health of any person.
- 10.2 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance to any person or injurious to the health of any person, the Dog Control Officer may, by notice in writing, require the dog owner or the owners or occupiers of the premises at which the dog is kept, within a time specified in such notice to do all or any of the following:
- a) reduce the number of dogs on the premises;
  - b) construct, alter, reconstruct or otherwise improve the kennels or other buildings or fences used to house or contain the dog;
  - c) tie up or otherwise confine the dog during specified periods;
  - d) take such other action as necessary to minimise or remove the likelihood of nuisance or injury to health.
- 10.3 If, in the opinion of a Dog Control Officer, any dog has become or is likely to become a nuisance any person to whom notice is given under Clause 10.2 who fails to comply with the notice, within the time specified in the notice, shall commit an offence against this Bylaw.
- 10.4 Any dog left in a public place, whether restrained or not, and causing a nuisance or distress to any person by act of aggression, obstruction, noise or otherwise, may be removed by any Dog Control Officer, Dog Ranger or Constable and subsequently impounded.

## **11. DOGS DEFECATING**

- 11.1 The owner of any dog that defecates in a public place or on land or premises other than that on which the dog is normally kept, shall immediately remove the faeces.
- 11.2 Every person, with or in control of any dog in any public place, or on any land or premises other than that on which the dog is usually kept, shall at all times carry on their person a bag or other receptacle suitable for the collection of any faeces which the dog might deposit.

## **12. OFFENCES AND PENALTIES**

- 12.1 Every person who breaches this bylaw commits an offence.
- 12.2 Every person who commits an offence under this Bylaw may have an infringement notice issued to them or be prosecuted for a breach of bylaw under the Dog Control Act 1996 or the Local Government Act 2002.

## **SCHEDULE ONE**

### **Dogs Prohibited Areas**

1. Nelson Airport (unless transporting dogs for air lift in or out of Nelson; or dogs securely restrained in the owner's vehicle).
2. Eastern two thirds of Tahunanui Main Beach.
3. The playing area of any Council sports grounds. The exception is Maitai Cricket Ground, for which the prohibition only applies from October to March each year.
4. Children's playgrounds - the section of the reserve set aside for playground equipment.
5. Nelson City Council Water Reserves (without Council permits):
  - Maitai Valley
  - Roding
6. Brook Conservation Reserve.
7. Any public building owned or controlled by the Council. (Except in respect of the Trafalgar Centre or Stoke Hall when a function involving dogs is being held.)
8. Trafalgar Park.
9. Saxton Field Cricket Oval and the Athletics Track.
10. Saxton Field Hockey and Softball Areas.
11. Haulashore Island.
12. Oyster Island.
13. Haven Holes Reserve.
14. The following Maitai River swimming holes and the listed picnic areas:
  - The picnic area and river bank beside Black Hole - true right side of the river only. (This is the right-hand side, when looking downstream.)
  - Dennes Hole and the adjacent picnic area
  - Sunday Hole and the adjacent picnic area
  - Maitai Camp Hole and the adjacent picnic area.

(This prohibition only applies from 1 December to 31 March each year.)



15. Dogs are prohibited from land administered by the Department of Conservation that is not a common marine and coastal area unless the owner has specific authorisation, for example a dog control permit from the Department of Conservation; or the reserve has Department of Conservation signage identifying where a dog may be taken without a permit. (Dogs are permitted on common marine and coastal areas administered by the Department of Conservation unless it is an area listed in this Schedule.)
16. The beaches and estuary flat of Nelson Haven bounded by the Boulder Bank Scenic Reserve (to the west) and Boulder Bank Drive (to the east) for a distance of 500 metres along each of those boundaries.
17. The Boulder Bank, from the Cut towards Boulder Bank Drive for 4 kilometres, from 15 August to the last day in February.
18. Whakapuaka Raupo Swamp.
19. The fenced area of the foreshore and esplanade reserve at Paremata Flats, including the planted area of the Paremata Flats Reserve, but excluding the northern most section of the walkway to the lookout adjacent to the Wakapuaka River and the fenced land adjacent to the swimming hole.
20. Dogs are permitted to be off leash on the formed cycling and walking tracks within Marsden Valley Reserve, including Involution Trail. However, they are prohibited from being in the bush areas (off the tracks) in the part of Marsden Valley Reserve to the east of the Barnicoat Walkway.
21. Sand Island.

