1. TITLE
1.1 This bylaw is the Dog Management Bylaw 2018.

2. COMMENCEMENT
2.1 This Bylaw comes into force on 1 April 2019.

3. APPLICATION
3.1 This Bylaw applies to Tauranga.

4. PURPOSE
4.1 The purpose of this Bylaw is to provide adequate opportunities to fulfil the exercise, recreational and socialisation needs of dogs and their owners while minimising any danger, distress, or nuisance caused by dogs.

4.2 The Bylaw provides for dogs to be exercised off-leash in public places, including parks and reserves, except in areas identified in the Bylaw as prohibited or Leash control.

4.3 This Bylaw gives council legal powers to implement the Dog Management Policy 2018.
5. **DEFINITIONS**

5.1 For the purposes of this Bylaw the following definitions shall apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>approved in writing by Council, either by resolution of Council or by any authorised officer of Council</td>
</tr>
<tr>
<td>Authorised Officer</td>
<td>any officer of Council or any other person authorised under the Local Government Act 2002 and authorised by Council to administer and enforce its Bylaws</td>
</tr>
<tr>
<td>Beach</td>
<td>means any land adjacent to any seacoast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of Council and is contiguous to the foreshore and used in connection therewith, and, where the control of the foreshore and dunes is vested in Council, includes the foreshore and dunes (where any legislation removes Councils authority regarding foreshore and dunes, this definition will be amended accordingly)</td>
</tr>
<tr>
<td>Bylaw</td>
<td>refers to the Tauranga City Council Dog Management Bylaw 2018</td>
</tr>
<tr>
<td>Council</td>
<td>refers to Tauranga City Council - the elected member body representing Tauranga</td>
</tr>
<tr>
<td>Disability Assist Dog</td>
<td>has the meaning as defined in the Dog Control Act 1996</td>
</tr>
<tr>
<td>Dune</td>
<td>means a raised sand formation adjacent to the foreshore and above the line of mean high water spring tides</td>
</tr>
<tr>
<td>Foreshore</td>
<td>has the meaning as defined under the Resource Management Act 1991.</td>
</tr>
<tr>
<td>Impound dog</td>
<td>means to impound any dog in accordance with the provisions of the Dog Control Act 1996, in a public pound or any vehicle used to transport dogs to a public pound.</td>
</tr>
<tr>
<td>Leash</td>
<td>may include a fixed or retractable restraint provided that in the instances when a dog is required to be on a leash, the leash must not exceed 2 metres in length and be held by a person physically capable of restraining the dog.</td>
</tr>
<tr>
<td>Owner</td>
<td>has the meaning as defined in the Dog Control Act 1996.</td>
</tr>
<tr>
<td>Public place</td>
<td>has the meaning as defined in the Dog Control Act 1996.</td>
</tr>
<tr>
<td>Road zone</td>
<td>has the meaning as defined in the Tauranga City Plan.</td>
</tr>
<tr>
<td>Rural zoned</td>
<td>as defined in the Tauranga City Plan.</td>
</tr>
<tr>
<td>Special Ecological Areas</td>
<td>has the meaning as defined in the Tauranga City Plan.</td>
</tr>
<tr>
<td>Specified Agency</td>
<td>has the meaning as defined in the Dog Control Act 1996.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Summer Season</td>
<td>is defined as the period from 15 December to 15 February between the hours of 10am and 5pm.</td>
</tr>
</tbody>
</table>
| Waikorire (Pilot Bay), Mount Maunganui, and Mauao Dog Prohibited Area | refers to:  
  - Waikorire (Pilot Bay) including the adjacent beach, foreshore, boardwalk, grassed area and Pilot Bay reserve up to the kerb of the Mall  
  - All of Mauao including the holiday park and campground, adjacent beach, foreshore, tracks, walkways, and grassed or bush areas  
  - Mount Maunganui main beach including the adjacent beach, foreshore, dunes, boardwalk, and grassed area up to the kerb of Marine Parade  
  - All of Moturiki (Leisure Island) including the adjacent beach and foreshore                                                                                                                                 |
| Under Effective Control                                             | to manage, influence or determine the activities of all dogs in a person’s possession, whether by voice commands, hand signals, whistles or other effective means, so that no dog can cause nuisance or danger to any person or other animal and cannot enter or interfere with private property and includes the physical ability to restrain all dogs in a person’s possession |

Unless otherwise provided, words and phrases in these bylaws that are defined in the Dog Control Act 1996 shall have the same meanings.