## **SCHEDULE TWO**

### **Dogs are Permitted but must be Kept on a Leash**

1. All public footpaths and other public areas within the Central Business District, and within the Stoke and Tahunanui shopping centre.
2. Nelson cemeteries, both active and non-active. The active cemeteries are: Wakapuaka Cemetery, Marsden Valley Cemetery, Seaview Cemetery, and Hira Cemetery. The non-active cemeteries are, the Quakers Cemetery on Wellington Walkway and the Hallowell Cemetery near Shelbourne Street.
3. Horticultural Parks. These are: Miyazu Japanese Gardens, Anzac Memorial Park, Church Hill, Melrose Gardens, Queens Gardens, Broadgreen Gardens and Isel Park. The exception to the on-leash requirement is the less cultivated part of Isel Park which begins at Main Road Stoke and extends to the Isel Park entrance gate, as well as the area south of the access road beyond the Isel Park entrance gate. This exception applies when events are not being held in Isel Park.
4. Neighbourhood Parks – excluding those listed in Schedule Three.
5. The margins, islands, sand and mudflats of Delaware Estuary, and the northernmost section of the walkway adjacent to the Wakapuaka River from Paremata Flats to the lookout.
6. Around the playing areas of sports fields when games or training sessions are occurring. (At other times dogs may be off lead on sports grounds other than the playing area of sports grounds.)
7. The Maitai walkway, from the river mouth up to the Collingwood Street bridge.
8. The grazed parts of the Grampians Reserve and the Sir Stanley Whitehead Park.

(Note: The grazed parts of the Maitai River Esplanade Reserve, Tantragee Reserve and Paremata Flats Reserve are areas where dogs may be off-leash.)

9. Delaware Estuary margins, and islands within the estuary.
10. The Boulder Bank from Boulder Bank Drive to the Cut.

(Note: The Boulder Bank from the Cut toward Boulder Bank Drive for 4 kilometres is a dogs prohibited area from 15 August to the end of February, and dogs may be off leash on the Boulder Bank northwards from Boulder Bank Drive.)

11. Whakatū Drive Foreshore Reserve.

## **SCHEDULE THREE**

### **Neighbourhood Parks in which Dogs may be Off Leash**

- Abraham Heights Reserve
- Andrews Farm Reserve
- Bay View Reserve
- Betsy Eyre Park
- Bishopdale Reserve
- Bishop's Park
- Bledisloe North Reserve
- Branford Park
- Corder Park
- Custom House Reserve
- Fairfield Park
- Grampian Oaks Reserve
- Glenduan Reserve
- Hira Reserve
- Kowhai Reserve
- Monaco Reserve
- Murphy North Reserve
- Murphy South Reserve
- Ngapua Reserve
- Nikau Reserve
- Orchard Reserve
- Pipers Park
- Poplar Reserve
- Queen Elizabeth II Reserve
- Station Reserve



- Songer Reserve
- Te Manu Reserve
- Tosswill Reserve
- Waterhouse Reserve
- Wolfe Reserve



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution 4.0 International License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. For more information please contact us. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED. DH. Original Map Size A3. File Ref: A2413005



Dogs are allowed off-leash (if under control) in most other public areas not highlighted on the map.

Exceptions: dogs are prohibited from ...

- Public buildings
- Playing areas of sports fields
- Children's playgrounds

See reverse for more detail:

Path between Delaware Estuary and Paremata Flats

Inset of Delaware Estuary and Paremata Flats

**Dogs are prohibited from:**

*Prohibited at all times:*

- 1 BOULDER BANK ESTUARY
- 2 BROOK CONSERVATION RESERVE
- 3 HAULASHORE ISLAND
- 4 HAVEN HOLES
- 5 MAITAI WATER RESERVE
- 6 MARSDEN VALLEY RESERVE EAST
- 7 NELSON AIRPORT
- 8 OYSTER ISLAND
- 9 PAREMATA FLATS
- 10 RODING WATER RESERVE
- 11 SAND ISLAND
- 13 TAHUNANUI RESERVE MAIN BEACH
- 14 TRAFALGAR PARK
- 15 WHAKAPUAKA RAUPO SWAMP

*Prohibited from December to March:*

- 16 BLACK HOLE PICNIC AREA
- 17 DENNES HOLE & PICNIC AREA
- 18 MAITAI CAMP HOLE & PICNIC AREA
- 19 SUNDAY HOLE & PICNIC AREA

*Prohibited from 15 August to Last Day of February:*

- 20 BOULDER BANK\*

**Dogs must be on-leash at:**

- 100 NELSON CENTRAL BUSINESS DISTRICT
- 101 STOKE SHOPPING CENTRE
- 102 TAHUNANUI SHOPPING CENTRE
- 103 DELAWARE ESTUARY AND PAREMATA FLATS PATH
- 105 FRENCHAY RESERVE
- 106 FROST RESERVE
- 108 HIRA CEMETERY
- 109 ISEL PARK (East part only)
- 110 MARYBANK RESERVE
- 111 MIYAZU RESERVE
- 112 MONTROSE RESERVE
- 113 ST ANDREWS CEMETERY
- 115 TE-ATA RESERVE
- 116 TOD RESERVE
- 117 TRESILLIAN RESERVE
- 118 WAKAPUAKA CEMETERY
- 119 WAKAPUAKA RESERVE
- 120 WERNETH RESERVE
- 154 MARSDEN VALLEY CEMETERY
- 156 MIYAZU JAPANESE GARDENS
- 187 WHAKATU DRIVE FORESHORE
- 188 BOULDER BANK\*\*
- 192 GRAMPIANS RESERVE (Grazed Area)
- 193 SIR STANLEY WHITEHEAD PARK (Grazed Area)
- 228 MAKO RESERVE



## 2020 DOG CONTROL BYLAW AND POLICY MAP

Overview Map



Scale 1:110,000



**Nelson City Council**  
Te Kaunihera o Whakatū

\* For the 4km from the Cut towards Boulder Bank Drive  
\*\* From Boulder Bank Drive to the Cut

**See: [www.topofthesouthmaps.co.nz](http://www.topofthesouthmaps.co.nz) for more detailed overviews of the areas**



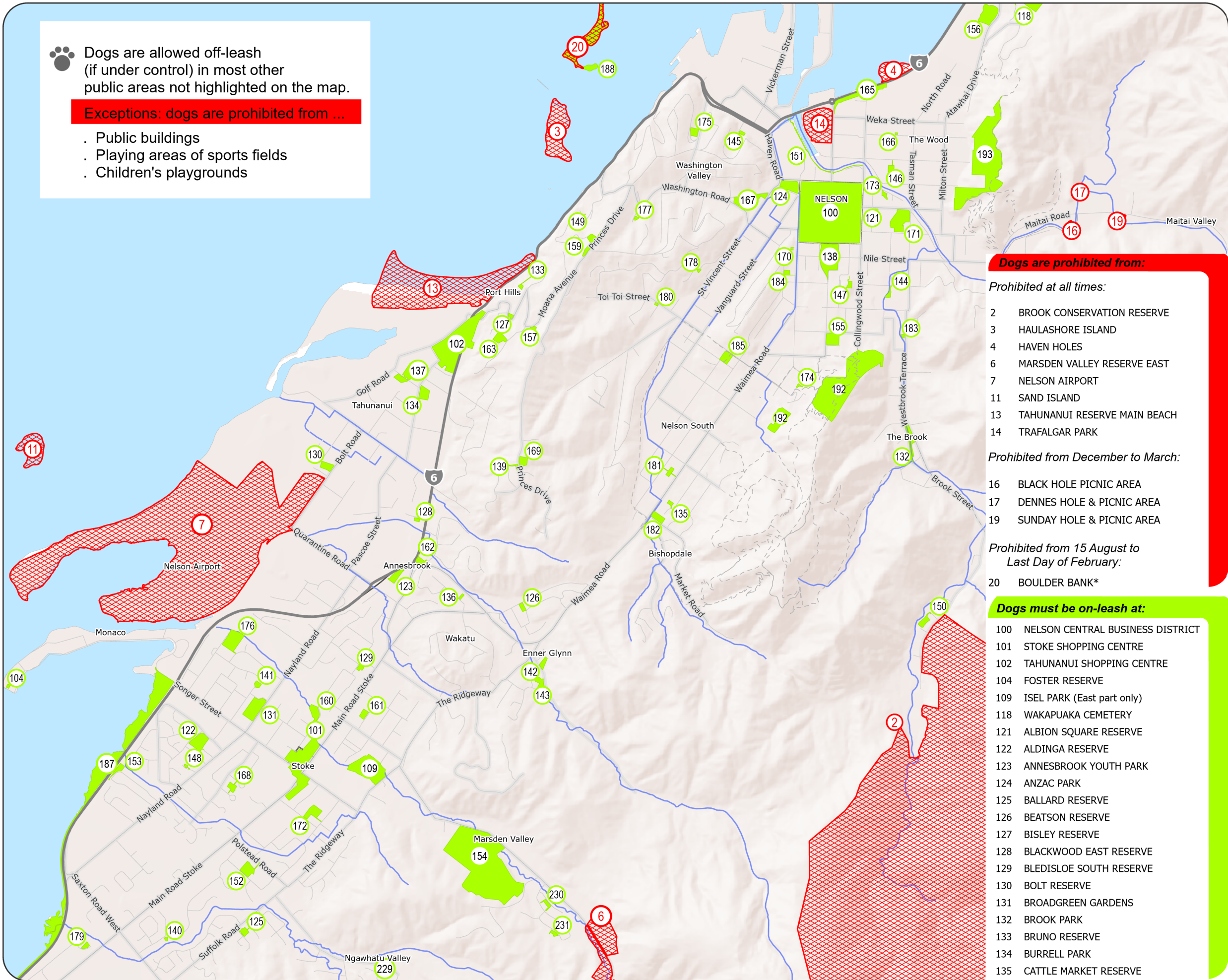
The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution 4.0 International License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. For more information please contact us. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED. DH: Original Map Size A3. File Ref: A2413005



Dogs are allowed off-leash (if under control) in most other public areas not highlighted on the map.