6.1 LEASH CONTROL

6.1 Where a dog is causing or likely to cause danger, distress or nuisance it must be kept on a Leash and Under Effective Control of the Owner.

6.2 Dogs must be under Leash control:

   (i) When on any footpath adjacent to a road zone or within a road reserve or state highway.

   (ii) On the Pāpāmoa Dune Wilderness Area being that area of dune from Papamoa Domain to Taylor Reserve as shown on the map titled Papamoa Dune Dog Leash Control Area at schedule one.

   (iii) The Matua Salt Marsh (being that area of land covered by the Matua Salt Marsh Management Plan) as shown on the map titled Matua Salt Marsh Dog Leash Control Area at schedule one.

   (iv) That part of Mt Maunganui beach for 255m south of Moturiki. Dogs on leash may access the beach from the access way near the Mt Maunganui war memorial cenotaph as shown on the map titled Mount Maunganui, Mauao, Waikorire (Pilot Bay) Dog Management Areas at schedule one.

   (v) The carparks adjacent to and surrounding the Pāpāmoa and Ōmanu surf lifesaving clubs as shown on the maps titled Papamoa Dog Management Areas and Omanu Dog Management Areas at schedule one.

   (vi) During the Summer Season on that part of Pāpāmoa Beach immediately in front of Motiti Reserve, and including Motiti Reserve as shown on the map titled Papamoa Beach Seasonal Dog Management (Leash Control) Areas at schedule one.
6.3 For the purposes of the Dog Control Act 1996, a dog shall be deemed to be not under effective control if it is found in contravention of clauses 6.1 or 6.2 of this Bylaw.

6.4 As per section 54A of the Dog Control Act 1996, all dog owners are required to carry a Leash at all times regardless of the provisions of this Bylaw.

7. **DOG PROHIBITED AREAS**

7.1 Dogs are prohibited from the following areas:

(i) The Waikorire (Pilot Bay), Mount Maunganui, and Mauao Dog Prohibited Area as shown on the map titled Mount Maunganui, Mauao, Waikorire (Pilot Bay) Dog Management Areas at schedule one.

(ii) That area of the Foreshore in the vicinity of the Ōmanu surf lifesaving club buildings between the Ocean Beach Road beach access marker 0003 and the Ocean Beach Road beach access maker 0004 located at Ōmanu beach and as shown on the map titled Ōmanu Dog Management Areas at schedule one.

(iii) That area of the Foreshore and Dunes at Pāpāmoa beach in the vicinity of the surf lifesaving club buildings between the car park at the north-western end of Pāpāmoa Domain and the car park at the south-eastern end of Pāpāmoa Domain, as shown on the map titled Papamoa Dog Management Areas at schedule one.

(iv) Flagged lifeguard areas, including any temporary lifeguard area being that area of the Beach between the outer most flags which mark the lifeguard area and delineated on each outer boundary by a straight line drawn from the mean low water through the flagged area to the mean high water. Where a dog is on an area of Beach when lifeguards establish a flagged area, the dog must removed from that area immediately.

(v) Any land within 10 metres from any public play or exercise equipment.

(vi) Otumoetā Pā Historic Reserve

7.2 Clause 7.1(ii), 7.1(iii), and 7.1(iv) do not prohibit a dog transiting through these areas so long as the dog is controlled on a Leash and does not cause a nuisance or danger to any person or animal.

7.3 Clause 7.1(v) does not prohibit a dog transiting past a playground where there is a formed path so long as the dog remains on the path and is controlled on a Leash and does not cause nuisance or danger to any person or animal.

7.4 Dogs are prohibited from libraries, council service centres, council community centres and indoor sports facilities except to participate in a recognised dog training programme, or dog agility club, or library programme involving dogs.