Exceptions: dogs are prohibited from ...

- Public buildings
- Playing areas of sports fields
- Children's playgrounds



**Dogs are prohibited from:**

*Prohibited at all times:*

- 2 BROOK CONSERVATION RESERVE
- 3 HAULASHORE ISLAND
- 4 HAVEN HOLES
- 6 MARSDEN VALLEY RESERVE EAST
- 7 NELSON AIRPORT
- 11 SAND ISLAND
- 13 TAHUNANUI RESERVE MAIN BEACH
- 14 TRAFALGAR PARK

*Prohibited from December to March:*

- 16 BLACK HOLE PICNIC AREA
- 17 DENNES HOLE & PICNIC AREA
- 19 SUNDAY HOLE & PICNIC AREA

*Prohibited from 15 August to Last Day of February:*

- 20 BOULDER BANK\*

**Dogs must be on-leash at:**

- 100 NELSON CENTRAL BUSINESS DISTRICT
- 101 STOKE SHOPPING CENTRE
- 102 TAHUNANUI SHOPPING CENTRE
- 104 FOSTER RESERVE
- 109 ISEL PARK (East part only)
- 118 WAKAPUAKA CEMETERY
- 121 ALBION SQUARE RESERVE
- 122 ALDINGA RESERVE
- 123 ANNESBROOK YOUTH PARK
- 124 ANZAC PARK
- 125 BALLARD RESERVE
- 126 BEATSON RESERVE
- 127 BISLEY RESERVE
- 128 BLACKWOOD EAST RESERVE
- 129 BLEDISLOE SOUTH RESERVE
- 130 BOLT RESERVE
- 131 BROADGREEN GARDENS
- 132 BROOK PARK
- 133 BRUNO RESERVE
- 134 BURRELL PARK
- 135 CATTLE MARKET RESERVE
- 136 CAWTHRON RESERVE
- 137 CENTENNIAL PARK
- 138 CHURCH HILL
- 139 COMMODORE RESERVE
- 140 COVENT RESERVE
- 141 DEVON RESERVE
- 142 ENNER GLYNN NORTH RESERVE
- 143 ENNER GLYNN SOUTH RESERVE
- 144 ERIN RESERVE
- 145 FOUNTAIN RESERVE
- 146 GROVE RESERVE
- 147 HALLOWELL CEMETERY
- 148 HARFORD RESERVE
- 149 HAVEN CEMETERY
- 150 HOCKEY RESERVE
- 151 MAITAI WALKWAY (West part only)
- 152 MANSON RESERVE
- 153 MANU KAU RESERVE
- 154 MARSDEN VALLEY CEMETERY
- 155 MELROSE GARDENS
- 156 MIYAZU JAPANESE GARDENS
- 157 MOANA RESERVE
- 159 MONCRIEFF RESERVE
- 160 NEALE RESERVE
- 161 NGAIO RESERVE
- 162 NORGATE RESERVE
- 163 PADDYS KNOB RESERVE
- 165 PEACE GROVE
- 166 PEPPER TREE PARK
- 167 PIONEERS PARK
- 168 POETS PARK
- 169 PRINCES LOOKOUT RESERVE
- 170 QUAKERS ACRE CEMETERY
- 171 QUEENS GARDENS
- 172 RANUI RESERVE
- 173 RIVERSIDE RESERVE
- 174 RONAKI RESERVE
- 175 RUSSELL RESERVE
- 176 SEAVIEW CEMETERY
- 177 SEQUOIA RESERVE
- 178 ST LAWRENCE RESERVE
- 179 TOKOMARU RESERVE
- 180 VOSPER RESERVE
- 181 WAIMEA NORTH RESERVE
- 182 WAIMEA SOUTH RESERVE
- 183 WARDS RESERVE
- 184 WELLINGTON RESERVE
- 185 WIGZELL PARK
- 187 WHAKATU DRIVE FORESHORE
- 188 BOULDER BANK\*\*
- 192 GRAMPIANS RESERVE (Grazed Area)
- 193 SIR STANLEY WHITEHEAD PARK (Grazed Area)
- 229 MONTEBELLO RESERVE
- 230 PLUMTREE RESERVE
- 231 SANCTUARY RESERVE



**2020 DOG CONTROL BYLAW AND POLICY MAP**

Urban Map



Scale 1:30,000



July 2020



\* For the 4km from the Cut towards Boulder Bank Drive  
\*\* From Boulder Bank Drive to the Cut

See: [www.topofthesouthmaps.co.nz](http://www.topofthesouthmaps.co.nz)  
for more detailed overviews of the areas