7.5 Disability Assist Dogs, and any dogs belonging to a Specified Agency pursuant to section 2 of the Dog Control Act 1996, are exempt from the prohibitions.

8. **TEMPORARY DOG PROHIBITED AREAS**

8.1 Council may create temporary dog on Leash areas or dog prohibited areas for the following purposes:

- Leisure and cultural events in parks, reserves, and other public places; or
- To protect threatened or “at risk” wildlife or Special Ecological Areas vulnerable to dogs.
8.2 In making any temporary changes to dog access provisions, Council must:
   - Have regard to clause 4.1 of the Tauranga City Council Dog Management Policy.
   - Ensure that the area subject to the temporary change is clearly indicated by one or more clearly legible notices affixed in one or more conspicuous places on, or adjacent to, the place where the notice relates, unless it is impractical to do so.

9. **ACCOMMODATION**

9.1 Where a dog kennel or place of confinement for any dog is closer than two metres from the boundary of any land and is causing a nuisance, Council may require a relocation of the dog kennel or place of confinement.

9.2 Clause 9.1 does not apply to dog day cares or commercial kennels.

10. **LIMIT ON NUMBER OF DOGS**

10.1 No occupier of premises other than areas zoned rural shall keep more than two dogs over the age of three months at any one time, unless that person holds a licence from Council to do so. This clause does not apply to dog day cares or commercial kennels.

10.2 Upon written application Council may grant such licence subject to such terms, conditions and restrictions as Council considers necessary or desirable in any particular case. This clause does not apply to dog day cares or commercial kennels.

10.3 No person may exercise more than two dogs off Leash in a Public Place or reserve at any one time, and all dogs must be Under Effective Control of the owner at all times.

10.4 No person may exercise more than four dogs at any time in a Public Place or reserve, and all dogs must be Under Effective Control of the owner at all times.

11. **DOG FOULING**

11.1 The owner of a dog that defecates in any Public Place, private way, land or premises other than that occupied by the Owner must remove the faeces forthwith and dispose of it in a hygienic manner.

12. **BITCH IN SEASON**

12.1 The owner of every bitch in season must keep it confined, but adequately exercised whilst in that condition.

13. **IMPOUNDING**

13.1 Any person warranted under the Dog Control Act 1996 or authorised pursuant to the Local Government Act 2002 to enforce these bylaws may impound a dog found at large or in breach of any of the provision of this Bylaw whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto.
14. MENACING DOGS
14.1 All dogs classified as menacing under section 33A and 33C of the Dog Control Act 1996 must be neutered.
14.2 All dogs classified as menacing and transferring to Tauranga City Council must be neutered.
14.3 Any dog where the Authorised Officer has reasonable grounds to believe the dog belongs wholly or predominantly to one or more breeds of types listed in schedule four of the Dog Control Act 1996 must be classified as menacing.
14.4 Council may require dogs impounded on more than three occasions within a continuous period of 24 months to be neutered at the owner’s expense (whether or not the owner of the dog has been convicted of an offence against sections 52A or 53 of the Dog Control Act 1996).

15. OFFENCES AND PENALTIES
15.1 Every person who breaches or fails to comply with the terms of this Bylaw commits an offence.

And further, every person commits a breach under this Bylaw who fails, refuses or neglects to comply with any notice or license duly given to that person under this Bylaw.

15.2 Subject to any provision to the contrary, any person guilty of an offence against this Bylaw shall be subject to the penalties set out in Section 242(4) of the Local Government Act 2002 and section 65 of the Dog Control Act 1996, and is liable on summary conviction to a fine not exceeding $20,000.

15.3 Under section 163 of the Local Government Act 2002 Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.

15.4 Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.

15.5 Under section 162 of the Local Government Act 2002, Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.

15.6 Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.

15.7 Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

16. FEES
16.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by Council under this Bylaw.
17. **NOTICES**

17.1 Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

18. **DISPENSING POWERS**

18.1 Council may waive full or partial compliance with any provision of this Bylaw in a case where Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. Council may in its discretion impose conditions of any such waiver.
SCHEDULE ONE: MAPS - DOG MANAGEMENT AREAS
Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.
Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.
Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.
Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.
Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.
Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.